



Fourth Session, 39th Parliament

OFFICIAL REPORT OF
**DEBATES OF THE
LEGISLATIVE ASSEMBLY**
(HANSARD)

Monday, October 31, 2011
Afternoon Sitting
Volume 27, Number 2

THE HONOURABLE BILL BARISOFF, SPEAKER

ISSN 0709-1281

PROVINCE OF BRITISH COLUMBIA
(Entered Confederation July 20, 1871)

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

FOURTH SESSION, 39TH PARLIAMENT

SPEAKER OF THE LEGISLATIVE ASSEMBLY
Honourable Bill Barisoff

EXECUTIVE COUNCIL

Premier and President of the Executive Council	Hon. Christy Clark
Deputy Premier and Minister of Finance.....	Hon. Kevin Falcon
Minister of Aboriginal Relations and Reconciliation	Hon. Mary Polak
Minister of Advanced Education.....	Hon. Naomi Yamamoto
Minister of Agriculture.....	Hon. Don McRae
Minister of Children and Family Development	Hon. Mary McNeil
Minister of Community, Sport and Cultural Development.....	Hon. Ida Chong
Minister of Education	Hon. George Abbott
Minister of Energy and Mines and Minister Responsible for Housing.....	Hon. Rich Coleman
Minister of Environment.....	Hon. Dr. Terry Lake
Minister of Forests, Lands and Natural Resource Operations.....	Hon. Steve Thomson
Minister of Health	Hon. Michael de Jong, QC
Minister of Jobs, Tourism and Innovation	Hon. Pat Bell
Minister of Labour, Citizens' Services and Open Government.....	Hon. Dr. Margaret MacDiarmid
Minister of Public Safety and Solicitor General and Attorney General	Hon. Shirley Bond
Minister of Social Development	Hon. Stephanie Cadieux
Minister of State for Multiculturalism	Hon. Harry Bloy
Minister of Transportation and Infrastructure.....	Hon. Blair Lekstrom

LEGISLATIVE ASSEMBLY

Leader of the Official Opposition.....	Adrian Dix
Deputy Speaker.....	Linda Reid
Assistant Deputy Speaker	Dawn Black
Deputy Chair, Committee of the Whole	Douglas Horne
Clerk of the Legislative Assembly	Craig James
Deputy Clerk and Clerk of Committees.....	Kate Ryan-Lloyd
Clerk Assistant	Robert Vaive
Law Clerk and Clerk Assistant.....	Ian D. Izzard, QC
Clerk Assistant	Roderick MacArthur, QC
Clerk Consultant	E. George MacMinn, OBC, QC
Sergeant-at-Arms	Gary Lenz

ALPHABETICAL LIST OF MEMBERS

Abbott, Hon. George (BC Liberal) Shuswap
Austin, Robin (NDP) Skeena
Bains, Harry (NDP) Surrey-Newton
Barisoff, Hon. Bill (BC Liberal) Penticton
Barnett, Donna (BC Liberal) Cariboo-Chilcotin
Bell, Hon. Pat (BC Liberal) Prince George-Mackenzie
Bennett, Bill (BC Liberal) Kootenay East
Black, Dawn (NDP) New Westminster
Bloy, Hon. Harry (BC Liberal) Burnaby-Lougheed
Bond, Hon. Shirley (BC Liberal) Prince George-Valemount
Brar, Jagrup (NDP) Surrey-Fleetwood
Cadieux, Hon. Stephanie (BC Liberal) Surrey-Panorama
Cantelon, Ron (BC Liberal) Parksville-Qualicum
Chandra Herbert, Spencer (NDP) Vancouver-West End
Chong, Hon. Ida (BC Liberal) Oak Bay-Gordon Head
Chouhan, Raj (NDP) Burnaby-Edmonds
Clark, Hon. Christy (BC Liberal) Vancouver-Point Grey
Coell, Murray (BC Liberal) Saanich North and the Islands
Coleman, Hon. Rich (BC Liberal) Fort Langley-Aldergrove
Conroy, Katrine (NDP) Kootenay West
Coons, Gary (NDP) North Coast
Corrigan, Kathy (NDP) Burnaby-Deer Lake
Dalton, Marc (BC Liberal) Maple Ridge-Mission
de Jong, Hon. Michael, QC (BC Liberal) Abbotsford West
Dix, Adrian (NDP) Vancouver-Kingsway
Donaldson, Doug (NDP) Stikine
Elmore, Mable (NDP) Vancouver-Kensington
Falcon, Hon. Kevin (BC Liberal) Surrey-Cloverdale
Farnworth, Mike (NDP) Port Coquitlam
Fleming, Rob (NDP) Victoria-Swan Lake
Foster, Eric (BC Liberal) Vernon-Monashee
Fraser, Scott (NDP) Alberni-Pacific Rim
Gentner, Guy (NDP) Delta North
Hammell, Sue (NDP) Surrey-Green Timbers
Hansen, Colin (BC Liberal) Vancouver-Quilchena
Hawes, Randy (BC Liberal) Abbotsford-Mission
Hayer, Dave S. (BC Liberal) Surrey-Tynehead
Heed, Kash (BC Liberal) Vancouver-Fraserview
Hogg, Gordon (BC Liberal) Surrey-White Rock
Horgan, John (NDP) Juan de Fuca
Horne, Douglas (BC Liberal) Coquitlam-Burke Mountain
Howard, Rob (BC Liberal) Richmond Centre
Huntington, Vicki (Ind.) Delta South
James, Carole (NDP) Victoria-Beacon Hill
Karagianis, Maurine (NDP) Esquimalt-Royal Roads
Krog, Leonard (NDP) Nanaimo
Krueger, Kevin (BC Liberal) Kamloops-South Thompson
Kwan, Jenny Wai Ching (NDP) Vancouver-Mount Pleasant
Lake, Hon. Dr. Terry (BC Liberal) Kamloops-North Thompson
Lali, Harry (NDP) Fraser-Nicola
Lee, Richard T. (BC Liberal) Burnaby North
Lekstrom, Hon. Blair (BC Liberal) Peace River South
Les, John (BC Liberal) Chilliwack
Letnick, Norm (BC Liberal) Kelowna-Lake Country
MacDiarmid, Hon. Dr. Margaret (BC Liberal) Vancouver-Fairview
Macdonald, Norm (NDP) Columbia River-Revelstoke
McIntyre, Joan (BC Liberal) West Vancouver-Sea to Sky
McNeil, Hon. Mary (BC Liberal) Vancouver-False Creek
McRae, Hon. Don (BC Liberal) Comox Valley
Mungall, Michelle (NDP) Nelson-Creston
Penner, Barry, QC (BC Liberal) Chilliwack-Hope
Pimm, Pat (BC Liberal) Peace River North
Polak, Hon. Mary (BC Liberal) Langley
Popham, Lana (NDP) Saanich South
Ralston, Bruce (NDP) Surrey-Whalley
Reid, Linda (BC Liberal) Richmond East
Routley, Bill (NDP) Cowichan Valley
Routley, Doug (NDP) Nanaimo-North Cowichan
Rustad, John (BC Liberal) Nechako Lakes
Sather, Michael (NDP) Maple Ridge-Pitt Meadows
Simons, Nicholas (NDP) Powell River-Sunshine Coast
Simpson, Bob (Ind.) Cariboo North
Simpson, Shane (NDP) Vancouver-Hastings
Slater, John (BC Liberal) Boundary-Similkameen
Stewart, Ben (BC Liberal) Westside-Kelowna
Stilwell, Dr. Moira (BC Liberal) Vancouver-Langara
Sultan, Ralph (BC Liberal) West Vancouver-Capilano
Thomson, Hon. Steve (BC Liberal) Kelowna-Mission
Thorne, Diane (NDP) Coquitlam-Maillardville
Thornthwaite, Jane (BC Liberal) North Vancouver-Seymour
Trevena, Claire (NDP) North Island
van Dongen, John (BC Liberal) Abbotsford South
Yamamoto, Hon. Naomi (BC Liberal) North Vancouver-Lonsdale
Yap, John (BC Liberal) Richmond-Steveston
Vacant Port Moody-Coquitlam

LIST OF MEMBERS BY RIDING

Abbotsford-Mission Randy Hawes
Abbotsford South John van Dongen
Abbotsford West Hon. Michael de Jong, QC
Alberni-Pacific Rim Scott Fraser
Boundary-Similkameen John Slater
Burnaby-Deer Lake Kathy Corrigan
Burnaby-Edmonds Raj Chouhan
Burnaby-Lougheed Hon. Harry Bloy
Burnaby North Richard T. Lee
Cariboo-Chilcotin Donna Barnett
Cariboo North Bob Simpson
Chilliwack John Les
Chilliwack-Hope Barry Penner, QC
Columbia River-Revelstoke Norm Macdonald
Comox Valley Hon. Don McRae
Coquitlam-Burke Mountain Douglas Horne
Coquitlam-Maillardville Diane Thorne
Cowichan Valley Bill Routley
Delta North Guy Gentner
Delta South Vicki Huntington
Esquimalt-Royal Roads Maurine Karagianis
Fort Langley-Aldergrove Hon. Rich Coleman
Fraser-Nicola Harry Lali
Juan de Fuca John Horgan
Kamloops-North Thompson Hon. Dr. Terry Lake
Kamloops-South Thompson Kevin Krueger
Kelowna-Lake Country Norm Letnick
Kelowna-Mission Hon. Steve Thomson
Kootenay East Bill Bennett
Kootenay West Katrine Conroy
Langley Hon. Mary Polak
Maple Ridge-Mission Marc Dalton
Maple Ridge-Pitt Meadows Michael Sather
Nanaimo Leonard Krog
Nanaimo-North Cowichan Doug Routley
Nechako Lakes John Rustad
Nelson-Creston Michelle Mungall
New Westminster Dawn Black
North Coast Gary Coons
North Island Claire Trevena
North Vancouver-Lonsdale Hon. Naomi Yamamoto
North Vancouver-Seymour Jane Thornthwaite
Oak Bay-Gordon Head Hon. Ida Chong
Parksville-Qualicum Ron Cantelon
Peace River North Pat Pimm
Peace River South Hon. Blair Lekstrom
Penticton Hon. Bill Barisoff
Port Coquitlam Mike Farnworth
Port Moody-Coquitlam Vacant
Powell River-Sunshine Coast Nicholas Simons
Prince George-Mackenzie Hon. Pat Bell
Prince George-Valemount Hon. Shirley Bond
Richmond Centre Rob Howard
Richmond East Linda Reid
Richmond-Steveston John Yap
Saanich North and the Islands Murray Coell
Saanich South Lana Popham
Shuswap Hon. George Abbott
Skeena Robin Austin
Stikine Doug Donaldson
Surrey-Cloverdale Hon. Kevin Falcon
Surrey-Fleetwood Jagrup Brar
Surrey-Green Timbers Sue Hammell
Surrey-Newton Harry Bains
Surrey-Panorama Hon. Stephanie Cadieux
Surrey-Tynehead Dave S. Hayer
Surrey-Whalley Bruce Ralston
Surrey-White Rock Gordon Hogg
Vancouver-Fairview Hon. Dr. Margaret MacDiarmid
Vancouver-False Creek Hon. Mary McNeil
Vancouver-Fraserview Kash Heed
Vancouver-Hastings Shane Simpson
Vancouver-Kensington Mable Elmore
Vancouver-Kingsway Adrian Dix
Vancouver-Langara Dr. Moira Stilwell
Vancouver-Mount Pleasant Jenny Wai Ching Kwan
Vancouver-Point Grey Hon. Christy Clark
Vancouver-Quilchena Colin Hansen
Vancouver-West End Spencer Chandra Herbert
Vernon-Monashee Eric Foster
Victoria-Beacon Hill Carole James
Victoria-Swan Lake Rob Fleming
West Vancouver-Capilano Ralph Sultan
West Vancouver-Sea to Sky Joan McIntyre
Westside-Kelowna Ben Stewart

CONTENTS

Monday, October 31, 2011
Afternoon Sitting

Page

Routine Business

Tributes	8511
Luc Fortin	
R. Howard	
Introductions by Members.....	8511
Introduction and First Reading of Bills.....	8511
Bill 10 — Nurse Practitioners Statutes Amendment Act, 2011	
Hon. M. de Jong	
Bill 15 — Attorney General and Public Safety and Solicitor General Statutes Amendment Act, 2011	
Hon. S. Bond	
Statements (Standing Order 25B)	8511
School expansion projects in Richmond	
R. Howard	
Delaware youth project in Campbell River	
C. Trevena	
Research activities at University of British Columbia	
R. Sultan	
Brian Hall and Smithers District Chamber of Commerce awards	
D. Donaldson	
Adoption Awareness Month	
L. Reid	
Work of hospital auxiliary societies in Kootenay area	
M. Mungall	
Oral Questions.....	8514
Death of senior at care facility and Ombudsperson report recommendations for seniors care	
A. Dix	
Hon. M. de Jong	
M. Farnworth	
S. Hammell	
Protection of agriculture and farmlands in Delta	
V. Huntington	
Hon. D. McRae	
Investigation of election campaign for member for Vancouver-Fraserview	
L. Krog	
Hon. S. Bond	
K. Corrigan	
Auditor General report on financial reporting by B.C. Hydro	
B. Ralston	
Hon. R. Coleman	
Government settlement with Boss Power Corp.	
J. Horgan	
Hon. R. Coleman	
C. James	
Petitions	8519
B. Simpson	

Orders of the Day

Second Reading of Bills	8519
Bill 12 — Teachers Act (<i>continued</i>)	
Hon. D. McRae	
N. Simons	
J. McIntyre	
B. Simpson	
H. Bains	
R. Austin	
Hon. G. Abbott	
Bill 4 — Offence Amendment Act, 2011	
Hon. S. Bond	
L. Krog	
M. Dalton	
K. Corrigan	
N. Letnick	
Committee of the Whole House.....	8539
Bill 6 — Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2011	
N. Macdonald	
Hon. S. Thomson	
B. Simpson	
B. Routley	
C. Trevena	

MONDAY, OCTOBER 31, 2011

The House met at 1:32 p.m.

