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THE HONOURABLE BILL BARISOFF, SPEAKER

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LIEUTENANT-GOVERNOR  
His Honour the Honourable Steven L. Point, OBC

**SECOND SESSION, 39TH PARLIAMENT**

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THURSDAY, JUNE 3, 2010

The House met at 10:02 a.m.

[Mr. Speaker in the chair.]

Prayers.

**Hon. M. de Jong:** I call Committee of Supply in Committee A — for the information of members, the estimates of the Ministry of Attorney General — and, in this chamber, continued second reading on Bill 17.

**Hon. B. Penner:** I seek leave to introduce a petition.

**Mr. Speaker:** Proceed.

### Petitions

**Hon. B. Penner:** I have the honour to present a petition signed by residents of the West Kootenays concerned about proposed hunting regulation changes for bull elk, whitetail deer and mule deer.

### Orders of the Day

#### Second Reading of Bills

#### BILL 17 — CLEAN ENERGY ACT (continued)

**B. Ralston:** I rise to address Bill 17, entitled by the government drafters the Clean Energy Act. Once again, the contents of the bill have really nothing to do with the title of the bill — very reminiscent of the bill to implement the HST, which we debated not too long ago in this House.

[C. Trevena in the chair.]

Significant among the government's efforts in support of this bill is an effort to cast the Premier as the inheritor of the W.A.C. Bennett legacy. This can only be described as intellectual fraud of the highest kind, frankly.

[1005]

Yesterday in the House the Minister of Environment quoted very, very selectively a single excerpt from David Mitchell's book, *W.A.C. Bennett and the Rise of British Columbia*, and purported, by that one selective excerpt, to characterize the entire intellectual and political tradition of W.A.C. Bennett as it relates to the two-river policy and as it relates to the creation of B.C. Hydro. That effort was simply quite misleading and not accurate at all, in my judgment.

What happened.... I think this is significant when we come to consider the public utility, because this bill pro-

poses substantive changes to the way in which the public utility will do its business in the future.

Certainly with the 2007 energy plan, the government set out certain principles that they wanted B.C. Hydro to take into account when placing its long-term energy acquisition plan before the regulator — that is, the B.C. Utilities Commission. In 2009 the application for approval of the 2008 long-term acquisition plan was turned down by the B.C. Utilities Commission.

This legislation seeks, if I can put it this way, to fix the problem created by the regulator saying simply that B.C. Hydro had not proven the important aspects of the long-term acquisition plan that they'd put before the regulator in 2008.

It's important to place this in context about the creation of the public utility. This came about by act of this Legislature on August 1, 1961 — Bill 5, in a special session in the middle of the summer. The then Premier W.A.C. Bennett called the Legislature back and placed before the Legislature a bill to take a private utility, the principal private utility in the province, B.C. Electric, and expropriate it to make it a public utility. The plan, the legislation, was to move the private utility and make it a public asset.

Nothing could be further from what this government is doing, and intends to do, with this legislation — that is, to promote private power and diminish and weaken the public utility. To cast the Premier as the inheritor of that legacy of W.A.C. Bennett simply flies in the face of the facts of history.

This step was taken with considerable opposition — not the support of but considerable opposition — by the Vancouver business establishment, by the media of the day. Some of the excerpts that are in some of the history books about the comments that were made are quite illustrative of the public opposition of the business establishment of Vancouver to this step. Indeed, there was international comment on this.

This was very far from the kind of policy and ideology that we've seen from this government. To enhance and develop the public sector, to create a Crown corporation, to put it at the use of the public for the long-term industrial development of the province — that's the very opposite of what this government stands for and intends to do with this piece of legislation.

So the idea that by one selective excerpt, some cabinet minister on the other side might hope to convince the public.... The public relations effort the government seems to be engaged in to cast the Premier as the correct, the right or the just inheritor of the W.A.C. Bennett legacy is really laughable.

Some of the journals that opposed this were the *Sunday Telegraph*, which thought that Canada was "acquiring the financial reputation of one of the most unstable South American republics." *Barron's*, a leading national American business and financial weekly,

devoted an editorial, entitled "The Lust for Power," attacking the Bennett government for "reacting with a unanimity and speed of which a so-called people's republic might be proud," a view endorsed by the Portland *Oregonian*, which thought Fidel Castro "no more dictatorial than Premier Bennett in the expropriation field, though to call it expropriation is a courtesy, for confiscation is a better word."

[1010]

Certainly, this was a bold, decisive move in the very opposite direction from the one that this government is taking the public utility. It just can't be emphasized enough that this has nothing to do with the plans that this government has for the utility whatsoever.

It's probably not surprising that although Premier Bennett at the time did, in Bill 43, restrict the rights of unions, projects — the major projects that were built, the major construction projects that flowed from the two-river policy — were done with labour agreements and were built as union projects all the way through.

That's very different from what the plans of this government are. It was significant in the debate just yesterday that the member for Peace River North said:

"The opposition are fighting against projects like this. So when it comes to jobs, I'm thinking.... I don't understand. I don't know where their unions are at. They must be telling them in the back rooms, 'We want those jobs too,' but I guess, obviously, when it comes time to fight for those jobs, I'm going to be fighting harder for the non-union jobs. I have to tell you right now. Hopefully, we can fill them all up there, but I don't think we can."

The member for Peace River North, contrary to W.A.C. Bennett, contrary to the kind of comprehensive labour agreements that were entered into to build those major construction projects, is advocating that unions have no part in the construction of any future dams in the province, and particularly the proposed Site C dam. That's, again, a long way, a step in the exact opposite direction from the legacy of W.A.C. Bennett.

Clearly, this is an effort by the public relations arm of the government to paint the Premier in this light and to build on what is still a popular memory and a widely held view and a pride that people have in the public utility. Having a public utility is hardly revolutionary in the Canadian context. After all, Adam Beck did very much the same thing in Ontario in the 19th century. Nonetheless, it was a significant achievement that is being eroded and chipped away at, and that's one of the purposes of this bill that's before the House today.

That's regrettable indeed, and it will have long-term economic consequences for the province, long-term economic consequences for individual citizens, and as a public policy, it's very, very bad public policy.

But what does this bill attempt to do? It is a continuation of the debate and the opposition that the government felt it met from the public regulator, the Utilities Commission.

It's important, when we look at the bill, to bear in mind some of the statements that have been made by the Premier prior to coming to power, and I'll refer to those. My colleague from Juan de Fuca has referred to those in his speech on this bill. I think it's important to look at those statements again because they are, like many of the promises that were made by this government, convenient to say before an election but cast aside once in power.

If we look at section 7 of the bill, the authority.... This act, if it's passed, will exempt from scrutiny by the Utilities Commission approximately \$10 billion in projects. They're all set out in section 7: the northwest transmission line, Mica units 5 and 6, Revelstoke unit 6, Site C, a bioenergy phase call 2, a Clean Power Call, the standing offer program, the feed-in tariff program and any actions taken to comply with that, and smart meters as well.

Part of the reason why one has a regulator — and I'll turn to the comments of the Premier while in opposition momentarily....

[1015]

One of the reasons to have a utilities commission, to subject these kind of projects to utilities commission scrutiny, is that by having an open public debate with interveners, with cross-examination, public scrutiny and public debate, generally better decisions are arrived at and the public interest is protected.

What this bill proposes to do is to take the scrutiny of these projects behind the closed doors of the cabinet and to let the cabinet make the decisions about whether or not these projects should proceed and on what terms. We know from the history of the freedom-of-information process here that the ability of the public to get at the submissions, the discussion, the basis for the decision — indeed, the decision itself — will be very, very limited indeed.

That is not good public policy, and that is one of the main reasons why there's such widespread opposition to this particular aspect of this bill. Even very mainstream journals such as the *Vancouver Sun* in its editorial have attacked this decision in this legislation to exempt projects from scrutiny.

It goes beyond exempting that list of projects from scrutiny. In section 3 the bill requires the authority, as it's called, to submit to the minister an integrated resource plan, and there's a list of what's required to be included in that plan. But section 4, which is the approval and procurement section of that plan.... So the long-term plan is to come forward and to be prepared in that way. It's to be submitted to the minister.

Section 4(2) gives the Lieutenant-Governor-in-Council — that's the cabinet — the right to "exempt the authority from sections 45 to 47 of the Utilities Commission Act with respect to anything to be done under subsection (1) (b) (iii) of this section." In other

words, important aspects not only of these individual projects will be exempt for scrutiny, but the minister has the discretion to exempt the integrated resource plan from the scrutiny of the utility as well.

The minister referred to that in his comments introducing the bill as a good thing. It's not simply a one-time exemption for the list of projects and the energy calls that are set out in that section 7. It's a proposal to exempt the ongoing planning process if the cabinet decides to exempt it from B.C. Utilities Commission scrutiny as well. This is very contrary to what the Premier said while in opposition.

This will probably come as no surprise to members on this side of the House — and I'm sure for many members of the B.C. Liberal caucus it will come as no surprise either — but in November 2000 the then Leader of the Opposition said the following: "What we support is an open, honest, public review of all these projects." He's referring to energy projects when he said that. "And when they're successful, we'll know they're right for the province of British Columbia, that what we support is a government that actually starts to tell the truth to consumers."

He also said in the same speech: "It's critical that we restore the independence of the Utilities Commission to properly do its job on behalf of utilities and consumers alike without political interference. We intend to do that."

Very contrary to those professions of open public consultation and review by the Utilities Commission, this bill proposes to exempt \$10 billion in projects from the scrutiny of the Utilities Commission. Now, the minister says: "Oh well, they still have the right to review the rates." The only thing that they're entitled to do is to review the rates to make sure the rates are sufficient to carry out the program.

Indeed, section 7(3) says: "The commission must not exercise a power under the Utilities Commission Act in a way that would directly or indirectly prevent the authority from doing anything referred to in subsection (1)." Subsection (1) is the list of the \$10 billion projects.

[1020]

Just to be sure you can't interfere directly or indirectly... So virtually any action of the Utilities Commission that a proponent of a project might think indirectly impinges upon the ability of the authority to carry out these projects without public scrutiny could be challenged. It sets a very, very wide net to reduce any public scrutiny, direct or indirect, or perceived as direct or indirect. It's a remarkable piece of drafting, subsection (3).

I believe a colleague would like to make an introduction, so I'll give way on the floor briefly.

**J. Brar:** I seek leave to make an introduction.

Leave granted.

## Introductions by Members

**J. Brar:** Visiting us on the very last day of the session are 35 grade 5 students from Green Timbers Elementary School in Surrey — of course, their school falls in my riding Surrey-Fleetwood — the best school in Surrey. They're joined by their teacher Ms. Wendy Kaland.

There are ten other individuals who have come with them — volunteer parents and teachers. They are here today just to understand what happens in this building and what we do, and at that young age try to understand the functioning of the government. I would ask the members from both sides to please make them feel welcome.

## Debate Continued

**B. Ralston:** I want to quote the Premier further, once again, as Leader of the Opposition. He said in an article written to the *Vancouver Sun* in 2001 just before the election: "We will strengthen the B.C. Utilities Commission and put B.C. Hydro back under BCUC control. This will protect consumers."

That was then, and this is now. Let's look at what his own minister said in referring to the process, in justifying section 7 of the act that's in the bill that's before us: "These specific clean power procurement processes that provide the power to achieve self-sufficiency will not be put at risk or delayed. They will be exempt from costly and time-consuming reviews under the Utilities Commission Act."

So that was then, and this is now. What was once a requirement, a promise to protect the consumers in British Columbia by having the independent review of the Utilities Commission, is now a costly and time-consuming review under the Utilities Commission Act that has to be brushed aside. That's a direct quote from the minister in this House introducing this bill.

Look at those two statements. Does anyone sense that another promise was broken there? And the minister continued. These, again, are the minister's own words. Let's set them in context of what the Premier committed to as Leader of the Opposition in writing in the journal of record, the *Vancouver Sun*, immediately before the election in 2001.

I'm quoting from the minister:

"The act introduces a major change in the review and approval process for B.C. Hydro plans. Cabinet will approve or reject the integrated resource plan, rather than the Utilities Commission." That's the section 4. "If it chooses, cabinet may use its power to exempt specific projects, programs, contracts or expenditures in an integrated resource plan from further Utilities Commission review."

So the Premier, in writing: "We're going to make sure that these B.C. Hydro plans go before the Utilities Commission. It's important to have that independent and open review." Here's his own minister in this House

introducing this bill, saying that not only is that list of the \$10 billion in projects exempt, he is providing the justification or the explanation that this will be an on-going option — not for the utility but for the cabinet.

[1025]

Whenever they think, whenever there's pressure from an individual project.... One can well imagine — given that much of the effort in this bill is to create an artificial demand for IPP power — the situations that might arise where, as a result of political pressure placed privately upon members of the cabinet, a certain project might well be exempted, if this bill gives them the authority to do that.

Is it any wonder that the independent power project sector has donated over a million dollars to the B.C. Liberals over the last several years? Is it any wonder at all? And this pressure will continue.

This bill gives the cabinet the legal mechanisms to exempt any project of their choosing from scrutiny by the B.C. Utilities Commission. No reasons have to be given. The project would be scrutinized, if at all, behind closed doors. One wouldn't know. Freedom of information does not ordinarily extend, except in rare circumstances, to cabinet submissions and cabinet deliberations, so the whole process will evolve in secret, and that cannot be good public policy.

It isn't good public policy, and the consequences for the publicly owned utility and for the development of the hydro resources in this province in the long run are bad. They're going to get worse, and they'll continue to get worse as this piece of legislation comes into force.

The effort that W.A.C. Bennett made when he was establishing the utility was also a consideration of whether to proceed.... There was a debate at the time whether the Peace River project should be built privately or whether it should be built publicly. At the time that the bill was tabled back in 1961.... Again, this is a significant difference between the direction that this government is taking under this Premier and the direction that W.A.C. Bennett took at that time. Tabled with the bill back in 1961, in the special session in August, was a report on Columbia and Peace power projects.

