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4TH SESSION, 37TH PARLIAMENT

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THURSDAY, NOVEMBER 20, 2003

The House met at 2:03 p.m.

Introductions by Members

J. Nuraney: I have great pleasure in introducing 28 grade 5 students who are visiting us today from Cascade School in Burnaby. They are here to learn about our political system and the working of the Legislature. They're accompanied by their teacher, Ms. Lori Bennett, and some of their parents: Roger Lau, Elizabeth Tsagaris and Yasmin Ferrigano. May I ask the House to please join me in welcoming them.

Hon. M. Coell: On behalf of the member for Victoria-Beacon Hill and myself, I would like to have the House welcome three guests who we've had meetings with, with regard to mental illness and the problems associated with people suffering from mental illness: Yvonne Sproule, who's a peer support worker; Mark D'Aoust; and Chief Ishaka, who is a member and chief of the Navajo nation and may be known to some members as Terry Colburn. Would the House please make all three of them welcome.

[1405]

Hon. C. Clark: Joining us today in the front row of the visitors' gallery is Terri Watson, who is the president of the British Columbia Confederation of Parent Advisory Councils. She is joined by Glenda Bilinsky, who is their first vice-president. With them is Terri's daughter, Robyn Barker, a grade 11 student. Terri decided to bring her today, because when Terri was in grade 11, my father — who was a teacher — chose her to come to the Legislature. She says that visit changed her life, just like thousands of teachers change lives of students every day. Welcome to all of you.

J. Kwan: It gives me great pleasure to introduce a number of individuals visiting in the gallery today. They are Susie Hamilton, Colleen McCory, Elaine Hurlley, Pagisus McGauley, Robin Cherbo and Colleen Driscoll. They're here today calling on the government to keep its hands off their health care services, particularly their hospital services. Would the House please make them welcome.

Hon. J. Reid: Today joining us in the House I have two constituents who were here for a joint meeting of the Island chambers of commerce and the Vancouver Island coastal caucus. We have Hugh Sinnet, president of the Parksville and District Chamber of Commerce, and Sandy Hurlley, second vice-president of the B.C. Chamber of Commerce. I'd ask the House to help make them very welcome.

G. Trumper: I have a large number of guests in the gallery today. First of all, I have Karina Austin, a grade 11 French immersion student who has been shadowing me today, which has been interesting. She is an honour

student and is involved in the leadership program at her school. She had the opportunity of travelling to Newfoundland to attend a national leadership conference. She's an accomplished pianist, avid soccer player, and I believe she now has a scooter.

We also have today — I think they're in the House — Bob Cole, who is the president of the Alberni Valley Chamber of Commerce; Dave Willie, who was the vice-president of the Qualicum Beach chamber of commerce; and Maryann Washington and Noreen Pelk, who are my constituency assistants.

Also in the House today we have a large delegation of people from Port Alberni regarding services to the West Coast General Hospital. I would just like to name a few of them, if they're in the House. Bev Denning is the chair of the Save Our Services committee. Donna Brett is the chair of our community health committee, and Mayor Ken McRae is also here. Would the House please make them welcome.

Hon. M. de Jong: Mayor Mary Reeves from the great city of Abbotsford is present in Victoria and in the precinct and in the House, and I hope the House will make her welcome.

P. Bell: I actually have three introductions to do today. It's rare that I have an opportunity to introduce constituents, and in some ways I guess these people aren't constituents anymore, although they were at one point in time. I would first like to introduce to the House my oldest daughter, Donna Bell, and her friend Matt Hobbs. Would the House please make them very welcome.

As my third introduction, I just wanted to add that there is a very special anniversary occurring for an individual in this House tomorrow, and I'll be spending the day with this individual tomorrow. It's a unique anniversary. It is actually her eighteenth anniversary of her twenty-ninth birthday, and I would ask that the House please congratulate the Minister of Advanced Education on that day.

[1410]

I. Chong: I, too, would like to introduce a young student who has been job-shadowing me today. Her name is Bethanny Brouwer. She's from Mount Doug high school, my former alma mater. She is a grade 10 student who would like to one day become a teacher. I have encouraged her along the way. She is also involved with student leadership, and she plays soccer in her spare time. She also is a representative of the B.C. Student Voices group, which gets together on an annual basis throughout the province. They deal with questions that are posed to them by the Minister of Education, and then that report is brought forward to the Minister of Education and it's acted on.

Last year I believe the report dealt with bullying in schools, and this year they're dealing with choices in school. We had a great conversation over lunch, and I know she's an enthusiastic individual. I hope the House would please make her very welcome.

G. Trumper: I have such a large number of people here today from my constituency. I would also like to ask the House to welcome John Perkis and Gary Norden, who are from Pelorus. Would you please make them welcome.

Hon. B. Barisoff: I would like to introduce a constituent from Penticton, Mr. Derrick Badger.

S. Brice: I, too, have a young woman who has been shadowing me today: Anthea Kuan. Anthea is here from Mount Doug. She is a grade 10 student, and she became inspired to come down here after attending the Minister for Women's Equality's presentation on Women's Heritage Week. I would ask the House to help make her welcome.

Hon. C. Clark: I would like the House to offer a very, very happy birthday congratulation to our Minister of Advanced Education, who I understand today turned 39.

An Hon. Member: Tomorrow.

Hon. G. Bruce: Mr. Speaker, more good news. In my continuing bid to find friends around the world, I have found another friend from Tromsø in Norway. That's north of the Arctic Circle. She's a pen pal. I would like to introduce to the House Eleni Figenschou. She's a Rotary exchange student who is here living in the Cowichan Valley, the warm land. She's with John Berikoff, who has been a good friend of mine for many, many years and helps me in the constituency. Today they've been down here to see the city of Victoria and the precincts and to enjoy question period. Would you please make them all very welcome.

Introduction and First Reading of Bills

RAILWAY AND FERRIES BARGAINING ASSISTANCE AMENDMENT ACT, 2003

Hon. G. Bruce presented a message from Her Honour the Lieutenant-Governor: a bill intituled Railway and Ferries Bargaining Assistance Amendment Act, 2003.

Hon. G. Bruce: I move that Bill 95 be introduced and read a first time now.

Motion approved.

Hon. G. Bruce: Today I am introducing Bill 95, Railway and Ferries Bargaining Assistance Amendment Act, 2003.

Part 3 of the Railway and Ferries Bargaining Assistance Act of 1976 empowers the government to invoke a 90-day cooling-off period in labour disputes involving ferries in the event of an immediate and substantial threat to the economy and welfare of the province and

its citizens. The amendments to this act, which has been around for nearly 30 years, simply update references to related acts and to parties involved.

Given the time of year and the current bargaining situation with ferries, we are dusting off this piece of legislation. I met separately with the parties last week-end, and both are telling me they want to solve their dispute at the bargaining table. The province fully supports the company and the union working together to resolve these issues. However, at the same time, we have a duty to protect the public interest and consider the impact a disruption of ferry services would have at this important time of year.

In introducing these amendments, I as Minister of Labour continue to urge the parties to do their utmost to reach an agreement. I move that the bill be placed on the orders of the day for second reading at the next sitting of the House after today.

Bill 95 introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

[1415]

Statements (Standing Order 25B)

EARLY CHILDHOOD EDUCATION PROGRAMS

E. Brenzinger: Today I stand in the House to talk about a very successful early intervention program agency, the Surrey Association for Early Childhood Education. SAECE has been providing special needs children and kids that are at risk with quality preschool since 1973 in partnership with the Surrey school district. The SAECE program recognizes the importance of early screening and identification in childhood development to ensure that each child reaches their full potential.

Children who receive early intervention not only thrive in society, but they also save taxpayer dollars by avoiding drugs, jail or life on the streets. They learn to work with their strengths, and their self-esteem is developed in their early years. In fact, the cost-benefit ratio for preschool programs is \$7.94, whereas programs for school-aged children receive a net benefit of \$1.66. With statistics like these, it gives me great pleasure to know that this government has created a Ministry of State for Early Childhood Development.

Further, the Ministry of Children and Family Development has recognized the importance of giving parents the tools they need to provide for special needs children. As such, parents are given funding directly so that they can choose the type of service they want for their child, such as local preschool, day care, at-home care or specialized programs such as the SAECE program.

The commitment of everyone in the community is essential to ensure that children live in a world that supports and enables them to reach their full potential.

It gives me great pleasure today to recognize the accomplishments of the Surrey Association for Early Childhood Education, especially with today being National Child Day.

OPENING OF ROCK QUARRY IN ALBERNI VALLEY

G. Trumper: A \$100 million quarry creating more than 80 new jobs for the next hundred years has been approved to open near Port Alberni. Eagle Rock Materials Ltd. received authorization to construct a rock quarry for the production and export of construction aggregate under the Environmental Assessment Act. The exciting issue about this project is that it's a joint venture between Eagle Rock Materials Ltd., the Hupacasath first nation, the Ucluelet first nation and Polaris Minerals Corp. This quarry will have a production capacity of six million tonnes a year. The aggregates will be shipped to markets along the west coast of North America, primarily California. This is a really important project for the Alberni Valley as it broadens its economic base. As well as being a partnership with first nations, there is another aspect to this project.

The mining industry over the past decade left British Columbia. Now, with the changes this government has made to taxation and regulations, the mining industry is coming back to British Columbia, which is good, particularly for those resource-based communities that really have had a very difficult time with the downturn in the forest industry. As Polaris said and as Norske Skog Canada once said in a public meeting, they would not be in British Columbia except for the changes that the province has made to bring investment back to British Columbia. These changes have brought Polaris back to B.C. This is great news for the residents of the Alberni Valley and for British Columbia.

INTERNATIONAL TRADE INITIATIVES

B. Locke: I rise today to tell a story of a province determined to change its image and its anti-trade reputation. In my short time as the MLA for Surrey-Green Timbers, I have had the opportunity to help change the image of this province and to market B.C. internationally. While my visit to India certainly helped me gain a greater understanding of my South Asian constituents, the journey was much more than that.

It allowed me to gain an appreciation of the significant growth opportunities that exist within the Indian economy. My colleagues and I met with government officials, small and large business folks, passionate academics and a multitude of industry leaders. There is no doubt that the contacts that were established will pay off and provide jobs for British Columbians.

In addition, the Pacific NorthWest Economic Region, or PNWER, is another proactive group I am fortunate to be part of. The PNWER region ranks twelfth among the world's leading industrial economies with

an annual gross regional product of approximately \$900 billion.

[1420]

I will be departing this afternoon for Portland to meet with fellow legislators from Alaska, Idaho, Montana, Oregon, Washington, Alberta and the Yukon. PNWER's goal is to cooperate regionally to achieve economic growth. The world is watching us, and investment is coming to B.C. because of this government's actions. Led by our Premier, B.C. is finally participating and is leading in a complex and rapidly changing world economy.

In conclusion, it is obvious to me that B.C. has reformed its image and style. We are more sophisticated. We are a province that welcomes opportunity and investment, and we are a province that will make sure the natural globalization of economies works to B.C.'s benefit.

Oral Questions

B.C. RAIL PRIVATIZATION BID PROCESS

J. MacPhail: The Premier confirmed yesterday that CP Rail has withdrawn from the bid to buy B.C. Rail. They complained that the process was unfair. The fairness report into that process identified two important leaks. The report said that one leak had no impact on the outcome of the negotiations, but the report is completely silent on the other leak. We don't know what was leaked or to whom or what impact it had on the outcome of the bid. The whole process is now under a cloud, and important questions remain unanswered.

Will the minister now, after refusing to do it yesterday, come clean with the details of that leak so that British Columbians can get to the bottom of this mess? And will she reassure this House that the leaked information did not go to CN?

Hon. J. Reid: Perhaps I'll just take a moment to explain the purpose of the fairness adviser. Reading from the very document of Charles Rivers, the purpose of this portion of CRA's assignment is to provide an independent commentary on the fairness of the process for the B.C. Rail freight division transaction. Both governments and private enterprises increasingly are relying on independent fairness advisers to provide assurance to their constituents, citizens and stockholders that complex processes are executed properly.

This evaluation is in two stages. The first stage, the conclusion of the fairness adviser, has been — quoting from the document: "CRA has concluded that the province and its advisers designed and managed the B.C. Rail restructuring process in a manner consistent in all material respects with the current best practices usually followed in similar transactions." There's a second part to the fairness adviser. At that time, they will be talking to the proponents and settling any outstanding questions.

Mr. Speaker: The Leader of the Opposition has a supplementary question.

J. MacPhail: Boy, the minister is sure stepping back from the big foofaraw she claimed yesterday about how fair the process was and how this report proved it. There's a giant step backward. The process to privatize B.C. Rail does not meet the basic test of openness and transparency that this government told British Columbians it would set for itself. Two of the three proponents have written letters to the Premier to complain about the bidding process. However, British Columbians have no idea of the basis of their complaints. They don't know what role the leaks identified by the fairness adviser played in CP's decision to pull out or in Omnitrax's decision to register their complaints.

The minister has a duty now to lay the facts on the table for the public to see. Will she table those letters of protest from both CP and Omnitrax in the House today?

Hon. J. Reid: The member still seems to be absolutely confused about the role of the fairness adviser. Exactly what she is talking about is what we have asked the fairness adviser to do.

[1425]

The fairness adviser is doing that in two stages. The fairness adviser is saying that the process studied to date has been a process that has been thorough, has been equitable and has been consistent with best practices. The concerns that were expressed were investigated and were laid to rest as not being in any way a problem in the fairness and the equitable treatment of the proponents. Further to that, there is a further opportunity for these concerns to be investigated. That is an excellent practice on the part of this government, and we stand by it.

Mr. Speaker: The Leader of the Opposition has a further supplementary.

J. MacPhail: Well, what a difference a day makes. Now it takes so long, and the concerns were laid to rest. That is simply not what the report says about the second leak at all — not at all. The minister is only making a bad situation worse by hiding details of this situation from public scrutiny. Her stonewalling only raises more questions about a process that has already looked like the fix is in.

The public doesn't accept the government decision to hide behind the fairness adviser's incomplete report, a report that begs more questions than it answers. Yesterday the government was hiding behind this report. Today, when caught out, they say: "Oh, it's incomplete." The fairness adviser hasn't even talked to the bidders or many mayors along the line. The fairness adviser is there to protect the public, not the government.