[Mr. Speaker in the chair.]

Routine Business

Tributes

LUC FORTIN

R. Howard: Mr. Speaker, I would like to inform this House of a tragedy that happened.

The pilot who died as a result of the plane crash at Vancouver International Airport last Thursday was Luc Fortin. Luc was the pilot who flew our Finance Committee all over the province on our first leg of the Finance Committee tour the week of September 19, so we got to know Luc. We were so impressed with Luc that we had actually asked him to try and make sure that he could fly us on the second leg of our tour.

On behalf of the Finance Committee and on behalf of this House, I express our heartfelt condolences to Luc's wife, Dagne, his daughter Katelyn, Luc's parents and their extended family.

Introductions by Members

D. Barnett: Today in the House I'd like to introduce you to an old friend and colleague of mine who, for many, many years, lived and helped bring the spirit to the district of 100 Mile House and who now lives in Victoria, Mr. Norm Smookler. Will the House please welcome him.

Introduction and First Reading of Bills

BILL 10 — NURSE PRACTITIONERS
STATUTES AMENDMENT ACT, 2011

Hon. M. de Jong presented a message from His Honour the Lieutenant-Governor: a bill intituled Nurse Practitioners Statutes Amendment Act, 2011.

Hon. M. de Jong: Mr. Speaker, I move that Bill 10 be introduced and read a first time now.

Motion approved.

Hon. M. de Jong: Nurse practitioners, as members know, were introduced in B.C. in 2005 to fulfil additional roles in areas like primary care, chronic disease and health promotion. Nurse practitioners are registered nurses with additional education at the master's level.

This entitles them to an expanded scope of practice over and above the traditional registered nurse role.

[1335]

Bill 10, this bill, contains amendments to a total of 12 acts. Those amendments will remove barriers and restrictions and allow nurse practitioners to work within their full scope of practice. An example would be the Employment Standards Act, where nurse practitioners will be able to provide certification for pregnancy leave.

I move that Bill 10 be placed on orders of the day for second reading at the next sitting of the House after today.

Bill 10, Nurse Practitioners Statutes Amendment Act, 2011, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

BILL 15 — ATTORNEY GENERAL AND
PUBLIC SAFETY AND SOLICITOR GENERAL
STATUTES AMENDMENT ACT, 2011

Hon. S. Bond presented a message from His Honour the Administrator: a bill intituled Attorney General and Public Safety and Solicitor General Statutes Amendment Act, 2011.

Hon. S. Bond: I move that Bill 15 be introduced and read a first time now.

Motion approved.

Hon. S. Bond: I am very pleased to introduce Bill 15, the Attorney General and Public Safety and Solicitor General Statutes Amendment Act, 2011. This bill will amend the following statutes: the Armoured Vehicle and After-Market Compartment Control Act, the Body Armour Control Act, the Expropriation Act, the Fraudulent Conveyance Act, the Judicial Compensation Act, the Jury Act and the Security Services Act. The bill will also make a consequential amendment to the Coroners Act.

I move that the bill be placed on the orders of the day for a second reading at the next sitting of the House after today.

Bill 15, Attorney General and Public Safety and Solicitor General Statutes Amendment Act, 2011, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

Statements (Standing Order 25B)

SCHOOL EXPANSION PROJECTS
IN RICHMOND

R. Howard: Having just attended last Friday the official opening of Samuel Brighthouse School in my riding,

which is a phenomenal facility, I'm very pleased to rise today to extend congratulations to the staff and students of Henry Anderson Elementary School in Richmond.

The school is located in the riding of my colleague from Richmond East, but it also serves students from my own riding of Richmond Centre. Henry Anderson Elementary is one of the 19 projects under the \$353 million capital plan announced today. This capital plan focuses on high-priority projects in the province's fastest-growing school districts.

The projects approved today are expansion projects that will deal with the need for new school spaces in communities which are experiencing increasing enrolment. These six new elementary schools, one new middle school, two new secondary schools, four school additions and six site purchases all announced today will see thousands of new classroom spaces added throughout the province.

I'm very proud of this investment in the education of our children, which will ensure that they have the environment they need in order to learn. I'm also very proud of the jobs which this investment in our schools will create — an estimated 1,850 good jobs for B.C. families during construction.

Finally, I would like to extend my congratulations to Donna Sargent, chair of the Richmond board of education, and the rest of the trustees. I would also like to thank them for their ongoing support and cooperative attitude. Their constructive efforts are one reason that Henry Anderson School will see millions of dollars of capital funding and hundreds of new spaces created. This is a great day for the education system in British Columbia and in Richmond.

DELAWARE YOUTH PROJECT IN CAMPBELL RIVER

C. Trevena: When the Delaware project started in Campbell River in May, its youth council set down one central rule: the kids and youth who attend cannot be under the influence of drugs or alcohol when they're there. The council meets every Monday morning and provides some of the structure for this exceptional project, which is run by the John Howard Society of North Island.

It's a youth drop-in for young people, from ages 13 to 24, who often aren't welcome anywhere else. These are the kids with addictions, with fetal alcohol, with mental health issues. They're involved with the youth justice system or have been in care and aged out — the so-called street-entrenched youth who would, without Delaware, fall through the cracks. But Delaware, named by the young people who use it, has given them self-respect and stability. It opens at nine in the morning, five days a week, although some who go there say they would like to see a seven-day-a-week, all-day program.

The kids want a safe, inclusive and respectful space. No one takes names of those who are there. There's no sign-in. It's a place where the youth can know that they're not being judged.

The self-confidence of the young people has grown over the last six months. They're responsible for making breakfast, including getting the groceries and budgeting. They participate in activities from hot yoga through to a climbing wall. There's Internet access and literacy support, and elders come to talk and share traditions.

At least 14 to 20 young people come by every day, some from Campbell River, others who pass through town going to or from west coast or north Island communities. It's a proven success in harm reduction for some of our most vulnerable youth, but it could close at the end of the year because it doesn't have long-term funding.

John Howard Society of North Island largely pulled together donations from the community to get it going. It has been looking to the Ministry of Children and Families for ongoing stable financing. It needs \$80,000 a year — not much in the greater scheme of things. It's not much for providing positive adult connections and for these young people's problems to be treated seriously. It's not much to keep youth safe and give them respect. As one of the youth who goes there said: "It's safer here than outside."

RESEARCH ACTIVITIES AT UNIVERSITY OF BRITISH COLUMBIA

R. Sultan: We should celebrate this day the fact that the University of British Columbia has joined a global fraternity of excellence in advanced education and research. I refer to the fact that UBC now ranks 22nd among thousands of world universities according to the 2011-2012 *Times Higher Education* report released in London, England, earlier this month. To illustrate the calibre of our competition, the top five are Caltech, Harvard, Stanford, Oxford and Princeton.

This is no casual enumeration of how students feel about the warmth of their campus pub. It entails months of comparison in five categories: learning environment, research quantity and quality, global influence, international orientation and industry innovation. UBC is home to 53,000 students, 14,000 faculty and over a quarter million alumni. About one half of its \$1 billion operating budget is provided by this House. It is money well spent.

For example, Genome B.C., co-founded by UBC's Nobel laureate Michael Smith, has in the past decade invested almost half a billion dollars and captured almost one-third of all federal moneys directed to help fisheries and environmental research. Dr. Michael Hayden's world-class research has led to the formation of several B.C. companies, such as Xenon Pharma and Aspreva.

TRIUMF, home of Canada's particle research endeavour, is helping us understand the creation of the

universe while also producing much-needed isotopes for nuclear medicine. In an era when *Octum Est de Me* or "it's all about me" is too often the tacit institutional motto, UBC's *Tuum Est* or "it's up to you" is a refreshing reminder of the philosophy which is obviously working well at UBC.

BRIAN HALL AND SMITHERS DISTRICT
CHAMBER OF COMMERCE AWARDS

D. Donaldson: The Smithers Chamber of Commerce annual awards event was held October 22. We all know that small businesses are the backbone of the economy, but especially so in rural communities like the ones in Stikine. Small businesses are extremely important for the local jobs they provide. They are also critical contributors to the social and cultural fabric of our communities through volunteer activities, sponsorship and donations, and promotion of the local economy.

With this impact — economic, social and cultural — small businesses assist rural communities to be resilient when external decisions are made that run counter to the interests of community stability. That is why I was very pleased to witness a long-time friend of mine receive the Citizen of the Year award at the chamber event.

Brian Hall, who is owner, with his wife, of the Stork Nest Inn, was honoured for his volunteer work in establishing the Hankin-Evelyn back-country recreation area near Smithers. It is a non-motorized-use zone that offers attractive hiking trails to alpine, and it's especially good for back-country skiing.

Brian saw a gap in local infrastructure for the non-motorized back-country access for skiing, and he used his entrepreneurial skills to pull together a coalition of local business and community groups to bring the project to reality. Now the Hankin-Evelyn recreation area provides local business opportunities, increases active living among residents and is an attractive feature for those considering a move to our area.

[1345]

Brian related a story to me of successful efforts by others to attract a new physician to town that were influenced by the existence of a dedicated back-country ski area. It shows the interweaving of small business, community interests and local control that is so important for stability.

In this example, it wasn't a case of the government getting out of way that created the economic opportunities. In fact, government lending a helping hand was critical for the success of the project through the support of local ministry staff and through funding program resources.

So congratulations to Brian Hall, all of the business award-winners and the Smithers Chamber of Commerce for a very uplifting evening.

ADOPTION AWARENESS MONTH

L. Reid: I am pleased to rise in the House today to recognize November as Adoption Awareness Month in British Columbia. Adoption Awareness Month provides us the opportunity to thank adoptive families for opening their hearts and committing their lives to the love and care of a child. It gives us time to recognize the invaluable impact adoptive families have on the lives of children.

Every child deserves to have a family to call their own and a permanent place to call home. Every child deserves the support a family brings, whether it's someone to help with homework, someone to tuck them in at night, someone to cheer them on at a sporting event or attend their school play or someone to listen to their stories, be proud of them or be a shoulder to cry on when life seems hard.

Every child deserves a glorious childhood. What I wish for my children is what I wish for every child in the province of British Columbia. Every child and teenager deserves the nurturing affection of a family environment, and more than 1,200 children in government care are still looking for a place to call home, with more than 500 children ready to be adopted today.

I encourage anyone who's interested in the joy that a child can bring to call 1-877-ADOPT-07 or visit the Ministry of Children and Family Development website. I ask the people of British Columbia to join me in recognizing and celebrating Adoption Awareness Month, the families that adoption creates and how adoption embodies the meaning of putting families first.

WORK OF HOSPITAL AUXILIARY
SOCIETIES IN KOOTENAY AREA

M. Mungall: Well, a woman's work is never done, so they say. Take, for example, Jane Tyerman from Erickson. When she retired from her work at the lab in the Creston Valley Hospital in her 60s, she began volunteering with the Erickson Ladies Hospital Auxiliary. For the next 20 years Jean joined other women to make gifts for patients and raise funds for the hospital needs.

Heading north along Kootenay Lake, women there have been active since 1902, as the Victorian Hospital of Kaslo Auxiliary Society. Since then women on the auxiliary have baked, knitted and pulled raffle tickets out of their purses to sell in the community. Husbands help too, you'll read on their website, taking the lead from their wives.

After 2001, though, they faced some big changes — not only at the hospital, which was demoted to a health clinic, but they also began a new social enterprise, the local thrift store. As savvy businesswomen, the auxiliary has increased its fundraising and makes major contributions, like the \$26,000 to the palliative care room.

In Nelson, Salmo and south Slocan the Kootenay Lake hospital also has had an auxiliary, dating back to

1898. Talking to young parents, they are all smiles when dressing their bundles of joy in hand-knitted toques and booties from the auxiliary.

And Nelson's Fraternal Order of Eagles Ladies Auxiliary has been working for communities since 1947. On November 19, from 11:00 a.m. to 2:00 p.m., they are inviting everyone to join them for a bowl of famous West Kootenay Russian borscht to raise funds for services that empower women and help us create equality in our society. For only \$7, Mr. Speaker, you can get in on this great food for a great cause.

A woman's work is never done. Whether it's knitting for newborns, raising money for hospital equipment or the movement for equality, ladies auxiliaries have fearlessly stepped up and gotten the job done. [Applause.]

Mr. Speaker: The true spirit of a private member's statement.

Oral Questions

DEATH OF SENIOR AT CARE FACILITY AND OMBUDSPERSON REPORT RECOMMENDATIONS FOR SENIORS CARE

A. Dix: In January Eldon Mooney, a senior, choked to death at a privately run care home which is licensed by the Vancouver Coastal Health Authority. The care home in question, Sunrise, said at the time that he died of natural causes. His daughter had set up a camera in his room, and it showed that in fact he'd choked to death.