That was a report of the British Columbia Energy Board, and Mr. Gordon Shrum — a renowned figure in, again, British Columbia history — was the chair of that board. What this report concluded, and this was significant for the future development of the Peace project and the Columbia River project, was that to develop the Peace River publicly would cost less. The report concluded on page 5: "The cost of Peace River power developed with private financing is significantly higher than that of Columbia River power with public financing."

There are some figures that the cost per mills per kilowatt was two-thirds of the cost of developing it privately. Not only was the private utility, B.C. Electric, taken over and moved into public hands.... One of the rationales for

it was that the report that was tabled at the same time said it would be cheaper for the taxpayers to do that publicly.

This is, of course, because of the well-known fact that public finance guaranteed by the province is significantly cheaper to borrow money at than private finance. The rates are.... In recent years the gap has become even wider, when we've seen the credit meltdown in the United States and throughout the world. It has touched public finance here as well.

Public finance can borrow at significantly lower rates, and therefore, since the single biggest cost of long-term power projects is capital, there are significant savings to be attained by borrowing publicly. This advantage was noted by the Premier of the time.

[1030]

Again, to suggest that somehow the policy direction that this government is taking under the Premier's leadership at this point has anything to do with the legacy of W.A.C. Bennett shows another very dramatic contrast. He was convinced, and rightly so, that public finance was the way to go. This direction and this bill give scope to further private finance.

The Minister of Environment suggested that somehow — and this is really a historical footnote — this direction was not supported, that the public power was not supported by the NDP at the time. The NDP had been calling, by my quick research, for a public takeover of B.C. Electric since 1943, some 17 or 18 years before. When the legislation came to a vote in the Legislature, according to Paddy Sherman's book *Bennett*, it passed unanimously. The NDP opposition joined with the government in supporting the creation of the public authority.

So the mythmaking fails on the other side once again. It runs smack into the irrefutable facts, but it never seems to stop them from trying.

There is much else to be discussed in this bill, but in the brief time that's afforded to me here, I don't have much time to go further.

The significant public policy deficiency of this bill is that under the guise of the notion of self-sufficiency, it creates an artificial internal market for independent power projects. There have been some very detailed analyses, but basically, B.C. Hydro is being required to acquire 3,000 megawatts of power as so-called insurance.

It's not entitled to consider the Canadian entitlement to downstream benefits. It's not entitled to consider the standby capacity of Burrard Thermal under any circumstances. Burrard Thermal was rarely, if ever, used, but as a theoretical fallback, it enabled B.C. Hydro to enter into the spot market and acquire hydroelectricity at substantially lower rates — at lower rates for the utility and, ultimately, lower rates for the hydro ratepayers.

All of those practices of B.C. Hydro, which are good policy, have been swept aside. The government tried, in its submission to the utility in 2009. That was rebuffed, so they've come back with the legislative hammer here

in order to create an artificial market for their private power friends and donors.

That's really what this bill is all about. "Let's get rid of the Utilities Commission, let's take it behind closed doors in the cabinet, and let's benefit our private power friends." That has absolutely nothing to do with the legacy of W.A.C. Bennett.

**Deputy Speaker:** Minister of Tourism, Sport and the Arts.

I apologize — Minister of Tourism, Culture and the Arts.

**Hon. K. Krueger:** Madam Speaker, I'd happily do sports too, but it's being well handled by one of my colleagues.

It always makes me smile when I hear the opposition speak to the wonderful legacy of W.A.C. Bennett. And it is a wonderful legacy. We feel all the time and always have that W.A.C. Bennett was an absolutely great Premier, did great things for British Columbia. I remember believing that when I was a very young man, and I have all through my life.

[1035]

The NDP were actually pretty hard on W.A.C. Bennett when he was Premier, and they certainly didn't have the warm words of praise that the opposition Finance critic just offered. I had already actually planned on talking a little bit about W.A.C. Bennett, probably throughout these remarks, and I thank the opposition Finance critic for leading the way in that.

I was listening to the opposition Finance critic praise W.A.C. Bennett for using public funds rather than embracing private partnerships for the legendary dam-building and infrastructure-building that he did.

I wonder if the Finance critic extends his logic a little further and thinks about how important it is to have a triple-A credit rating for the province of British Columbia and how much less expensive it is for British Columbians to finance big projects — and, indeed, keep on top of the public debt that was left for us by other governments — because we have a triple-A credit rating.

Therefore, it's why the financial underpinnings that British Columbia has enjoyed with the B.C. Liberal government and the dramatic turnaround in our economy and the financial position as a province have been enabled by our fiscal plan. It not only includes very sound financial principles.... One is to eliminate deficits as quickly as you possibly can and live within your means — even now, in times of unprecedented economic turmoil in our lifetimes, being able to meet our financial targets as we climb out of the deficit that the worldwide recession has imposed on us.

One of the things that we've been talking about a lot all through this spring session has been the way the decisions we make and the choices we make....

Interjection.

**Hon. K. Krueger:** The member for Powell River–Sunshine Coast brings up the HST. Yes, we made that decision because we believe it will create thousands and thousands — hundreds of thousands — of jobs for this province that otherwise would have gone to Ontario if they made the same move and we didn't.

I find it tremendously offensive that the Finance critic and many of his colleagues suggest that public-private partnerships have to do with political fundraising. It is categorically false. But we know that the NDP — this is obviously no secret; they'd never deny it — is principally funded by the trade union movement and very much operates at the beck and call of the B.C. Federation of Labour and always has.

They certainly did that in the ten years that they were most recently government, at which time Premier Glen Clark at one time referred to the then B.C. Federation of Labour president, Ken Georgetti, as the 19th cabinet minister. Nobody laughed, because it was true. He had never been elected. He wasn't in cabinet, but he could, I am confident, have vetoed any legislation that the NDP government proposed in ten years, and he probably did.

The results, very much, of NDP policy — what was rolled out, what was legislated, how dismally it failed — all had a whole lot to do with the influence...

Interjections.

**Deputy Speaker:** Members, will you let the minister continue.

**Hon. K. Krueger:** ...very much to do with the funding that the NDP constantly received. Government conveniently provides the union share of their funds direct to the unions by a transfer from payroll, and the unions very much write the NDP playbook.

I can tell the member opposite — and any member of our government could — that in no way are we susceptible to people buying the ability to influence legislation because they have been donors. Chances are they haven't even told us that they are donors. But it's the same old negativity....

Interjections.

**Deputy Speaker:** Minister, one moment. Continue, Minister.

**Hon. K. Krueger:** Negative, destructive and pessimistic — that's what the three letters stand for, and that's what we hear day in and day out.

I am shocked if members opposite actually don't think it'd be a wonderful thing for British Columbia to be

known as the energy province, for British Columbia to be fully self-sufficient in energy and to be in a position of providing for the social services that we all know British Columbians want us to provide from the wealth that can be generated through energy creation in this province.

[1040]

I wonder if there's a member opposite that is proud of the fact that there was no generating capacity built in this province while the NDP were government for ten of the best years that the North American economy had. In fact, far from running surpluses, as some of them seem to believe that government did, the debt did double during the 1990s and left British Columbians servicing that debt. Although we should have been the wealthiest jurisdiction in North America, the NDP made British Columbia a welfare case, and we had to have transfers from the federal government.

I'd like to talk about independent power production. The position of the NDP is very eclectic on independent power production. Clearly, they were pretty much unanimously opposed to IPPs before and during the 2009 election. After the 2009 election — which the NDP, of course, lost — I'm quite certain that I heard their leader say that IPPs aren't such a bad idea after all. Now it seems to be back and forth, back and forth. Some are in favour; some are against.

The Finance critic himself, moments ago, seemed to be repudiating any notion of involving the private sector in funding power production.

Interjection.

**Hon. K. Krueger:** The member for Powell River–Sunshine Coast from Sechelt is presently protesting. I think he's saying that they originated IPPs. Is that what he said? It's hard to understand him clearly. Besides, his position may well change before these remarks are over and is almost certain to within the next few days.

I toured an independent power production in a place called Grasmere in the traditional territory of my colleague to my right, the Minister of Community and Rural Development. It's at a place called McDonald Ranch and Lumber. It's a little creek that spills down the side of a mountain, and when it hits the bottom of the mountain right behind Mr. McDonald's home, his ranch, it becomes a merry little stream that heads off, probably, to Montana.

He built a very small dam high up on that mountain, and he held the water back in a small pool, which is enough to fill the head of his pipe, and his pipe drops down the mountain. It's now covered over with foliage. There's what looks like a machine Quonset hut at the bottom of the mountain, and there's one big turbine spinning there and electrical boxes over all the walls.

That little creek generates enough power to run his ranch, his neighbours' ranches, his sawmill, planer

mills, and to sell power into the grid. When I toured it, I thought: "What a genius to have conceived this and built it and to now be fuelling British Columbia's economy for many decades, probably centuries, to come."

That's a very small IPP. There are much larger ones. I think the opposition is pretty much opposed to all of them. But they're all contributing electricity to the grid, or they're at least supplying their immediate locale.

When we had the wildfires in 2003 and they cut off the hydro lines to the North Thompson Valley, the first electricity restored to the valley was from two IPPs in the Robson Valley. I can tell you that my constituents — they were then my constituents; now there's a different member for Kamloops–North Thompson — were very grateful for the power and certainly not at all reluctant to accept power that came from an IPP.

It is kind of bewildering to follow what the NDP's position actually is on IPPs. How can the Finance critic speak so strongly against private sector involvement when the leader has said that IPPs may be a good idea after all? It's hard to follow that.

There's an interesting quote that I saw from the Leader of the Opposition which perhaps encapsulates what's going on in that caucus on positions on policy. She said, on February 15, 2007, on *Voice of B.C.*, talking about a position on Site C.... She had been asked if she'd be taking a position on it before the 2009 election.

She said: "It could be the next election. It could be before then. As we go through issues, you see that sometimes we do come out with positions ahead of time." Well, there you go. Sometimes they come out with positions after the fact, and many times they reverse themselves on positions, if they ever can agree on a position consistently for any time at all.

[1045]

Anyway, let the record show — and I think it does — that this caucus, this government, is very much in favour of partnering with the private sector when it is to the betterment of British Columbians.

Our approaches work really well. Every public-private partnership that we've entered into — and there have been many — has seen completion on budget, and many of them ahead of time, and they are providing benefits to all British Columbians.

The economy is responding very well to our approaches. Currently there are 896 major construction projects planned or underway across the province. Their value has reached an all-time high of \$191.1 billion, with the number of proposed projects in the pipeline also topping the charts at 547 projects.

I think British Columbians tend to measure by results. I know that we do on this side of the House. If it works and it's good for British Columbia, it's an approach that we'll probably keep on using when we think it's the right thing to do.

W.A.C. Bennett being revered in this House by the opposition Finance critic, almost spoken about by the NDP as their founder in recent years — I've been really amused to see that. I'm sure he's amused by it.

There's this expression about people rolling over in their graves. I don't believe that he's rolling over in his grave. I believe he's smiling down from heaven on us and thinking about how the NDP used to ridicule him, regale him, repudiate everything he said. He would respond that the NDP couldn't run a peanut stand and that the people of British Columbia should beware of the socialist hordes and should make sure that they never split the non-NDP vote.

He would repeatedly refer to the NDP as the socialist horde and talk about the disastrous consequences should they ever be elected. Of course, they've proven him right in the two times that they've been government. So he must get a chuckle out of the warm praise that he receives these days.

I'd like to know what the NDP plan is for electricity. We've had a number of them get up and talk as though running short of your actual needs in British Columbia is not a problem, not something anybody should worry about. "We can import power," even though they know that the power that gets imported is dirty power fuelled by coal plants in Alberta and in Washington. Apparently, that's okay with them.

Doesn't the NDP think it's a worthy goal for British Columbia to be a global leader in clean energy production? So there's new policy coming across the floor right now.

Interjections.

**Deputy Speaker:** Order, Members.

One moment, Members. It may be the last day, but the minister has every right to express his views, so please allow him to continue.

**Hon. K. Krueger:** Actually, it's useful, because I hadn't really planned on being the first to recognize new policy, which was just announced right across the NDP benches. They all started shouting, "Stop selling coal," so let the coal industry of British Columbia be on notice. We were just illuminated on a new piece in the NDP platform, a new major plank.

Thousands of people in British Columbia make their living because of the production of coal. We have some of the best coking coal, best steelmaking coal, in the world.

Interjections.

**Deputy Speaker:** Minister.

**Hon. K. Krueger:** We choose not to allow coal-fired electricity in British Columbia. That's a policy decision

we made. The industry didn't like it, but of course, they accept it. We won't allow it here. We don't want to import power that's created by burning coal, but we have to at the present because it's one of the many deficits that the NDP government left to British Columbians — 15 percent short, on average, on the energy production within British Columbia. So we have to import.

Because of the genius of the people who work for B.C. Hydro and Powerex, we are still able to make money on electricity. I know that the members opposite have tried to take credit for that — the fact that because of W.A.C. Bennett's wonderful legacy of hydroelectricity, we can create our power when the price is high. We can buy other people's power when the price is low, and that's what we do.

Just yesterday in this House members opposite were ridiculing the government and the proponents.

Interjections.

**Hon. K. Krueger:** They're saying, "Yup," and the member from Columbia-Revelstoke-Victoria is pounding his desk. I'm puzzled by the member leasing his home in Golden, as I've heard he's done, and buying a house in Victoria, but I think of him as the member for...

**Deputy Speaker:** Minister.

**Hon. K. Krueger:** ...Columbia River-Revelstoke-Victoria now.

[1050]

**Deputy Speaker:** Minister, would you please apologize?

**Hon. K. Krueger:** I beg your pardon? I couldn't hear you, Madam Speaker.

**Deputy Speaker:** I don't think that's appropriate, Minister. It's got no relevance to the debate. Would you please...?

**Hon. K. Krueger:** All right, I'll withdraw. Thank you, Madam Speaker.

Ridiculing the proponents of the Forrest Kerr project, which is a project near the Galore Creek potential mine site.... The proponents include the Tahltan First Nation. There they were yesterday, ridiculing that independent power production project.