Again to the minister: will she table the analysis that the fairness adviser used to arrive at its incomplete conclusions?

Interjection.

Mr. Speaker: Order, please. Order, please. Hon. member, you have asked the question. Now let us hear the answer.

Hon. J. Reid: A thorough process involves more than one stage. What this is, is a thorough process. The very questions that are being asked are in the process of being investigated, analyzed, and a report will be issued on that. The fairness adviser was able to look at the process up to a certain point and will look at the completion when the process is complete, which it is not. Therefore, the report to date has been very clear that the process has been fair, has been well run and has worked exceedingly well for the protection of the public.

The second part is not complete yet, so the fairness adviser cannot complete their second stage because the process hasn't been done. I think that is absolutely apparent to everyone except the confused member.

CLOSING OF BEDS AT WEST COAST GENERAL HOSPITAL

J. Kwan: On the front steps of the Legislature today are residents of Port Alberni. They're registering their anger at a government that's betraying its health care promises. They are angry that the government is closing the hospital beds in their community.

The Minister of Health continues to pretend that he's meeting his commitment of health care where and when you need it. He said it again just this week, but the people of Port Alberni know that's not true. Patients arriving at West Coast General Hospital with serious illnesses are being piled on top of each other in cramped spaces. Yet the government wants to cut hospital beds in that hospital.

To the Minister of Health: will he keep his promise to the people of Port Alberni who have come here today and cancel the cuts to their hospital?

Hon. C. Hansen: Actually, what precipitated the closure of 19 beds at this hospital was the fact that a hospital that was built by the previous NDP government and only opened two and a half years ago had such construction deficiencies in it that major sections of the floor already had to be rebuilt, necessitating the closure of those 19 beds.

I think the member is making a big mistake when she measures access to health care by counting the number of beds. She knows very well that the number of acute care beds throughout Canada has been declining significantly, because more and more procedures are being done as a result of day surgeries and outpatient surgeries.

We inherited an absolute mess in health care as a result of ten years of the previous government. We are in the process of fixing that. People are getting better access to care in this province. We see the number of major procedures and surgeries in this province increasing significantly. We see the number of surgeries that are being done at West Coast General Hospital increasing significantly over the last number of years.

We will continue to make sure that the residents of the Alberni Valley get access to the health care they need.

[1430]

SERVICES AT WEST COAST
GENERAL HOSPITAL
AND HOSPITALIZATION TIMES

G. Trumper: My question is also to the Minister of Health Services. The Canadian Institute for Health Information has reported that the average hospitalization for British Columbia patients has decreased. Many of my constituents, many of whom are here today, are concerned about proposed changes at West Coast General Hospital.

Can the Minister of Health Services explain how this information reflects the changes in the health care system and assure us, as Port Alberni residents, that support services will be available when we need them?

Hon. C. Hansen: I must say I appreciated the invitation from the member for Alberni-Qualicum to go to Port Alberni, where I was ten days ago today, to meet with the community health committee and also to meet with the Save Our Services group, which I did on November 10.

The member raises the issue of a report by the Canadian Institute for Health Information that came out just yesterday, which showed that the average time a patient needs to stay in hospital has decreased in this province by 6.8 percent between the year 2000-01 and the year 2001-02. That is the largest decrease of any province in Canada, and what it speaks to is the fact that more and more surgeries are being done as outpatient procedures because of changing technology and changing procedures. The number of procedures that we did in this province last year increased by 38,000.

The number of surgeries that were done at West Coast General Hospital increased significantly over the previous year, and we will make sure that the residents of that member's constituency will continue to get the health care they need.

SERVICES AT KOOTENAY LAKE
DISTRICT HOSPITAL

J. Kwan: Funny how it is that the people of British Columbia are always wrong, according to this government. In this instance, the Alberni residents are wrong. They've brought forward over 30,000 signatures in a petition asking for this minister to keep his hands off their hospital beds. The residents from Port Alberni on the steps of the Legislature are joined by the residents of Nelson. They, too, have come to Victoria to register their anger at this government for its broken promises in health care.

They're asking the minister to keep his promise and provide core acute care services, including general surgery, for the delivery of safe patient care at the

Kootenay Lake Hospital. Is the minister going to live up to his commitment, or is he going to continue the betrayal of his election commitment to provide health care services when and where the people of Nelson need it?

Hon. C. Hansen: What you are seeing happen throughout the province as a result of the changes, the very important and long overdue changes that we have brought to health care in this province, is that more patients are getting access to the care they need in the region that they live. That is true in the area of Kootenay-Boundary...

Interjection.

Mr. Speaker: Order, please.

Hon. C. Hansen: ...which includes the Nelson hospital, where you see that fewer patients have to leave that region to go to Kelowna or Vancouver to get access to care. More surgery is being done; more specialists are being attracted to that very region. The same is true of Vancouver Island, where we've seen increased capacity on central Vancouver Island so that patients no longer have to travel to Victoria or Vancouver to get access to care that they...

Interjections.

Mr. Speaker: Order, hon. members.

Hon. C. Hansen: ...can now get right in the central region. That is the health care that British Columbians need — when they need it, where they live.

POSITION OF NORTHERN B.C. RESIDENTS
ON PRIVATIZATION OF B.C. RAIL

P. Nettleton: I was shocked by the Premier's comments earlier this week in question period suggesting that the people of the north are supportive of the sale of B.C. Rail. I think he used the word "satisfied." That's certainly news to me and the people who live in the north. Satisfied is not a word that's been used to describe the sale of B.C. Rail.

[1435]

My question, then, to the Minister of Transportation would be this: given the ongoing protests, numerous city council resolutions asking for a two-year moratorium and vigorous B.C. Rail worker opposition to the sale of B.C. Rail, how can the Premier's comments be construed as anything less than a misrepresentation of the north — a betrayal that will bring about increased anger and further alienation of northerners?

Hon. J. Reid: There is, has been and will continue to be widespread consultation with the people across the north, the communities, the shippers and the people involved in industry — the people who believe in

the opportunities for the north. These people are from all walks of life and, actually, all types of experiences.

For example, a former NDP Premier, Dan Miller, wrote particularly on this issue, and he talks about enhancing economic growth and development in northern British Columbia. There are a number of people who are looking at opportunities, who believe that the possibilities are there, and who are encouraging the government to pursue the partnership that will provide greater investment into a rail system and, indeed, enhance the economy not just of the north but of the entire province.

[End of question period.]

Petitions

G. Trumper: I have here a petition, of which there are over 4,000 in the building, regarding the proposed bed closures at West Coast General Hospital. I ask permission to table them.

Interjections.

Mr. Speaker: Order, please. Order. The member for Vancouver-Mount Pleasant seeks the floor.

J. Kwan: I rise to table a number of petitions today. Just like the petition tabled by the member from Port Alberni — from the community of Port Alberni, which was asking the government to keep their hands off of the hospital beds — I rise to table a petition signed by over 2,000 residents of Nelson asking the assembly to act to protect core acute care services, including general surgery and intensive care services, at the Kootenay Lake Hospital.

I rise, also, to table a petition on behalf of the people of Grand Forks, some of whom were here today, signed by 1,700 people asking the Legislative Assembly to act to save their hospital services and honour their right to health care. They wish the assembly to know that the Boundary Hospital is a vital part of their community.

Last but not least, I rise to table a petition with approximately 4,000 signatures. Today is International Day of the Child. This petition calls on the government to stop child labour and is saying that childhood is a time for growing, learning and play — not for jobs. It is against Bill 37, the Skills Development and Labour Statutes Amendment Act, 2003.

Orders of the Day

Hon. G. Collins: I call Bill Pr411.

Second Reading of Bills

RICHROCK MINES LTD. (N.P.L.)
(CORPORATE RESTORATION) ACT, 2003

J. Bray: Bill Pr411, Richrock Mines Ltd. (N.P.L.) (Corporate Restoration) Act, 2003, simply restores

Richrock Mines Ltd. to the corporate registry as per tradition. I move second reading.

[1440]

Motion approved.

J. Bray: By leave, I move that the bill be referred to a Committee of the Whole House to be considered forthwith.

Leave granted.

Bill Pr411, Richrock Mines Ltd. (N.P.L.) (Corporate Restoration) Act, 2003, read a second time and referred to a Committee of the Whole House for consideration forthwith.

Committee of the Whole House

RICHROCK MINES LTD. (N.P.L.)
(CORPORATE RESTORATION) ACT, 2003

The House in Committee of the Whole (Section B) on Bill Pr411; H. Long in the chair.

The committee met at 2:42 p.m.

Sections 1 to 4 inclusive approved.

Preamble approved.

Title approved.

J. Bray: Mr. Chair, I move that the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 2:42 p.m.

The House resumed; Mr. Speaker in the chair.

Report and Third Reading of Bills

Bill Pr411, Richrock Mines Ltd. (N.P.L.) (Corporate Restoration) Act, 2003, reported complete without amendment, read a third time and passed.

Hon. G. Collins: I call Committee of the Whole for consideration of Bill 75.

Committee of the Whole House

SIGNIFICANT PROJECTS
STREAMLINING ACT

The House in Committee of the Whole (Section B) on Bill 75; H. Long in the chair.

The committee met at 2:44 p.m.

On section 1.

W. Cobb: I would like to read into the record a letter that I received today in regard to this bill and the feeling I'm getting from my community in regard to this. It's entitled "Expediting our economic futures." It's written by Donna Barnett, mayor of 100 Mile House. She's also the co-chair of our B.C. Council of Resource Communities.

"From time to time just about every rural mayor I know will complain about the federal or provincial governments interfering with their community's economic future. It's usually related to either (1) delaying investment in economic projects in a municipality or (2) ramming something through without due consideration for the community's interests.

[1445]

"For the most part my experience as a rural mayor has been with governments being overly restrictive and regulation-bound to a point that potential investors coming to my community are actually discouraged by red tape.

"During the 1990s, I saw a Millennium Line shoved down the throats of the lower mainland and fast ferries shoved in all of our ears. We also saw a provincial government that tied up thousands of acres of productive recreation and forest land in what seemed to be never-ending land use consultation processes that ended every meeting with a group hug.

"Recently we've been hearing more and more about the B.C. government's commitment to rural municipalities, to the 'economic heartlands' of B.C. I have to admit I was skeptical. After all, people in my area had been fighting to get snowmobiling legislation and snowmobiling trails here for years — to no avail.

"Then several months ago I heard about the B.C. government's proposed Significant Projects Streamlining Act and thought that at least one government was finally getting it. They were understanding that there are times when you just need to speed things up to take advantage of any economic opportunity that comes your way.

"And just as I was telling all my friends and municipal associates in my area about how we were going to take advantage of this proposed legislation, a few municipal leaders started yelling about loss of municipal autonomy. Amazing. Our province is the most economically beleaguered in Canada, and some people are more interested in identifying threats than opportunities.

"From my perspective, as one who has been involved in politics and municipal government for more years than I'd really care to remember, I think the SPS Act is written for municipal governments, especially rural ones. This act says that I can get my MLA, or go direct to the B.C. government, and get some special attention for a new investor who might come courting us with a new mill, resort or other economic incentive.

"It says that I will be assured that if the government decides to apply the SPS Act to my special economic project, that I need to show that people in my community really want and need it. It says the same thing to a proponent that might want to try to do an end-run around municipal government — to get the B.C. government to impose an approval of a new 'significant project' without the blessing of the local government.

"I know my municipality is protected from getting a project rammed into our community because, as a local

'approval authority,' we will have every right to impose our needs and requirements on a significant project. A project proponent must show how he will deal with 'anticipated constraints' that would be identified in an area through full public consultation. I would also add that part of the SPS regulations should say if your municipality does not wish to use the SPS Act, so be it. Make it so this can only be implemented by a resolution or bylaw or council of the day. But make this optional. Don't impose it on us.

"I see the act as being a safety valve to allow for the appointment of a referee in situations that may require a sober second thought. That's the defensive side. On the entrepreneurial side, we finally have an act that takes a can-do approach to helping municipalities cut through provincial red tape for significant projects we might want.

"I certainly don't see the SPS Act as a threat. I do see the need to apply it in the spirit in which I believe it was intended: to ensure that the dominant municipal interests are included in proposed significant projects. The challenge for all municipalities and for the provincial government is to ensure that the guidelines that are developed to accompany the act are developed with municipal government representation so that our interests will be protected when the act is applied.

"From where I sit in rural B.C., I see an olive branch being extended by this government, and I see a door being opened. For once, I don't see the government trying to take something away from my community. It's up to Minister Kevin Falcon to ensure I have a say in the guidelines he plans to include in the act. We hope he takes us up on our offer.

"Note: I understand that someone else also is purporting to represent my interests on another matter — B.C. Rail. For the record, MLA Ms. Kwan apparently mentioned in the Legislature that I was opposed to the leasing of B.C. Rail. This is not true. Yes, I am concerned about who apparently is still at the B.C. Rail table and about the shippers' and communities' issues, but I am not against the leasing of B.C. Rail."

It's signed by Donna Barnett.

[1450]

D. MacKay: I've already spoken in support of this proposed bill, but I do have a couple of questions that I'd like to put to the minister. The first one deals with the definition section of Bill 75 where it talks about constraint. It says: "...in relation to a project, a measure that, unless replaced under section 4 or 5, may impede or otherwise interfere with the completion or operations of the project...."

I have to ask the question: would that include the native consultation and accommodation that has been imposed on the province by the Supreme Court of Canada? Where I live, that is one of the big hindrances to any project being completed in the northern part of this province. I'd just like to know if the accommodation and consultation is considered a constraint.

Hon. K. Falcon: No, actually, the first nations consultations are a constitutional obligation of government. No statute of this province can override our constitutional obligations. But I will say that one of the efforts, as the member well knows, that we are trying

to undertake as a government is entering into as many relationships, measures and agreements as we can with first nations — trying to build mutual trust, trying to build mutual foundations of economic opportunity.

In fact, while I was touring the province recently on some resort task force business, I did receive some encouraging signals from first nations that also have economic development projects that they get frustrated with too, in terms of government process. So I think there are opportunities to work together. To summarize, we must and still do and are required to undertake consultations with natives, and accommodations if required.

D. MacKay: Well, a follow-up to that, then. It basically means that the constitutional requirement that we have as a province to consult and accommodate could, in fact, be a hindrance to any future project in British Columbia.