[1350]

Now, Ms. Nelson, his daughter, is one person, and Sunrise is run by a very powerful multinational corporation. I think the minister will understand that there's a real power imbalance in these cases. So will he not agree with me that this case is an example of why we need an independent seniors representative in B.C.?

Hon. M. de Jong: The circumstances of Mr. Mooney's passing are troubling, to say the least. The information as set out in the coroner's report chronicles what took place, and that is troubling enough. But it is the part of the report where the coroner confirms that staff present at the death of the resident were not truthful with regards to the circumstances....

Patients, residents and their families are entitled to expect truthfulness and honesty and to know the circumstances that surround the passing of a loved one. That did not occur here, and for that I have a tremendous amount of regret and express the apologies of all concerned to the family.

Mr. Speaker: The Leader of the Opposition has a supplemental.

A. Dix: Well, as the minister will know, it is a serious case. I think what it shows in these cases, particularly in seniors care, is why seniors sometimes need an independent place to go. The Vancouver Coastal Health Authority had responsibility as the licensing agency in this case, and in fact, what you had is a case where a daughter, grieving, had to fight this case, in effect, on her own.

So I just want to ask, since the minister talked about people having access to information.... The Ombudsperson produced a report in 2010 and made a series of recommendations to improve seniors care. One was to set up a central registry. The minister will know that. The minister will know that the government really hasn't followed through on that report.

On those recommendations from the report, that particular one, will the Health Minister then agree that full disclosure is essential and set up a central registry today or move to set up a central registry today consistent with the Ombudsperson's report?

Hon. M. de Jong: As the member knows, the Ombudsperson is working on part 2 of the report, and he will also know that the government has moved with respect to a series of the recommendations made in part 1 of the report.

If, however, I can return to the issue that has given rise to the discussion in the first place. I think that it is also important to point out two things. The coroner has recognized that in response to the evidence that arose — most particularly, I think, in this case video evidence — that Vancouver Coastal Health and the licensing branch conducted an exhaustive recommendation, identified a whole series of areas where the facility was found to be lacking and prepared a series of recommendations. And in fairness, the coroner completes the report by saying: "Given the improvements that have been implemented at the care facility and the heightened monitoring being carried out by Vancouver Coastal Health community care facilities licensing branch, I make no further recommendations."

As serious as this is, and it is serious, I would not want the suggestion or impression left that Vancouver Coastal didn't take it seriously, and in fact, in response, that the facility itself hasn't taken it seriously.

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

A. Dix: Here's the problem. You go on to the minister's website — I invite him to do this after question period — about Sunrise.... The minister referred to a report which found 23 breaches of care. You go on the minister's website, where people are supposed to go to find out information before, perhaps, they take their loved one into care, and there's no evidence of that. In fact, there's nothing on the website in reference to these 23 breaches of

care that were found in April by the Vancouver Coastal Health Authority.

Surely the minister will agree that's not good enough — to go on a website that's supposed to inform people, that's supposed to give them confidence that they have all the information, and the minister's website doesn't have any of this.

[1355]

Doesn't the minister agree with me that that has to change — that the minister has to, I think, move to in fact implement the recommendations of the Ombudsperson's report in full, and that it's not acceptable for those very things that the minister refers to in this House as examples of the licensing agency doing its job? Doesn't the minister agree with me that the public should have the same right as he has to access to that information before enrolling or bringing their loved one into care?

Hon. M. de Jong: The member will know that over the past number of years the government has taken significant steps to ensure that the public and individuals and family members of individuals have a far broader source of information to consult with respect to the facilities that might provide care to an individual.

It is now possible for members of the public, family members of seniors looking for a place to house them, to access reports and summaries of reports that refer to inspections that have taken place on a regular basis of housing facilities in British Columbia. There is now a formal framework in place for complaints to be followed up on through the patient care quality review panel.

I'm not suggesting, particularly on a day when we are confronted by the information contained in the coroner's report, that the system is perfect, but every single day thousands upon thousands of caregivers report to work and diligently and passionately and professionally provide care to seniors and vulnerable British Columbians. We have a system in place that where something goes wrong, there is a formal mechanism in place to follow up on that, and that's what's happened here.

M. Farnworth: Well, the ministry has had this information since April, and it's still not on the government's website. It's still not on the minister's website. There were 23 breaches of care in this particular case. No appropriate monitoring system, inadequate training for assisted feeding, improper restraint — those are pretty serious.

The minister just said families deserve the truth, and they do deserve the truth. One of the ways of ensuring that was through the recommendations in the Ombudsman's report. Will the minister not recognize that families deserve the truth, and will he not commit to fully implementing the recommendations of the Ombudsperson's report?

Hon. M. de Jong: We are working, and in fact, part of the answer to the member's question is revealed in the steps that have already been taken to provide centralized and coordinated access to the broad suite of services that are available to seniors. That work has begun. It is ongoing.

I am in contact with the Ombudsperson's office in anticipation of part 2 of her report. Those discussions include, I might add, a discussion around the kind of seniors advocate that might be available to advance the interests of seniors in British Columbia. So the work is ongoing, and I look forward to it continuing.

Mr. Speaker: The member has a supplemental.

M. Farnworth: Well, it's nice to hear that work is ongoing, but I don't expect that stage 2 is going to be different than stage 1 and say that we shouldn't have transparency and access to information for the families of seniors in the province of British Columbia.

So while that is taking place, does the minister not recognize that families deserve truth in cases like this? There were 23 breaches in this one case alone, never mind other cases. It took a family that had to put a nanny cam in place to get the truth. The information has been on the minister's desk or in the ministry since April.

Again, to the minister — the question is clear: will he implement the Ombudsman's recommendations, particularly with regards to information and the ability to access information to the families of seniors in British Columbia, and stop the delay?

Hon. M. de Jong: Well, again, I suppose there are times in this chamber where members of government ask members of opposition to have faith and be patient. We're working on it.

[1400]

In fact, the member will know, as a former Minister of Health, the tremendous progress we have made in precisely that direction in ensuring that individuals, seniors and in many cases their families, have much better and broader access to information that will allow them to make informed decisions about where they want to live and the care they are receiving in those facilities. That work is continuing.

I haven't in any way tried to shy away from the information contained within the coroner's report, which is not a flattering description of what took place. But I've also tried to be fair in pointing out the coroner's finding in the report of July, where credit is given for the improvements that have taken place, for the quality of the report completed by Vancouver Coastal Health and for the improvements that have taken place at the facility.

S. Hammell: The minister needs to move the talk into action. Ms. Nelson is one person. Sunrise of Lynn Valley

is owned by a huge U.S. corporation worth millions of dollars. Surely the minister can recognize that dramatic imbalance.

Sunrise told Ms. Nelson that her father died in his sleep. That was not true. British Columbians expect the government to be on their side in a terrible situation like this. When a large corporation violates the trust of the people in their care, government should be on the side of the seniors and their families.

Will the minister do the right thing? Will the minister stand up for seniors and their families? Will the minister announce today that B.C. seniors will have a seniors advocate?

Hon. M. de Jong: Well, it may be of significance to the member opposite, but let me tell you this. I believe, and the government believes, that a senior deserves to be receiving high-quality, dignified care in their place of residence whether that residence is owned by a larger corporation or by a society, is public or is private. Those expectations do not change depending on who owns the facility.

That's why we have standards in place, and that's why we have a residents bill of rights. That's why we created a patient care quality review panel — so that there is a mechanism in place that provided residents and their families with the tools necessary to investigate and seek redress when those high-quality standards aren't being met.

PROTECTION OF AGRICULTURE AND FARMLANDS IN DELTA

V. Huntington: The Premier recently encouraged Delta South to take pride in a new identity, not as the agricultural jewel of the Lower Mainland but as the face of Canada to Asia. Just this month Port Metro Vancouver CEO Robin Silvester declared that while agriculture is emotionally important, it is of relatively low importance economically and almost meaningless in terms of food security.

Agriculture in Delta delivers among the highest farm-gate receipts in this province and accounts for over 25 percent of Delta's GDP. That's in spite of the fact that Delta also has the Lower Mainland's largest industrial parks.

Will the Minister of Agriculture repudiate Mr. Silvester's attack on B.C.'s most productive land and defend agriculture in B.C., and is he prepared to tell the port that preserving farmland in Delta is not just emotional but is crucial for both the well-being of our farmers and the survival of the Pacific migratory bird flyway?

Hon. D. McRae: I'm very pleased to say to the member opposite that there are few groups that I have met geographically more often than members from Delta. Just last week I had in my office in Victoria here members from the Delta Farmers Institute. I've also had the opportunity to go to Delta and meet with them there.

They have raised the concerns and the importance of agriculture every single time. The great thing here is I agree with them.

[1405]

I will continue to advocate for agriculture in Delta. I'll continue to advocate for agriculture in British Columbia. It is hugely important, and I think everybody gets it.

Mr. Speaker: Member has a supplemental.

V. Huntington: It isn't a repudiation of Mr. Silvester's comments, however. Delta understands the value of the Pacific Gateway to this country's economy, perhaps better than any other community in British Columbia. But this obsession to turn the ALR into an industrial park has to stop.

It is not the will of B.C. residents to use jobs as an excuse to abuse either the province's agricultural assets or its environmental responsibilities. Will the Minister of Transportation pledge that the province will commit to the current industrial-agricultural balance in Delta? Will he halt the industrial creep, proclaim the value of farmland not only to B.C.'s future but also to B.C.'s role in meeting Canada's obligation under the migratory bird treaty?

Hon. D. McRae: I'm sure the member opposite does know, because I know she's very well versed, that migratory birds are an issue to do with the federal government. But at the same time, it is very important to make sure that if there's an issue we can help advocate for as a province, we do so.

I'm also pleased to say I forgot to mention some of the people from Delta that I have met. At the UBCM Mayor Lois Jackson was very forward about the importance of agriculture and the importance to Delta. I want to make sure that was very well spoken to the members opposite. I also want to make sure that the member opposite knows I have toured greenhouses in Delta — in fact, with the member opposite.

There is no doubt that it is hugely important that we continue to advocate for agriculture. As the member opposite also knows, the Agricultural Land Commission is independent from government. One of the things I want to see in the very near future is some enhancements to this organization that allow them to be the proactive organization that they should be, because their job is to preserve farmland and quality farmland in this province and protect the farmer. I am very excited for the near future, member opposite.

INVESTIGATION OF ELECTION CAMPAIGN FOR MEMBER FOR VANCOUVER-FRASERVIEU

L. Krog: This weekend we heard yet more disturbing allegations from the 2009 campaign manager for the member for Vancouver-Fraserview. These allegations

centre around 40,000 initial dollars in campaign expenses that have gone unreported to Elections B.C.

My question is to the Attorney General. Can she advise this House if a special prosecutor has been appointed to investigate these serious allegations?

Hon. S. Bond: As the member opposite would well know, there's been a lengthy police investigation, and a special prosecutor was appointed. That is done — and the member knows this — independent of government by the head of the province's criminal justice branch. So there was a lengthy police investigation, a special prosecutor was appointed, and that work has been completed.

Mr. Speaker: Member has a supplemental.

L. Krog: As all the members of this House are aware, Elections B.C. conducted an investigation into spending irregularities in that election. This concerned \$6,000 of misappropriated funds. Now we hear allegations of \$40,000 in undeclared spending which, again, calls into question the legitimacy of the result of the 2009 election in Vancouver-Fraserview.

My question is to the Attorney General. Will she join this side of the House in calling for the Chief Electoral Officer to investigate these new allegations of election overspending?

Hon. S. Bond: Again, a special prosecutor was appointed, and as the member opposite should well know, that is done independent of government. What I would actually encourage the member opposite to do is that if the member opposite has additional information and would like to pursue that, that's precisely what he should proceed to do.

[1410]

K. Corrigan: We are dealing with new information. Mr. Sall is now alleging that the member for Vancouver-Fraserview failed to report thousands more in election expenses but that he, Barinder Sall, destroyed the evidence and kept his mouth shut to minimize the legal consequences. He also said that the member for Vancouver-Fraserview misled the public about the closeness of their relationship.

Given this new information, does the minister agree that these serious new allegations warrant a reappointment of a special prosecutor and the reopening of the investigation of the 2009 election campaign of the member for Vancouver-Fraserview?

Hon. S. Bond: Once again, the fact of the matter is that government does not determine whether or not a special prosecutor is appointed. In fact, there has been a lengthy police investigation. A special prosecutor was appointed, independent of government, and in fact, that work has been completed.

Mr. Speaker: The member has a supplemental.

K. Corrigan: Well, this minister and the Premier were both willing to stick their noses in and say what should happen with the justice system when it came to riot TV.

Mr. Sall said that the person who wrote the brochure was given a cheque for \$2,000 from the MLA account, which was never claimed. He said: "We paid another \$1,500 for a cell phone bill; \$7,500 in illegal flyers that were never claimed; \$6,000 in radio advertising; another \$6,000 in other radio advertising; and then there was some miscellaneous — maybe \$1,500 to \$2,000."

Given these very specific new allegations, will the minister agree that this investigation needs to be reopened?

Hon. S. Bond: At the risk of being repetitive, the fact of the matter is that special prosecutors are not appointed by the government. What I would encourage both members opposite to do... If they believe they have additional information or they have allegations that they would like to pursue, they should contact the police and make that very clear to them.

AUDITOR GENERAL REPORT ON FINANCIAL REPORTING BY B.C. HYDRO

B. Ralston: Last week the Auditor General's report strongly criticized B.C. Hydro's use of rate-regulated accounting and noted the result — the deferral of \$2.2 billion in expenses.