I remember when a number of our members flew up to the Site C announcement recently. The member for Juan de Fuca stood up in this House and said, "Why did you fly ministers up to Hudson Hope for an announcement? Why didn't you just announce from here in Victoria, like we do everything else?"

Well, we never did — those of us who live out in the Interior and choose to stay there — think it was good

that everything was done here in Victoria. We think that the good news, the economic activity, all of the government's programs should apply right out across the province and benefit all British Columbians. So we think it's a wonderful thing that the Tahltan are bringing on....

Interjections.

**Deputy Speaker:** Minister, take your seat for one moment.

Members, this is a debate about Bill 17. There is no need for either side to become personal. It's an opportunity to discuss policy, and I would hope that both sides remember that even though it's end of session, they have a responsibility to act with decorum and respect for one another.

Minister, please proceed, and will the members please allow the minister to proceed, as they were allowed to discuss their views earlier on.

**Hon. K. Krueger:** Thank you, hon. Chair.

I think it's a wonderful thing that the Tahltan are included in the proponents of the Forrest Kerr project, and I think it's great if there are announcements all around British Columbia that are good-news announcements, as there have been throughout the coming on ten years now that the B.C. Liberals have formed government.

I'm really puzzled why the NDP would ridicule the Forrest Kerr project. It's a wonderful economic activity for a part of the province that has sometimes been starved for that; beneficial to the Tahltan people, who are very entrepreneurial and partner with the private sector very happily and very naturally, big players in the Galore project.

The failure to embrace the private sector, to create partnerships, helps account for the failure of the NDP regime of the '90s, where there wasn't new electricity capacity. There was a shipwrecked economy. To hear them jeer and deride the Tahltan's independent power production now, I can hear the mocking voices of the NDP past against W.A.C. Bennett.

It's not hard at all to imagine that they bayed and shouted at him in this chamber the same way they're doing at me right now, and now they praise him as a patriarch. They were opposed to IPPs. They were opposed to carbon tax. The day after the election they apparently weren't anymore. That was a very quick change of direction, and I'm sure we'll see changes of direction on the Clean Energy Act and changes of direction on HST as well, because that's very much the way of this opposition, that party — the NDP.

It's always been their way to deride the government of the day, no matter what, no matter how great its accomplishments. But later, all of a sudden, W.A.C. Bennett is someone they can praise too, and they

readily do. Policies of ours that were supposed to be anathema up until May 12, 2009, suddenly were okay the next day.

It's a long time now since W.A.C. Bennett was Premier, but they are considered glory years by many British Columbians, and the 1972 to '75 and 1991 to 2001 years aren't considered glory years by anybody.

I've said before that Dave Barrett accomplished two very major positive things, in my mind, in those three short years that he was Premier. One was ICBC. One was the agricultural land reserve. Not perfect, but pretty significant. I honestly cannot think of a good thing the NDP have done since those, and they certainly had a long crack at it in the '90s.

[1055]

The Finance critic also yesterday said that the government's energy production policy used to support British Columbians. He was saying that during the question period debate, if you can call it that, about the Forrest Kerr project.

I want to submit to him: he should go up there, and he should talk to the Tahltan, who are British Columbians and very entrepreneurial. They could teach him some things about independent power production and why the NDP shouldn't oppose it and promote the import of dirty, coal-fired electricity from other jurisdictions instead of IPPs.

I'd challenge the members, those of the opposition who haven't made their remarks yet to this bill, to get up and enumerate the things they consider to be accomplishments of the 13 years of NDP government that British Columbia has had, other than the two that I just mentioned.

The history has been beggaring of the economy, leaving us with deficits — from roadbuilding to electricity production to, obviously, financial to not having enough doctors, not having enough nurses, having cut back in the numbers being educated. You'd think they'd be a little shy to stand up and speak against independent power production and things that are working very well in British Columbia, let alone when First Nations are bringing on an independent power production project.

It's been interesting to see this opposition waste a full month of the spring session debating against a bill that abolished the provincial sales tax, continually talking about hoping that they will enhance their chances of election in 2013 and hoping, of all the absurd things, to be in a partnership with Bill Vander Zalm, once a person they derided also.

Clearly, they'd like to split the non-NDP vote. That's how we got Premier Mike Harcourt, with 39 percent of the electorate. That's how he was elected — by splitting the non-NDP vote. That's how we got Premier Glen Clark, 39 percent of the vote — by splitting the non-NDP vote.

**Deputy Speaker:** Minister, if I might remind you, we are discussing Bill 17.

**Hon. K. Krueger:** Thank you, Madam Speaker. We are indeed, but a lot of latitude has been....

Interjections.

**Deputy Speaker:** I would like again to remind members that other members have the right to express their opinions without personal attacks.

Bill 17, Minister.

**Hon. K. Krueger:** I don't mean to stray from the topic too far. A lot of latitude has been allowed throughout in invoking the memory of W.A.C. Bennett. I'm obviously responding to that, but I'll try not to do it too much.

My point is that the NDP opposed independent power production leading up to the 2009 election — and lost — and then officially reversed that position but now, obviously, still are negative to independent power production. Some of them said: "We're not going to oppose it anymore." Some, clearly, still are. Some did yesterday.

They continually introduce this allegation that IPP developers get their way because of political donations, when in fact everybody knows how the NDP are funded and that they did operate on that principle. Now, obviously, invoking this partnership with a disgraced ex-Premier, they're hoping to elect themselves again on the basis of 39 percent of the vote.

It'd be nice if they left the lines in the sand where they are. If they're opposed to IPPs, fine. That's what they said, and people voted against it. Now they are, and they aren't. Some of them are, and some of them aren't. Or maybe they all are some of the time, and they all aren't some of the time. It's really hard to tell, and they're in league with a guy who was famous for that.

In fact, my colleague Claude Richmond, who was in this House for two terms of government with me and had been when he was a Socred cabinet minister as well, said that they had to listen to the radio each morning to find out from Premier Vander Zalm, of the time, who loved to be on the radio, what their policy was that day, because it changed that often.

[1100]

In any event, the B.C. Liberals think it's a worthy goal. It is our goal to have British Columbia as the world leader in clean, renewable energy solutions. That's what Bill 17, the Clean Energy Act, is all about. We think that it will cement our position as a global leader, and we'll continue to build on it, because the potential around this province is huge, if you can raise the capital to build the generating capacity.

We remain committed to our goal of electricity self-sufficiency by 2016. The path to that goal, to attaining it,

will be through this act. Demand for electricity in British Columbia is expected to grow by as much as 40 percent over the next 20 years, and we all heard the prediction of the growth of our population just this past week.

We want to make sure we can service our economy, service our population ourselves with electricity generated within our borders from secure, clean sources of supply, meeting the demand and having the updated infrastructure that we didn't inherit when we became government to reliably deliver that electricity to homes and businesses throughout British Columbia. Obviously, businesses know that we're going to deliver on that, because they're currently building \$191.1 billion worth of projects.

British Columbia's energy objective is to generate at least 93 percent of the electricity in this province from clean or renewable resources and to build the infrastructure necessary to transmit it. We're going to meet the ambitious target with B.C. Hydro as our pre-eminent service delivery agent — the target of meeting 66 percent of incremental demand for electricity through demand-side management measures, which include conservation and energy efficiency. Our target for that is 2020. That is an increase from the former target of 50 percent.

The act will help the province reduce greenhouse gas emissions in B.C. by 33 percent less than the level of 2007 emissions. Our goal is 2020 for that as well. This act provides B.C. Hydro and other utilities the tools to offer programs and incentives allowing consumers to use energy more wisely.

I think I've heard members opposite ridiculing the smart meter approach. Why wouldn't we want to let British Columbians know how much power they're using at what time and how much it's costing them? The rates do and should vary throughout the day. Why wouldn't we want to do that?

When I was Minister of Community and Rural Development, I had people writing me enraged that their community had applied for an infrastructure grant to pay for water metering. They wanted me to somehow make their election of that city council in the year before null and void and fire their administrator to boot because they didn't want water meters.

There's only one reason not to want water meters or not to want electric meters, and that is to not have to pay your way if you are using more than the average person around you. That is a wasteful practice and a totally unacceptable practice. Smart meters are going to be a wonderful addition for those electricity users in this province that are using it responsibly, and I'm tremendously proud of the fact that we're going ahead with that.

We want to be the leaders in electricity self-sufficiency. We want to be the leaders in job creation. We want to be the leaders in greenhouse gas reduction, and we want to be

the leaders in unprecedented investments in clean, renewable energy across the province. This piece of legislation sets out the path by which we're going to get there.

[L. Reid in the chair.]

PricewaterhouseCoopers reported in February that independent power producers, IPPs, could grow British Columbia's economy by as much as \$9 billion by 2020. The construction of those projects could support 87,000 person-years of employment over the next decade and more than 9,100 full-time, ongoing jobs for their operation and maintenance.

What's wrong with that? I ask the members opposite. I ask the NDP: why are you opposed to the things that we're putting in place with this legislation — to the job creation and electricity production that is going to be produced as a result?

B.C. Utilities Commission will continue to regulate B.C. Hydro's domestic supply and rates. It will also continue to regulate the safety and reliability of the B.C. Hydro system as well as regulate operating, management and administrative costs and handling complaints from ratepayers regarding B.C. Hydro's service.

Madam Speaker, I see that my time has run out. I thank you for it. I'm certainly in support of the Clean Energy Act.

[1105]

**Deputy Speaker:** May I introduce the member for Surrey-Fleetwood, who seeks leave to make an introduction.

Leave granted.

### Introductions by Members

**J. Brar:** I would like to welcome 35 grade 5 students from the Green Timbers Elementary School. This is the second group visiting us today, and they are accompanied by their teacher Ms. Wendy Kaland.

There are ten other adults with them — volunteers, teachers and parents. They're here today just to watch what goes on in this building and how we debate very important issues for the people of British Columbia. I will ask the members from both sides to please make them feel welcome.

### Debate Continued

**A. Dix:** I think it's fair to say that in recent times in B.C. legislative history we've rarely had the opportunity to get up after such a tedious and irrelevant speech on a piece of legislation.

This is a piece of legislation that specifically strips the B.C. Utilities Commission from having the right to

oversee projects put forward by the government. That's the purpose of the legislation: to take away accountability. The Minister of Culture — I think that's what he is — gets up and gives a speech that talks about everything else but — doesn't defend it; doesn't justify it; doesn't justify the fact that it's breaking a promise that the B.C. Liberal Party made eight years ago and repeated as recently as six months ago, that they broke their word.

He doesn't talk about any of that, and then he proceeds to make personal attacks on members of the opposition which, by the way, are personal attacks about, presumably, owning property in Victoria that more properly apply to members of his own caucus. That's what he talks about because he has no defence for this legislation, which is an attack on democracy in British Columbia. That's what it is. It is outrageous.

Then he says, in the context of discussing aboriginal issues.... He asks us to name one thing that the NDP did in its time in office. Well, let me name one thing, and let me talk about the role of that government. We passed and implemented the Nisga'a treaty.

Members of that government took it to court. Their views were thrown out in court. It was a disgraceful lawsuit. They proceeded with a disgraceful referendum, and it is outrageous for the Minister of Culture to try to raise, in the context of aboriginal issues, that question.

It is outrageous. It was an unfortunate display by the government, which had no defence for this legislation, no defence for this attack on oversight in British Columbia. All they have left in the end is to resort to sort of the basest of personal attacks. That's all they have left.

This is a government that on every issue they put forward before the last election has broken faith with the voters. They've got nothing else left, and that speech exemplifies the spirit of a government that's out of ideas and out of gas.

I'm proud to speak in opposition to Bill 17, what they call the Clean Energy Act. You know, we've had some names of bills. My colleague from Surrey-Whalley referred to Bill 9, the Consumption Tax Rebate and Transition Act. What was that? That was the act to implement the HST. That was its purpose. That's what they called it.

We recall Fair PharmaCare, which stripped PharmaCare protection from many seniors and reduced it for many seniors. What they did they call it? They called it Fair PharmaCare. This bill, which takes away from the right of the public to have information about billions of dollars in expenditures that they're putting forward, is called the Clean Energy Act. The only thing not working right, presumably....

It shows, I think, the extent of the misdirection that this government has engaged in on the key issues facing British Columbia today. This is also, I suggest, a rejection of the legacies of governments dating back 70 years in British Columbia. It's a rejection of the policies of

John Hart, a Liberal; of W.A.C. Bennett; of Dave Barrett; even of Bill Bennett. You have a piece of legislation here today that says not that B.C. is not for sale, which is what Bill Bennett said in the 1980s, but that B.C. is for sale.

[1110]

We are going to strip from British Columbians the right to even know any information when B.C.'s interests are sold out. That's what it's come to in British Columbia. You will recall the speech of the Minister of Environment yesterday. We talk about misdirection when he suggests, in spite of the fact that the CCF had long called for the nationalization of hydroelectric resources in British Columbia, that we were somehow opposed to the bill put forward in the Legislature — a bill passed 50-0.

The Minister of Environment gets up in a speech and says: "Oh, you were opposed to that." We know who was opposed to it — the same interests this government is promoting today. Those same interests.

What did the Canadian Chamber of Commerce say about it? They called it the most socialized society in Canada.

The *Oregonian*: "Fidel Castro was no more dictatorial than Premier Bennett in the expropriation appeal, though to call it expropriation is a courtesy, for 'confiscation' is a better word."

What about the Investment Dealers Association, which responded with invective to those efforts to build British Columbia — efforts that were supported unanimously in this Legislature, efforts that were promoted by the CCF-NDP for decades prior to that legislation being brought into place?

Yes, sometimes we win victory for our ideas even in opposition. We should be proud of those victories and the legacies they have for Canada, which include medicare and public education and public universities. You bet we're proud of that legacy, hon. Speaker.