Hon. K. Falcon: It could very well be, but that, again, is why our government is working so hard with first nations to try and create opportunities where we can work together and where we can create mutual opportunities that benefit both first nations and respective governments. It's something we'll continue to work forward on. Frankly, I think we've been making some significant progress, and we'll work to make continued progress.

D. MacKay: Thank you to the minister for that answer. Designated projects definition means a project that is designated as a provincially significant project. Could you explain to me: is there going to be a dollar value attached to it before it becomes a significant project, or is it the size of the project? What's going to determine what becomes a designated project?

Hon. K. Falcon: That is an excellent question, particularly as a member representing rural British Columbia. One of the things that cabinet did not want to do — and this was specifically intended — was fetter ourselves with too much detail as to what would allow a project to be considered for designation. You know, for example, initially there were some suggestions that projects should not be considered for designation unless they were well in excess of \$50 million or \$100 million or what have you.

We made the decision early on that we wanted to ensure that projects, even if appearing reasonably small in dollar value.... I'm always fond of reminding people that a \$15 million project in your neck of the woods could have the same impact as a \$50 million project in the lower mainland of British Columbia. What we did is established some guidelines, and those guidelines suggest that the projects must have at minimum a regional economic, environmental or social impact — so they must have benefits that go beyond the location of the particular project.

D. MacKay: That's good news, particularly for those of us that live in rural British Columbia because,

as you said, a small project down south could in fact be a large project up north. That's good.

[1455]

My final question on the definitions section deals with a "responsible minister." I just want to know if I'm reading this correctly here. If a sawmill is being proposed to be built in a community and then it runs into some problems and becomes a significant project by designation, which minister is going to assume the lead role to see this thing through to completion? Is it going to be the Minister of Forests? Is it going to be the Minister of Competition, Science and Enterprise? Which minister is going to take the lead responsibility on that?

Hon. K. Falcon: That's a very good question. That is what cabinet will do. Cabinet will designate the responsible minister. In most cases, it will be the minister that has responsibility for that area. If it's a major transportation project, it would likely be the Minister of Transportation. If it's a forest issue, it would likely be the Minister of Forests. It would make sense to align the minister with the expertise and background in that, but it would be left to cabinet to make that determination.

G. Trumper: I wonder if I could have the liberty of just asking a general question on this issue. I have received quite a lot of feedback from various municipalities with different views on this particular bill. It does seem that the rural communities are certainly very comfortable with it. It seems to be the urban areas that are not. I wonder if you could tell me whether or not there has been any further discussion with the UBCM regarding this particular bill, which I know has some grave concerns about it.

Hon. K. Falcon: There have been consultations, going back to the spring, with the UBCM, the Union of British Columbia Municipalities. I would characterize those discussions, especially at the beginning, as being largely non-supportive of the direction of the bill. I don't mean to downplay that at all. I think that generally speaking, the suggestions they made to me at that first meeting, where I gave a very detailed briefing, were that (1) they would want to have much more comfort that it would only be used infrequently, and (2) they wanted a strong sense that cooperative aspects would be built into the bill.

When I left that meeting, actually, a couple of things happened. One was that we changed the name of the bill from the "Economic Development Streamlining Act," which was the original name of the bill, to the Significant Projects Streamlining Act. That was to reflect the fact that we are in fact just talking about significant projects. The second thing we did was build in many steps of process involved under section 4 to ensure that local governments and the provincial government — all approval authorities — have the ability to work together to try and come up with a solution that will work to the benefit of proponents and approval authorities and the government.

G. Trumper: The other question I would ask of the minister is if he could clarify the process as it goes through. One of the issues that has been raised with me by municipalities is that it is "a minister" who has the power to do the designation. As you know, in other bills that have gone through, we've been very specific about the cabinet having that power to designate. I wonder if you could clarify that particular issue, which is bringing some concern to some municipalities.

Hon. K. Falcon: There would be a minister to which local governments or proponents could bring forward suggested projects for designation. That minister would take the project through the appropriate reviews and determine whether it meets, at least initially, the thresholds we've set out in the guidelines. Then that minister — if the minister decided or determined that it met at least the bar that we set, a fairly high bar in terms of the ability of the project to be considered designatable — would bring that to cabinet, who would ultimately make the determination as to whether the project would be designated.

[1500]

J. MacPhail: Okay. Well, let's actually try to narrow this down in terms of the generalities that the minister is just giving without any substance to refer to in the legislation at all.

On the definition of approval authority, subsection (b), it says an approval authority means "a public body, including a person or other entity, empowered by an enactment or otherwise to perform a function or duty of government...." Could the minister be very specific about what he means by an approval authority? Name the public bodies that can be overridden.

Hon. K. Falcon: What that refers to is that obviously it would differ from project to project, but generally speaking, it's used throughout the act to refer to the local or provincial government, individual or entity responsible for reviewing projects, issuing approvals and carrying out other actions that are required to bring a project from the conceptual stage through to and including the operational stage. That could vary from project to project. It totally depends on what kind of project you're talking about — construction, transportation, manufacturing. There's a whole array of them. What this section does is speak to the vast army of different approval authorities and entities out there.

J. MacPhail: Okay, but it does include local government. Let's see. An approval authority — could that be Workers Compensation Board?

Hon. K. Falcon: No, it would not be WCB, because WCB is not an approval authority in that sense. They maintain standards set out under their statute.

J. MacPhail: I beg to differ. WCB can shut down a project, so it is an approval authority. Where in the legislation does it exempt WCB?

Hon. K. Falcon: No. I would argue the member is incorrect there, because when WCB does act under its legitimate authority to shut down something as you say, that would be because it's in violation of some standard that WCB holds — either a safety standard or whatever the case may be — and that's perfectly legitimate. Again, as I've said repeatedly throughout this bill, this bill does not impact on standards; it impacts on review and decision processes.

J. MacPhail: There's no evidence of this. No matter how much the minister stands up and makes those statements, his guarantees are not encompassed in the legislation. He can stand up and say all he wants, but if it's not contained in here, it doesn't mean a thing.

Let's ask about the Labour Relations Board. Is it an approval authority?

[1505]

Hon. K. Falcon: I would refer the member.... When you read this bill, it's important that you read it in its entirety so that you understand the full flavour and meaning of the bill. Under the definition of "constraint," you would have to determine whether or not a constraint was holding up a project. Then you go over to section 4, and the question would become whether that constraint was an unreasonable constraint. It lays out in section 4 in quite a bit of detail that the proponent must consult with the approval authority, that they must meet the reasonable requirements of that approval authority. Only if there is an unreasonableness alleged.... Then at that point, the minister has the ability to sit down and try to see what the nature of the unreasonableness is. Then we can bring in all the other facilitators, etc.

J. MacPhail: The Minister of Labour just appointed a judge to investigate the film industry because somebody filed 46 grievances. That's getting in the way of doing business in this province. Maybe the minister wasn't aware of that. I'm not making these things up. These are people who have come to the government and complained about grievances being filed getting in the way of doing business in this province.

Could the minister answer my question? Is the Labour Relations Board an approval authority?

Hon. K. Falcon: Well, again I'll say to the member: only if it is creating a constraint which is an unreasonable constraint as defined under section 4 of the consultation for removal of constraints. If that board is creating an unreasonable constraint that reasonable people cannot work out, then it would be something that could be dealt with.

J. MacPhail: Is it an approval authority? Yes or no.

Hon. K. Falcon: Absolutely, if it meets the requirements, then it depends on the circumstances. It would have to depend on the set of circumstances you have for whether it would meet the requirements.

J. MacPhail: Great. Government can now override an independent authority like the Labour Relations Board. Wow. Isn't that great? Land and Water....

Interjection.

J. MacPhail: I just asked the minister whether it was an approval authority. He was forced to admit yes, and therefore the government can override the Labour Relations Board. There is no other conclusion to reach — none.

Land and Water B.C. — is that an approval authority?

Hon. K. Falcon: The Ministry of Water, Land and Air Protection, along with every other ministry of government, would be considered an approval authority. Again, just to anticipate the rhetoric I know will come flying across the way, we've made it very clear under this bill that nothing in this bill affects standards associated with environmental, health or safety standards — just to pre-empt what the member is going to try and say.

J. MacPhail: Could the minister answer my question? I asked about Land and Water B.C. It's a Crown corporation. It's not a ministry; it's a Crown corporation. Is Land and Water B.C., a Crown corporation, an approval authority?

Hon. K. Falcon: Yes.

[1510]

J. MacPhail: Well, isn't that interesting? Is the minister aware that Land and Water B.C. is the corporation responsible for approval of siting of fish farms?

Hon. K. Falcon: I'm fascinated by that, member, but I would ask you what it has to do with section 1, definitions. We're trying to talk about definitions.

J. MacPhail: I am stunned by the minister's lack of comprehension. He just stood up and gave a big rhetorical rant, in anticipation of my question, that this bill has nothing to do with environmental standards. I asked him whether Land and Water B.C. is an approval authority which this legislation allows him to override. He said yes, so I link the two. But I'll be slower. I'll go slower here.

Land and Water B.C. is responsible for the siting of fish farms. He may be aware of the massive controversy from the environmental standards point of view around the siting of fish farms. He said no environmental standards would be affected by this legislation. Siting of fish farms directly impacts and is about environmental standards. What's not right about what the minister just said? Does this bill affect environmental standards, or is Land and Water B.C. not an approval authority?

Hon. K. Falcon: Yes.

B. Locke: I seek leave to make an introduction.

Leave granted.

Introductions by Members

B. Locke: It is my pleasure to introduce to the House today a group of L.A. Matheson students. They are 27 grade 11 students from a very exciting school in my riding. They are here with their teachers: Ms. Cheryl Paul, Mr. Peter Hadow and Mr. Steve Wilson. I ask that the House please make them welcome.

Debate Continued

J. MacPhail: Sorry, Mr. Chair, I asked a two-part question, which was probably too fast for the minister, and he answered with one answer. Let me repeat it. The minister said this is not about affecting environmental standards. He then went on to say that Land and Water B.C. is an approval authority that can be overridden. Land and Water B.C., responsible for the siting of fish farms, is responsible for environmental standards directly. Now the minister has said.... I've asked him which is not true, then.

Let me put it in the positive. I get in trouble when I talk about truth. Is it true that this legislation does impact environmental standards, given that Land and Water B.C. is an approval authority and responsible for environmental standards? Or is Land and Water B.C. exempt from this legislation?

Hon. K. Falcon: The member is causing me to jump ahead a little bit, but I need to in order to edify her lack of understanding here. If that member reads section 3(2)(a)(i), it says very clearly: "...ensure that decisions they are required to make in relation to a designated project are made expeditiously...." Sub-subsection (a)(ii) says: "...if and to the extent that it is decided that the designated project is to proceed, facilitate the expeditious completion and intended operations...."

The critical thing there for the member to understand is that, as I have hammered home in first reading and as I have hammered home in second reading, we are not talking about standards. We are talking about expediting decisions. That's a very important difference.

[1515]

J. MacPhail: That's what I'm talking about — processes and decisions. Land and Water B.C. is the process, is the organization responsible for deciding the siting of fish farms, and it is an approval authority, by the minister's admission. In siting those fish farms, environmental impact is a major factor — environmental standards. I don't think there's anyone in this House who would dare to stand up and say that's not true — even those who are huge champions of fish farming, and rightly so. Maybe I'll make it clearer, then. Is the siting of fish farms...? Is aquaculture exempt from this bill? That's a pretty simple question.

Hon. K. Falcon: Again, I would say to the member that what this bill is doing is allowing expedited decisions. Whatever decisions need to be made have the ability, through a process set out very clearly in section 4, to expedite those decisions. It does not in any way impact on those standards; just the decisions that are required to go through can be expedited.

J. MacPhail: And how is fast-tracking the siting of a fish farm not about environmental standards?

Hon. K. Falcon: Well, it's very simple. You know, right now it probably can take — who knows? — a year and a half or two years to make a decision. If there's a belief that without impacting on the reasonable requirements of the approval authority, you could make that decision in eight months or nine months, then that ought to be allowed as long as you're expediting the review and process provisions and not impacting on the standards. We as a government have been very clear that we will be governed by the best, soundest science available. We will continue to do so. Nothing in this act will take away from that.

J. MacPhail: The minister just says that fast-tracking the siting of fish farms has nothing to do with environmental standards. Is that correct?

Hon. K. Falcon: No. I'm saying that what the member is trying to do is make a correlation between the fact that you only have safe scientific standards if something takes a long time. What I'm saying to the member is that it is actually possible in government that people can accelerate that. Do you know what that actually may mean, member? That may mean taking a file from a desk and putting it on the middle of the desk so that some attention is paid to it, so that a decision could actually be made in a timely way.

Why would that happen? That would happen because the government has signalled, through the designation of a project as being provincially significant, that this is something we want to pay attention to. So perhaps if an individual has a pile of files on their desk, they may want to reach under that pile and pull out the file and be able to make their decision, but in an expedited manner. I know that's hard for the member to understand. Her government loved piles and just left things in piles, but we like to do things a bit more efficiently.

The Chair: Leader of the Opposition, I would prefer that you not stand until the minister is finished his....

J. MacPhail: My apologies.

The Chair: Leader of the Opposition.

J. MacPhail: Just to be clear, the siting of fish farms is subject to this legislation through Land and Water B.C.?

Hon. K. Falcon: To the member: correct me if I've got your question wrong. I think you said: "Is a fish farm a designated project?" Is that roughly the question? It wasn't? We misheard your question.

The Chair: Would the Leader of the Opposition like to clarify the question.

J. MacPhail: Is the siting of fish farms by the approval authority, Land and Water B.C., subject to this legislation?

[1520]

Hon. K. Falcon: Well, that would obviously.... You would have to go back to the guidelines that govern this legislation. Those guidelines are very clear in that it must have, at minimum, regional, environmental, economic or social benefits. It must have benefits that go beyond the project location. There's a whole set of criteria there that would have to be met. Cabinet would have to determine all of those considerations and then make a decision.

For the member's understanding, she should know that tonight I will not be standing here trying to pre-guess future decisions of cabinet. That won't be happening this evening.