Richard Stout, who's the executive director of the Association of Major Power Customers, reacted, and he warned — he's someone who knows something about it, because he represents the major industrial users — that if this policy wasn't fixed, it would be a barrier to major and new industrial investment in the province of British Columbia, particularly metal mines, because if you don't know what your power is going to cost, it's very difficult to make that kind of major investment. So does the minister agree with the very well-informed opinion of Mr. Stout?

Hon. R. Coleman: We're committed to ensuring that electricity rates remain affordable for B.C. families and businesses. It also makes us an attractive place to invest, actually, and live. But one of the ways we do that is with the deferral accountings.

The B.C. Utilities Commission has deferred these deferral accounts to cover a range of purposes, which I outlined in my answer last week. The intention is you actually smooth it so you don't get spikes in rates for people, so you could actually have what the member opposite describes, and that would be a steady flow that the amount of rates would be so people could make long-term and short-term investments in British Columbia with confidence.

Mr. Speaker: The member has a supplemental.

B. Ralston: Well, the same well-informed Mr. Stout also warned that there's a danger in the future of large increases in rates for retail customers. So not only is this policy damaging...

Interjection.

Mr. Speaker: Member.

B. Ralston: ...the future investment climate here in British Columbia; it poses a risk of major rate increases for retail customers. Will the minister not give his head a shake and investigate this policy?

Hon. R. Coleman: You know, with the transition from Canadian generally accepted accounting principles to principles of international financial reporting standards, we have made the policy decision to continue the use of deferral accounts to promote rate stability. The policy decision has been implemented through amendments to the Budget Transparency and Accountability Act in 2010 and a Treasury Board regulation in 2011. It's accepted by the B.C. Utilities Commission. It's for us to be able to shape rates to keep them affordable for families.

[1415]

If the members opposite don't want that and want spikes of rates for people so that they'll never know what their household budget would be from year to year, they can go that way. We think that we have a plan with this. We will be taking the Auditor General's recommendation, in combination with the Hydro review, and working through that as we prepare Hydro's presentation on budget this year to government.

GOVERNMENT SETTLEMENT WITH BOSS POWER CORP.

J. Horgan: For a week now we've been putting questions to the B.C. Liberal government about the Boss Power boondoggle and the \$30 million settlement on the courthouse steps. Last week we asked the government to release the independent evaluations of the true costs of the lease. Last week we asked the government to release the legal opinion that suggested to government that a settlement for \$30 million was appropriate. Both of those questions remain outstanding.

Today you will know that we sought to bring that question to the Legislature so that we could answer some of those questions, so that the Auditor General could have a look at this information and pass judgment on the government, and see if we can protect people into the future.

My question to the Minister of Energy is this. You didn't want to talk about it this morning. Will you talk

about it now? Will you support the opposition's position and refer this matter to the Auditor General so that we can get to the bottom of the \$30 million boondoggle?

Hon. R. Coleman: We canvassed this extensively last week. We came to a settlement with Boss Power for \$30 million to buy back a tenure, which was the appropriate thing to do. We settled with our legal counsel's recommendation, and that matter was settled with regards to the courts.

To the member opposite: we are actually proud of the fact that we finally put to bed the issue around uranium, which they failed to do in the 1990s. It hadn't been settled in B.C. for a long time. The fact of the matter is that we proceeded with the process. We knew we'd set aside some dollars with regards to the possibility of settlements and with regards to having to take back tenures for the decision of 2008. We made the decision to not proceed with uranium in British Columbia. We did that. We settled the lawsuit, and the lawsuit has been settled.

Mr. Speaker: The member has a supplemental.

J. Horgan: It's interesting. My colleague from Swan Lake points out that the government wants to impose a municipal auditor on lower levels of government, but they're not prepared to use the Auditor that we have in place to clear the air on a \$30 million boondoggle.

We did canvass this thoroughly last week. We asked questions, and all we got from the Minister of Energy is notes off of a piece of paper saying: "Everything is done. Nothing to see here. Go back to your homes." Not good enough for the people of B.C.

Again, my question. Perhaps he'd like to follow the lead of the member from Kamloops so this does not happen again. He sent his thoughts to you, I'm told.

Interjection.

Mr. Speaker: Member.
Continue, Member.

J. Horgan: The member from Kamloops has said he has sent his thoughts to you. Well, let me give you the thoughts of the official opposition. Shine some light on this; let the Auditor General take a look. While you're at it, how about an apology directly to Doug Sweeney?

Hon. R. Coleman: Thanks to the member opposite for his question. The fact of the matter is the Auditor General can make his own choice on what he looks at within government. That's why he's an independent officer of the Legislature.

C. James: It's typical of this government. The minister says the matter is settled. Well, it's not settled for the

public in British Columbia who have \$30 million of their tax dollars put out by this minister. It's not settled.

What have we heard from this minister and this government? Qualifications on the government's books three years in a row: "No big deal." Warnings that deferral accounts have grown to more than \$2 billion at B.C. Hydro, set to rise to \$5 billion: "No worries. Nothing to see here."

Order a full airing of the \$30 million of taxpayers' money in the Boss Power boondoggle? "No, we don't want to talk about that."

[1420]

Well it's very clear that the Liberals are stumbling along, making a worse mess of British Columbia's finances and books. It's time for this government to show some accountability to taxpayers. Will the minister today stand up, make a small step in that direction and order the Auditor General to take a look at the Boss Power mess today?

Interjections.

Mr. Speaker: Members. Members.

Hon. R. Coleman: I'll just ignore the part about government ordering the Auditor General to do something. I think the member actually didn't want to say that, because she would know that he's an independent officer of the Legislature.

In 2008 we made a decision. We knew there might be some tenures that would have to be bought back by government. We set aside \$50 million to deal with those legal matters. We settled for \$30 million. But you know, Mr. Speaker, we did it in fairness to the company who owned the tenure. What we didn't do is what they did on Carrier Lumber.

I just want to leave the members with one little quote. Just so you remember, because this is not what we did; it is what you did. This is from Mr. Justice Parrett. "It is difficult to conceive a more compelling and cynical example of duplicity and bad faith. The words 'managing perception' may have a gloss which seems to carry with it some high purpose. The reality is, at least in this case, little more than a process of altering reality by concealing the truth and presenting a fabricated cover story." That was a comment by the judge in the Carrier Lumber case.

We paid for a tenure because somebody should not have their rights expropriated in British Columbia. We came to a settlement, and we took the tenure back.

[End of question period.]

B. Simpson: I rise to present a petition.

Mr. Speaker: Proceed.

Petitions

B. Simpson: I present a petition with 485 signatures on it asking for the expansion of broadband Internet in the Big Lake, 150 Mile House, Beaver Valley and Likely areas of British Columbia.

Orders of the Day

Hon. R. Coleman: We will be continuing with second reading debate of Bill 12, intituled Teachers Act.

Second Reading of Bills

BILL 12 — TEACHERS ACT

(continued)

Hon. D. McRae: I'm pleased today to stand and rise and speak in support of Bill 12, intituled Teachers Act, presented to this House by the Minister of Education. I might also add that I'm in a rather unique perspective as a member of this House because I am probably one of the few members in this Legislature who have actually paid their B.C. College of Teachers dues. In fact, I phoned last week just to ensure they were up to date.

[L. Reid in the chair.]

As I begin my remarks, I want to quote from a website, the Education Law Blog, from July 7, 2010, with the title of "BCTF Sues Chair of B.C. College of Teachers for Defamation."

"CBC reported earlier today that the B.C. Federation of Teachers has commenced a defamation lawsuit against Richard Walker, the current chair of the B.C. College of Teachers, for comments he made in an opinion piece published in a May edition of the *Vancouver Sun*.

"In the opinion piece Mr. Walker noted that 270 complaints against teachers from members of the public, through the 'person complaint process,' have been filed with the college since 2003, but no teacher has been disciplined, a fact which he alleged raises serious questions about how the BCTF has been using the college illegitimately to protect certain teachers to the detriment of students.

"He also argued that changes should be made to the way the college functions in relation to the BCTF, specifically the endorsement by the BCTF of candidates for election to the governing body of the college.

[1425]

"Walker referred to a gentleman by the name of Tom Ellison, a teacher and convicted sex offender, to highlight the need for a procedure to identify and deal with troublesome teachers early on in their career."

I know Mr. Walker. I know him personally. I know him as a teaching colleague from the Comox Valley. I know him as president of the Comox District Teachers Association, who was my union president locally, and I also know him as our regional rep on the B.C. College of Teachers in his time there.

I know a little bit about teaching. I won't claim to be a great expert, but I come from a long line of teachers, and I'd just like to bring up their names for *Hansard*. My grandfather, Gordon McRae, from the Agassiz area, was killed in World War II. He started the family tradition of teaching, and his wife, my grandmother, Gertrude McRae — and then remarried after his death and became Carey — was an elementary teacher in Surrey. My father, a teacher for 35 years in the Comox Valley, is now retired and gainfully on his way to Mexico to spend the next five months sitting on the beach.

And myself. I have been a teacher at G.P. Vanier high school in the Comox Valley, not only the school that I graduated from in 1988 and went to preschool at in 1974 but a school that is a great asset to our community. While at the school, I taught three subject areas. I taught psychology, social studies and, of course — near and dear to my heart but also to the Comox Valley because of our history — military history.

During my 15 years there, besides being a teacher I was also able to fill several roles. I was a rugby coach for many years and had the luxury of going to the B.C. championships, and the athletic director. I was also the staff rep for our staff and a department head and the staff leadership chair. During that time I also had the opportunity to attend the BCTF AGMs at least four times.

As this, I think I speak from a different perspective than many, because it affects so many individuals. I see this bill, Bill 12, as a win for many stakeholders in education. I see it as a win for parents, I see it as a win for teachers, and most of all I see it as a win for the students. I would like to comment a little bit on all three.

During my 15 years as a teacher, I worked with well over 100 teachers. The school I was at was very large, and there were several whom I call master teachers. Again, to raise my respect for them, I am going to name a couple. There was a gentleman by the name of Mr. Bob Argo; Mr. Frank Frickatich; and a math teacher who did his very best with me but maybe not as successfully as he would have liked, a man by the name of Mr. Butch Rivers, amongst many others.

These individuals were great teacher leaders. They were great influences on young individuals. I know this not only as their colleague, but they were also my teachers back in the 1980s. They were absolutely phenomenal, and like them, there have been many other master teachers to follow, but not as many as we would like.

Teaching is a very special profession. The job is long and arduous. It is easy to put in, in the classroom and beyond 40, 50 and sometimes 60 or 70 hours a week. These are the individuals who coach our teams. They travel on buses. They go far away from their own families. They spend a lot of time. They have a great impact as role models on young people. They are the individuals who direct a play or a choir. They're the cornerstone of an arts program in a school. They run clubs, whether

it's the environmental club, an art club or a photography club, but they're always there for young men and women as great role models.

They teach, and teaching is not a job that's taken lightly. It is one of the jobs, much like being an MLA, where you can give as much as the job will take, and it can take a whole bunch. You can never be done.

I'm so pleased to have called the teachers who do the job my colleagues, because they are actually the ones who make a difference in our young men and women all the time. They're the ones who give up their lunch hour to teach math. They're the ones who stay after school. They're the ones who come early to assist with a practice at eight o'clock or 7:30 in the morning.

They are the heart and soul of the school. They volunteer at school dances, even though they often don't understand the music. They go to grad after grad after grad. Not one of those students are their children, often, but they're the ones that make sure an experience of a lifetime is enjoyed and that it seems fresh and inspiring every time the students do it.

[1430]

One bad teacher can wreck it for so many. Fortunately, we have a system where there are — and pardon the educational pun — very few bad apples. But sadly, when there is one, it makes it bad for all of us. The goodwill that a person can earn in their profession can be wiped out by a person who teaches far away, because that individual did not have the professionalism and ethics that they should have.

Now students. I'm also very lucky. There are 55,000-plus actively practising certificate holders in British Columbia but probably about 32,000 practising teachers on a full-time-equivalent basis. The importance of quality teachers is so essential to the educational well-being of a student. Those first four years are absolutely essential that we have the best teachers there doing the jobs they need to do.

I'm also very lucky. I had Mrs. Webber in kindergarten and Mrs. Evans, who put me at a table called the polka-dot plant table. I was very lucky that when she put me there, it was with three friends who remain lifelong friends to this day, and that's, I'd say, a good 37 years ago. My grade 2 teacher was Mrs. Jenkins, and grade 3 teachers, Mrs. Fields and Mrs. Rawlins.

Having good-quality teachers will make a young man or woman's life. My daughter Gracie, who goes to Ecole Puntledge Park, is in grade 3 right now. She has also had the good fortune of having amazing, powerful, strong-willed, great role-model teachers — from her music teacher to her classroom teacher to the school administrators. It is an absolutely great school, and the school is made great not because of the walls, necessarily, but because of the individuals within it.

We want to make sure as we move forward that the young men and women in the school system have the in-

dividuals teaching them who are the best quality possible. As parents, we want accountability. We want to make sure we know that the individuals within our schools are doing the best possible job.

We want assurance that these individuals are held to a high standard, are constantly working to improve their craft and constantly working to make sure that our young men and women who are with them have the best possible care. As we all know, what is wanted by all is what is best for our children.

We are very, very fortunate in British Columbia to have a great educational system. The educational system is one that.... We should not rest on our laurels, though. There are always opportunities for improvement.