Now, I think this piece of legislation, which has for primary purpose, as stated, to overturn scrutiny of the government's actions.... The government says there's a debate to be had about independent power producers in British Columbia, about how we will deal with energy needs in the future.

I think there is a debate to be had on this issue, but this legislation's principal purpose isn't about that — although it advances the interests of private interests over the public interests. It's not principally about that. It's taking away from government the obligation to provide any defence for what they're doing.

What the government has done here.... This must be particularly galling, given the robust debate we've had historically in British Columbia on these questions and how central they've been to the economic development of the province, that the government would seek at this time, contrary to what they have always said, to take away that very debate, to sign — we heard about yester-

day — 60-year contracts to bind generations long into the future.

A discredited government completely out of ideas wins an election based on promises that it had no intention of keeping and is binding this province and future generations for 60 years. Their purpose in this legislation is to say that we are not allowed to see that we're going to be paying more to banks than we should be paying to banks.

We're not allowed to see that we're going to be paying and subsidizing energy consumers in the United States. We're not allowed to see the excessive profits made, which could be going back to the people of British Columbia and instead are going outside of the province.

Not only do we not have a debate about those profits, not only do we not have a debate about those projects; we're not allowed to see the basic information. Only the members of the cabinet, of whatever political stripe, are allowed to see that information. This is the principle of this legislation, and it is wrong. It is not wrong because I say it's wrong. It's wrong because they said it's wrong too.

What we have here.... Let's go down the list of what the government has done in the legislation — \$1 billion for smart meters, and they take away any obligation to explain the business case. As I say, the undermining of oversight, the removal of accountability and transparency from the process, the forcing and the protecting of certain private interests, the forcing of the public utility to subsidize for export risks that the private sector will not take on its own....

We have to subsidize the private sector, according to this legislation. We have to subsidize contributors to the B.C. Liberal government. We have to subsidize them as a result of this legislation, and they want this legislation passed without even a debate at committee stage. They want this legislation passed without even that debate. They don't want to debate now, and they don't want to debate ever again outside of the cabinet room.

[1115]

One can only imagine the quality of the debates in that room. The Premier says something. Everyone else says: "Yes, sir. We move on to item 2." That's the quality of debate in the cabinet room for the last eight years. We had a little glimpse of that, you know, during open cabinet sessions, but that's another promise that went the way of the dodo bird at some point. That's the sole debate that they would like to see. That is why we are opposed to this legislation.

If the government truly believed what they said, truly believed in their own energy plan, they would not be introducing this legislation. They would be facing the test at the B.C. Utilities Commission and facing the test of public debate. They would put those contracts on display and say: "We're proud of them."

They would not be trying to carry out energy policy in the dark, and that is precisely what this legislation does.

It is its intent. It's its sole intent, and the government, which had long lauded and long made the B.C. Utilities Commission a centrepiece of its energy policy, has now abandoned those principles, because they want to get what they want, and they don't want to have to show it's in the public interest. It's not in the public interest.

You know, the full test that it's not in the public interest isn't all of the evidence put forward by public interest advocates, although it's substantial. The proof that it's not in the public interest is that they don't want to have a debate about the public interest. They don't want to have to defend these projects.

This is public money. This is our money. This is our legacy, and they don't want to have a debate about it. It is shocking. It is a shocking piece of legislation. It undermines their case for their energy plan, which they should be able to proudly put forward and defend and seem to want not to do.

So what do we have? What can we say about the specifics of the legislation? Well, yes, as I said, it strips the BCUC of power and authority.

Let's say what the Premier has said in the past, because I think it's telling. In 2001: "Restore an independent BCUC to re-regulate B.C. Hydro's electricity rates. You shouldn't have to pay higher than necessary electricity or auto insurance rates because government wants to play politics with B.C. Hydro or ICBC. You should be confident that government will protect your interests." Well, that is from a government that has seen the largest increase in hydro rates in our history. But I digress, hon. Speaker.

What did the Premier say? He said: "What we support is an open, honest, public review of all these projects, and when they are successful, we will know they're right for the province of B.C., that what we support is a government that actually starts to tell the truth to consumers." That's what he said. "We will defend and strengthen the B.C. Utilities Commission and put B.C. Hydro under BCUC control." Who said that?

Then we had the Minister of Environment. You should hear his comments about the BCUC. He referred to, I believe, the rate freeze in the 1990s as "a plot to overtake the independence of the commission," and then he supports legislation that savages the independence of the commission, which renders useless the commission, which makes it a waste of time to have a commission, almost. That's what they've done here.

They've said that the commission isn't allowed to review these projects — \$10 billion worth of projects. It's not allowed to review them. "Oh, they're good projects, but they're not good enough to face BCUC review." That's what they're saying.

I think, in truth, that some of these projects are good projects. I'm sure some of these projects are good projects, and they could face the test of the Utilities Commission. Who doesn't want to face the test of the Utilities

Commission? Not B.C. Hydro, not on Mica. They'd be happy to face the test of the Utilities Commission. It's not a problem. Heck, it's happening. They're not afraid of it. They're not afraid of those projects. It is, in fact, the friends of the government who are afraid of that.

You know, this is why it is sad and pathetic that this piece of legislation is the only piece of legislation — there haven't been that many this session; there have only been, I think, 20 pieces of legislation approximately — to have its own ad campaign, millions of dollars spent. At a time when they're cutting dental services to low-income children, we've got a multi-million-dollar ad campaign to promote the project and to link it to the legacy of W.A.C. Bennett.

Well, what happened in the Peace? What did Gordon Shrum decide and advise Premier Bennett? What led to the nationalization of those resources?

[1120]

What led to it were evidence-based reports that showed that public ownership would be less expensive than private ownership. They had reports that showed that the Peace projects would be more expensive than the Columbia projects if they were privately financed. They were, in fact, uneconomic if they were privately financed, so W.A.C. Bennett adopted, as a result, the position — it wasn't the NDP at the time — of the CCF for the nationalization of the resource to further the economic development goals of the province.

The key issue for him was the cost of money and the cost of financing, which was critical to the success of the project — being able to offer the resource at a price people would buy the resource. That's what he was doing. We were doing the opposite. We are subsidizing people borrowing money at 12 percent — contributors to the government, I might add. We are contributing and subsidizing some money directly from the ratepayers and the taxpayers of British Columbia to those banks for those projects. This is the opposite.

This is a repudiation of the Bennett decision and the Bennett legacy. If W.A.C. Bennett was following the position of this government, he would have gone massively into debt to subsidize private industry to build those projects, and they wouldn't have been a good deal for British Columbia. He was smarter than that, and this government is using his legacy and selling it off to bankers and to private interests who won't, aren't and will never be prepared to take the risk on those projects that they expect the taxpayers of British Columbia to take without oversight.

Those issues around interest rates — why it makes sense for B.C. Hydro to subsidize high interest costs for private producers — could be discussed at the BCUC, but they won't be in this case. They won't be in this case because the government doesn't want that oversight. Hon. Speaker, this is cover-up as public policy. That's what this is. It is cover-up as public policy.

Now, what generated this? We are talking about generation. This is about the BCUC. They decided.... They are mandated to accept the government's energy plans. They are mandated, but they also have to review them based on criteria the government, in many respects, has set itself. On July 29, 2009, they rejected the government's plan. They rejected the government's plan for a series of reasons. The commission ruled:

"B.C. Hydro has not adequately addressed the self-sufficiency obligation established by the B.C. government. B.C. Hydro's plans for demand-side measures, the effort to reduce demand by increasing efficiency, were not supported by analysis. They rejected B.C. Hydro's plan to reduce its reliance on energy from the Burrard Thermal unit for planning purposes, and the commission did not endorse a specific target amount of electricity for the 2008 clean power call, the process through which B.C. Hydro acquires new power from private producers."

They were not rejecting the government's direction, because they can't. They were reviewing it, and they said the government hasn't met the public interest test here, that they haven't provided adequate information. What is the government's response to that?

People who are watching this might ask, and my colleagues might ask: what would your response be? Would your response be to work harder and provide the information, No. 1? Would that be your response? Would your response be to take a second look at your plans which are not in the public interest and maybe change them? That's an option, so you could work harder and actually meet the demands of the commission, which isn't so hard. They've got a few people still working over at B.C. Hydro that aren't working for Accenture. They could have done that.

(1) They could have worked harder and met the legal test that they had. That's what they could have done.

(2) They could have changed their plans and brought them into conformity with the public interest. They could have done that. So they could have changed their plans, which were clearly not in the public interest, consistent with what the Premier said he would do in his relationship to the BCUC. That's what they could do.

(3) And this is where we are: "We don't want to prove our case. We don't want to provide information to the public. We don't want to meet the public interest test. We don't want to show why this sellout of the public interest is, in fact, in the public interest. We would prefer not to do that."

[1125]

That third option is what we have here: "Let's strip the BCUC of its authority altogether. We don't like it. We're preparing to do the most important cut to children's programs in history. We get rid of the Children's Commission. We put forward this energy plan, which breaks faith with the history of British Columbia and sells off our energy resources, and we don't want the regulator there. We don't want the consequences seen. We don't want to have to defend our position. We don't want to explain."

We have this massive plan, and they do not want to justify that plan. It is shameful.

The B.C. commission decision on July 29 clearly provoked this legislation, and it's an example of what happens when people attempt to follow the law. The government says: "Well, we'll change the law." That's what we're facing here. "If someone wants to actually review what we're doing, we'll get rid of oversight." It is a shocking and arrogant indictment of a government out of control.

Hon. Speaker, when W.A.C. Bennett had his building project for economic development, particularly in the Peace and the Columbia, in the north, there was an expression that was popular in provincial jurisdiction. It was *maitres chez nous*. We have to be masters in our own house. It's French. We've moved from that to giving that away.

What we have here, frankly, is an effort to cross-subsidize private power interests with public power. That is what we have. We have an effort to cross-subsidize and, in effect, force B.C. Hydro, in many cases, to sell that power at a loss to U.S. consumers, without public rationale.

The key to this is a notion that the government talks about, which is self-sufficiency, but it is a twisted debate because no rational person looking at the interests of British Columbians would refer to self-sufficiency without talking about the downstream benefits, which have a power value higher than Site C. You wouldn't talk about the downstream....

In this, specifically, the government is deciding not to count the downstream benefits, which we can take back to meet our energy demands in B.C. if we wanted to. It's a complicated question as to whether we should, but we could do that. It fulfils our self-sufficiency mandate. They don't count it, because they want to justify their actions. They want to justify subsidizing their political friends.

They don't count Burrard Thermal. They don't count it. On top of that, they arbitrarily add an export component — 3,000 gigawatts. They force B.C. Hydro to go beyond this notion of self-sufficiency, which doesn't include substantial public resources, to buy more power from IPPs, which they will then sell on the American market at a loss.

That's essentially their plan: a massive public subsidy to two groups, the IPPs themselves and the banks, those that finance the IPPs — whether it be big corporations or the banks, corporations such as GE, which are charging, effectively, very high interest rates for the purpose and making an enormous return on the taxpayers' dime at no risk.

The government has simply never explained. Now, based on this legislation, they'll never have to do it before the B.C. Utilities Commission as well. They have never explained why taxpayers should take on this risk of selling power into the United States — power that is clearly more expensive on average and dramatically more expensive than the price we will be able to receive in return. We have to take that loss.

They've insulated — we don't know how; we'd like to find out — certain large users of electricity from the ef-

fects of that, so all of that effect will be borne by two groups: the taxpayers, who are going to see a write-down on their assets, on the one hand, and who will also pay more for electricity, on the other hand, to subsidize this venture which has no public policy purpose in British Columbia.

Why should the government of British Columbia be a broker in this way? In fact, the government is repudiating the old policy. As the member for Juan de Fuca has so eloquently said, in 2003 they set up a B.C. Transmission Corporation which was supposed to change that. It was supposed to level the playing field. They did it entirely for the IPPs. They created the B.C. Transmission Corporation in 2003. This is specifically in the legislation.

[1130]

They created it in 2003. Oh, you should hear the speeches. I don't have time to tell you about the speeches from the government side in 2003: "The most important thing we can do for the economy." It was the first most important thing we could do for the economy. The HST is only the most recent most important thing we can do for the economy.

I have a litany of most important things. In 2003 they create the B.C. Transmission Corporation. They pay for multiple boards. They go out and they get new office space, millions of dollars of office space, fancy chairs, the whole thing — \$45 million, according to Will McMartin, and he was just counting....

Interjection.

**A. Dix:** It's \$65 million, my colleague says — \$65 million, according to Mr. McMartin. He says the B.C. Liberals owe us a \$65 million apology, and that's really just for the real estate and executive costs.

Now, seven years later, it's gone. It's coming back in. They wasted \$65 million. So here is the question for today: were they incompetent then, or are they incompetent now?

Interjections.

**A. Dix:** My colleagues know there's an option 3. They were incompetent then, and they're still incompetent now. This is an act of incompetence on the part of the government. For them to say that this act of incompetence — creating, wasting tens of millions of dollars and then coming back to this House and saying: "Oh, I'm sorry. We got it wrong...." This is an act of incompetence on the part of the government.

It's right here in the legislation, and all those government members are going to vote for this act of incompetence. They're going to endorse this act of incompetence. The minister should have come into this House and apologized to the people of British Columbia.

The shocking part of it is that the reason they're doing it is the measures that they took in 2003 to favour

their friends in private industry. They didn't quite do enough. It wasn't enough of a subsidy. It wasn't enough of a support. It was going to be the biggest thing that ever happened in British Columbia, the best thing. Now they're giving it up because it wasn't enough. They don't want any economic analysis on their projects. They want to go ahead with political decisions. This is crony capitalism, when you sideline the BCUC.

But we're going to give the government a chance. We're going to give them a chance to explain themselves to the people of British Columbia, and that's why I am proud on behalf of the official opposition to move a copy of a motion that has been tabled with the Clerk of the Legislature.

[Be it resolved that Bill 17 Clean Energy Act not be read a second time now but that the subject matter be forwarded to the Select Standing Committee on Crown Corporations and further that the committee be empowered to invite witnesses to appear before it to assist in its deliberation.]