J. MacPhail: No, I can well imagine that. The minister was very clear in answering very specific questions from his government caucus, and he did that glibly. Yet with the very specific category of projects, which this government has championed over and over again, the minister refuses to answer my question. Is it that they haven't contemplated this? A member of his cabinet got in trouble over a huge aquaculture firm objecting to the slow process of approval of an aquaculture licence. Is the memory of this cabinet so short that he thinks I'm making these questions up?

All right, I'll ask this. You know, it's not my riding that's going to be affected by this. Courtenay-Comox will definitely be affected by this. Prince Rupert, Nanaimo-Parksville and the Gulf Islands will be affected by this. I know none of these members is standing up to say how to justify any of this.

This isn't hypothetical. In fact, if the minister hasn't taken into consideration the siting of fish farms and whether they are subject to this legislation or not, then he can't speak with authority on anything else in this legislation. I guarantee some of the first requests for use of this legislation will come from the aquaculture industry.

Let me ask this, then: is this the first time the minister has contemplated fish farms and aquaculture and the siting of fish farms in relationship to this legislation?

Hon. K. Falcon: No, I actually haven't. I will say to the member that there will be, I'm sure, lots of people that would love to bring forward projects for consideration by cabinet, but those projects are going to have to meet a very high test. That high test includes what I

talked to the member about. It must have at least regional economic significance or positive economic impact. It must have at least regional environmental or social benefits. That is a pretty big package of obligations that it's going to have to receive.

Should a fish farm licensee wish to avail themselves of this, they would have to come forward, either to their local government or to the provincial cabinet, and make a request. I can tell you that this is an act that is going to be used maybe a handful of times a year, and there's going to be a lot more disappointed people than there are people that are going to be able to avail themselves. That's why the act was designed that way.

[1525]

J. MacPhail: Well, that and four bucks will get you a cup of coffee at Starbucks, because there's no evidence whatsoever about any constraint on this legislation. Here we have a minister standing up and saying: "Gee, I hadn't even thought of fish farms." His Liberal MLAs stand up here in the Legislature every time aquaculture comes up and say how it has regional benefit, social benefit, economic benefit. They stand here and champion.... The member for Nanaimo stands here and champions all those every day, and how we've got to get on with building fish farms and siting them.

It is clearly coming as a surprise to the minister responsible for this draconian legislation, but it isn't coming as a surprise to anyone else in this Legislature. In fact, the member for Nanaimo could be standing up and asking the flip side of my question, the way he's done all the time before, saying: "Gee, I sure hope fish farms are exempt from this legislation." That's been his tenor of comment in this Legislature all along. He will make that appeal on behalf of businesses in his constituency. So will the member from Campbell River.

This minister is standing here saying he hasn't even thought about it, and yet there's no exemption for fish farms or the siting of fish farms or for Land and Water B.C. in this legislation. In fact, the minister says they're an approval authority that can be overridden as long as the circumstances are okay. Well, every Liberal MLA in this Legislature has risen to justify the circumstances of the siting of fish farms. What about administrative tribunals? Are they exempt as approval authorities?

Hon. K. Falcon: Well, again, that's going to depend on the circumstances of the case. If the administrative tribunal is quasi-judicial in nature, then clearly it would not apply. If it's, say, a licensing function, then clearly that may apply. It totally depends on the situation, and that would of course be governed.... Again, as you get through sections 3 and 4, you will see that there would have to be some form of breakdown in the consultation process, where they're having difficulty getting approval from the respective approval authority.

M. Hunter: I appreciate a moment ago the Leader of the Opposition attributing to me support for the aquaculture industry. She's quite correct. It is actually

an environmentally sustainable and environmentally responsible industry, and I'll continue to support it.

But I want to get back to section 1 of Bill 75. I do appreciate there's been some canvassing of what might an approval authority be under paragraph 1(b) of this bill. I'd like to kind of shift attention a little bit, because I think I understand, from the answers given by the minister to the Leader of the Opposition, the kind of areas that we're talking about in terms of a public body that could perform the function or duty of government.

I'm a little less clear about section 1(d), a public body which is empowered by an enactment as a duty of local government. What might that be? Would it, for example, be the greater Nanaimo water district? Is that an example? Perhaps the minister could answer that and give other examples that would help clarify what is meant by this particular section.

Hon. K. Falcon: It could in fact be a water district, or it could be a corporation set up by a local government to undertake certain activities on its behalf.

[1530]

M. Hunter: I guess a similar clarification I would ask of the minister is with respect to paragraph (f), "any other prescribed entity." What does the minister imagine would be such an entity, and could he clarify who would prescribe such an entity and how that prescription would be made?

Hon. K. Falcon: That really speaks to the question that if you discover an entity you were unaware of, you would have the power, through prescribing regulation, to identify that particular entity.

M. Hunter: I'm not sure I understood the answer. I can understand and I appreciate there may be an entity out there that isn't covered in paragraphs (a) through (e). Let's imagine entity X is out there. The prescription. How is that entity prescribed? You said through regulation. Can you just expand on that a little bit? The prescription would be by the Lieutenant-Governor-in-Council. Is that what I understand?

Hon. K. Falcon: Thank you to the member for Nanaimo. You would find that power described under section 12(2)(a), "Prescribing an entity as an approval authority."

J. MacPhail: Carrying along the lines of the member for Nanaimo, we now know this government can override a water district authority. What about the Building Code Appeal Board? That has a direct relationship to construction projects. Can this legislation override that?

Hon. K. Falcon: Again, we've moved past section 1, and we're into section 3 and section 4. I need to walk this member through, because you keep raising questions.

J. MacPhail: Point of order, Mr. Chair. Maybe the minister misunderstood. He's claiming that I'm beyond

section 1. I'm asking whether the Building Code Appeal Board is an approval authority.

The Chair: I'd like to remind the members, as well, that I have been giving leeway on both sides of this issue, with the member and the minister. I understand where we're going.

Hon. K. Falcon: Again, the definition of approval authority is broad by its very nature, but it's brought to bear by the clarifications that are given under section 3 and under section 4.

[1535]

J. MacPhail: I am honestly taken aback by the unwillingness or the inability of the minister to answer these very specific questions. These are actually boards — authorities — that deal with projects, so this shouldn't come as a shock to him. Has the minister contemplated the Building Code Appeal Board in the drafting of this legislation?

Hon. K. Falcon: Yes, all of those are in fact contemplated, and those would be part of the reasonable requirements of an approval authority that come into play anytime you have a major project. That's very much contemplated.

J. MacPhail: So it is an approval authority. That's the question I asked.

Interjection.

J. MacPhail: No, Mr. Chair, it isn't good enough for the minister to say that it depends on the circumstances. We know that. If the Building Code Appeal Board is doing its job and someone complains about how that's taking time, can that be designated as an approval authority according to section 1 of the legislation?

Hon. K. Falcon: It could be considered an approval authority, and depending on the circumstances of the case, it would be required to expedite their particular decision-making. Again, that would depend on the circumstances of the case, as laid out in sections 3 and 4.

[R. Stewart in the chair.]

J. MacPhail: How about the Community Care Facility Appeal Board? The minister has said this bill is not about environmental health or safety standards. There's no exemption for the community care facility act. This act actually deals with the construction of community care facilities, and it's an administrative tribunal. There are no exemptions for administrative tribunals. So is the Community Care Facility Appeal Board an approval authority?

Hon. K. Falcon: The first question that would obviously arise is how on earth that would be a provincially

significant authority project, so that in itself would relegate it to the fact that it's very unlikely to meet....

J. MacPhail: That's interesting.

Hon. K. Falcon: Yes, thank you.

It's unlikely to meet the standards and the guidelines that are set in place — that it must have at least regional economic benefit or regional environmental benefit or what have you.

Again, I would just encourage the member to actually read the act. The other thing I would say to the member is that were a project to be built, whatever the case or type of project the minister wants to talk about, the decision-making authorities that do the review and decision-making authorities would be required or could be required to expedite those decisions — not impacting the standards but just expediting those decisions through — so we can get timeliness associated with that particular provincially significant project.

J. MacPhail: Listen, Mr. Chair. I have to tell you that this minister better.... We better either adjourn this legislation so that he can actually be briefed on these matters, or else he should stop being so cheeky on behalf of the people of British Columbia. These questions have come from people around the province who are faced with this situation exactly.

[1540]

Maybe the Minister of State for Long Term Care would like to intervene, because community care facilities in some areas of the province are the only significant building projects going on. That's exactly what the member for Cariboo South was talking about when he was saying that there's a big difference between lower mainland projects and projects elsewhere.

He was quite polite to answer that member's question, to say: "Oh yeah. Don't worry. Smaller. It's not a dollar value." Now he stands up and says: "Oh, I can't imagine how that would be significant." Perhaps he'd like to talk to the people of Williams Lake.

The Community Care Facility Appeal Board deals with approval processes and must take into consideration environmental, health and safety issues. Why isn't it exempt, then?

Hon. K. Falcon: I can only gather, because the member keeps going on about care homes, that she has a particular interest in ensuring that care homes are expedited in British Columbia. I don't want to take away from that concern at all. I mentioned to the member that I think the provincial Significant Projects Streamlining Act actually stretches a fairly high bar, but if the member wants to recommend and bring forward projects such as that so that the processes can be expedited while preserving the standards, then I would encourage her to do that.

J. MacPhail: Can the minister point to any place in this legislation where rules set out by independent tribunals are exempt from Bill 75 — anywhere?

Hon. K. Falcon: Member, again, you have to read the legislation, but it would not be. You would first of all have to determine whether or not it was a constraint. If it became a constraint on the project, then you would go to section 4(1) in which you would have to see whether the project can be facilitated or the constraint can be.... I'll read it into the record: "...must consult with the approval authority having responsibility for that constraint in order to arrive at a means by which the completion and operations of the designated project can be facilitated in a manner that is consistent with the reasonable requirements of the approval authority."

[1545]

J. MacPhail: Here's the problem. The bill stands as it is. There are no regulations coming — none. That's what we were told in our briefing by staff — no regulations coming for this legislation. There are no regulations to tell us or the public or anyone how cabinet will use these powers — none.

The minister standing up and stating what he just said has no substance in the legislation whatsoever. His words can't be backed up by statute. The minister has said it's not about compromising environmental, health or safety standards. I've just given him three examples where that's a distinct possibility: fish farms, building codes and community care facilities. Those are just three. He can't point to a single section in the bill where those concerns are addressed.

Section 11 exempts only two acts from this legislation. Everything else, by interpretation, applies and is open for application. The way laws are interpreted, it very clearly says if there's a list of exemptions, then it means everything else is included. All of these bodies I brought up are deemed to be included as being able to be overridden.

Let me actually quote from a piece submitted to the Vancouver *Province* on November 10 after the legislation was introduced. It was written by Dave Hanley of the Canadian Taxpayers Federation. Did the Liberal bench get that? The Canadian Taxpayers Federation. He writes: "It's imperative for risk-takers and investors that the regulatory burden be unburdensome and predictable. Bill 75 does the opposite. It makes the approval process unpredictable, unfair and potentially costly." I'd be happy to read his entire letter into the record, but that is not taking anything out of context.

Can the minister point to the section where it lays out how cabinet will decide to override an approval authority?

Hon. K. Falcon: Well, first let me respond to the inaccuracies of the member opposite. In fact, if she read section 11 in its entirety — and I will, so that she's forced to listen to it. Section 11(1) states: "If there is a conflict between this Act and any other enactment, this Act prevails." Subsection (2) says: "Subsection (1) does not apply in the event of a conflict between this Act and (a) the Agricultural Land Commission Act and the regulations made under that Act, or (b) the Environ-

mental Assessment Act and the regulations made under that Act."

Now, that member should know that the Environmental Assessment Act sets up environmental assessment review processes which consider all relevant environmental reviews — including, in fact, federal ones — because the Environmental Assessment Act coordinates and harmonizes with the federal government. That is a very broad, sweeping piece of legislation, and it states right there in section 11 that it is covered. So enough of that.

The other criticism that member makes is from somebody from the Taxpayers Federation who I've actually never heard of. I will point the member to some other letters that have come in — from the B.C. Chamber of Commerce, for example. The president of the B.C. Chamber of Commerce, John Winter, says: "This is a bold and creative solution to address this province's needs for economic investment." The chamber also goes on to say that this legislation is necessary to put teeth in the government's heartlands economic strategy.

The ICBA came out and said: "Red tape is not just bad for big projects; it's bad for all projects. This new act should be the first step to streamline the entire project approval process. We can't underestimate the economic losses caused by layers of bureaucracy and paperwork."

From the Business Council. "This act is a very important tool for potential investors wishing to invest in the province," said Business Council president and CEO Jerry Lampert. "It sends a clear signal to the investment community that process and red tape will not get in the way of investment, jobs and opportunities that are significant and beneficial to all British Columbians."

[1550]

We've got more letters. I've got stacks of letters — from the British Columbia Construction Association.

J. MacPhail: Would that be Mike Geoghegan?

Hon. K. Falcon: That would be Mike Geoghegan, in fact. He recognizes....

Interjection.

Hon. K. Falcon: I can't hear, because the member across the way is yelling.

Interjection.

The Chair: Order, please. Could we let the minister respond.

Hon. K. Falcon: "Our members," he says, "work in every municipality in B.C. Reducing the regulatory burden and red tape they deal with on every project is critically important to them. To the extent that Bill 75, the Significant Projects Streamlining Act, achieves this purpose, our organization is strongly in support."

What is the common message coming out of this? The common message is that investment capital in British Columbia and, indeed, around the world actually has choices. It's something the previous government never understood, you see, because they chased investment capital out of British Columbia. As we have the world looking to British Columbia and as we get closer to 2010 and people are knocking on our doors, we want to make sure we're rolling out the red carpet, not rolling out the red tape.

Sadly, over the last decade, under that member's government, we created an environment of red tape and process that was so ridiculous that we literally chased away companies. In the late nineties alone we lost over 500 corporations and 30,000 people just to Alberta. You know, I make no mistakes.

J. MacPhail: How many of them have come back? Zero.

The Chair: Order, please. Order, please.

Hon. K. Falcon: As a matter of fact, I'm glad the member asked that question.

Interjection.

The Chair: Order, please.

Hon. K. Falcon: If the member actually looks at the migration patterns....

The Chair: Order. Minister, could you sit down for a moment, please.

Hon. K. Falcon: Sure.