As I mentioned at the start, when I talked about the changes or the concerns raised by Richard Walker from the B.C. College of Teachers — you know what? — it's not just an individual. This is a person who is actually working within the B.C. College for a very long period of time. I'm sure his comments were not made lightly, because I know his character.

I want to make sure, as we move forward, that we have a system that is supported by all — one that people recognize as having strength. Recognizing that teachers in British Columbia do such great work, at the same time we need to make sure there is the oversight. And when you have the chair of the College of Teachers having concerns about the organization, this is cause for reflection, and reflection has resulted in action. The Minister of Education, I'm pleased to say, and the Ministers of Education before him recognized that there were some concerns or weaknesses and they should be addressed.

Under this new legislation, obviously, one of the major goals is to increase student safety. I'm pleased to say that the vast, vast majority of young men and women today in the school system will never have to deal with the stress of a teacher who is acting inappropriately. However, with 33,000 FTEs, or full-time-equivalent teachers, in British Columbia, statistically there will always be room for improvement.

The last thing we want is for people to be able to hide or be hidden. With these changes being brought forward in this act, I'm pleased to say as a teacher and as a parent — as a person who went through the system, like most of us in this room did, in British Columbia.... We know that we're going to get a system that is going to be reflective and responsive to the educational needs of our children. We want to establish a framework to advance teaching excellence.

It's funny. As a high school teacher, I taught, like I said earlier, for 15 years in a school. It is a very lonely position in many ways. In those 15 years the number of times I was able to watch a colleague teach was rather limited. Why was it limited? I was busy in my classroom, they were busy in theirs, and when best practice was going on, you often didn't have an opportunity to see it.

Plus, because of the nature of the profession, people don't want to necessarily hear about how great the person is, teaching right across the hall from them. The person who's doing great work often is the last person to say it and doesn't want to impose their will on another.

But you need to have that level of professional development and expertise and sharing within the organization. Obviously, in 15 years I think I was able to visit colleagues and watch their teaching skills maybe seven or eight times. Professional development, which has great value in all organizations.... As a teacher, I think I would get professional development about five days a year. There'd be a day in September, a day in November, maybe February, and I think there was one in May. It was rather disjointed.

It was hard to figure out how, as we move forward, to have some continuity and some vision for these great opportunities for professional development. Because they weren't there, I think there's an opportunity here for improvement as well.

We're also looking for an opportunity to support and foster the growth of a more respectful and effective relationship among educational partners. For those, for the record, there will be seven educational partners under the new parameters.

They include the B.C. School Trustees Association — now, obviously, these are individuals from around the province in places like Kitwanga or Cranbrook or Nelson or Cumberland, individuals who represent a lot of educational issues in their community; B.C. School Superintendents Association — we've been very lucky in the Comox Valley to have many superintendents who, I think, are phenomenal; B.C. Principals and Vice-Principals Association; the Federation of Independent School Associations; the Association of B.C. Deans of Education.

I graduated in 1992, I believe it was, from UBC, and the dean of education and the educational leadership that came from that school, in my experience, was phenomenal. I know that my colleagues who went to UVic also experienced the same elements, as with those who now graduate from what we call VIU.

The First Nations Education Steering Committee is obviously essential. There's a challenge with First Nations in graduation rates around the province, and there is an opportunity, I think, for the First Nations to have some better input.

The B.C. Confederation of Parent Advisory Councils — again, parents will have a great role to play.

Under the new B.C. Teachers Council there'll be three BCTF nominees appointed by the minister, seven education partner nominees appointed by the minister, five members elected by the teachers in a democratic manner and one non-voting senior government appointee. This is a good representation on the board. It is important that teachers do have a say, and teachers have a say from regions around the province.

Teaching in the Lower Mainland is far different, and the challenges that a man or woman will face there, than for a person who teaches in a rural community.

For example, as Ag Minister, I had an opportunity to visit Alexis Creek recently. In Alexis Creek there was a young woman I met who was teaching elementary school there. It is a special person who's willing to go and stay in a beautiful place like Alexis Creek, because it is so remote and the opportunity for colleagues' conversation and getting to see, perhaps, conferences in the Lower Mainland is just that much tougher. But the reality is that I think there is an opportunity here to actually have a better board, a better representation.

The disciplinary and professional conduct part of this bill will consist of a minority of BCTF members, so they will be a member. Each disciplinary hearing will be held by a three-member panel — two educational partners and one BCTF member. I am pleased that the Minister of Education fought long and hard to make sure that there was good representation for all members involved.

At the end of the day, there has been no one, I'm sure, in this House who would argue that we need to hide a bad teacher or one that's puts our young men and women at risk. We are looking for a system that is strong, with professional input, and one that has the needs of our children, our parents and the teachers themselves at heart.

The other thing that the B.C. council of teachers will be to do.... And I think as we go forward it's even more important. They need to look at the educational conduct of individuals. I know that right now there are many, many teachers in this province working on their master's degree. As schools and teachers basically expand their opportunities in on-line education, it's important that when teachers are getting their higher level of education, they do so from a school, an institution, which is of highest quality and meets competency standards.

[1440]

I know myself that when I did my master of education about ten years ago.... You want to make sure when you go down that path that you are actually not only getting the higher learning you so desire but that it's meeting the needs, as you go forward, of the college, in this case, or the council of teachers.

As a teacher, I am very pleased to stand up in this House today. I want to thank the Minister of Education for his good work. I want to thank the staff, and I want to thank the stakeholders who will take part in this new council.

To the men and women — parents, teachers, educational leaders — who participate: you have a great task ahead of you. As a parent, I look forward to knowing that you are doing your job well, that you are strong in your position and that, at the end of the day, you make sure that we have the very best professionals in front of our children.

N. Simons: I'm pleased to be able to stand here and continue the debate on Bill 12. It doesn't seem like we

have a lot of areas of differences. Maybe I can find a few. No, that's not actually my goal. My goal is to make sure that we do what we're elected to do, and that is to ensure that the interests of the public are protected in the legislation that we pass. As much as I would like to harangue the minister repeatedly and obsessively, that will not be what I do today.

In fact, I have to just start by paying tribute to my favourite teacher, my mother. My mother is a teacher, and she continues to teach in Montreal, and she has done so for 40-some years. I have to say that in knowing some of her students — most of them special needs students — and their families, she does get pretty rave reviews. I'm proud of her for what she does, and she inspires me in what she does.

That being said, I think the establishment of a new body that oversees much of what teachers do in terms of their standards and their measures of performance and monitoring.... Essentially, most professional bodies have such an organization, and many times they are right within the organization itself, like the College of Physicians and Surgeons.

In this case we have one that is somewhat arm's length, which I think does provide to the public the view that there is some distance — distance enough to ensure that oversight is founded on facts and is not influenced unduly in one direction or the other.

In that respect, I believe that Bill 12 is a good step. Obviously, it can't be perfect, but I think, in essence, it has reached the threshold at which the professionals involved feel it is satisfactory.

One thing that I think we need to remember, and it's been pointed out by my friends from the other side and my colleagues as well, is that in fact when we talk about discipline and when we talk about adjudications of misdeeds in a profession, we do tend to focus on the negative. I think it's important for us to all remember that teachers around this province — and there are thousands of them — for the most part do a remarkably good job.

What we are establishing with this legislation is not an attempt to homogenize the teaching profession. It's to set standards and to ensure standards are met in a way that the public can have confidence.

There are, I think, other pieces of legislation that need to be contemplated with respect to other professional bodies — like the College of Physicians and Surgeons, which do tend, as the public perception is, to protect one another legitimately in their profession and with their own unique understanding of the profession but without what the public might feel is the appropriate arm's length.

So complaints about teachers will be passed to a body that is composed of a cross-section of our community with representation from teachers. What I wanted to point out was that we are debating a bill that is addressing.... We don't know how big an issue it is. We don't know whether or not this is something that is going to

have a direct and immediate impact, other than in our perception of the effect of the legislation.

[1445]

As we've heard, the college will have 15 voting members and a commissioner. I think that will be based on a number of representatives, including the B.C. School Trustees Association, the B.C. Principals and Vice Principals Association, the superintendents association, the independent schools association, First Nations Education Steering Committee, deans of education and the Confederation of Parent Advisory Councils. The non-voting member will be an assistant deputy minister from probably the Ministry of Education, I would imagine.

What I think is important to note is that this legislation may have originally been designed as an element in an ongoing dispute between government and the teaching profession. I hope that particular chapter of our history is in the past, and I hope a new relationship of mutual respect and understanding will be one that we carry forward with this legislation and in our treatment of the profession in many of our other dealings.

In particular, this legislation serves to safeguard the health and safety of our children. I'd like to point out that for most children, when they are victims of mistreatment or abuse, it does not occur in schools. It does not occur in the public. It in fact occurs in our homes across this province.

In fact, it's an unfortunate statement, but most children, when they're victimized, are victimized in their own family. What we need to make sure we do is ensure that parent have the ability to stand up for their children. Perhaps this legislation gives them one more button to press, with which to do such thing.

In closing, my remarks are brief. I usually speak more if I disagree. But in this particular case, this legislation, despite the quick fluttering it took to land on our desk last week and the debate which followed quite quickly.... In essence, the major stakeholders have an opportunity to review it adequately. Their recommendations are to support it.

I am proud to stand here and say that in the future, should government ever accuse me of being negative and always voting against their initiatives.... Please note that this is an occasion where I will be pleased to vote with the government on this piece of legislation.

J. McIntyre: I'm rising today as the member for West Vancouver–Sea to Sky to speak to Bill 12, the Teachers Act. I speak today really as a legislator, of course, but mostly as a parent. My brother is a teacher and my sister-in-law, both in Ontario. But I don't have relatives who teach in the province.

Nevertheless, I think it's very important that we have a perspective. I'm the proud mother of two children who went through our public school system, and I think this act represents a very, very important step in moving forward for a number of reasons.

One, of course, is that I think it does strike a balance. I think this has been, it's fair to say, a thorny issue over a number of years in terms of how the college operates and the governance structures. There was a report that identified, actually, a number of problems — a report by Don Avison entitled *A College Divided*. I think there was no choice for government but to act on the recommendations and the issues that Mr. Avison so clearly laid out.

I think this act, after much consultation.... Compliments to the minister, because it was a lot of work that went into this from the minister and the ministry staff in terms of consulting with stakeholders and coming up with something that really would strike a balance. It's very important that teachers are involved, obviously, in regulating their profession.

That said, there are a number of educational partners in all of this. It isn't solely up to teachers, and it isn't only teachers that are involved when we're dealing with the education of our children, our most precious asset.

[1450]

I also want to say I appreciate that the NDP members have largely been supportive during the debate in the House — certainly the member before me from Powell River–Sunshine Coast, who wanted it acknowledged that he will be supporting the bill. He and I both serve on the Select Standing Committee on Children and Youth and are very concerned. I always appreciate his passion for children and for the protection of children. I think he quite correctly recognizes, as we do, that the number one goal of this act is to increase student safety and protect our children.

If we do nothing else here in the Legislature in the province of British Columbia, if we are not protecting our children and the generation that comes behind us and making sure that they have the finest education — not only the finest but that they also feel safe in their environment — then we are probably not doing our job. As I say, I think this is a very important bill.

Some of the other goals of this legislation — again, noble goals, I think, all five of them — in addition to safety are that we build and restore or regain public confidence and transparency. The unfortunate issues that Mr. Avison laid out in the report, as I said earlier, did require addressing. We have to restore public confidence.

We have thousands of parents. I think it's just under 30 percent of families in British Columbia that have children in the public school system. It is very important that parents and then grandparents and relatives....

Those in the business world, actually, who are relying on our children coming out and taking the reins in the economy have to know that these children have gone through our education system in a safe manner — where we know that the teachers are regulated and that there is transparency; that we know how that system works; and that it is not, I hesitate to say, done behind closed doors; and where we all have an opportunity, as parents and

those with vested interest, to make sure that any issues of confidence in teaching or of protection here are dealt with fairly for both sides of the issues, and dealt with transparently.

We also, obviously, want to make this system sustainable. We have had, as I said, a number of years where I think it is fair to say that the college, some will say, was dysfunctional. It was not really doing its job. We had issues, very unfortunate and tragic issues, where people were probably not called to account in the way they might have been and should have been — and the way we would, as British Columbians, expect they would.

Especially when it involves a partnership and all the partners in education having a role in this, I think that this is a much fairer and more open way of going forward that will lead to a sustainable.... If we can have all the participants recognize and appreciate all their various roles in this, I think it will lead to a much more sustainable system that people will then have confidence in.

I think the other thing that is very, very important.... One of the goals of the legislation is that we develop a more respectful and effective relationship between the partners in education. As much as we have had some thorny issues in my six years as an MLA, one of the things that came out of the whole issue about whether class size and composition should be in either legislation or in the contract, when we moved it into legislation, I think that the.... It was a former Minister of Education from Prince George.

When we moved to setting up the education round table, I think that was a very, very — I'm grasping for the word here — important part of what came out of that whole process.

For once, we said: "This isn't just about the employer and employee. This is not just about government and teachers and the possibility of adversarial relationships here, but there are other stakeholders. There are parents. There are parents' councils. There are superintendents. There are principals. There is a whole group of people — the school trustees. There are all sorts of groups that we have delegated authority and responsibility in our education system that should have a say in what this system looks like."

I think that this legislation is another step forward, another tool where we can hopefully build constructive relationships. When we are talking with each other, communicating, making decisions together about our children, I think we're bound to have a much more fruitful relationship.