On the amendment.

**A. Dix:** This is a gift. It's the last day of the session. This is a gift from the opposition to the government. It is a gift. It is an opportunity. They don't deserve it, but we are generous people.

They don't deserve this gift, but we are offering this gift in the public interest because this effort to sabotage the BCUC, contrary to eight years of commitments that every one of those Liberal MLAs ran on, surely deserves a second look. Surely it can meet the scrutiny of the Select Standing Committee on Crown Corporations. Surely it can meet the test of that scrutiny, I would argue, and it needs to, because the public was left out of this process.

They didn't campaign on sidelining the BCUC. They didn't campaign on saying that the BCUC shouldn't oversee and protect the public interest. They didn't say that we should have every right to spend billions of dollars without any public discussion. They didn't say those things, but if this motion passes, they will have the opportunity to make their case before the people of British Columbia. We can call witnesses, and we can have a public debate on those very questions. It's time for that.

Like the HST and other things, what we have, fundamentally, is legislation designed to escape public scrutiny. Let me just give you one example of many I can offer as to why this bill should be referred to the Select Standing Committee on Crown Corporations.

[1135]

I'm not going to mention the outstanding members of that committee on both sides, who, I'm sure, are anxious to get on with the task of reviewing these questions.

Let's just look at one question — the question of smart meters. They've got good names for everything, you know. They've got good names for everything.

A billion dollars on smart meters. What did the Minister of Energy say about this question of smart meters — in a

line of successive Ministers of Energy who said the same thing — last fall? This is a plan, a billion-dollar plan that they are exempting from analysis. They can't provide a business plan. They haven't provided a business plan. They won't provide a business plan. This isn't a plan to allow people to save energy. This has allowed people to know how much energy they're consuming. They're going to spend a billion dollars on that.

They could actually save energy, as excellent programs in the past did. I can think of B.C. 21, Power Smart and many others which actually allowed people to save energy, to retrofit their home, to save energy and save money and make us more energy-efficient and more energy self-sufficient, if that's the expression you want.

Those are the kinds of programs that presumably the province might consider advancing. Instead, we have a program that meets no such test.

But what did the Minister of Energy say in this Legislature? What did he say in this Legislature about this question? You know, I'll just ask members of the House to withhold judgment, because it's possible that he said this back when he was mayor of Dawson Creek. It's possible he was saying it at some time in his past, maybe around the time of voting against Bill 29 in this Legislature. It's possible he said it then, or it's possible he said it more recently.

What did he say? He said: "...there will be a full public document..." This is referring to the smart meters. "That won't be available until the public filing with the BCUC. That's when all the work will culminate in the business plan in what we...put forward. Ultimately, as we've talked...is it in the public interest or not?"

"We're going to table it at the B.C. Utilities Commission. We'll have a full airing of the details. There will be cross-examination."

That's what he said — full airing of the details. That's what he committed to — full public consultation.

Now, when was this? Was this 1952? Was this 1975? Was this 1999? Was this 2005? No, it was last fall. The Minister of Energy committed to a full public review and a business plan tabled at BCUC and a cross-examination last fall. That was then; this is now.

It's like "That was then; this is now" is applying on a weekly basis around here. They abandoned that commitment.

I think that before we spend a billion dollars, it would be nice to have witnesses come before the committee and discuss that plan with the people of British Columbia — answer questions about that plan before we pass legislation; have experts come, on both sides, supporters of the bill and opponents of the bill, and make their case. The implications of the decisions made, the contracts that this government wants to bind us to for 60 years and the implications for this generation and future generations are significant enough, it seems to me, that we should have that review happen in the Legislature.

Now, happily enough.... As luck would have it, the legislative calendar offers us a fall session. At the begin-

ning of October, when we come back from the session.... Even if you are on the government side and you say, "I kind of like this bill, and I'm not afraid. I'm not afraid of a little bit of analysis of the bill. I'm not afraid of taking it before a select standing committee and actually defending the principles of this bill," which will bind British Columbians for generations to come.... "We're not afraid of that."

Well, we could actually have those hearings over the summer. My colleague from Juan de Fuca, who's on that committee, has told me that he is very much prepared to come here over the summer and do work on this question.

He's prepared. I'm sure other members of the committee would be prepared, because this is important work. This is work that will bind us for generations. It is central to the work we should be doing in this Legislature, which is defending the public interest.

If a government wants to sell out the public interest or make changes in that, they have an obligation to come before the people and explain their case, and they have not done that. They are refusing to do that. They're passing legislation whose sole real purpose is to take away their obligation to do that.

[1140]

Let's have that debate before we pass this legislation. Let's have people come before the select standing committee, supporters and opponents on all sides, to consider what will happen.

Look, there's more good news for the government. There's more good news for the government, outstanding news for the government. That is that in fact.... I'm just quoting from the B.C. Liberal policy paper. "We believe these all-party committees should travel to every region of the province and conduct hearings that are open to the public and the news media, with all recommendations routinely submitted to government."

We have a critical piece of legislation. It hasn't even received committee stage debate in this House. Why not refer it to just such a select standing committee today. Refer it so that we can hear witnesses, so that we can hear it, so the public is allowed to get an explanation of what the government has in mind. That's what we need to do. Instead, what are we left with?

My colleague from Cariboo North is going to be speaking soon on the issue and the views of the Assembly of First Nations, one of the many groups who have strong reservations and, I would say, opposition to this legislation. There are many who express concerns about the implication for this legislation for the future.

Why not give aboriginal people a right to come here and have their views heard? Why not? Why not give public policy experts, who have made, I think, very incisive criticisms of the government on these questions, experts from an environmental perspective, experts from a public policy and economic perspective...? Why

not have them come and face cross-examination and lay their views before the government?

Why not have representatives of IPPs come and explain to us why we should subsidize interest payments at 12 percent? Explain to us why that's good for us to pay more for power than we should, why that's in the public interest, and to make their case, which they are well equipped and able to do, I presume.

Why not have...? I heard the comments, the extraordinary comments, of the member for Peace River North. People will know that that constituency contains many people who helped build the very dams whose legacy and heritage resource and the value of it are currently being sold out by the government. Many of those under all those agreements were union workers, and they signed deals with successive governments led by W.A.C. Bennett, by Bill Bennett, by Dave Barrett, by Mike Harcourt, by Glen Clark to build those dams, and I think history will judge that those workers did an outstanding job.

You know, there's a tendency for people in politics, because the name is on the dam, to say it's just about the politicians. But it was the people of British Columbia that did that. They put up the money. When you hear the member talk about some of his own constituents and say he won't fight for them....

He said that he doesn't know where their unions are at. He presumably hasn't asked where their unions are at. That's why it would be useful for those unions to come to the committee and express where they're at on Site C and other projects. Absolutely. Let's have that discussion.

He said that when it comes time to fight for those jobs, "I'm going to be fighting harder for the non-union jobs. I have to tell you right now. Hopefully, we can fill them all up there...."

What the member for Peace River North is saying is that those union members who built those dams, those union members who built those dams for generations, who did an extraordinary job for British Columbia, need to take the invective. They need to be singled out for personal attack. He doesn't even bother to talk to them, and that's why we need to have a committee to listen to this. He doesn't even bother to have it.

Members of the Allied Hydro Council and other unions.... It is disgraceful to attack union workers, people who built those dams, in that way and not have heard what they have to say, not care what they have to say, just to say that he's going to single them out and try and stop them from getting jobs.

That's the position of the member for Peace River North, and that's why we need hearings, because we need the representatives of those workers, who are British Columbians, too, who vote for all parties in this Legislature. We need representatives of those unions and those union workers to be heard in this debate as well. They deserve better than this.

We have that opportunity. We have that opportunity to have that debate — to have this bill, which will bind us for generations, which will cost British Columbians billions of dollars, which seeks to remove those billions of dollars from any oversight.... We have an opportunity to do what they should have done, apparently, in 2003, before they went ahead with the last big innovation that they brought forward, the B.C. Transmission Corporation — seven years later, in that case. This is an example, surely.

The speeches back and forth on the other side of the House: "The most important thing we could do for the economy...." They were wrong, by their own admission. They wasted tens and tens of millions of dollars that could have been spent on other things. Now they're coming back into this Legislature and saying: "Oops, we were wrong."

Well, they didn't even have the courtesy to say that. They're folding it back into B.C. Hydro. It's easier to fix these deals without having that process. Not even the B.C. Transmission Corporation, which we set up to help IPPs, is enough to help IPPs. We need to do more.

That's what they did then. Surely, at that time, had we had.... Hon. Speaker, you'll recall government's position at that time was that we shouldn't even have an opposition in the B.C. Legislature, a position that apparently still is their position. They prefer not to have public debate in the B.C. Legislature. That's their preference, apparently.

If at that time they'd had the good sense to refer that legislation to committee, maybe we wouldn't have made a mistake that cost us \$65 million just in administrative costs. Maybe we would have been saved and spared that waste of money, that incompetence on the part of the government.

There has never been an occasion where a second look was more required. There's never been a piece of legislation which, at its core, is designed to take away public oversight. There's never been a piece of legislation like this that's been designed at its core to remove the public interest from the public debate. This is the purpose of this legislation. Before a government is allowed to do that, they should answer questions. We should have a debate. We should have hearings. We should hear from the people of British Columbia, who have been excluded.

They didn't talk about getting rid of the responsibilities of the BCUC in the election campaign any more than they talked about the HST. They didn't talk about that at all. The government will say that this was prompted, presumably, by the decision that took effect on July 29, when the BCUC, in doing its job — even supporting the principles put forward by the government — decided to set aside the government's scheme. Doing its job. That's what they were doing.

[Mr. Speaker in the chair.]

Why not have a discussion of that as well? In July there was that decision. In October and November B.C.

Hydro and the minister said they would comply. Now their act is not to comply but to overturn. We have seen this again and again in this House. When the purpose of a bill — at the moment when the government is endeavouring on a project that has high risks, which everybody acknowledges on all sides — is to deny any oversight of those risks, that is a bill that requires scrutiny.

It requires a role for the public. It requires witnesses. It requires the government to do what it has refused to do in this legislation debate, what it has refused to do in this House. It requires questions to be answered, business plans to be presented, the case to be made, not: "Trust us, and we will be good with your \$10 billion. Trust us." It is an unacceptable delay to respond to basic questions about costs around those projects, to justify in economic terms that decision, one way or another. "Trust us."

This is a piece of legislation that, in my view, requires a different approach. If the government really believes.... If they really believe that what they're doing is right, they shouldn't ram this bill through the Legislature without even a committee stage debate.

[1150]

They should have the confidence of their convictions. They should have the confidence that the facts will bear out their side. They should have the confidence to go before a committee and hear witnesses. They should have the confidence to present their business plans on these projects to everyone. They should have the confidence to say that it's better to spend 12 percent on interest payments than 4 percent. They should have the confidence to make that case if they really believe.

I fear if this gift to the government, this motion that is a gift to the government, a gift that if they'd only taken up on the HST, they'd be better off today.... They'd be happier today, and the people of B.C. would be happier. This is a gift to the government — to get out of this situation, this piece of legislation, this piece of misdirection that undermines our democracy and our democratic institutions. That is what we are offering today.

Surely the issues in place here, this overturning of 50 years at least of public policy on public power in B.C., this overturning of the government's specific commitments around the Utilities Commission.... These decisions surely require a second thought, a second look. I fear the government will reject this because clearly — and if you look at the quotes from the Minister of Energy — the government does not have belief in those very convictions I talked about.

They don't believe enough in smart meters to put forward the business case for spending a billion dollars. They don't believe enough in it. They believe a little bit in it, but they don't believe enough in it. They believe in IPPs. I know the Liberal Party is \$6 million in debt, but there are other interests at play here, including the interests of the taxpayers. Why public money should go to banks rather than be spent on services in British Columbia is some-

thing, if they believed in it, that they should come to a select standing committee and defend.

They have an obligation to do that. They have failed at every turn. They should come to that committee and explain why it was in 2003 that having a B.C. Transmission Corporation and appointing boards of directors that cost \$2 million, and spending tens of millions of dollars on administrative infrastructure and moving the offices away from the B.C. Hydro building — why all that made sense in 2003 and doesn't make sense now.

None of them in their speeches have apologized for it, talked about it or expressed any interest in it. They should come to the standing committee. Mr. Emerson and other people involved in the Transmission Corporation should come to the select standing committee and explain why they spent all that money. There might be an excellent defence for some of it, but they should explain why they did that.

The government should explain why it was the centre-piece of their energy policy then and it's being eliminated now. They should explain that. The government has singularly refused throughout this debate to provide any explanation for that, to provide any explanation for this fiasco of public policy.

They want to, without a committee stage debate, ram this legislation through this Legislature, and we are going to give them an alternative to that. We're going to give them an alternative to that option. We're going to give them a choice. They have a choice between proceeding now and proceeding in the fall sitting of the Legislature, which starts at the beginning of October.

We're all looking forward to it. We're all looking forward to seeing if the government has more of an agenda than it does now, more of an agenda than the HST and stripping the BCUC of its powers. We're looking forward to that.

It's not a long delay. There's an opportunity to hear from members of the public who support the bill, an opportunity to hear from members of the public who oppose the bill in that time. We can come back and have a real debate based on evidence.

The government can bring forward its business plan for these projects and make the case publicly that it refuses to make, that it wants to leave in the cabinet room now. They can do that. They have every opportunity to make that case. This gift from the opposition to them — a gift that will allow them to review this decision, a gift that will allow them to have a sober second thought about this decision....

That is the right option. That's the option that a government that had the courage of its convictions would employ. "We will be prepared to defend our energy plan." That's what they should be saying.

[1155]

If the government had the jam to have hearings on this piece of legislation, the jam to defend its plans, the

jam to expose their business plans to review in this House.... If they had the jam to do that, maybe they would go some small distance. It's a long distance. It's a 10K, and they'd be at the beginning. It might go 50 metres of the distance to start restoring the faith that the people of British Columbia should have in their government, because this piece of legislation is an attack on the public's right to know and the public interest.