The Chair: Could we please allow the member to finish speaking. We'd all like to hear the answer.

Hon. K. Falcon: In conclusion, I was just pointing out that we are seeing the positive news already coming in — the October job reports, where half of all new jobs in the country were created right here in British Columbia, the strongest numbers since 1976. Net migration is coming back to British Columbia, and we're seeing the growth in biotechnology and high technology and industries right across the great breadth of this province. This bill will send another signal. It'll send a signal that if you have a major project with wide environmental or investment or economic benefits to British Columbians, we will promise this: process and red tape and the review and process provisions are not going to get in the way of those benefits being realized by all British Columbians.

J. MacPhail: Well, I can hardly wait to see this government tout the job numbers when they come in, in December. I hope the government touts them exactly the same way they did at the beginning of November, because every single economist who spoke to the job

numbers said they were flukes. There's a reason for that, and it has to do with the firefighting activity that occurred in October. I actually put it to the government that they issue news releases and claim credit for the job numbers the first week in December the same way they did in November.

Maybe the Finance minister's information is wrong in his statistics, but the interprovincial out-migration is on the increase. I'm sorry — I just took that from the Minister of Finance's numbers. Maybe the minister of state has his own numbers, which are different from the Finance minister's numbers, but I don't think he does.

[1555]

I love the fact that he likes to deride the Canadian Taxpayers Federation. I love that fact. I did ask a specific question on behalf of the Canadian Taxpayers Federation, and the minister didn't answer it, so I'll repeat it. Can the minister point to the section where it lays out how cabinet will decide to override an approval authority? Where is the predictability? That question is from the Canadian Taxpayers Federation.

Hon. K. Falcon: Having already stated repeatedly that the bill will not affect environmental, health or safety standards, I'll walk the member through section 4 so that she understands completely that a proponent must deal with the reasonable requirements of an approval authority. Should there still be a problem and the proponent is having difficulty with the reasonable requirements of an approval authority, then the minister may try and intervene and sit down with them and see if they can work out whatever that unreasonable or reasonable requirement — as the case may be — is.

Then the minister has the ability to bring in an independent facilitator. That independent facilitator can then do a fact-finding. They can talk to all the parties involved, determine what the information is and then come back to the minister with recommendations.

There is still another step before a minister could issue direction to actually replace a measure. That minister must, depending on whether he has been authorized by cabinet to do so or may return back to cabinet for such authorization.... He or she must consult with the approval authority and consult with the proponent prior to making that replacement measure — again adding a whole number of steps and processing to this to ensure we are working cooperatively together to get reasonableness and timeliness.

J. MacPhail: My question was: how is cabinet going to do the approval? The minister stood up here and said, "I'm not going to through project by project and guess how cabinet's going to make the decision," so I asked him for the guidelines of what will be the process for cabinet to reach a decision.

Hon. K. Falcon: Recognizing, member, that we're now on section 3, which I'm happy to do.... I do feel we should at least get through our definitions, but I will answer that. Under section 3, if the minister brings

forward a recommendation to cabinet, cabinet would review that recommendation and make a determination as to whether to issue a designation on a specific project. That's outlined, for your convenience, in section 3(1) and 3(2).

B. Suffredine: I'm going to ask a few questions about the general concept of the projects, but before I begin the first question, I want to clarify. I noted that the Leader of the Opposition said just a moment ago that the job numbers were up because of the fires in October. Being from a riding where almost 50,000 acres burned, I'm pretty sure the fires were out by then. I think they were out in September. I just wanted to be sure it was clear on the record that August and September were the times when the fires were burning. If the job numbers were up, the jobs were finished by that time.

Interjection.

The Chair: Order, please. Order, please.

B. Suffredine: Now, what I'd like to do is just get a picture of this for constituents. I am getting inquiries from people about what the general nature of this legislation is and why it should be there, so I'm going to give an example — and it's only an example — for illustrative purposes. There was recently a proposal in Nelson where someone produced some pretty extensive mapping and documentation for a project — a major ski area just on the edge of Nelson that probably would involve investment of between \$50 million and \$100 million if it were to go ahead. I guess step 1 is: does that concept fit the nature of a project that might be eligible for designation under this section?

[1600]

Hon. K. Falcon: As I mentioned earlier to the member for Vancouver-Hastings, the challenge with sort of taking a one-off example I know next to nothing about is that it's very difficult for me to prejudge any decision that cabinet may want to consider when making a designation. So I would suggest to you that a number of things would have to be in place.

The identity of the proponent and the financial capability of the proponent would be important. The position of the local government would certainly be of interest and some sense as to what kind of support there is in the business community, etc. I think all of those characteristics would probably want to be in place.

B. Suffredine: Assuming that it met the criteria described by the minister — that it appeared to be a significant project, would create significant employment in the community and was eligible — can the minister illustrate some of the types of things that might be considered as constraints that a developer would be coming to the ministry for and saying: "These

are the types of things that are making our project unworkable. Would you help us?"

Hon. K. Falcon: I can speak from some knowledge of that from the resort side of things. Typically, what happens when someone applies under the resort application is that they initially start dealing with Land and Water B.C., but very quickly a proponent will find themselves dealing with multiple ministries of government and then also multiple — and I do mean multiple, in the dozens — permitting provision requirements that they have to go through.

In dealing with various ministries of government, you often have governments working at cross-purposes. That can be both provincial government and local government, so it can create a lot of confusion. There's no timeliness associated with decisions. You are required to invest often hundreds of thousands or even millions of dollars in studies, with no sense whatsoever as to whether your project is even going to get a green light.

Those are typically the kinds of barriers one would find in undertaking a project like the one you've mentioned. Again, as I say, it's difficult — and in fact not just difficult but irresponsible — for me to comment or to pretend to understand what decision a future cabinet would make on a project. I hope that helps edify you a little bit.

B. Suffredine: I wasn't intending to do more than illustrate the principles in asking the question, but I'm sure the minister understands how most people grasp things in terms of real concrete examples they can relate to.

Finally on this, you spoke in terms of timeliness and projects being delayed. I think it's fairly important to the average person whether eligibility under this act would in any way affect the obligation of, say, a proponent in the example given to comply with standards such as the Building Code or health standards. Is there any possibility that they would be held to a different standard, or are we simply speaking of the timeliness of getting a response?

Hon. K. Falcon: No, that proponent would be held to the standards that are in place.

J. MacPhail: Just for the minister's clarity, I'm asking questions about section 1(c) now. It says that in this act, approval authority means "... (c) a local government." That's just in case there's any confusion on what section we're on. Local government is defined as an approval authority that can be overridden. Can the minister tell us...? He talked to the member from Alberni a bit about the consultation that went on with local governments. I'm going to present to him a much different version of what he said. I'll probably read it into the record, into the correspondence. But who did he consult with about including local governments? Who was on the UBCM committee he consulted with, or what local mayors did he consult with?

[1605]

Hon. K. Falcon: Back in April, I met with the table officers, I believe they call themselves, from the UBCM. The president at that time was Pat Wallace, and the vice-president was — the current president, actually — Frank Leonard. I don't recall all the names of the other table directors. I know Marvin Hunt was one of them. I'm afraid I forget the other few that were there. That was back in April.

I also had several meetings with the Council of Resource Communities, which represents 38 mostly rural resource communities, and elicited largely pretty strong support from that group.

J. MacPhail: That's interesting. Did he consult with Mayor Colin Kinsley as part of any of those groups?

Hon. K. Falcon: Mayor Kinsley is part of the Council of Resource Communities, so yes, he was part of the consultation.

J. MacPhail: Let me just talk about Mayor Colin Kinsley. It's very interesting, because I want to turn to an article from the *Times Colonist*, November 16. It says:

"And according to communications materials rubber-stamped by the Deregulation minister, 'the Council of Resource Communities, a group representing 38 communities, was strongly supportive of the proposed legislation.' The news release announcing the legislation even included an encouraging quotation from Prince George mayor and council co-chairman Colin Kinsley."

Then this article from the *Times Colonist* by Sean Holman goes on to say:

"I phoned Kinsley to check up on his support for the streamlining act."

This article was on November 16, this past Sunday. The article goes on to say:

"When I reached him in Toronto, he told me he was surprised to hear the legislation 'will take away from the rights of municipalities.... From my discussions with Minister Falcon, that's absolutely not true, nor would municipalities stand for that. So I think some careful dialogue and discussion needs to take place about what this legislation stands for, because I would never stand for the kind of things that were said to me about taking away local government authority.'"

Let's clear up a few things for Mr. Kinsley, the mayor. To the minister: does Bill 75 give cabinet the ability to override local governments — yes or no?

Hon. K. Falcon: First of all, let me comment on your comments on Mayor Kinsley, because you're referring to an article written by Sean Holman. I understand he used to work for your government. I think that....

J. MacPhail: No.

Hon. K. Falcon: Yes.

J. MacPhail: He worked for the public service.

Hon. K. Falcon: Oh, yes, of course.

Let me just say this. Can I answer the question? May I answer the question?

Interjection.

The Chair: Order. Order, please. Can we let the minister answer the question, please.

Hon. K. Falcon: Thank you. I appreciate....

Interjection.

The Chair: Order, please. Order, please. Would the Leader of the Opposition....

Interjection.

The Chair: Order, please. Order, please. Would the Leader of the Opposition please let the minister answer the question.

J. MacPhail: Point of order, Mr. Speaker. He deliberately attacked a person who was a public servant, and he's surrounded by public servants. What's the difference?

The Chair: Can we please have the debate focused on the section at hand. Please let the minister answer the question.

Hon. K. Falcon: I would actually refer the member to Mayor Colin Kinsley's most recent comments I just saw in the paper, perhaps even today. I believe the comments of the mayor, and I paraphrase, were that he felt the UBCM is overreacting to the concerns raised in this bill and that he sees the positive benefits of the streamlining bill for both his area in Prince George and the province as a whole. By the way, I also had a long conversation with Mr. Kinsley over the weekend, and he confirmed that.

J. MacPhail: Does the minister take pride in pitting one set of mayors against the other? Is that what he's saying here — that he can talk to Mr. Kinsley and he can get Mr. Kinsley to back up his legislation? Let me ask the question, then: did the minister promise Mr. Kinsley that this legislation wouldn't override local governments? Did he make that promise to him?

[1610]

Hon. K. Falcon: I've made no promises to anyone. I've been very clear about what the intent of this bill is. I'd be happy to go over that again in great detail with the member. I would just again remind the member that in all her discussions about things, she needs to know this: this bill does nothing new. Actually, government has always had the authority to override local government. I refer you to section 874 of the Local Government Act. It's already there. I hate to shock the member, but it's there. We can override all their planning, their OCPs, zoning bylaws or what have you.

What we did here is said: "Look, if a project is deemed to be in the provincial interest — that there's provincial significance associated with that project — then let's build into place a means by which we can cooperatively ensure that red tape and process and review processes are not going to get in the way of that project." It does not guarantee certainty of outcome. It may, in fact, get a fast "no" to a proponent, and that's okay too, because as the Premier is fond of saying, most business people would much rather have a "no" in 30 days than an "I don't know" in 30 months. Right now in British Columbia you're much more likely to get an "I don't know" in 30 months.

We as a government believe that those disciplines we're imposing on ourselves as a provincial government, in the rare and exceptional cases where we designate a project, also apply to local approval authorities. Where there is a problem and a proponent is trying to meet with the reasonable requirements of a local authority, assuming that's what you're now getting at, then they must comply with the reasonable requirements of that local approval authority.

It is only if there is an unreasonable requirement or an allegation of an unreasonable requirement that the minister may try and intervene and say: "Okay, what is the problem here? Can we work this out?" The minister may even bring in an independent facilitator to actually look and establish the fact base and determine whether the unreasonable approval authority is, in fact, unreasonable — maybe you've got an unreasonable proponent — and make recommendations to the minister.

If the minister decides and makes a determination — possibly in consultation with cabinet — that there has been an unreasonable approval authority, then and only then, after consulting with the proponent and the approval authority, may they, he or she put into place replacement measures.

J. MacPhail: Mr. Chair, that's a very long-winded way of saying that the cabinet can override local government. Did the minister make that clear to Mr. Kinsley, the mayor of Prince George, when he talked to him this week?

Hon. K. Falcon: I made that abundantly clear when I met with all the mayors at the UBCM table executive. In fact, I even had a chart up on the wall that outlined exactly what the powers of the legislation would imply. I've also reminded all of them that we already have those powers. The provincial government has had those powers for 30 years now under section 874.

J. MacPhail: Let's address that issue about this minister's reliance on the powers under 874 and what advice he received from local governments on that. He started his consultation in April, as he admitted to, with the table officers of the Union of B.C. Municipalities chaired by Patricia Wallace, the president.

Here's the first feedback the UBCM gave this minister on that. Let me read this into the record because

they're getting really upset. Local governments are getting really upset with this minister standing up and saying: "We've always had this power; there's nothing new here."

[1615]

Here's what they said back in April immediately to this minister. This letter is from Patricia Wallace, the UBCM president: "We listened with interest to your proposals with respect to legislation." They refer to the economic streamlining legislation. The minister said he made a big breakthrough to call it the significant projects streamlining legislation. The letter goes on to say:

"We provided our very direct assessment of any intention to override local bylaws or other approvals. I would caution you about relying on using Local Government Act section 874 as a precedent for your actions. Section 874 is broad, covering OCPs, zoning, development permits, inspection fees, and subdivision and development requirements, but it does not provide a sweeping override of all bylaws. The section 874 defence, in the context of expanded powers today is a weak, ineffective and offensive justification. The predecessor to section 874 was enacted in 1977. It has never been used in 25 years, probably because it was not needed or, if considered, was deemed unacceptable. Twenty-five years later there is a more progressive attitude toward local-provincial relations. To enact similar provisions in 2003 will provoke a massive opposition among local government and community representatives. Ask yourself: if for over 25 years, no minister — and there have been at least a dozen — has needed recourse to this provision, why would you consider it to be a viable option now?"

What's the minister's response to that?

Hon. K. Falcon: Well, in fact, I'll read into the record my response, because on May 7, I wrote back to Ms. Patricia Wallace, and I said:

"Dear Ms. Wallace:

"Thank you for your letter dated April 16, 2003, that follows up on our April 10, 2003, meeting concerning the proposed economic streamlining legislation. I appreciated the dialogue and particularly the suggestions put forward by you and your colleagues at that meeting. I have subsequently attempted to incorporate the suggestions in our proposed legislation.