Then, of course, I think the fifth goal, which is pretty clear, is obviously a framework to advance teaching excellence. I think all of us, on both sides of the House, would support anything that is moving forward to make sure that our teachers have the best opportunity themselves to have professional development and to make sure that

the standards are the highest and that they have an opportunity to professionally develop.

[1455]

I think everyone has said, and the research clearly shows, that teaching is the most important, the most significant factor related to the outcome of student success. Every one of us knows the great stories of the wonderful teachers we had in our life that inspired us to do better and to carry on and understand how important lifelong learning is.

What will this council look like? I've alluded to different parts of this, but in brief, and I guess others have probably touched on this, it will be a shared responsibility. The council will set up a shared responsibility between government and the main educational partners that will be this new Teachers Council.

It will be this discipline board — the acronym is DPCB, and it will have to do with the discipline panel — and also the Ministry of Education.

The BCTC, this teachers college, will be made up of three BCTF nominees. The Teachers Federation will be able to nominate them, and they will be, in effect, appointed by the minister.

There will be seven education partners, the education partners that I named — like, the school trustees; the school superintendents; principals, vice-principals; deans of education; of course, FNESC, the First Nations; also the Confederation of Parent Advisory Councils — and five teachers that will be democratically elected from regions around the province. That will ensure a broad cross-section of perspectives. Of course, there's one non-voting senior government appointee.

I think the really important thing for teachers is that they will have.... Of 15 voting members, teachers will comprise eight of those, so they will have some control over this professional association. I think what's very important — and will, hopefully, add to our confidence in all of this — is that the disciplinary hearing will be three-member panels, and they will be two partners and one BCTF member. I think that will lend confidence in any of these issues being brought to the forefront in a fair way.

I think much has been said about the roles, but one of the things, I guess, from my perspective, is that we have a very good system. As I said, I had two children that went through the public school system and came out with very strong backgrounds. They have taken very different roles. Actually, one is academic with a business degree, working in London, England, in business, and my son is in the trades. He had an opportunity to get involved with the electrician apprenticeship. So very different roles. We have a province that does an excellent job in making sure our children are trained for jobs of the future.

There are other steps we can do to make sure that we modernize education, that we make sure our children have the best set of skills and that we also appreciate the way children learn. They learn differently now. It doesn't

all have to be bricks and mortar. I think that this government is very much committed to making sure that we are not doing actually as Sir Ken Robinson talked about — not turning out widgets from the 1850s, where they are all the same and they are all expected to have the same learning and the same knowledge.

In fact, we can be much more adaptive and responsive to how our children need to learn, the kinds of skills they need, so that we actually work on the connection between making sure that our children do have the skills for jobs that don't even exist today. We know the vast majority of jobs ten or 15 years down the road.... The skills that we need for those don't exist yet.

I think we have to make sure that we connect the skills our children have with the demands. The steps we're taking in trying to modernize and address those issues and then make sure, most of all, that the teachers have an open, transparent, fair system in which they are judged and have opportunities for excellence and professional development.... It does strike this balance.

I will take my place now and just appreciate the opportunity to add my voice to support this very, very important bill that I hope will lead us forward and that I hope will take a number of steps toward building a much more respectful relationship.

I will end by complimenting the minister on the work that I think he has done in a very collaborative fashion to make sure that we do go forward in a more respectful relationship and find a path of common ground where we can show teachers all around British Columbia that we appreciate and value their work and their skills.

[1500]

B. Simpson: Madam Speaker, I stand to speak to Bill 12. I'll add my comments to those of others. I'm not going to get into the substance of the bill. That has been canvassed quite extensively. There are some things that I do want to say about the nature of the bill, the nature of the positioning of this council and the commissioner going forward.

But just in terms of context for me, in 1987, when the teachers were asked to choose between.... As this act was coming in and various other things, they were asked to choose between a professional association and a teachers union. I can remember it only too well. I think it's when my hair started to fall out, because as a young teacher.... I'd only been teaching for two years at the time. I wasn't that young, but I was in the profession only for a couple of years.

I can remember the heated debates that we had in lunchrooms and staff rooms about what course of action we ought to take, and I will admit for the public record that I was a major proponent of a professional association. I saw myself as a professional; I saw the students that we taught as not widgets.

I was very concerned about what would happen if we went into a union movement — that seniority and various other things would get in the way of merit. I expressed those concerns rather vociferously to the point of getting a letter put on my file by a colleague because I guess I overstated my case in one meeting, and an individual felt that I had been threatening. That was resolved.

But there was also an illegal strike at the same time, and it was one of the most difficult decisions in my life. I recall it only too well because I did not agree with the nature of the strike. I didn't agree with what was going on. I didn't agree with what the government was doing, but I also felt, as an individual and as a professional, that I wasn't demonstrating to the students at the time in our school the proper approach to citizenship, so I crossed that picket line. Members in here can imagine what that meant in terms of going back to work with some of my colleagues.

That all got worked out. I was able to work out professional relationships with everybody, and it was water under the bridge. But at one of the first doors I knocked on in my first campaign in 2002, just down from the school where I had taught, a woman came to the door and said: "I remember you."

I thought, "Okay," and she said: "I remember that you crossed my picket line back in '87." And I thought: "Uh-oh, this is not a good start." She said, "You know, as much as I absolutely disagreed with you at the time, at least we live in a society where we can recognize that people have different opinions and that you acted with integrity in the moment," and we had a great conversation about that.

So there's something personal in this for me, because the time that this was coming in — the time teachers chose to become a union and not a professional association — was a difficult time as I tried to make my way through this as an individual and a professional.

With that, I look at this bill, and I again would add what others have — my kudos to the minister and my congratulations to him, because I do think we have a reasonable compromise here. The minister will admit himself — not just himself, but his staff.... They worked through with the various stakeholders to try to come up with a bill that addressed some of the outstanding issues from the original act, some of the history that's occurred, some of the issues that the British Columbia Teachers Federation must take on as a union in their advocacy role for their members.

How do you take that advocacy role? How do you take that more protective role as a union and also manage yourself as a profession? That's the tension that I see trying to be addressed in this with a reconfiguration of the Teachers Act and a reconfiguration of the council and the addition of the commission.

[1505]

So I think, on balance — and I appreciate that the minister made it possible for the two independent MLAs

to get a briefing on this — this has gone a long way to that. But I do want to point out a couple of things for the minister's consideration.

First and foremost, teachers.... I'm married to a teacher, and I know how much energy and effort goes into the teaching profession. But it's more. I think what we grapple with as a society is that teachers are not just professionals. It is a vocation. It is something that is the lifeblood of the vast majority of teachers. As a consequence of them pouring themselves into their students, it is also an art. It is not science.

So when you think about trying to address the issue of certification — of conduct and of competency with a profession that is, at its heart and soul, a vocation and something that's very hard to circumscribe — what makes a good teacher? What makes a good teacher actually depends on the makeup of their classroom, the social demographics of the school they're in, the relationship with parents. All kinds of things make it possible to have somebody in a classroom who changes the lives of children, and that's what teachers do. They change lives.

It's not just something where you can go to an engineer and say, "You didn't meet X specifications under the code" or "You did not meet these physics requirements in your building of this bridge" or this building or whatever, or to a doctor, where you're looking at malpractice where there's a set of procedures and routines and expectations.

Teachers are something different than that. The vocational aspect of what they do is sometimes hard to judge. Where that shows up most — and during the '80s when I was teaching — was the whole issue of even just the physical connection that teachers have with children. That's a tricky thing. There are teachers who meet their kids at the door and give them hugs on the way out the door. For some parents, that may be something they see as not a responsible act on the part of an adult.

That's where I think the BCTF and others have raised the issue of: how do you have an entity that looks at those kinds of activities through the right lens? That's why the B.C. Teachers Federation argues that practising teachers must play a large role in the college function and in the determination of competency and conduct on behalf of teachers as well as certification.

The other aspect of this, of course — the minister and others in the chamber are well aware of it — is that it's more than a teacher that makes the system work. I offer my thanks to everybody who stands for trustee. I think it's one of those real thankless jobs that you have to have a real passion for what it is that you want to do in your school district.

The school board and the trustees, the district staff, the principals and vice-principals, the parent advisory committees, the parents themselves and now, of course, the Ministry of Children and Family Development, the RCMP in their community policing function — all of that is what makes a school successful and makes chil-

dren successful. But I think we can agree that in all of that, teachers play a critical and central role.

So I was interested to see — and others have spoken to it — the role of the commissioner in this. I would see this as a work in progress. There is work that needs to be done to make this successful.

The first piece — and I know from the briefing this morning, the minister is very cognizant of this — is who this commissioner is. Who he or she is and the stamp that they put on this new approach is going to be critical to the success or failure of that.

The second thing is that I still think there are issues that remain unclear or still need to be addressed as an evolution through regulation of this current act or through other mechanisms. The first is the minister's appointee. I know that can be a constructive role, but it also has the potential to be a destructive role if the presence of that individual is seen as simply a tattletale or somebody who goes running to the minister and says that so-and-so said such-and-such, and the thing is off the rails.

So again, the minister's appointee, the non-voting member of the council, who's looking at that.... I think the council has to be convinced that that person is playing a constructive role in making sure this evolves into something that addresses the issues that it's attempting to address.

[1510]

Secondly, the clarity on duty to report still needs work. What that means is that in the act, by legislation, in section 38, the certified teacher is required by the act to provide to the commissioner, by law, a written and signed report if the certified or authorized person has reason to believe that another authorized person has engaged in conduct that involves physical harm to students, sexual abuse or significant emotional harm to students.

Yet, as we know, one of the issues that we're trying to resolve is that within the B.C. Teachers Federation, teachers have an obligation within their union and collective agreement to work through a due process in that organizational structure. So I think this is another area that needs attention and needs to be paid attention to, because the language of the current act is similar, if not the same as the language in this act, and so it remains an area of potential contention that still needs to be worked out. What is a certified teacher's, an individual's, responsibility in the duty to report so that we don't get parallel processes or don't get the council waiting for the exhaustion of all of the other possible mechanisms in that?

The second thing I think there needs to be clarity on — and I understand the minister is doing work in this area, and it seems hopeful — is the role of the council in determining certification standards and the council's relationship with the schools of education, because that was also one that there was tension and some uncertainty and some back and forth. Again, from the briefing this morning, it seems as though the minister is highly

cognizant of that, that some work is being done in that area.

I do think that this is an area that has huge potential, because part of the whole debate in here is around 21st-century learning, but I would say that schools of education have a long way to go to be preparing our future educators for 21st-century learning. So I would hope that as this new council comes into existence, as the minister does work with the council and his appointees and the schools of education, that it's actually in the context of: what is it that are the standards that we need, and what is the kind of training that we need, pre-certification, to make sure teachers move into a 21st-century learning model that they can actually adapt and make sure that students coming out of the system are citizens for the 21st century?

The other unresolved issue in here — again, it's an area that has been a point of contention — is the issue of professional development. My understanding from the briefing and from looking at the act.... That's been removed so that that lack of clarity between council and BCTF is now outside of this act and remains to be negotiated, whether that's at the collective bargaining table or whether it's through the minister continuing to do work to address that issue.

I think it's critical and have always maintained it's critical that this issue is addressed. As educators, first and foremost, teachers must also make themselves open to education, and I think it is appropriate and most professional associations have it: mandatory ongoing education requirements. I think it would be healthy for the entire organization, for teachers, the BCTF and the minister and his staff and this council to resolve that issue. How do we provide meaningful, ongoing education? But also, how do we make it part of being a professional, so that there is a mandatory component to it? I think that that's healthy for the organization, it's healthy for individual teachers, and I wish the minister luck in trying resolve that, either at the collective bargaining table or elsewhere.

For me, that gets to one of the issues that is sort of unclear, in how teachers conduct themselves relative to the B.C. Teachers Federation and the council, and that's the issue of competency. There's a difference between conduct and grievous conduct that gets addressed in the disciplinary process, as established here, and the idea of competency. What does it mean to be a competent teacher? What does it mean to be a teacher who has kept themselves abreast, in the heyday...?

[1515]

I really don't envy teachers. You know, that ten months of flat-out work and pouring yourself into your children in your classroom and then you have to peel back and still evolve and still get better in your profession.

So we need to resolve that issue to give teachers the space — both the emotional space, the intellectual space — as well as the physical time to be able to step back and

continue their own education throughout the life and career that they have in teaching.

Finally, this bill, unlike some comments I've heard, does not address the issue of a 21st-century learning model for British Columbia. It is a portion of that. But there is still a debate that has to be had — a debate in this chamber, a debate in the Education Committee, a debate in the general public — about how we deliver education to children that are plugged into all of their toys and bells and whistles and all of the things that can distract, that have access to information in a manner that none of us had access to. How do we take advantage of that and at the same time ground our children in the very fundamentals that they need to be educated and aware citizens?

I think that's still a debate that we need to have. It's still a structure that needs to be examined. In particular, what does that look like in rural British Columbia, where we don't have the population base and, in some cases, as I raised today in question period, we don't have the Internet infrastructure to deliver distance learning?

So I would hope that people don't view this bill as addressing that issue of 21st-century learning. What it does address are some of the critical issues that were making the current version of the college unworkable. I think it goes a long way to addressing some of those issues, and I was glad to see the B.C. Teachers Federation tacitly sign off on this — other than feeling that they were undermined in representation. But I would hope that that proves itself not to be the case and that this is a successful venture.