You shouldn't be able to do that with impunity. You shouldn't be able to do that without a committee stage debate. You shouldn't be able to do that without justifying your position. You shouldn't be able to do that just by having us hear the results of cabinet meetings.

You should be able to prepare in a democracy. You should have the guts in a democracy to do what political leaders of all political stripes in the past have done in British Columbia and put your ideas before the people of British Columbia.

That's why we need this bill referred to committee. That's why this bill should not be passed a second time today.

Seeing the time, I reserve my right to continue and move adjournment of the debate.

A. Dix moved adjournment of debate.

Motion approved.

Committee of Supply (Section A), having reported progress, was granted leave to sit again.

Hon. B. Penner moved adjournment of the House.

Motion approved.

**Mr. Speaker:** This House stands adjourned until 1:30 this afternoon.

The House adjourned at 11:57 a.m.

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**PROCEEDINGS IN THE  
DOUGLAS FIR ROOM**

**Committee of Supply**

**ESTIMATES: MINISTRY OF  
ATTORNEY GENERAL**

The House in Committee of Supply (Section A); J. Thornthwaite in the chair.

The committee met at 10:08 a.m.

On Vote 16: ministry operations, \$366,149,000.

**The Chair:** Good morning, everyone. We're here in the Douglas Fir Committee Room to listen to the estimates for the Ministry of Attorney General. I'd like to introduce the Attorney General.

**Hon. M. de Jong:** I have no intention of making a prolonged statement, except to alert my friend and other members to the presence of Deputy Loukidelis, Mr. Wood, Mr. Gillen, Mr. Fyfe, Mr. McHale and Messrs. Hoadley and Taylor, who are all here to assist us. Based on my calculation, they each will be responsible for about seven minutes of the time that we have available. I am looking forward to the discussion, and I will turn it over to my friend.

**L. Krog:** I'm delighted to be here this morning. I must say, as I pointed out in jest to the Attorney General earlier, perhaps he needs to look at gender balance in his ministry, given the presence of all these middle-aged white males here this morning. But that's a topic for another day.

Can the Attorney General confirm that, in fact, since the election his budget has been cut by some \$87 million?

[1010]

**Hon. M. de Jong:** The fact that I won't characterize it that way in light of the reallocation of moneys around the shared services work and budgeting process will not alter the fact that the amount in the books shows the reduction. I'm sure we'll talk more about what that reduction refers to.

**L. Krog:** My understanding is — and perhaps he can confirm — that prosecution services have been cut by \$7 million since September, justice services have been cut by \$4 million since September, and the justice transformation funding, including the community courts, has been cut by \$3 million since September.

**Hon. M. de Jong:** While we go through the numbers, I just want to be clear. The member referred to "since September." Is he referring to September of 2009? And he's indicating that he is.

Again, we'll go through the more specific numbers. What I can advise the member is if we do an apples-to-apples comparison, setting aside the allocations around shared services, the September number would have been \$465.5 million, and today that is \$468.5 million.

**L. Krog:** Can the Attorney General confirm: what's the difference between the prosecution services budget in 2009-2010 and this year's budget?

**Hon. M. de Jong:** The number I have been provided with and can pass along to the hon. member is.... The

repeated estimate for 2009-2010 for prosecution services was \$107.004 million and the equivalent figure for 2010-2011 is \$112.6 million.

**L. Krog:** The ministry service plan indicated that "cost, delay and complexity continue to seriously impact the functioning of both the civil, family and criminal justice system." That's on page 9. In comparison to the budget for September, we are talking a reduction, as I understand it, from a little over \$119 million to roughly \$108 million today.

[1015]

Wouldn't the Attorney General agree that, in fact, that represents a pretty serious hit if that was the projected numbers for the ministry? For 2009-10 was the budget in September, the proposed. Then we're dropping, as I understand it, to about \$108 million or \$109 million. Would the Attorney General agree that that's a significant cut, if in fact that was the number proposed?

**Hon. M. de Jong:** I guess we should probably, as we're having the debate and the discussion.... I'm looking at page 20 of the service plan, a document entitled "Resource summary table," which shows the numbers that I have just related — \$107 million growing to \$112 million. So I'm a bit challenged by the question, because I'm dealing with a different set of numbers, unless I misunderstood the question.

**L. Krog:** I don't think the Attorney General has misunderstood the question. It may be that his figures and my figures may well be different. In terms of pressure on the system, perhaps the Attorney General can advise: how much of the prosecutorial services are devoted to gangs in particular?

**Hon. M. de Jong:** First of all, I think the member knows and will appreciate that prosecutors across the province from time to time become involved in this work and make contributions. I don't want to leave the impression that that contribution isn't recognized and isn't important. My comments will relate to the organized crime unit, which includes 26 dedicated full-time prosecutors who are devoted full-time to the prosecution of gangs and criminal organizations.

If we try to quantify the work of that organization, it would be between \$4 million and \$5 million. Again, I don't want to leave the impression that that is exhaustive of all the resources that are spent, because of course at various stages along the way others may be involved and make contributions. But that's for the purpose of the work of the organized crime unit. There are some initial numbers for the member.

**L. Krog:** I raised at some length last year questions around statistical information regarding the success of

prosecutorial services, and the indication was that the ministry didn't keep those kinds of numbers. I'm just wondering, in light of questioning last year, whether the Attorney General has any comment on keeping statistics around successful prosecutions versus charges laid — any kind of statistics in those matters, any change in policy in that area.

[1020]

**Hon. M. de Jong:** I can tell the member that there is myriad statistical data that is kept — charging conviction rates in certain areas like impaired driving, like domestic violence. Data is kept and tracked in that area. I should say, as well, that attempts are being made to grow the body of data tracking criminal offences through the system from the time an information is sworn through the number of appearances, through the days to hearing and disposition. So there is a growing body of statistical data that is being kept.

**L. Krog:** I appreciate the Attorney General's comments. Perhaps he could be a little more specific. In other words, what specific efforts are being undertaken? Statistics around crime are very important. They provide useful information for academics and students and others to determine the success of the criminal justice system.

If the Attorney General could be somewhat more specific. If there's a budget number attached to this area, who is in charge of it? How many people are attached to it? Is it something that just started this year? Has it been underway for a long time?

**Hon. M. de Jong:** So two separate areas. Court services would be responsible and does track some of the data relating to a matter travelling through the courts from the swearing of the information through to disposition. I should say, as well, that some work is taking place now relating to the easier public access. That is a website that would allow for people to click on a particular court facility in the province and get general data about time to trial, number of cases and that sort of thing. So that relates largely to the administration of the court.

I think the member's more specific interest, though, relates to tracking crime stats. There is one person attached to the criminal justice branch who has responsibility for compiling that material.

**L. Krog:** How long has that person been in that position? Surely, with great respect to the Attorney General, one person would strike me, given the size of the ministry — and I'm going to ask the Attorney General how many people are employed in his ministry.... One person seems a little more — how should I say? — on the form than on the substance side of the equation.

**Hon. M. de Jong:** Well, the member's observation around one person in an organization of over 3,500 people is what it is. The work has changed. I was just speaking with Mr. Gillen. The nature of the work and how material is compiled and the means by which that is done....

[1025]

The JUSTIN system — and I think the member perhaps knows this from his own work — which is the programming that links the courts, is largely the source for tracking what takes place within the courts, tracking dispositions, tracking convictions. The individual involved would be relying, perhaps not exclusively but to a large degree, on the material that is available via that source.

**L. Krog:** Is the Attorney General satisfied that one individual in his ministry drawing this information from across a significant court system in British Columbia is sufficient in order to ensure that the kind of statistics that I think the public would expect the ministry to keep are in fact being kept, upgraded and therefore an appropriate measure of the Attorney General ministry's performance?

**Hon. M. de Jong:** I think you can always do more. I know that at some point we're going to have, perhaps starting now, a conversation around the allocation of resources. That has been to a certain extent, for me as the political representative within the ministry, a challenge. For the individuals and the senior managers, many of whom are here today, it has been particularly challenging working with scarce resources to make decisions about where to allocate those resources.

Could we benefit by having another person or two involved in the analysis of data and the presentation of recommendations or findings around that data? Undoubtedly. Part of the challenge over the last year to 18 months has been sitting down almost on an individual-by-individual basis and asking: "Okay, there are five policy analysts in this area. Where is the priority — the analysis of policy versus hiring another prosecutor?"

So I don't think the member is hearing me quarrel with the proposition that an added expert in this area might be of great benefit. The challenge has been finding the resources to do something like that, or in myriad other areas. This is a tune that the member has heard before, but it has been particularly apropos over the last 12 to 18 months.

**L. Krog:** I wonder if the Attorney General could advise whether, in comparison to 2008-2009, he could provide some statistics with respect to the number of charges laid, the number of matters that proceeded to trial in total and some breakdown of those figures.

[1030]

**Hon. M. de Jong:** I think this is the data that the member is referring to. I have it in what I think is easily understandable form for '09-10. In '09-10 there were 78,700 reports to Crown counsel. By way of comparison, in '08-09 there were 75,425 reports to Crown counsel.

So '09-10, 78,700. That resulted in approved charges in '09-10 of 70,100. Again, by way of summary, in '09-10, 78,700 reports to Crown counsel and 70,100 approved charges. By comparison, in '08-09 — 75,425. I'm afraid I don't have the charge-approved number for '08-09, although I'm sure that I can obtain it.

**L. Krog:** Assuming that the charge approval rate doesn't change very much, then, we clearly have an increasing number of charges being approved. We're roughly up by 3,300, as I see it, in terms of charges, which is approximately a 4- to 5-percent increase.

Can the Attorney General comment on the time to get matters to trial in those budgetary years? Is there any significant difference? Are those statistics kept, and are those statistics kept by the same, single person that we talked about earlier?

**Hon. M. de Jong:** In fact, we have, I think, reasonably comprehensive statistics on that. The member may have heard me say that it's actually tracked courthouse by courthouse. Perhaps I can get that information for the member. I'm hesitant to make a blanket statement around increase or decrease. In some of the larger-volume courthouses — I think Surrey would be an example of that — it has gone up. In some areas it has gone down.

It may be a more useful exercise for us to zero in on particular examples than for me to try and offer up an average or a general statement that may not be particularly relevant. But we do have the statistics, and I'm happy to share them with the member.

I should say, as I mentioned a few moments ago, that we're hopeful to be in a position within, really, a matter of weeks or a few months to allow the public to have access to that information on a website where they can actually click on a courthouse and get an answer to that very question, as it relates to a courthouse in Chilliwack or Nanaimo or Cranbrook.

**L. Krog:** If the Attorney General can explain a bit further, I'd very much appreciate it. The statistics are kept at each courthouse. They are, presumably, totalled up in Victoria somewhere. If that's the case, are we seeing any increasing time between charge approval and disposition?

[1035]

**Hon. M. de Jong:** The short answer is yes. There are cases in courthouses where the average time to disposition has increased.

I'm reminded that the data is derived, again, from the JUSTIN system. In a very short time we hope that lawyers, members of the public and those accused persons will be able to go on line and examine a courthouse and know the number of charges, the average time to disposition and the number of appearances.

**L. Krog:** Obviously, confidence in the justice system is an important thing. There's always a stated public concern around the time it takes to get a matter to a disposition. I use disposition in the broadest sense, whether it be a guilty plea or a conviction or an acquittal at trial or simply a dismissal or a stay. In comparison to three or four years ago, are those average times from charge approval to disposition on the increase?

**Hon. M. de Jong:** I'm sincerely not trying to avoid the member's question. I'm told that Surrey is up — again, I can provide the data that is available here — Vancouver is down, and Victoria is about the same as it would have been for the period. It does vary from place to place.

Cranbrook — which is an area that the member raised once earlier this session, with respect to a pending judicial appointment — was up, and we're hoping with the additional judicial resources that that will be arrested.

I'm not trying to be cute. In three major areas there are three different answers. One is up, one is down, and one is about the same.

**L. Krog:** Can the Attorney General comment on what percentage of the charges that we're talking about? For instance, of the 78,700 in '09-10, or what they anticipate in the coming year, what percentage of the charges relate to those three example — Victoria, Vancouver and Surrey — which are presumably the largest population centres in the province? What has been the response of the ministry? Has there been a shifting of prosecutors and staff to those appropriate areas in order to compensate for the changing numbers?

[1040]

**Hon. M. de Jong:** Since we have last met to discuss this, I can't point to any significant change in the prosecutorial establishment at any one of the three locations that we are using as an example. So whilst the volume of files that has been dealt with in Vancouver has dropped slightly, that has not altered the number of prosecutors performing work there.

Similarly, the volume of files in a place like Surrey has gone up, but I can't tell the member that there has, except on an ad hoc basis, been any kind of a significant increase in the number of full-time prosecutorial officials located at Surrey.

**L. Krog:** Is the Attorney General not concerned that, given the shifting volumes of crime, surely the prosecu-

torial services should follow the changing stats? That's the reason that I have continuously brought up this issue of statistics and charge approvals, etc., that from the public perspective.... Confidence, for whatever reason, in our justice system appears to be somewhat low. Why aren't we responding more quickly to obvious shifts?

The Attorney General himself has pointed out, for the benefit of the audience this morning, the concern around the appointment of the Provincial Court judge in the Kootenays, which frankly was made with.... I give the Attorney General full credit. Just prior to question period on the day the issue was raised, which was a very timely move, I thought.... I'm not suggesting for a moment that the publicity around this would have any play in the Attorney General's consideration of an important judicial appointment.

But having said that, surely, when it's getting to the point where the public and the local lawyers are complaining about delays, then obviously something is not happening that should be happening. I'd like the Attorney General to comment on whether or not he's going to institute some change in policy within the ministry to ensure that we are getting the prosecutors and the judges in the areas where they're needed, where there is an increase in crime. I mean, clearly, if Victoria is getting to be a calmer, sweeter, gentler place and Surrey is not, then surely we should be shifting priorities.