"With respect to your suggestion that cooperative efforts need to be emphasized as the best way to resolve problems, I could not agree more. As such, this concept has been more fully incorporated into the draft legislation. For example, project proponents will be required to work with approval authorities to seek resolution of any measure the proponent believes to be a constraint. In fact, we will require the proponent to consult in a manner that is consistent with the reasonable requirements of the approval authority.

"We then add another step in the event a solution is not realized. The minister may appoint a facilitator to assist and seek a resolution to the identified constraint. In addition, in the event that a resolution is still not achieved, the responsible minister will then be required to consult with the approval authority, the facilitator and the proponent. These stages provide ample opportunity to address constraints in a cooperative manner and achieve mutual benefit. I believe that good-faith

negotiations between parties will resolve most potential constraints before they ever become problems.

"Another point raised in the April 10, 2003, meeting was that we should not imply that a project, once designated, is guaranteed a certainty of outcome. I also agree with this statement and point out that this is not the intent of the legislation. Once a project is designated, approval authorities will be required to take all reasonable actions to expedite their reviews and decisions. We have always said that a business person would rather have a 'no' in 30 days than an 'I don't know' in 30 months. Project proponents will still be subject to all federal and provincial environmental, health and safety standards. Furthermore, the proposed legislation will not affect the Environmental Assessment Act or the Agricultural Land Commission process.

"The provincial government takes local government powers very seriously. As such, the proposed legislation will reflect our intent to see a balance between the important principle of local autonomy and the province's responsibility to act in the best interests of the citizens of British Columbia. That principle is entirely consistent with both the Local Government Act and the Community Charter.

"While I understand some local governments may express concern over the authority provided under the legislation, I believe many will also recognize the benefits and tools that this legislation has to offer. Under the proposed legislation, local and provincial approval authorities will be treated equally. The same disciplines will be placed on inefficient or unreasonable approval authorities at the provincial level. Local governments will also be able to make use of the legislation and seek designation for projects that are important to their regional economy.

"This legislation will also provide a means to build public-private partnerships for key infrastructure projects. This will close a gap that we all recognized in that meeting exists under current legislation. New investment will provide benefits to local governments, the residents and to the citizens throughout British Columbia. Investors and others in the business community have long complained about the high taxes, overregulation and generally hostile business policies in British Columbia. This government was elected with a mandate to restore hope and prosperity that once defined this province and to build the necessary infrastructure, and to retain and attract business.

[1620]

"After much consideration, including an examination of what a number of other jurisdictions are doing, cabinet decided that British Columbia needs a framework to allow streamlined reviews and approvals for significant provincial projects. As a tool to enhance competitiveness, I believe the proposed legislation establishes a reasonable degree of discipline and accountability on provincial and local government approval authorities.

"I would be pleased to continue our discussions on ways we can cooperate to create a better investment climate in British Columbia and to send a clear signal that the province is open for business.

"Sincerely,
Kevin Falcon."

J. MacPhail: That was the response to her letter of April 16. Her entire letter was about the government using section 874 as a justification for this legislation.

That letter didn't mention section 874. I don't see the connection between the two letters.

The minister keeps invoking that the government has always had the powers that it has under this legislation. Pat Wallace's entire April 16 letter was about saying: "No, section 874 of the Local Government Act has never been used." That letter didn't even reply to that.

Why does the minister keep saying that section 874 of the Local Government Act gives him the right to bring in this legislation?

Hon. K. Falcon: Well, I'm tempted to remind the member that we are actually on definitions, under section 1.

J. MacPhail: I'm talking about local governments.

Hon. K. Falcon: I realize you're talking about a number of issues, but I would hope that at some point the member will actually get back to definitions in section 1.

Interjection.

Hon. K. Falcon: The member is asking why I raised section 874. Well, because section 874 does provide those powers to the provincial government — always has provided those powers. Those powers are available.

One of the reasons and one of the arguments I've made with local government — very successfully to many of them, by the way, who support this bill....

Interjection.

Hon. K. Falcon: Rather than use 874, which is a very blunt instrument, we would rather have something that where we designate a project, we alert everybody that this is a provincially significant project and that we have an ability to put into place — as we did under section 4 — a whole series of steps so we can actually work cooperatively together to create opportunities and benefits for British Columbians.

J. MacPhail: Is the minister suggesting the UBCM president and the table officers are wrong in saying that section 874 of the Local Government Act has never been used in 25 years? Are they wrong?

Hon. K. Falcon: I have no idea whether they're right or wrong. I know that under the Right to Farm Act, we have recently had to use legislation to amend local bylaws.

Whether we've used section 874 in the last 25 years.... I'd have to go back and check. I'm not sure, off the top of my head.

J. MacPhail: Well, I guess the minister should stop making the argument, Mr. Chair, that this is nothing new. That's what he says. He stands up and says: "Oh, this legislation, Bill 75, is nothing new. It's just the same

as section 874 of the Local Government Act." He's been told over and over again — from the very beginning, I might add — to stop using that as a justification for his legislation, because 874 has never been used.

So what does he do? He continues to poke the eyes of local governments by justifying his draconian legislation by saying: "Oh, it's the same thing that was on the books under the Local Government Act." He pokes a stick in the eye of the UBCM and the mayors, knowing full well his logic doesn't exist.

[1625]

Well, let's carry on about the definition of approval authority. Let me make it very clear where my questions are coming from. Section 1(c), which we're discussing right now, defines a local government as an approval authority, and cabinet has the right to override an approval authority.

Let's see how far this government has come in getting the Union of B.C. Municipalities on board. It's very interesting. I wonder if the minister is going to stand up and badmouth Frank Leonard because he disagrees, the same way he just badmouthed Mr. Hanley of the Canadian Taxpayers Federation — he said he's never heard of him — or badmouthed Sean Holman, a public servant. Let's see if he's going to do that to Frank Leonard, the president of the UBCM, as well.

Here's what Frank Leonard had to say about being included as an approval authority under Bill 75. It's to all UBCM members. It's dated November 7. It's from Frank Leonard, the president.

"We are writing to you on a very serious matter. On November 3 the Minister of State for Deregulation introduced Bill 75, Significant Projects Streamlining Act. Attached is an in-the-House bulletin describing the content of the bill.

"The UBCM executive is shocked by the degree of intrusion of this legislation into local affairs. It allows any minister authorized by cabinet to replace any local government bylaw, plan, regulation, policy, etc., to facilitate the approval or development of a 'provincially significant project.' Cabinet can make the determination without any prior notice to the local government or the community.

"The Community Charter, which is not yet law, promised us recognition as an independent, accountable and responsible order of government. Bill 75 has a minister assuming all the powers of a duly elected council or board and substituting his/her decision for those of local councils and boards which have been developed with citizen input. The charter touted public accountability and openness, but Bill 75 replaces local publicly developed plans, including those developed through public hearing processes, with fiat from the provincial minister.

"We recognize there is a need to balance local and provincial interests. We also want a strong and competitive economy. We support timely approvals, especially from provincial ministries. This just is not the way to achieve it. The executive is calling on the provincial government to remove local government from Bill 75."

Here's the letter that the president of the Union of B.C. Municipalities wrote directly to the Minister of State for Deregulation, dated November 7. It says:

"Dear Minister:

"In the spring of this year, representatives of the UBCM met with you to discuss your initiative on economic streamlining legislation. We advised you of our concerns; you listened and did not proceed at that time. We offered to consult further with your ministry over the summer, and we thought we had an agreement to that effect. That consultation did not happen, so consequently we were not surprised to see that the legislation you introduced is seriously flawed, in our opinion.

"We share the goals of improving the B.C. economy and our global competitiveness, but we do not agree on the approach you have introduced. The executive has reviewed Bill 75, and I shared your letter of November 2003 with them. The executive are requesting that Bill 75 be amended at this time to remove the reference to local government as an approving authority."

The government hasn't tabled such an amendment, and I will do so now. Just a second. I'll sign the amendment. That's for the Table and for the minister.

[SECTION 1, by deleting subsection (c) under the definition of "approval authority".]

On the amendment.

[1630]

J. MacPhail: My amendment, Mr. Chair, deletes section 1(c) so that a local government would be removed as an approval authority. I'm wondering whether the minister has.... What consultation did occur with the UBCM after the initial spring consultation, where the minister promised he wouldn't introduce this legislation?

Hon. K. Falcon: First of all, the member opposite is mischaracterizing what actually happened. We had a complete and full briefing with the table executive of the UBCM in April. We actually offered to continue the dialogue with them. We encouraged them, in fact, to make input particularly into the guidelines, where we felt they could provide some important input. Not a single mayor did approach us subsequent to that meeting. Even at the UBCM meeting, when we had a meeting again in September, no one brought forward any suggested changes. In fairness to UBCM, maybe it was their hope that the bill just went away,

I had written back — and I've read that letter into the record here — thanking them for the input that I did get out of that meeting and committing to them to incorporate those changes, as I did, into the bill. Those changes included adding the ability to bring in independent facilitators, making sure that any proponent must deal with the reasonable requirements of the approval authority, making sure that we changed the name from the economic development streamlining act to the Significant Projects Streamlining Act, thereby emphasizing the rare nature for which this bill would be used. So I just disagree.

At the end of the day, let me just say this to my friends in UBCM — and I have many. I think many of the folks at UBCM legitimately have made the argument to me: "We like the fact that you're putting a discipline on the provincial approval authorities. Two

thumbs up for that. But we don't want any disciplines put on ourselves."

While I understand that argument, I just respectfully disagree with it. I disagree with it because I believe there are times when there are items or things that actually are in the provincial interest. If they are in the provincial interest and there is an overriding provincial interest we're trying to look after, surely we can work together in a co-operative way to make sure that process and red tape don't get in the way of frustrating projects that could have enormous potential for British Columbians. That's where I think some of us from UBCM part ways.

Fortunately, there are many members of the UBCM that are very, very supportive. That includes a big-city mayor like Mayor Doug McCallum, who was telling me that he just travelled back from chairing a very influential event in South Africa — cities from around the world — and that one of the messages that came out of there.... One of the most important messages that he advised me of was that investment capital needs to have certainty of timeliness — not certainty of outcome, just certainty of timeliness.

That's what this bill speaks to. It speaks to ensuring that we get people answers and we get them quickly, even if it's a "no" answer. Let's get a "no" to them fast so that they can move on and look at their other investment possibilities, hopefully, in British Columbia.

So I'm sorry that through all our discussions with the mayors and UBCM, we weren't able to get all of them on board. We were able to get a significant number, particularly from rural resource British Columbia. They recognize the value of this bill in helping them build their communities, particularly those communities that have been hard hit by the resource sector and are looking for some hope and opportunity. It's totally consistent with our heartlands economic strategy and the commitment by our Premier to revitalize the heartlands of British Columbia.

J. MacPhail: So is the minister now blaming the UBCM — that they didn't get changes in, in time, and therefore he felt completely justified in proceeding with Bill 75?

Hon. K. Falcon: Obviously, the member didn't listen to what I said. No, that's not what I said....

Interjection.

Hon. K. Falcon: If the member would stop talking and listen, you might hear what I say. What I said, actually, was that I had a meeting with them. They made a number of recommendations back in April, and that's why I read my letter into the record. The letter I read into the record actually identified a whole number of those issues that they raised, so we incorporated them into the proposed legislation.

Look. At the end of the day, the UBCM executive — not the entire organization, but the executive — still wasn't prepared to support it. Now, I must say, in fairness, that we are in discussions with the UBCM and

that we have worked on a memorandum of understanding, sort of a cooperation protocol that could go in line with this. It's something that we drafted together and that UBCM is going to take back to some of their executive members for consideration. It is my hope that it may be something that may bring comfort to some of those members of UBCM.

[1635]

J. MacPhail: Well, I guess I can just leave it up to the UBCM and the mayors to read this transcript and see whether the minister is representing properly his discussions with them. Certainly, I know that the November 7 correspondence from the UBCM and the continuing public comment by mayors other than Mayor McCallum and Mayor Kinsley are all against this legislation.

Well, feel free for the minister to put those on record. Here's what Mayor Herb Pond said. He is from Prince Rupert, that great group called the heartlands. His town's doing really well with the heartlands economic strategy. Mayor Herb Pond is among those concerned with the proposal to give the provincial government the ability to override the Municipal Act for significant projects. His end quote is: "The UBCM sees the legislation as giving the province the power to override municipal public hearings. The UBCM is firmly opposed to this."

Then, of course — and I can just imagine how the minister is going to react to this — Vancouver city council brought forward a resolution. I'll read it into the record. I know how much the minister relies on Vancouver city council. He lauded them about how wonderful they were during the PNE act and the changes to the Hastings Park Trust. He couldn't say enough good stuff about the Vancouver city council. Let's hear what the Vancouver city council has to say about Bill 75.

"Whereas Bill 75, the Significant Projects Streamlining Act, seriously erodes municipal autonomy and independence and could result in the province overriding any municipal decision, including the city of Vancouver's, from bylaws to land use to services and taxation; and whereas Bill 75 enables the province to override municipal processes for considering and approving projects; and whereas Bill 75 allows for deals to be made and projects approved without any public transparency; and whereas Bill 75 will not be subject to freedom of information and protection of privacy legislation; and whereas there has been a lack of consideration of the concerns raised by the Union of B.C. Municipalities and individual municipalities regarding this significant change in legislation; therefore, be it resolved that the city of Vancouver endorse the UBCM executive in their efforts to oppose Bill 75."

That's why I've put forward this amendment. That's why I put forward an amendment that says that I move — in Committee of the Whole on Bill 75, intitled the Significant Project Streamlining Act — to amend as follows: "Section 1, by deleting subsection (c) under the definition of 'approval authority.'" That would remove local governments as an approving authority.

I'll just carry on, then, in terms of an interesting view of the legal analysis. Has the government re-

ceived the legal analysis by UBCM, written by Sandra Carter of Bull, Houser and Tupper, of the Significant Projects Streamlining Act?

[1640]

Hon. K. Falcon: No, I have not seen one. They have not yet passed that along to us. I imagine at some point they will.