So again, I'll add my congratulations to the minister and the government on moving forward on this, and I look forward to seeing it evolve over the next six to 18 months.

H. Bains: I, too, am delighted to speak on this Bill 12. I will not delve into the content of the bill either, as many speakers before us.... Especially our critic has laid out all of the contents of the bill and the concerns that he may have around those different sections.

I think, overall, I will also be supporting this bill, but there are a number of questions that remain. I believe those questions, hopefully, will be answered during the committee stage. There are certain concerns, certain questions, especially around the disciplinary part of the bill.

It is actually a bill that you can call a transformative change to the existing model that we have, especially when the college is being dismantled and the new council is created through this bill. Most of its task is now brought under the government function. I think it is a huge change, and largely speaking, it is for the better — those changes. I think that when we are talking about education, the changes need to occur. As we are moving so fast in this day and age, we need to continue to adapt

to these changes, especially in the educational sector of our children.

[1520]

I want to stand here as a parent to speak about the benefit that I, as a parent, and many others who are parents — of course, teachers are also parents — and other members of society who have benefited from our education system.... Being a parent of two grown-up children now.... Both went through Surrey school board. My son Kulpreet is very successful in his own career, working now with a private organization. My daughter just finished her medical degree, and she now is a graduated doctor.

So I feel very proud to have those children. But I wouldn't take all of that credit as a parent. Certainly, the parents do play a major role in development of our children, but I think teachers are equally responsible for the success of my children.

I can actually compare our education system to the education system where I come from originally. I think people who came before us here in the western world rightly, in my view, designed our societies and structures so that the difference between haves and have-nots is kept to a minimum. I think those are some structural endeavours that they took, education being one of them.

I think if you go to a European society, you will see that not only the K-to-12 education is, of course, free, but in many instances the post-secondary education and skills training post school graduation is also free. I think they kept in mind that whether you are a CEO of a large corporation or you are a clerk in that organization, your children should have the opportunity to get a world-class education.

Education is considered to be the best tool to fill that gap and bring equality, I think, and that is recognized by those before us and especially in the western world. As such, in our societies, whether they are working people or people in business, relatively speaking, the gap is not what you see in the developing world.

In many of those developing worlds.... I come from one of the countries where I think sometimes profit becomes the determining factor in education, and many times it's the profit that drives our education system on the backs of our students. What happens? Those with means can get the best education, no different than our education, for their children. But the rest of the population, which is the large majority, 70 or 80 percent, do not enjoy that benefit.

Then that inequality in that society continues to grow. I think that's something that we don't see here, as such, and I think that's why both sides of this House and society in general have worked very hard to make sure that our education system is kept free of political interference by politicians. Also, it is not driven by profits on the backs of our students.

For that reason, I feel very, very fortunate to live in this country, in this province, to have the education system for our children that is there. They are competitive in the rest of the world — no doubt in my mind. Our children can stand against any jurisdiction in the world. But there are challenges we always have. I think you deal with those challenges by bringing certain changes, and I think this bill is moving in that direction.

I want to thank those teachers who day in, day out — I think many of the speakers have said this before — do not look at their job as an eight-to-five or nine-to-three or seven-to-3:30 job. They are there all day. They are there when they are needed. They are there anytime a student needs help. They are there not only for the intellectual or the in-class or the book-related education part but anything else that is related to education, to develop our children into better beings, whether sports after school or whether they are marking their papers at home.

I know because I have teachers in my family, and anytime you want to go and visit them, they are always busy doing something for school. And they don't get paid for that. So I developed so much respect for those teachers.

[1525]

I want to relate this to the Surrey Teachers Association — Denise Moffatt, who not only worked very hard for her members, but I can tell you that when it comes to talking about the learning of her students, she's front and centre to bring to the government's attention what is needed.

I want to thank that ad hoc committee that was put together by the parents, by students, by teachers and other concerned citizens along with the NDP MLAs from Surrey who attended those meetings on many of those occasions. They joined those students, actually, who had to walk out to drive a point to the minister and to this government, along with, in one of the schools, a member from the government side, from Surrey-White Rock. He stood with us as well.

I think the point is that the teachers are not only there to earn a living. I think they are there to shape our future by developing the children — that we place our trust in them — into better human beings when they come out of those schools and they are prepared for world challenges. I think that's what I say to those teachers: thank you so much. Thank you so much for developing and helping to develop this society, which is the envy of the world.

I think large credit goes to those teachers. Because of the political nature of the beast, I guess, the teachers are also placed under a tremendous amount of pressure and stress because they want nothing but the best for their students, the in-class learning for those students, whether it is ESL students, especially in my riding, or many of those with special needs. Those teachers deal with them on a day-to-day basis. I think that many times they don't get the resources that they need or that they deserve, or those students deserve, and as a result, they are made to do with less than they need to deal with those issues.

Bill 12 talks about three things, in my view, largely speaking, dealing with the teachers college. It is the three functions that I notice out of the bill, the disciplinary functions of the teaching profession being one of them; secondly, certification of the teachers; and third, setting standards for the teachers and their profession.

I think those are key areas that the bill speaks about, and I think those are good things. I think teachers understand what those standards need to be when they are dealing with children in the classroom. They're advocates, I think — better than, sometimes, parents — on behalf of those students. I have met with many of those teachers in my office, and I have gone out and spoken to the students, especially class 5, when I'm invited into those schools. I tell you, when I leave those schools, after taking those questions from grade 5, I feel proud coming out of those, because the level of knowledge that they have and the depth of their questions make me feel that our future is in the right hands. I give a lot of credit for that to the teachers that develop those and work with those students on a daily basis.

I think what this bill also does.... Damage that was caused previously.... I think other speakers have talked about the relationship, which I would say wasn't one of respect, back in 2001-2003. The current Premier happened to be the Education Minister at that time. I think the constant fight that the minister of the day picked with the teachers in those days did not help to develop the respect that the teachers and the government should have.

[1530]

I have heard that this current minister is a bit more respectful than previously. Hopefully, he will continue to build that relationship, and I think this bill is an attempt, in my view, that will work towards that.

But if you go back to those days, I can tell you that you don't want to be a teacher in that kind of environment. When your own government, who should be standing with you and working with you to help you to help our students who are going to run this country.... They are going to be counted on when they are in positions to make decisions.

That help is needed. That relationship is needed — a relationship that is one of respect, one that actually values teachers' input into our education system. That didn't happen in those five years.

I think that relationship continued on for a number of years. I sometimes felt.... When I listened to some of the ministers' comments in those days, it seems to me that they considered teachers their enemies. In fact, they should be considered partners in developing our future and shaping our future leaders.

[D. Horne in the chair.]

I think it was all done for political reasons. I don't see any other reasons why the minister would pick a fight

with those people. I think that this bill, as many have said before, has gone a long way to rebuild that relationship. Hopefully, the minister will carry on and continue in that direction.

I want to talk about the community that I come from. So 79 percent of the population are visible minorities in Surrey-Newton. I think in Green Timbers it is close to that as well. My colleague from Green Timbers can tell you. That brings challenges to our school system that actually put a lot of pressure on our teachers.

If the help is not there to deal with those students who have ESL issues and those with special needs, I think we're not helping anybody. We're not helping our students. We're not helping teachers. We're not helping our society, and I think we are taking huge risks for shaping our future.

When you talk about how bad it could be, when my son first went to school he didn't speak a word of English — born here but didn't speak a word of English. So we put him in preschool, and he was able to work through his way. But I tell you, my meetings with those teachers and how they made us feel comfortable and welcomed into those classes and how they worked with him — my hat goes off to those teachers because they were so helpful.

I think the area of these students, not only that this bill.... When you talk about those three things that we talked about — the disciplinary functions of the teaching profession, the certification of teachers and setting standards for teachers — that is an important part to deal with, and the bill is addressing that. But there are a number of other factors that help our students' education.

At the end of the day, as the minister has said before, it is about students. If it is about students, there are a number of other areas where our students do need help in Surrey that still is lacking.

The CommunityLINK program is another area. Our students in Surrey get one of the lowest per-student funding for students — in the Surrey school district. They are around \$55 per student, whereas some of the other districts get close to \$200 per student. This is the program that pays for those students who come to school hungry and students who could not otherwise afford to go on field trips, etc.

Those are the types of areas where students need help. We don't have that issue dealt with, although the minister was brought up to date on many occasions by a school board and by us, the opposition MLAs. That issue still is there.

[1535]

Although the announcement is made today, as I understand, about capital funding in Surrey schools, I think I would say to that ad hoc committee, the parents, the students, that I think they should take this as a victory. They worked so hard trying to convince this government that their priorities should be education rather than those

megaprojects — the pet projects that the minister and this government like to have.

I would say the funding that is announced today may not be enough, because when you look at the student growth in Surrey and continue to see that growth happening in the Surrey school district, I think you need about eight to ten schools today. I think the funding.... Even if you start to put shovels in the ground today, a school will take about four to five years to build. I think what we are expecting in the next four or five years is students still stuck in portables.

That's where the teachers also came in. The teachers were very, very front and centre in trying to convince the government that: "Look, we need funding to build schools so the students can get their education in real classrooms."

I want to say that it was a small victory for students and for students who actually had to walk out of their classrooms to make a point in Earl Marriott and Tweedsmuir. I think that just shows the seriousness of the issue when students have to walk out of the classrooms. That is unheard of in recent memory.

I think I just want to also talk about.... I think government needs to get on with dealing with class size and class composition. That is another serious factor in dealing with student education. This bill talks about how the college versus council is going to work and the rules around it, but I think the factors that determine the outcomes of students' education also are.... I think one of the keys is the class composition and class sizes, and I don't think that the government has taken huge steps to deal with those issues with the teachers.

You would know that just in this year, April 2011, the Supreme Court had to tell this government that what they did in 2001 and 2004 to Bill 27 and 28 was illegal and that they need to work with the teachers to deal with that issue. They gave them 12 months. That still hasn't happened. So that issue is still there. If you don't deal with class composition, you don't deal with the class sizes, then I think you're not doing any favour to the students or their education.

I just want to say that, although there's a lot of bad history that existed between this government — especially the current Premier who was Education Minister in her first time around here in 2001-2005.... That history actually caused a lot of problems for teachers, for students and for parents. I think anybody who can be blamed for that is that government and the current Premier. I think this bill does talk about changing that culture, and hopefully, the government is serious, and they will work with teachers, and they will respect the work that the teachers do. We could, then, in serious terms, look after the education of our students.

This is a very welcome change in my view. It will go a long ways to deal with those issues that I just laid out, but I think a big change is needed to bring real change.

I think that change will come in May 2013, and people just can't wait.

Thank you very much for giving me the opportunity, and those are my comments.

[1540]

R. Austin: I rise to conclude my remarks from last Thursday when I spoke quite extensively on Bill 12, the Teachers Act. I would like to conclude by saying this. Overall, we on this side — and I believe it's going to be unanimous, because I heard both independent members also speak — think that this is a very worthy bill. We think that the new structure of a council, which still has the teaching profession at the heart of it — in fact, having a majority of that council, eight out of 15 members, being from the teaching profession — is ideal.

I don't think that any professional body that's looking to look after the interests of and promote that profession can take place without direct input coming from that profession, so I think that's a good thing. We also are certainly in agreement with the notion that when it comes to the discipline side, the public interest side, protecting children and making sure they're safe, the teachers themselves do not have a majority in that regard, but it's taken care of by others with teacher input.

I think we will canvass it in greater detail in committee stage of this bill, when we go through item by item. We need to make sure, on the discipline side, that there is a fair process for teachers, to ensure that no one is going to have their career destroyed unnecessarily.

Obviously, if somebody is guilty of something, then clearly they need to pay for that and to be held accountable for that. But if somebody is accused of something and then found out to be innocent, it is very problematic because it is impossible to get one's reputation back.

So we will canvass the process and ensure that that is fair and that the point at which it becomes a public process is late enough in the proceedings that it is more or less a foregone conclusion that that person is indeed going to be found guilty of the things that they are being accused of.

We need to ensure that when the process, the investigation, takes place initially, all circumstances are looked at, so that if a teacher has acted out of place and is under medical stress, that is taken into consideration — and a whole series of other things, which we will canvass in committee stage.

We also need to make sure that this new council doesn't get bogged down in a whole bunch of disciplinary hearings that can take place at the local level, that issues of employment take place there and that, as much as possible, capacity is built at the local level, so that we are only seeing the most serious cases coming before the disciplinary council and the remainder of those cases taking place at the local level.

But clearly, this bill shows a change in attitude of this government, as other people have mentioned. The

previous attempts by this government to solve the challenges of the teachers college resulted at one time, when the current Premier was the Minister of Education, in essentially blowing up the college, appointing government employees and trying to think that we could have a professional college looking after teachers that didn't have the input and the direction of teachers. That wasn't such a smart idea. This is a much better one.

Today while we're finishing second reading on this bill, we also see another change happening on the side of the government, where we have seen capital funding cut in half when this government first was elected. Today we see a major reinvestment back in for schools, long overdue. We can see some positive changes here. I hope that that attitude will continue as we continue to discuss educational matters.

Clearly, there's still a lot to be done on class size and composition. With the atmosphere that has been generated in the discussions around bringing all the partners together to create Bill 12, some of that goodwill can, hopefully, follow through. Hopefully, we will see something more on the table than, essentially, the first offer of \$30 million on composition, when probably over \$200 million was removed when the unconstitutional Bills 27 and 28 were brought in. Let's hope that we can see some movement.