**Hon. M. de Jong:** Well, I'm not going to quarrel with the observation that it is logical and ultimately beneficial to ensure that we have, in a shifting dynamic, the resources in place in the locations where they are needed and where there is a growing need.

I also won't pretend, though, that our ability as a government and as a ministry to respond hasn't been impacted by what has taken place fiscally over the last year or two. The member knows this, and I am in no way trying to be trite or patronizing, but the judge is one component of the resource that is required to operate a courtroom facility — the sheriffs, the clerks, the support staff. The member knows that, so ensuring that we have the resources in place to complement the work undertaken by the judicial officer, the judge, is important.

I don't want to vary, necessarily, into an area that the member hasn't yet brought up, but he has just asked about a policy shift, so there are two that I might like to introduce into the discussion at this point, which I think are....

[1045]

One is obvious. As we acquire the resources, and we hope the economy will continue to perform and lead the country through recovery, we hope we are in a better position to respond to some of the needs at the front line.

Having said that, there's something else that the member will perhaps hear me talk about in the days ahead

that might be an opportunity for him to query or provide some thoughts on — that's how we appoint judges. I have begun discussions with the Chief Provincial Court Judge about finding a way to engage the public in that process.

It did not happen in Cranbrook because of the urgency around filling that appointment, but the member knows that there is a process in place that involves the judicial council conducting interviews and making recommendations. I actually think and am fairly committed to the notion that if we are recruiting a judge for Nanaimo, asking a panel of eminent citizens — whatever that means in this day and age — to sit down, consider, speak with and interview those members of the bar that might like to fulfil that position and offer a recommendation that the judicial council and the Attorney General would have at their disposal is a valid exercise.

The member has, on a couple occasions already, talked about the mood of the public and their regard for institutions of justice, and that does worry me. It's partly resources, but I think that it goes well beyond that. The member will hear me talk about that, but I think there will be more than just talk. It's something I am fairly committed to and realize that it is a departure from the practice that has taken part in the past.

**L. Krog:** Chair, I'm conscious of the limited amount of time we have for these estimates today, but I might say to the Attorney General that in my experience, there has been criticism, perhaps, with the criminal justice system around the issue of sentencing. Most recently, obviously, the acquittal in the rather tragic case in Vancouver has raised a great deal of public ire — the concept that the judge would decide that there were varying statements made around the time of the encouragement, if you will, for the death of a person. It was pretty striking stuff, and one can understand a public reaction.

But with great respect to the Attorney General — and I bring to this more experience than I'd like, having started articles in 1979 — I think that the quality of judicial appointments in this province, both those appointed federally and those appointed provincially, has improved substantially. Many of the members of the bench — both provincial and Supreme Court bench, for that matter — that may have been seen as problematic have gone into retirement or gone on to some other work someplace else.

So I must say to the Attorney General, notwithstanding that it may be popular for him politically to suggest that we have some kind of panel, which I assume will be, again, chosen by the sitting government — with great respect to the Attorney General — that we'll have the usual friendly faces to the government sitting on a panel helping assist in the appointment of judges does not fill me with great confidence.

I think it is one of the frightening aspects of the American judicial system that they actually elect some of their judges. With the greatest respect and taking great pride in my position as elected official, the concept of electing judges or having a panel of citizens who may bring some general broad perspective to it is one thing. The judges are appointed to apply the law. It is our job as legislators to make the law. The concept that you're going to have, perhaps, a group of citizens decide whether or not a judicial appointment should be made when there is no problem to be met, in my respectful submission, is quite concerning.

The fact is that the Attorney General is implicitly suggesting — and speaking for only those appointments for which he is responsible — that the Provincial Court bench in this province is somehow not performing or not up to snuff. With great respect, if the Attorney General wishes to encourage confidence in the judicial system and the justice system in this province, perhaps he might want to cough up more money for justice education and he might want to engage in an advertising campaign.

[1050]

To suggest for a moment that putting some citizens on a panel that is then going to assist the Attorney General in making a decision which is ultimately his political and legal responsibility — I am not terribly fond of.

I don't want to get off the track around confidence in the justice system. My understanding is Stats Canada says, using a baseline in 2003, that the percentage of British Columbians who had great or quite a lot of confidence in the justice system was 50 percent. It's up to 53 percent in 2008, and I gather the target is 55 percent in 2012-13.

I guess the obvious question is.... Particularly when you consider that also in conjunction with the report by Professor Boyd — where we have 50 percent confidence in the justice system, 56 percent in health care and 59 percent in education, whereas in the province of New Brunswick, for instance, they have 66 percent confidence in their justice system, 71 percent in their health care and 67 percent in education — that tells me that we have a long ways to go.

I'm just wondering: apart from the Attorney General's suggestion that we engage some sort of a public panel in helping to pick our judges, does he have any other suggestions as to how to improve confidence in the justice system?

**Hon. M. de Jong:** I'm going to take a moment because, whilst I always appreciate the hon. member sharing his views or concerns, I want to ensure that he comes to them as fully briefed in understanding what the objective is as I can possibly provide.

I actually think we are very, very well-served by a talented, professional, committed bench at all three levels.

The hon. member said he didn't want to get sidetracked in a discussion about judicial confidence, or confidence in the justice system, and then read a bunch of stats that suggest there's not a lot of confidence in the justice system.

The member can cynically.... It is partly his job to be cynical about suggestions that derive from the likes of me, but I can assure him that the intention here is not to manufacture some process to serve the political ends of the government, nor was it, by the way, when for the first time a few laypeople were involved in the selection of a very talented Chief Judge of the Provincial Court. I can assure the member of this.

I can assure the member that I heard the same speech he just delivered from people steeped in the history of the justice system about how this was to no effect and nothing more than window dressing. Maybe it was, but I heard from the same people afterwards about what a positive experience it was and how the people that were involved in that — and not deciding the matter, not exercising a veto, but an opportunity to discuss some of the issues that will confront a member of the bench, a unique opportunity at a formative time, and consider that....

People leave better informed of the challenges that members of the bench face — and, perhaps, the judge, with a slightly better view at a crucial time in his or her career, about what some informed members of the public — informed, albeit not from the perspective of being a member of the legal family or fraternity....

It's actually fine and legitimate for the member to say that this is misguided or this is a foolhardy step. I disagree, but I do want to be clear about what the motivation is. It is to address, in part, the very phenomenon that the member has spoken to: the fact that people do.... These confidence measures are not where they should be.

[1055]

What else can we do? I heard a few moments ago the suggestion about spending more money. Sure. That's always an option, except it's less of an option when there's a \$1.7 billion deficit. The challenge is never — and the member knows this — in finding solutions that involve purchasing solutions. The challenge is trying to find and seize upon strategies that can have the desired effect and don't involve spending vast sums of money.

In the U.K. and New Zealand they have established what are called sentencing panels. They do it differently in different jurisdictions. In the U.K. they formalized it to the extent that these citizens' panels, I think, almost have a statutory role to play around the establishment of sentencing guidelines. I'm not sure that's something that we want to establish here — and, quite frankly, constitutionally it's not something that we can establish without the cooperation of the federal government.

We just had a report from the chief coroner, a death review, where a group of citizens got together and exam-

ined fatalities over a ten- or 15-year period. They took, I think, 11 of them, and they made some general recommendations. You know, zero in on a particular case, pass judgment on what.... But they looked for trends, and they offered some recommendations.

Why can't we do that? Why can't we go into a community and ask a group of citizens to come together and over a particular period of time become engaged and provide feedback from a community level about what is taking place in the courts?

People don't trust institutions that they have no connection with or that are mysterious to them. I'm convinced of that. The member has heard me talk about trying to open the courts up both to the wider distribution and easier obtaining of documentation and also to those who report on the proceedings in the courtroom. You can't ask people to have confidence in something that we make very, very difficult for them to understand and watch.

I've gone on too long, because it's the member's opportunity to pose questions. But I do think there are strategies that can be employed that don't have to cost vast sums of money and that can begin to address the kinds of statistical measurements and feelings that the public has for a judicial system that I believe actually serves the public very, very well.

**L. Krog:** I appreciate the Attorney General's remarks, and I would politely suggest to him that if it was a question of money, perhaps given that the Canadian banking system has survived the world recession with such remarkable success, the elimination of the corporate capital tax on financial institutions shouldn't have been quite so high on the government's agenda. Perhaps we might have had some of the funding to deal with these issues.

With the greatest respect to what the Attorney General just had to say, I'd like to quote for his benefit something I'm sure he had an opportunity to read, which is the remarks of the president of the B.C. branch of the Canadian Bar Association, James Bond, who said — and this with respect to an organization that was committed to educating members of the public about justice:

"The Justice Education Society has been educating members of the young, old and new British Columbians for years about the role of the courts in our society, as well as the realities of legal procedures, processes and principles. Sadly, its government funding was reduced so drastically over the past year that its education programs have been either drastically reduced or eliminated altogether."

He concludes: "Education, not just cameras, is what we need in our courtrooms if we are to ensure public confidence in the justice system."

[1100]

That leads, obviously, to the next question. Can the Attorney General outline what percentage of his budget has been allocated for public legal education?

**Hon. M. de Jong:** Sadly, the legal education society, whilst it still receives the benefit of free space in Vancouver at the courthouse there, receives very, very little from the ministry — in fact, virtually nothing. I am sad about that because I do think that the work of the organization is important.

[N. Letnick in the chair.]

I can't trace my legal lineage back quite as far as the member for Nanaimo, but in my own way, I still recall the day my law teacher put us on a bus in Abbotsford and took us to 222 Main Street. In those days the legal education society didn't have the kind of program that they have now. We went in there, and we had an instructor and a teacher, Mr. Shewan, who cared enough and was interested enough to establish his own program and take us around.

I am utterly convinced of the value and importance of that work, and I hope that through these difficult times it can continue, albeit in a different and reduced way. But there's no doubt that the reduction in the revenues that the province has received over the last year or two has impacted in a very dramatic and very negative way upon the society.

**L. Krog:** I much appreciate the Attorney General's long answer to my question, but I had asked specifically about the percentage of his budget allocated for public education. What is the actual budget figure this year for public legal education? What was it last year? If it's a cut, how much of a cut? If it's an improvement, where is the improvement gone?

**Hon. M. de Jong:** I apologize to my friend. I can't do the percentage math. But I'll give him the raw figures. They'll be on the record, and we can do the calculations.

The Justice Education Society last year received a \$190,000 grant from this ministry. They did not receive any grant from the ministry this year. The People's Law School last year received \$10,000 from the ministry. This year they received \$5,000.

[1105]

The B.C. Law Institute and their work, as the member knows, touches on education matters, but I wouldn't presume to characterize it in the same way as the Education Society. It received nothing last year and \$75,000 this year.

The B.C. Human Rights Clinic at the UVic Law Centre, which provides some education-related services, received nothing last year and received \$79,000 this year. I don't have numbers for the justice access centres that received funding in the two locations.

There's what I can offer the member at this point.

**L. Krog:** I appreciate the Attorney General's listing of the specific funding that is spent in public legal educa-

tion. We've just engaged in a fairly lengthy discussion around the issue of a lack of confidence in the justice system. I can't remember what the total figure for this year's budget is for the province, but I think that we're talking \$35 billion, \$36 billion, \$37 billion, \$38 billion. We're talking several hundreds of millions of dollars for the Attorney General's budget.

He acknowledges that there is a significant lack of confidence in the justice system. We're talking — with great respect, and not wishing to emulate what was attributed to C.D. Howe but which he never said, I'm told, back in the '50s: "What's a million?" We're spending less than half a million dollars, it appears, through the Attorney General's ministry on public legal education.

I'm going to ask the Attorney General if he or someone in his ministry has had an opportunity to see the report by Professor Boyd on confidence in the justice system, and ask if he has taken any initiatives whatsoever to implement any of those recommendations.

**Hon. M. de Jong:** I have not yet read the report, though I'm aware of the emphasis that is placed on the public education component. I don't dispute that, but when resources are scarce, of course, we are obliged to make choices around priorities. I come back to what I said a few moments ago. How do you accomplish that laudable and necessary goal of providing information, providing a better understanding, at a time when you don't have the funds necessary without taking them from other areas?

The member is right — a \$34 billion budget, even a \$500-some-odd-million budget within the Attorney General's ministry. But the member has pointed out already the challenges that we are facing in terms of ensuring that the prosecutorial resources are where they need to be. Yeah, you have to make some choices, but the member has heard me say it's all the more reason to try and identify some mechanisms by which you can undertake information and education without necessarily having to purchase it or spend money that at the moment simply isn't available.

**L. Krog:** The Attorney General certainly has floated the concept of cameras in courtrooms, and I'm just wondering if he has any information that would indicate what sort of cost even to install one camera in one courtroom would be in this province. Does he have any study or proposal before him or any statistics that he can provide today that might indicate what the cost of the cameras in the courtrooms would be?

[1110]

**Hon. M. de Jong:** The data I've seen, the information I've seen.... Depending on how one were to approach it — between stationary cameras, of the sort that track us, versus portable cameras — it's anywhere from \$200,000 to \$600,000.

I will alert the member, as well.... Of course, the work is ongoing with the judiciary, who play a big role in this. We are not in a position to have cameras in courtrooms across the province of British Columbia.

The question at this point in time is whether or not there is merit in engaging in a pilot project that might provide us with an opportunity to examine how this can work and whether it's an idea worth pursuing more broadly. To the specific question of how much, it seems to be, depending on how you do it, somewhere between \$200,000 and \$600,000.

**L. Krog:** I wonder — in light of what the Attorney General has just told us about the proposed cost of a camera in a courtroom and given what he's had to say about his budgetary allotment for public legal education — whether he's prepared to make a commitment today, before we start spending money on cameras in courtrooms, that we actually spend some money on public legal education, particularly given what Professor Boyd's report says about how successful public legal education has been in other jurisdictions.

**Hon. M. de Jong:** But I think that they're the same. Providing thousands of people with an opportunity to observe, from a classroom or from their own home, what's taking place in a courtroom is public legal education.