I do want to state for the record, because the member is quoting some mayors that she knows.... She may be pleased to know that there are a number of mayors — including the mayor of Surrey, the second-largest city in British Columbia and, I might point out, the fastest-growing city in British Columbia — who recognize the value of this. We have a mayor with leadership who recognizes how important it is that all approval authorities work together to create opportunities for the benefit of their residents.

I'm interested in your comment on Herb Pond. I believe he told me he was misquoted in a newspaper article. I do have a letter from Herb Pond, actually, that says — and I quote in part: "There is no doubt that this will send a positive signal to industry while continuing to protect the values of British Columbians." In my conversation with Mayor Pond, we both saw the value, for example, of their potential cruise ship port as being a project that could have enormous regional benefit.

But there are also people like Gerry Furney in Port McNeill. There are people like Clint Hames in Chilliwack. There are people like Mayor Steve Thorlakson in Fort St. John. There are other mayors that have called in and left messages and said: "Stick with it. We disagree with UBCM." I think it's understandable that when you have a large organization like that, you're going to have some differences of opinion. There will be some that support and others that don't, but I think we've got the balance right in this legislation.

J. MacPhail: Could the minister read Mr. Pond's entire letter into the record, please?

Hon. K. Falcon: Certainly.

"Dear Minister Falcon:

"It is good to see the Significant Projects Streamlining Act finally introduced. There is no doubt that this will send a positive signal to industry while continuing to protect the values of British Columbians. It is also encouraging to those of us trying to make things happen in the heartland. Thank you for your hard work, and congratulations on your progress to date.

"Yours truly,

Mayor Herb Pond."

J. MacPhail: Where's the section that you read before?

Interjection.

J. MacPhail: Okay. And what was the date of that letter?

Interjection.

J. MacPhail: Yeah, well, I'm sorry. My letter is more recent than your letter — through you, Mr. Chair. So Mr. Pond has actually received the discussion from the UBCM.... That's quite disingenuous of the minister to read that letter into the record, quite disingenuous in terms of saying that Mr. Pond supports the legislation.

Interjection.

J. MacPhail: No, no, I'm sorry. All right, that's fair enough for him to suggest that I asked him to read it. It's disingenuous for him to use that letter in somehow suggesting that my comments quoted by Mr. Pond later in the month are wrong — completely wrong.

Let me just....

Interjection.

J. MacPhail: The eager little beaver over there can get his chance, Mr. Chair — absolutely.

Interjection.

J. MacPhail: Beaver is unparliamentary? Eager? Which part of that is unparliamentary?

The Chair: On section 1. Minister.

Interjection.

The Chair: Leader of the Opposition, could we please ask all members to use parliamentary characterizations of their colleagues in the House.

J. MacPhail: Here's what Mission council said. Now, this just came in. This is brand-new: "Mission council is backing the Union of B.C. Municipalities executive in opposing Bill 75 which was introduced November 3...." This article is from the *Mission City Record*:

"If the project is allowed to go ahead, the legislation can override other government acts such as the Local Government and Community Charter to ensure the prompt completion of a project according to council. 'I am certainly more concerned about this than any other provincial legislation,' said Councillor Ron Taylor. This allows them to designate any project as significant, then remove any constraint. In the event of conflict with this act and any other provincial act, this act prevails. That is scary.' This should be a huge concern to everyone, said Taylor. 'What they are doing is taking a sledgehammer to crack a nut....' Councillor John Pearson agrees the act is designed to push through certain projects, but unfortunately, it captures the rest of the province in the same web. 'It's disturbing elected people in Mission can be overridden,' said Pearson. 'There's no accountability.'"

[1645]

Also, I am surprised that the minister has not seen the legal analysis of the UBCM on the Significant Projects Streamlining Act. I'd be happy to share it with him. It's dated November 4. Let me read it:

"Local governments may under this legislation be required to consider methods to expedite their approval

processes, at the risk of having those processes replaced by measures deemed appropriate by the relevant minister.

"Notwithstanding the provisions for consultation contained in the legislation, the draft bill contemplates granting relevant ministers the authority to reduce or even eliminate local government approvals processes for designated projects if agreement between the proponent and the local government cannot be reached...."

"It is interesting, of course, that this draft bill is being proposed simultaneously with the Community Charter, which purports to expand the authority and jurisdiction of local governments. Depending on how the threshold test of 'provincially significant projects' is applied, it may be possible for the legislation to become a tool for certain local governments who themselves are proponents of large-scale projects. It is more likely, however, that the legislation will have the effect of reducing the regulatory authority of local governments in projects that spans several jurisdictions or are viewed as critical to provincial policy objectives."

This legal analysis from UBCM raises an interesting point. What if more than one local government is involved in a project?

Hon. K. Falcon: In the designation order, all potential approval authorities would be identified. Obviously, if there were a problem with any one of them, you then would have all the section 4 processes that you would go through to try and work out any of those constraints.

J. MacPhail: This is from the Union of B.C. Municipalities in terms of their analysis contained in a document that they use, called *In the House*. It's their in-house communication. Here's what they say: "It should be noted that Bill 75...." I'm giving this to the minister so he can tell me whether their analysis is correct.

"It should be noted that Bill 75 applies to everything local government can do — from a service (a proponent could say it was in the public interest to allow competition with exclusive municipal service provision) to a regulation.

"No notice to local government is required before a project is designated by cabinet.

"Applies to everything a local government can approve — financial, land use, building permits. Examples of what could be overridden: taxation, zoning, development cost charges, building bylaws, business regulation, noise or other nuisance regulation, other land use controls, signage, fees and charges, access requirements, subdivision requirements."

Is that correct?

[1650]

Hon. K. Falcon: Again, the act will give the ability to streamline the review and decision processes — the list that you gave — potentially. But again, as I tried to get across — perhaps unsuccessfully — to UBCM, for a project to be designated, it must meet the test, of course, of having at least regional economic, environmental or social benefits that go beyond the borders of the project location. That is a fairly high test, so I think most of the.... By the way, that is not information that

was included in the letter that went out, so it may perhaps have set off some areas of concern for some. Again, all the mayors I had the opportunity to speak to and explain that to were comforted by the fact that the guidelines make it very clear that it must go beyond the project location.

J. MacPhail: Yes, I'm sorry. This was circulated to the UBCM executive. This is their paper of record. Perhaps the minister could clarify with me when he last met with the UBCM — anyone at the UBCM — on the Significant Projects Streamlining Act.

Hon. K. Falcon: Yesterday.

J. MacPhail: Did he question their analysis? That's what I'm asking. This is for the public record. Did he say this analysis of November 7 that circulated and gives rise to the motion to delete local governments from project approval...? Did he dispute this analysis? Perhaps he could reveal in public what his discussion was in private with the UBCM.

Hon. K. Falcon: No. Again, the UBCM never gave me a copy of that newsletter, so I'm not familiar with the contents of that newsletter. We did have a discussion with the UBCM representatives. Initially, their preference was that they would like to see subsection (c) pulled out from the definition of approval authority. I had suggested to them that that wasn't going to be the case. We agreed to work on a memorandum of understanding that would provide some comfort to the UBCM in terms of how we go forward from here. That is underway.

J. MacPhail: Let's test the House to see whether the minister is correct. I've put forward an amendment to do exactly what the UBCM has asked, so let's put it to a vote.

[1655-1700]

Amendment negatived on the following division:

YEAS — 2

Nettleton	MacPhail
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NAYS — 32

Falcon	Coell	Halsey-Brandt
Hawkins	Whittred	Hansen
J. Reid	Bruce	Barisoff
Masi	Hagen	Plant
Collins	Stephens	Abbott
Chong	Jarvis	Orr
Nuraney	Long	Mayencourt
Christensen	McMahon	Les
Locke	Bhullar	Suffredine

Visser Brice Sultan
Hamilton Hunter

[H. Long in the chair.]

On the main motion.

J. MacPhail: Under section 1, definitions, I'd like to turn the discussion to the definition of "constraint." Under Bill 75, a constraint is defined as "in relation to a project, a measure that, unless replaced under section 4 or 5, may impede or otherwise interfere with the completion or operations of the project." Furthermore, a measure is defined as "an enactment, directive, requirement, guideline, plan, program, policy, practice or procedure."

I don't want the minister — I agree entirely with the minister — to suggest that we shouldn't be engaging in a hypothetical discussion around projects that could be or are or may be, but I do want to ask the minister what his government had in mind — what a constraint could be. Clearly, they must have had a discussion about real-life examples of what a constraint is, because all of the legislation flows from that definition. It is a constraint, real or perceived, that gives rise to the invoking of the legislation.

Hon. K. Falcon: Frankly, member, it's one of those situations where you know a constraint when you see it. When you run up against it, you'll know you've run into a constraint. That's when you try to work out that constraint with the approval authority.

J. MacPhail: No, Mr. Chair, that is simply not good enough. It's not good enough for the public. It's not good enough for local governments — which, by the way, this government in its entirety just defeated having removed as an approval authority. Thank God for the member for Prince George–Omineca, who actually listened to his local governments and voted in favour of the amendment to delete them as an approval authority.

It's not: "You'll know it when you see it." That leaves the process completely wide-open to suspicion. This government claims to be open and transparent. The trigger for this legislation in its entirety is the determination of a constraint. Why else did this government bring it in? What did they have in mind as a constraint? Examples, please.

[1705]

Hon. K. Falcon: A constraint in my view, member, would refer to any expected or actual decision-making process or related activity that, if not completed in a timely way, may create a barrier to project approval or project viability or project completion.

It may come as some surprise to this member to know that investment capital — if subject to a process that has an extended time frame with no apparent end — looks elsewhere, because it has other options. So I

think that's a very good definition of what a constraint would be.

J. MacPhail: It might surprise this minister to know that private sector investment capital is down by 3 per cent in this province in 2003, and it was down in 2002. Mr. Chair, give me examples, through you to the minister. The minister stands up in here and says there was a decade of red-tape buildup that needed to be swept away now. He says that projects took — he gives us time frames — 30 months. He uses that specific time frame — 30 months. So put some reality to those claims now.

Hon. K. Falcon: Oh, but I am so encouraged to do so. Let me tell the member the story of a company called Finning Tractor. Finning Tractor used to be a company that was located here in the beautiful province of British Columbia. It sells worldwide, renowned worldwide, for its products, etc. In 1994 — I believe it was 1994 or '95.... And I might tell the member that I had an extensive conversation with the retired CEO, Jim Shepard, about this. He's now retired in Palm Springs, and he was so thrilled to be able to unburden the story on me.

But the story went like this. They used to do chromium plating at their particular operation, and they largely had it contracted to mom-and-pop operations, so to speak — smaller companies. One day one of these mom-and-pop operations came to Finning and said: "You know what? We're getting old. We're thinking about retiring. We would like Finning to consider buying our business, because you're our biggest customer. It would make the most sense."

So Jim Shepard said to one of his vice-presidents: "You go and take a look at that company, and let's figure this out. It sounds like it could make sense." So they studied the company. You know what they found? They found actually that there was some concern about environmental risk associated with this. I don't know a lot about chromium plating, but I do know there apparently is some environmental risk.

Jim Shepard had his officials go around the world and find the best possible examples of how to build a chromium-plating plant that would incorporate the latest and the best technologies so that you could do it in the safest manner possible. They did that. They came back, and they applied with that member's provincial government. This would be in the '94-95 year. They waited for an approval, and they waited, and they waited, and they waited. They continued asking: "Please, what's happening? We've sent in these plans. They're based on some of the highest-quality world plans that we've gathered." They couldn't get a response.

So finally, after six months, the board would say to Jim Shepard: "What happened to that plant we were supposed to be building? We authorized \$10 million to \$15 million, and nothing has happened — still nothing happens."

After 12 months go by, nothing happens. Finally, after 18 months, the vice-president comes to Jim

Shepard, and he says: "You know, we've got 100 acres in Edmonton. Why don't we just go look there? I mean, let's just see what happens, because we're getting nowhere here in British Columbia." He says: "Okay, go ahead and check it out." He flies into Edmonton, sits down in a meeting — and my memory could be corrected on this.... I believe the mayor of Edmonton was there, along with the senior member of the Ministry of Environment. Do you know that when they presented the same application process there, the Minister of Environment turned to the member from Finning and said: "We can have that approval permit for you next week." Over 18 months in British Columbia and a week and a half in Alberta.

[1710]

So you know what happened? They built that plant in Edmonton on their hundred acres. Shortly after that, within a matter of weeks, there was a phone call from the Premier of Alberta to Jim Shepard saying: "You know what? We're pleased to see you opened a plant in our neck of the woods. You should move your whole company over here, because we got great taxes. We've got a great regulatory regime, and it would be a wonderful place for you to do business." Within another matter of weeks, there was a trailer parked in front of their offices. The local Edmonton Chamber of Commerce was there, and they had information and all the great things — housing prices, etc. The end of the story, folks, is that at the end of the day, the entire Finning operation packed up and moved to Alberta, along with the 500 other companies that moved out of British Columbia.

The reason that started that process rolling was because they were stuck in process. So I say to that member: I am proud to bring forward a bill that will not let process and red tape get in the way of jobs and opportunities for British Columbians, and especially the ones that we lost under her government.

J. MacPhail: So let me get this straight. The one example of a constraint is an environmental regulation that the minister just cited? Environmental regulations?

An Hon. Member: No.

J. MacPhail: Yes. He just cited the fact that the application of environmental regulations was getting in the way of the approval process. That is the example he gave. Perhaps he'd like to clarify it, and then I'll give my version of the discussion with Jim Shepard that was reported in the paper.

Hon. K. Falcon: Well, the member gets it entirely wrong.

J. MacPhail: You said environmental regulations.

The Chair: Will the member please let the minister answer the question.

Hon. K. Falcon: The process in the application, when they applied, took months and months, and then

over a year and right up to a year and a half, where they were getting no answer whatsoever. It has nothing to do with environmental standards. In fact, they put together a process that met the highest-possible environmental standards. They were proud of the fact that they had researched around the world to make sure they had the highest-possible standards. What they couldn't get was an answer out of your government.

That's why they looked to another place and said, "Well, let's see what happens there," and they got the same answer in two weeks. That speaks volumes about the process that your government put into place in British Columbia.

J. MacPhail: No. In fact, Mr. Chair, the minister is dead wrong. It was about environmental standards. It was completely about environmental standards. There were city processes involved. The local government wouldn't approve it. Now we have the one example of a constraint that this minister gives, which involves overriding local government and environmental standards. That's exactly what it's about.

Let me just tell you about his claim. It is unbelievable, the cheek — and it is cheek that this minister stands up and exhorts — because Jim Shepard, the retired CEO of Finning, said his move to Alberta, the headquarters, had nothing to do with anything other than being closest to his largest clients, which were prairie farmers.

Hon. S. Hagen: Give me a break.

J. MacPhail: Well, I'll get the gosh darn articles in the voice-piece of this government, in the *Vancouver Sun*.

Mr. Chair, the one example this minister gives is to override environmental regulations and local government. Has he got any examples...?

Mr. Chair, maybe you'd like to address the minister the same way you did me.

Hon. S. Hagen: I thought you were finished.

J. MacPhail: Did you notice me stop speaking or sit down?

The Chair: Members. Will the member take her seat, please.

I'd like to remind both the member and the minister that decorum in the House is important here and that no member shall stand when another member is standing. They only stand when they will speak and be recognized.

We will get back to section 1.

J. MacPhail: I appreciate the fact that it's hard to see the minister, because I was the one standing and speaking.

Perhaps the minister has some other examples that don't involve overriding local government and environmental regulations. Does he?

Hon. K. Falcon: You know, again, the member just doesn't grasp that the whole point of this legislation is to actually get answers to people quickly. That means, under your government.... I get that you enjoyed taking years to give answers, but we....

[1715]

J. MacPhail: Point of order, Mr. Chair. Could he please go through the Chair? It is so insulting the way this minister cannot learn parliamentary procedure.

The Chair: Member, I did not notice that the minister was not going through the Chair. But I imagine that he knows he should go through the Chair, and he will.

Hon. K. Falcon: Through to the member, again, I get that in her world it was quite appropriate to take years before you even give an answer to a proponent. What we're saying in this legislation is that we would actually like to get a fast answer, and if there was an environmental risk, the fast answer would have been no. What we had instead was a delayed answer that took almost two years and caused a company that employed 600 people to relocate to Alberta, and that's simply unacceptable. So I look forward to discussing section 1, finally.

J. MacPhail: We are under section 1. It's called constraint, and the one example of a constraint that this minister gives involves overriding environmental regulations and local government regulations — which, by the way, was his farm team, the NPA city council, who refused to approve it. There's one example.

We now know that constraints will involve overriding local governments and environmental regulations. How does that possibly justify or jibe with the minister saying that he wasn't going to override environmental regulations? Does he actually have an example that doesn't involve local government or environmental regulations?

Hon. K. Falcon: Again, I will say to the member that what we are dealing with here is trying to get timely decisions made. The member can talk all she wants about her horror stories of how she believes this does this and does that, but it comes down to actually getting answers to people in a reasonable period of time. That's exactly what this legislation will achieve. That answer may very well be no; we've been very clear about that. But they're going to get a fast no so that they have the opportunity to move on to other subjects.

As far as the member wanting a laundry list of examples, I suggest she just pick up the phone and talk to the members of the business community — any from the B.C. Chamber of Commerce, the Business Council — and they will provide her chapter and verse. She can spend the entire evening taking notes of the different

companies that have been chased out of British Columbia. I'm here to discuss section 1.

J. MacPhail: Is that who this bill is being done for?

Hon. K. Falcon: This bill is being done for British Columbians. It's being done so we can try and bring back the 30,000 British Columbians who left under your government. It's being done so we can bring back the small businesses that moved to other provinces. It's being done so we can create investment and opportunity once again in this province. It's being done so we can create environmental benefits in this province. And it's being done so we can make sure that red tape and process, something that absolutely characterized your administration, will not form the barrier for getting things done here in British Columbia.

J. MacPhail: Yeah. Again — through you, Mr. Chair — could the minister go through the Chair? Honestly, it is so unbelievable.

The Chair: I think, member, that we are in debate. I have not noticed that the member was not going....

J. MacPhail: He just said "your government," Mr. Chair, just for your information.

The Chair: Would the member please not lecture the Chair, for starters. We will continue the debate on section 1; we will stick to the debate on section 1. I will make a determination whether you're going through the Chair or not.

J. MacPhail: Well, thanks for that impartiality, Mr. Chair. Thanks.
Here's the problem....

Interjection.

J. MacPhail: Yeah, you just feel very comfortable to do it, minister. I guess we're allowed to talk to each other directly.

Nowhere in this legislation is it defined how cabinet will use these powers or what constitutes a constraint — absolutely nowhere. It's wide-open. Yet the government has felt very comfortable listing particular government actions.

Let's go through those government actions that are listed here and see what the minister has in mind. What enactments does the minister foresee overriding?

[1720]

Hon. K. Falcon: Sorry, I didn't hear the question.

J. MacPhail: What enactments does the minister foresee overriding? It's listed right here as a constraint — an enactment.

Hon. K. Falcon: I believe the member is referring to enactment under "measure." This refers to streamlining the review and decision processes found in enactments.

J. MacPhail: Yes. Could I have an example, please — a real-life example?

Hon. K. Falcon: Again, it would depend on what the constraint is. Depending on what the constraint is, that would bring into play what the potential enactment is. Whatever the review and process provisions of that enactment are would have the possibility, if that in fact was causing a constraint, to be accelerated or expedited — the review and process provisions alone.

J. MacPhail: The reason why these questions are so crucial is because these are the only parameters that will be made public. This government isn't going to bring in any regulations — nothing. This is it. This is the legislation. So that's why I'm asking these specific questions, and the minister can't give any answers. He hasn't given one straightforward answer yet, except to give one example of a constraint that involves environmental overrides and local government overrides.

Let's try another one. What directives does the minister foresee having to override?

[1725]

Hon. K. Falcon: The member mentions a directive. Again, I say to the member: in the context of what? If a directive is becoming a constraint as part of a project trying to move along... If that directive is causing an unreasonable approval authority, for whatever reason, to be either issuing or not issuing that directive, that's something where the scope of the act could allow section 4 to come in and try to address what the directive challenge is. It would all be defined by whether it's causing a constraint. I mean, to just say directive... Well, any directive could be great. Directives could be flying back and forth and sailing through the project. It has to become a constraint before it engages the rest of the powers that are considered in the bill.

J. MacPhail: The minister is using... When I asked him to define directive, he defines directive in the context of what could be a constraint; yet he can't define constraint. I'll tell you, this is getting more Kafkaesque every moment we discuss this.

Why is this important? Here's why it's important. It's because the legislation says... Again, remember there will be no regulations. There will be no freedom-of-information laws applied to any of this stuff. It will all be done behind closed doors, without access to freedom of information, with no regulations and no appeal, and this minister can't even answer basic questions.

Here's the biggest problem of why it's such a concern that he can't answer a question. It's because these directives, enactments, guidelines, plans, programs, policies, practices only have to be considered as "may" impede a project. It doesn't even have to be proven that they shall impede or will impede. There's discretion and subjectivity in the way these measures are determined.

So here we are. We have the cabinet being able to use its full discretion in a subjective way behind closed doors — no access to freedom of information, no public

appeal process — and this minister can't even tell me what the legislation captures — not one detail.

Let me just ask a practical question. It's a real-life example. Could Bill 75 be used to override the Fisheries Act?

Hon. K. Falcon: No, that is a federal act, and nothing in this act can override the federal Fisheries Act.

J. MacPhail: No, the provincial Fisheries Act.

Hon. K. Falcon: Again, I have to say to the member... It keeps coming back to this. Were there a constraint identified through the provincial Fisheries Act and that constraint involved review and approval decisions that were being created unreasonably, then under the terms of this act there would be the ability for the minister to bring in a facilitator to identify why the unreasonable review and process provision was holding up whatever case was being held up.

J. MacPhail: And the cabinet can then override the Fisheries Act. Is that correct?

[1730]

Hon. K. Falcon: Again, I want to clarify that nothing in this bill impacts on standards. What we could do is accelerate and expedite the decision- or review-making processes. Yes, we could accelerate the decision and review processes under the Fisheries Act were it, first of all, to be a constraint and were it to be a constraint that was not addressed through the multiple steps we have in place under section 4 of the bill.

J. MacPhail: So yes, the cabinet can override the Fisheries Act, which just happens to be responsible for the regulation of fish farms.

How about the Wildlife Act?

Hon. K. Falcon: The same answer applies to the Wildlife Act. If there are review and decision processes that are engaged in the Wildlife Act and those review and process provisions become a constraint to a project, then the approval authority, whichever approval authority it may be under the Wildlife Act, would have the opportunity to bring forward the reasons why they're taking so long to get through the review and process provisions.

The minister would have the ability to engage in a discussion with the minister responsible. If that is not able to resolve the reasonable requirements of that approval authority, we could incorporate the use of an independent facilitator. If that is not able to meet the needs of the approval authority, then and only then cabinet could, after consulting with the approval authority and the proponent, expedite the review and decision-making process having to do specifically with that act — not the standards, but the review and decision processes.

J. MacPhail: So the cabinet can override the Wildlife Act.

How about the Forest and Range Practices Act? Here's a plan. I wondered whether this is defined as a plan — if this comes under a plan as is listed specifically in the legislation where it says a measure is a plan. How about this? What prevents a proponent from applying to the Minister of Forests to say that the forest stewardship plan is deemed to be a constraint? What, in any part of this legislation, prevents that from happening?

Hon. K. Falcon: Presumably nothing would prevent anyone coming forward with any kind of request, however ridiculous, but what will act as the ultimate barrier to that will be that cabinet and the minister responsible would consider whether this rises to be a question of provincial interest, whether this meets the test we set out of having at least regional economic significance or social benefits. I would, just on the prima facie evidence of what you've told me, suggest that that is unlikely to do that. Again, I can't prejudge what cabinet may or may not say, but that doesn't strike me as something that is provincially significant.

J. MacPhail: I can't believe.... I noted the Minister of Sustainable Resource Management looking up, and he should look up when that minister suggests that a forest stewardship plan isn't of regional significance, like he doesn't even know the extent to which his legislation is intrusive. It's embarrassing, Mr. Chair, but believe you me, it's embarrassment that will come back to haunt this government. It's completely embarrassing.

[1735]

J. Les: More investment. How embarrassing.

J. MacPhail: Yeah, I guess it will be embarrassing that this government can override a forest stewardship plan and the minister doesn't even understand the significance of that. It is really, really embarrassing.

How about the Park Act?

Hon. K. Falcon: The Park Act has a paramount provision that I believe overrides other statutes and therefore would not contemplate this particular act.

J. MacPhail: Well....

The Chair: Through the Chair.

J. MacPhail: Yes, Mr. Chair.

What have we got — ranking of paramountcy here, Mr. Chair? What does section 11 mean in that context, then?

Hon. K. Falcon: Again, as I've said before, our section 11 would only refer to any decision and review processes contained in any potential or identified constraint.

J. MacPhail: Mr. Chair, please ask the minister to give me a ranking of paramountcy with the Park Act and this act.

Hon. K. Falcon: I think I've already done that for the member. I've said that the Park Act would prevail and that our provisions only speak to review and process provisions. I just remind the member that.... Are we still on section 1 here?

J. MacPhail: Is the poor minister getting tired?

The Chair: Would the Leader of the Opposition please sit down. You had not been recognized when you stood, and I asked you, and you did not sit down again. But I will recognize the Leader of the Opposition.

J. MacPhail: Mr. Chair, through you to the minister, I have hours more of questions, so if he's exhausted, perhaps he needs a break — but hours more. Could the minister, for the record now — we can take a break — quote the section of the Park Act that makes it prevail over Bill 75? It's extremely important that he do so.

Hon. K. Falcon: Through to the member, if the member wants to have that kind of discussion, I'm happy to have it with her once we reach section 11.

[G. Trumper in the chair.]

J. MacPhail: Well, section 11 doesn't help us at all. It's very specific that this act is paramount and lists the exceptions to that, of which the Park Act isn't one. My questions are on section 1 about what is a guideline, what is a practice, what is a directive — which will flow from the Park Act.

Section 11 is actually harmful to the minister's argument. I have many questions about guidelines, practices and plans as a result of the Park Act that are pursuant to section 1, so I need that information now.

[1740]

Hon. K. Falcon: Again, you're asking about paramountcy, and that is identified in section 11. You're not asking about local government, measure, person, project, proponent, responsible minister, etc.

J. MacPhail: Actually, my questions can come to a halt if the minister proves to me that the Park Act is paramount. If he can't prove that, then I have a series of questions about land use plans. That would be a plan, as under section 1.

Hon. K. Falcon: The member will know that I don't have the Park Act nor the hundreds of other acts I'm sure the member would like to talk about. But I can say to the member that it would be my considered view that the Park Act would prevail, because our act only speaks to review and decision processes that may be found in, say, the Park Act.

Hon. J. Reid: I move the committee rise, report progress and seek leave to sit again.

Motion approved.

The committee rose at 5:43 p.m.

The House resumed; H. Long in the chair.

Committee of the Whole (Section B), having reported progress, was granted leave to sit again.

Deputy Speaker: First, I am advised that Her Honour the Lieutenant-Governor is in the precincts. I ask the members to keep their seats. We'll have a short recess.

The House recessed from 5:44 p.m. to 5:50 p.m.

Royal Assent to Bills

Her Honour the Lieutenant-Governor entered the chamber and took her place in the chair.

Law Clerk:

Water, Land and Air Protection Statutes Amendment Act, 2003

Public Service Amendment Act, 2003

Columbia Basin Trust Amendment Act, 2003

BC Hydro Public Power Legacy and Heritage Contract Act

Richrock Mines Ltd. (N.P.L.) (Corporate Restoration) Act, 2003

In Her Majesty's name, Her Honour the Lieutenant-Governor doth assent to these acts.

Hon. I. Campagnolo (Lieutenant-Governor): I bring you greetings from your colleague the Solicitor General this evening. We are honouring the courage and valour of the municipal police departments of the province and also the RCMP.

Her Honour the Lieutenant-Governor retired from the chamber.

[H. Long in the chair.]

Hon. G. Collins moved adjournment of the House.

Motion approved.

Deputy Speaker: The House stands adjourned until 10 a.m. Monday next.

The House adjourned at 5:52 p.m.