Now, I'm not naive enough to suggest that people are going to be tuned in on a day-by-day basis to the gripping drama of what is taking place at 222 Main Street — although, there will be days when, I suppose, that is possible. I think the point of departure between the member and me is that I think giving people an opportunity to see firsthand what is taking place within our halls of justice is public legal education, and that's why I'm interested in exploring this.

**L. Krog:** I'd be delighted to explore it at great length with the Attorney General if I had more time for these estimates, but I don't. He may wish to, but I'd prefer to get back to some basics.

His own ministry is hoping to reach a 53 percent confidence level in the justice system, and I'm wondering what specific steps the ministry is taking to reach that goal.

**Hon. M. de Jong:** I don't mean this to be disrespectful, but we have been talking about some of those items. For me, they are driven by addressing the problem and the challenge that the member and I have been talking about.

In addition to that, I am reminded of the work that Crown prosecutors do on an outreach basis to explain the processes that people hear about and the fact that there are now prosecutors charged with the specific task

of explaining processes, procedures, outcomes to the media.

[1115]

We continue to address and want to address ways to create processes that are more efficient, less mysterious, less costly, less time-consuming, so that when people interact with the justice system, whether it's on the civil side or the criminal side, they can do so in a way that means they're better informed and better equipped to seek the solutions that the courts are designed to provide. I'm mixing civil and criminal proceedings, and obviously, the attitude one brings is influenced by which end of that equation one is on.

The measure is an important one. We have set an objective, and it's one that I'm hopeful we're able to achieve and see the trend line move in the right direction. That's why some of these things that we've been discussing I am anxious to pursue.

**L. Krog:** With respect to access to information, the Attorney General is well aware of the issues around access by media outlets to do searches of court databases. I'm just wondering if the Attorney General could just comment on what the status of those concerns is. What has been the response? Are there any future improvements planned?

**Hon. M. de Jong:** Thanks to the member for raising the question. I think, to get to the heart of the matter, the member is referring to the fee that is being charged.

Two groups have made very, I think, sincere and passionate submissions around the impact this is having. The media — and most particularly the community-based media; I'm not sure this is the right term — small newspapers and small radio stations point out that the manner in which this has been established is compromising their ability to accurately report on what is taking place in the courts. That is counterintuitive to what we have just been talking about, and it troubles me.

The other group — I'm obliged to a few of the representatives who made submissions, again, fairly passionately in this regard — are those who work in legal aid.

There's no doubt that there are many other challenges facing the legal aid bar, but if someone is fulfilling the important responsibility and constitutional obligation that the state has to represent people in circumstances where they find themselves before the courts but is being remunerated sometimes in a very modest way — \$200 or \$300, and 30 or 40 of those dollars go out the door as disbursements to obtain the information that is required to do that job about the individual that's being represented — that, too, is worrisome.

We've brought a group together, and I'm hopeful that within a matter of weeks — I might say days — we will be in a position to address those two concerns, because they are genuine and they are troubling.

**L. Krog:** Hon. Chair, the Attorney General has given some positive news around this area, and I presume that this will be a provincewide solution with provincewide policies with respect to access.

**Hon. M. de Jong:** That's correct.

**L. Krog:** On July 1 the new civil rules comes into effect. There's been elimination of the trial fees for the first three days in Supreme Court trial matters. We still have small claims fees, and we still have, obviously, fees to be paid after the first three days in a Supreme Court trial. These are pretty substantive barriers.

[1120]

My discussions with members of the bar would indicate, particularly in the big city bar, that the costs of litigation now are horrendous. Part of that, obviously, has to do with the cost of lawyers practising in the Big Smoke, as we refer to it on the Island.

That aside for a moment, can the Attorney General comment on how our court filing fees, both at Supreme and small claims court levels, in this province compare to other provinces?

**Hon. M. de Jong:** The member began his question by referring to hearing day fees and ended by asking about filing fees. Is it the filing fees that are the subject?

**L. Krog:** Hearing and filing fees.

**Hon. M. de Jong:** Apologies for the delay. We're one of four provinces that charge hearing day fees, and we charge more than other jurisdictions.

By comparison, I can advise the member that our reports are that Saskatchewan charges \$15 an hour after the fifth hour; the Northwest Territories, \$50 per half day after the first day; the Yukon, \$75 for a half day or less and \$200 a day for day 5 onwards. That is less than what is charged after the expiration of the three-day period under the new rules in B.C. So that's the hearing day fees.

I think the member also asked about filing fees, and I'll endeavour to get that information for him as well.

[1125]

I'm just trying to confirm the filing fees for both the Supreme Court and the small claims court. With respect to the Supreme Court action, though, I can remind the member that under the new rules, where a plaintiff submits to the mediation process, they are spared the filing fees. But I'm endeavouring to get the member the specific amounts.

Maybe we should move on while that takes place, and I'll pass it on to him when I get it.

**L. Krog:** The representative received a response to a letter she had written to the Attorney General with re-

spect to *Honouring Christian Lee — No Private Matter: Protecting Children Living with Domestic Violence* report recommendations. She asked for a written update on the recommendations in her report to the Ministry of Public Safety and Solicitor General.

Additionally, a letter was sent to the Deputy Attorney General and Deputy Minister of Children and Family Development. She got a response back from David Morhart, Deputy Solicitor General, basically saying that it was all comprised in the Ministry of Public Safety and Solicitor General's update on B.C.'s domestic violence plan.

The representative made some very specific recommendations in that report. In No. 3 she recommended that the Ministry of Attorney General "undertake a review and enact necessary changes to improve the administration of justice in criminal matters involving domestic violence, including establishment of domestic violence courts, to better protect the safety of children and their mothers."

The response is: "The province is enhancing training to develop greater expertise and knowledge on domestic violence within our existing court system. This will allow B.C. to address domestic violence at a local level, in every court in the province, rather than through a specialized, stand-alone court." Then it says that regarding protective orders response, see recommendation paragraph 5.

The delivery is supposedly November of 2010. I would ask the Attorney General to comment specifically on that. What exactly is the province doing to enhance the training to develop greater expertise and knowledge on the domestic violence within our existing court system? And what budgetary amount has been ascribed to that particular discussion?

**Hon. M. de Jong:** Broadly speaking, it falls into a few categories. The development of a more standardized risk assessment methodology is thought to be key and, I think, is something that the representative has spoken about in the past.

Training at a couple of levels — ensuring that all prosecutors have a minimal level of training to recognize some of the signs around domestic violence but then ensuring that in each office there is a specialist, if you will, with more specialized training as it relates to domestic violence.

I'm not sure it appeared in the representative's report, although she may have alluded to it a little more cryptically, but the last review from the chief coroner's office spoke about the importance of ensuring that there is a clear understanding of what a K file represents. It has less to do with the nature of the charge than it does with who the alleged perpetrator and alleged victim are.

[1130]

That needs to be the determination in characterizing a domestic violence file and ensuring that it is tracked

throughout the process and receives the appropriate attention for a domestic violence file.

There are four areas. I wouldn't pretend that to be an exhaustive list, but I think that it is fair to say that great attention is being paid within the Attorney General's ministry and the Solicitor General's ministry to the steps and the suggestions that have been made by the representative and more recently by the chief coroner's office.

**L. Krog:** The Attorney General indicated they are hoping to have a specialist in each office. I'm just wondering: can the Attorney General, then, tell me how many offices in the province — prosecution offices, Crown counsel offices...? What is the smallest number of prosecutors in the office, and what is the largest?

**Hon. M. de Jong:** The smallest office has one, and I'll get the number for the largest office. There are, I'm told, about 42 Crown prosecutors' offices in the province.

And the largest — we're looking at Vancouver. It shows 117, so over 100 in that case.

**L. Krog:** Do I take it, then, that in the one-person office that person is going to get training? And will there be at least one person in each office, or will there be several? If so, what stage is the training actually at?

**Hon. M. de Jong:** A couple of things. Yes, the individual in the office of one will receive training, but I don't want to leave the impression that they will be, for obvious reasons, dedicated exclusively to domestic violence work. They will have other responsibilities as well. There has been ongoing training. There is now taking place on the investigative side training with police officers. There is a major conference/training session scheduled for later this year, and I believe that the representative is a participant in that upcoming gathering.

**L. Krog:** Recommendation 4 was that the Ministry of Attorney General "undertake a review and enact necessary changes to improve administration of justice in family law matters in domestic violence cases, to better protect the safety of children and their mothers, and to insure that the perspective of the child is considered."

The response is: "The Ministry of the Attorney General is conducting a comprehensive review of the Family Relations Act. As a priority, the ministry is developing proposals to amend and update family law for possible introduction in future legislative sessions."

I'm just wondering if the Attorney General could advise what his thinking is on this and, given that the time frame is unspecified, what we're looking at — particularly given the recent reports and this response to the recommendations of the child and youth representative.

[1135]

**Hon. M. de Jong:** Just to go back for a moment, I neglected to alert the member to the work that is taking place within the criminal justice branch around standardization of some of the bail conditions. That is something that has come up in previous reports. That work is ongoing as well and, it's thought, will be of assistance in terms of individual prosecutors addressing these matters as they come before the courts.

The Family Relations Act — I'm glad that the member asked about it. What I am hoping — and I'm relatively confident — will occur is that over the course of the summer, meaning in the next couple of months, a comprehensive white paper outlining in fairly specific detail some of the proposed changes.... The Family Relations Act, as the member knows, I think, having practised in this area, is a statute that is largely unchanged over the past three decades at least. I think an argument can be made that it has not necessarily kept up in a coherent way with the changes that have taken place.

This is going to be, I think, a fairly comprehensive re-examination of some of the provisions in the case of domestic violence. Obvious areas of interest will be, in the case of restraining orders, some of the challenges that parties have in obtaining them and then, perhaps more particularly, having them enforced. That'll be part of this.

The objective is to, in great detail, have before the public and, more particularly, those with an interest in this area — whether they are the family bar or whether they are victim support groups — the ability to analyze proposals that, I am hopeful, will make their way into legislation in the near future.

It will be an important document, and I'll make a note now to ensure, when it is released, that a copy is sent to the member's office so he has it at first instance.

**L. Krog:** The Attorney General is no doubt familiar with what's referred to as the Langley pilot project, which, as I understand it, has had the effect of reducing.... About 30 percent of victims normally recant in domestic violence situations. They were able, through that pilot project, to drop that number to 6 percent. I believe those statistics are accurate. I'm wondering: does the Attorney General agree that it's a successful project, and is he giving consideration to its expansion?

[1140]

**Hon. M. de Jong:** Again, just to go back, I undertook to get some numbers for the member — Supreme Court filing fees. Today to commence an action, I am advised, the amount is \$208. After July 1 it will be \$200. In the Provincial Court, in the small claims court for claims of more than \$3,000, it's \$156, and for less than \$3,000, \$100.

Interjection.

**Hon. M. de Jong:** I'm sorry. I don't have the comparative information for other provinces, so I'll have to obtain that. With respect to the pilot, the analysis and examination of what has taken place and success or otherwise of the program is ongoing. I hope it reveals the kind of success that the member is alluding to, obviously.

What I can't do, given the fiscal situation we continue to be confronted by, is offer a pledge to expand it across the province. If it is successful, that would obviously be the preferred option, but I don't want to hold out or make promises that for fiscal reasons we're not in a position to deliver on.

**L. Krog:** I would hope and trust that the Attorney General would agree, given the domestic violence death review panel, that this program seemed to be extremely effective, has a genuine impact.

Although I'm not going to suggest for a moment that deterrence is necessarily a factor in domestic violence, the fact that people continue with these, having made the commitment to make their sad stories known to the authorities.... In fact, prosecutions result. Surely, if the Attorney General is serious about reducing domestic violence in this province, he would be prepared to offer some comment on the success of the program.

I think it's fairly obvious. As you know, it was cut. Many have suggested it would be a model for other jurisdictions. I'm wondering.... I appreciate his concerns, but I have heard repeatedly from him this morning: "This is a good idea, and this is a good idea, but we don't have any money for it."

At a certain point one has to say, then: what exactly are the priorities for his ministry, given that these are all fairly serious issues? So I come back to this: is the Attorney General prepared to commit to reinstating the Langley pilot project?

**Hon. M. de Jong:** As much as I'd like to, I can't make that assurance pending completion of the analysis that's taking place. Once that work is completed and, hopefully, it reveals the kind of success that we are hearing about anecdotally, there will undoubtedly need to be a decision made. Of course, in the present context it may well be about what the member has alluded to, which is priorities, and that will involve not doing some-

thing else if the model is to be applied and expanded elsewhere.

**L. Krog:** I want to touch on this, and then we'll perhaps return to it after lunch. When it comes to domestic violence in this province, whether it's perpetrated by men or perpetrated by women, clearly people involved in it often approach disclosure with great reluctance. It is an ongoing problem.

[1145]

In my community we have the Nanaimo Women's Resources Society, which is facing a funding crisis. We've got the Haven Society. We've got the Nanaimo Men's Resource Centre society. They are all facing significant funding difficulties. People who are involved as victims of domestic violence.... These are organizations they are most likely to go to, if in fact it's not the police, or they will go to these organizations to seek counselling and assistance through the process.

I'm just wondering if the Attorney General has anything to say about funding for these organizations and whether his ministry is prepared to consider funding for them and the kind of work they do that relates to criminal justice and domestic violence? And if not, is it a consideration for him?

**Hon. M. de Jong:** Mr. Gillen suggested I lay this squarely in the lap of the Solicitor General. The government provides, I'm reminded, upwards of \$53 million in victim services.

The question, as we have discovered time and again this morning, relates to resources. In terms of generating additional resources, one might look at the victim fine surcharge. It is, I think, today at 15 percent. The member may have views. I suppose that's an area one could look at in terms of trying to generate some additional revenues to provide to organizations that do this important and worthwhile work. That may be something I need to think about.

**L. Krog:** Noting the hour, I move that the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 11:48 a.m.

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