I think, from the comments that have come from both sides of this House, that there is recognition that this is a piece of legislation that has had a lot of input from a lot of people. As I said the other day, you know, you don't get everything that you want when you're going to the table to try and bargain and negotiate things. But at the end of the day, I think that this will work well.

[1545]

We have to see now if the structure, once it comes back into government, is one that can function well. I think, in large part, that will depend on who the commissioners are, who the assistant deputy minister is — who is going to be appointed by this government — and who the overall sort of judicial person at the head of this discipline committee is — and their level of experience in ensuring that the process of disciplining is done fairly.

For my part, I'm looking forward to the exciting part, which is having reports that are delivered to the public about everything that takes place here. While we spent a lot of time discussing the discipline side of this bill, I'm hoping that the part of this new council that looks at teacher credentialing and qualifications and new training opportunities and what skills we want our teachers to have....

While we are discussing the Teachers Act, at the end of the day, what we're all here about is learners. We're here to help students. When we see the new bill around 21st-century learning come forward into this House, hopefully that will be called the learners act. At the end of the day, that's what we're here to do in this House — to support

our teaching profession and to support our students to have better outcomes and to be all that they can be.

With that, I will conclude my remarks. I look forward to hearing what the minister has to say.

Deputy Speaker: Seeing no further speakers, I'll call on the Minister of Education to close debate.

Hon. G. Abbott: It's a pleasure for me to rise and provide a few concluding comments with respect to the second reading debate around Bill 12. I want to begin by thanking the Education critic for his very constructive comments in respect of the bill. Those are much appreciated, and I thank him for it.

I want to thank members on all sides of the House who have, I think, provided very thoughtful and constructive comments with respect to this bill. Based on my about 16 years in this assembly now, I think that this is certainly one of the most positive and constructive debates that I've seen in this Legislature. I appreciate that all of the members have stepped forward to present comments in that spirit.

It's certainly new ground for me, in the sense that I don't believe I've had a bill before the House before, as a member of executive council, which has enjoyed such wide support. I must say that it feels rather good. I may not make a habit of it, but we'll do our best to do that.

[Mr. Speaker in the chair.]

I should also say that, as other members have suggested, I am also looking forward to committee stage debate. I'd say at the outset that we're plowing some new ground with this legislation, and that will invite, I suspect, many questions at committee stage. I look forward to that.

This is a complex bill. It's a fairly lengthy bill. The issues around portions of the bill are complex, and I know we will have a thorough ventilation of those issues as we move through the many questions that will be raised by members in that committee stage debate.

When we set out to look at reforms to the College of Teachers and to look at, potentially, a successor body to the College of Teachers, we looked not only at jurisdictions in Canada but we looked at jurisdictions like New Zealand and Australia, for example, and brought some pieces from their teachers councils into play.

I do want to say that not only do I appreciate the great contributions that the educational partner groups have made in respect of the development of this legislation, but I also wanted to say thank you to the very capable, very dedicated, very energetic and committed staff at the Ministry of Education for all of the great work they have done.

The executive and staff at the Ministry of Education are invariably patient when I bring wonderful new ideas

to their attention that we hope will take root. I do thank them for their tireless efforts to try to get answers to all the many questions that I and others raised during the process of generating this legislation.

[1550]

Among the thoughtful comments that all members of the House made was that we have a good education system, and I agree and appreciate the comments that others have made. I think every member of this Legislature is dedicated to the notion, the ideal that we should take our good education system in British Columbia, make it a very good education system and, if we dare to dream, make it an excellent education system in this province.

When we benchmark British Columbia against elsewhere in Canada, yes; we're good. We're probably second in Canada. We're probably about fifth or sixth in the world, and we should be proud of that. But I want to acknowledge that there's a lot of room for improvement in our education system as well.

We continue to fall well short of what is acceptable in terms of achievement for aboriginal learners in British Columbia. There's a lot of work we have to do there. We've seen some improvement over the past decade — about an 8 percent improvement in graduation rates — but we've still got close to 30 percent improvement required to see aboriginal learners enjoy the same success at graduation as other learners in British Columbia. We've got a lot of work to do there, and it's not just work that the Ministry of Education has to do. It has to be work that embraces all of our partners, including the B.C. Teachers Federation, School Trustees Association, Federation of Independent School Associations, FNEESC. All of our partners need to be a part of building better outcomes for aboriginal learners.

The other area where I would readily acknowledge that we need to work in partnership and with, I hope, a better culture than has often existed in this province is around the area of special needs in school. One of the opportunities we have in the weeks and months ahead is to work at what we term the Bill 28 table with the B.C. Teachers Federation, not only to talk about the dollars which government has put forward to attempt to resolve the issues engaged by the B.C. Supreme Court's decision on Bill 28 but also, and I think this is really the most important piece here — others may disagree, but I think it's the most important piece — I believe we can do a lot better around the allocation and management of special needs resources in the classroom.

Yes, we are bringing additional dollars, but we are already bringing something around \$853 million annually into play on this. And I don't feel like we are working in the collaborative, cooperative way we should be with the Teachers Federation, with teachers, with principals and vice-principals, with superintendents, with parents, with students to try to make sure that we are managing those needs as well as we can. So again, I hope that what we

are doing here in terms of the B.C. Teachers Council will help us with a foundation that can help us move forward with those.

Around the province now I have visited close to 80 schools and many, many districts over the months that I have enjoyed the opportunity to be Minister of Education for British Columbia. I am invariably impressed when I go into schools, and I'd have to say that in the well over 70 schools that I visited, I've never come away without being impressed by some aspect of the educational services that are being delivered there.

In some schools they're excellent across the board. In others they may be doing some very special things with special education students or with aboriginal students or reading remediation, reading recovery for elementary school students. There are so many great things that are happening in British Columbia.

[1555]

I think the challenge for me and, I think, the challenge for every member of this Legislature and the challenge for every educational partner is to find ways that we can take those success stories that exist in every school in the province, share them, try to identify from those success stories best practices and then to move those best practices to being generalized practices across the province.

Now, I think that some variation in practices in schools is, in fact, a good thing. I know that some schools put greater emphasis on athletics. Some put greater emphasis on the arts. Some are stronger academically than others and push harder in that area. That's great. I don't think we should ever try to cookie-cutter schools and cookie-cutter programs in schools, but we do have an opportunity, I think, to learn from one another. Sometimes the tragedy of...

It's an overstatement to say tragedy because we've got a good education system, but I think that often there's furious agreement on how to make this an even stronger education system in the province, and the baggage of 50 years gets in our way as we try to move forward with things like personalized learning or 21st-century learning.

We have broad agreement on it, but the partners often just struggle with moving beyond the culture or the legacy of challenges over a long period of time. So that will be the goal: to improve education. There are many elements in that, and I think those elements will be supported by the direction and the content of the new B.C. Teachers Council as expressed in Bill 12 that's before us now.

One of the important features.... Many others have mentioned this, so I won't go into the detail of it. Public school teachers will be playing a very important role on this council, and I think that is absolutely right. We have obliged for many, many decades in this province....

All public school teachers in this province must also be members of the Teachers Federation. That's not a choice they make. It is something that is obligatory to all public school teachers, and they comprise 73 percent

of the folks who this new Teachers Council will have application to.

I think it is appropriate that on the council they have eight members.... They're likely to have eight members. They have to actually win an election in five geographic seats to form a majority. But whether they form a majority or not, they're going to have a very strong voice on this. I think that is absolutely right that they do, because teachers can bring enormous value to discussions of educational reform in the province. When we're talking about all of the things that the Teachers Council will do, right from preservice preparation....

Others have mentioned this and, I think, appropriately so. We need to do a better job with the Association of B.C. Deans of Education about ensuring that every student that emerges with a newly minted bachelor of education and is newly certified by the province of British Columbia to teach in a school in B.C., that they are prepared for the complex classroom situations that they'll have to deal with, whether it's on special needs or other issues that may confront them.

Having that strong voice from teachers as well as our other educational partners at that table, I think, will be hugely important. It will also be important as we discuss areas at the council, like standards of conduct or standards for certification. All of these are hugely important.

I am very much appreciative, Mr. Speaker, of the kind comments that others have made about this being a good and appropriate balance. We spent a lot of time thinking our way through what the right balance is, because it is controversial. It will be and has been particularly controversial on the disciplinary side because we are doing something with this B.C. Teachers Council that is not customary and not usual in self-regulating bodies.

[1600]

We are not providing for a majority on the disciplinary board for public school teachers, who are also all, as I noted, coincidentally B.C. Teachers Federation members. I know that the leadership of the Teachers Federation would probably disagree, at least publicly, with this balance.

I think all members of the House recognize that there is no profession that deals as exclusively with children as does the profession of teaching. The concerns around the discipline didn't start with the Avison report. These have been issues for a long, long time. The challenge here is to generate a model.... I hope that it's the right one — with five partners, four TF on the disciplinary board — that we have a balance and that the panel is constructed in a way that the public can be certain that appropriate discipline is conferred.

I should also note that I think it's important to say that I've been a teacher. I was a teacher on call for a sufficient time to become an associate member of the Teachers Federation, but I also taught for many years at Okanagan University College. I have many, many friends who are

teachers. I have a world of respect. I love teaching, and I know most other teachers do as well.

The teaching profession is no different than any other profession, whether it's politics, law, medicine or anything else. There will always be, in a world of human imperfection, a few members of a profession who will have lapses either of judgment or lapses of behaviour. It is very important, when those occur, that we have effective, efficient, fair and judicious processes that we should work through.

I know many of the members have said that they'll have questions in this area as we go through it, and that's good. Again, I think we should be certain that we get the balance right with respect to that. But if we are to protect children, if we are to enjoy public confidence, I think that the balance we've struck is an appropriate one.

I think it's also important to note that it won't just be teachers who will be subject to these disciplinary processes. It will be principals, vice-principals, superintendents — any of those who are certificate holders and who may be the subject of a complaint. It is certainly possible that all of these teaching professionals can be subject to it, and it is imperative that all of them enjoy natural and administrative justice, should they be subject to such a complaint.

Again, it's important that we enjoy parental and public confidence in the process. I look forward to ensuring that in fact we do precisely that.

There will be much transparency around this. The member for West Vancouver–Capilano cited the website for the Association of Professional Engineers and Geoscientists as an example. There will be a lot of transparency around these processes, and that's new. I also think, again, that it is appropriate if our object is to ensure both student safety and public confidence.

Some members were concerned about the possibility of open hearings with respect to disciplinary matters. It may well be that at some point we agree to disagree on that point, but I want to say this to reassure those members.

First of all, the role of the commissioner is a vitally important one. The commissioner will ensure, first and foremost, that complaints that should reside or be resolved — employer issues that should be resolved — at the school district level be resolved there. Only the cases of egregious misconduct or behaviour should be the domain of the disciplinary panels. Again, there are subtleties here, and we'll pursue all these as we go through committee stage.

[1605]

The commissioner is a vitally important role. The commissioner will be someone who will have extensive judicial or quasi-judicial experience, potentially a retired judge or the like, and would be the first line of defence against anything inappropriate occurring. The commissioner will also be charged with investigative processes, so if a complaint is levelled, the complaint will certainly be found to have substance before it proceeds to the panel level.

Further, at the panel level, if it is important for protection of a victim, as an example, or for another reason which we can't contemplate at the moment, then the panel may go in camera. Again, that's a call that will be made appropriately based on the guidelines that will be set out.

Several members — from Beacon Hill, Delta South, Nechako Lakes, all sides of the House — spoke of the troubled history that has existed between the B.C. Teachers Federation and governments in British Columbia, probably going on for about 50 years or thereabouts. The member for Nechako Lakes mentioned a very fine new book by Prof. Thomas Fleming of the University of Victoria called *Worlds Apart*, which documents in considerable detail the challenges that have long existed between the TF and government.

It is my hope, as we strike an appropriate balance with this new teachers council, that it will be the foundation for a better, stronger, more productive, more respectful, more constructive relationship between governments of whatever composition and the B.C. Teachers Federation. We have for far too long had the educational outcomes of students impaired by the inability of governments to be able to communicate effectively with the Teachers Federation. I hope we have turned a small corner with respect to this.

I know we've still got all manner of challenges ahead of us around collective bargaining, Bill 28, educational reform. But I'd say this. I spent about 30 hours with the Teachers Federation as we were working through many, many issues around this bill. The discussion was a very respectful, professional, constructive discussion, and I was very pleased with that. I'm hoping, as the discussion of this bill winds down, that I'll be winding up a discussion, or adding to a discussion, with the B.C. Teachers Federation about how we can renew education in this province. We need to build that better culture, and I hope that this bill will be a part of that.

So much knowledge, so much experience, dedication and commitment are what the public school teachers and private school teachers in this province can bring to the table. There will always be issues that divide us, but it is imperative that we have ongoing, as we move into the future.... I hope, as we move into a future of personalized learning, as we move into a future of 21st-century learning, that we can build that better, stronger relationship, that we can all work together, as members in this House have worked together, to build a better, stronger educational system for the province of British Columbia.

I move second reading of this bill.

[1610-1615]

Second reading of Bill 12 approved unanimously on a division. [See *Votes and Proceedings*.]

Hon. G. Abbott: I move the bill be referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

Bill 12, Teachers Act, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

Hon. R. Coleman: We will now move to second reading of Bill 4, intituled the Offence Amendment Act, 2011, and should we get done that, we will move to committee stage of Bill 6, intituled Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2011.

BILL 4 — OFFENCE AMENDMENT ACT, 2011

Hon. S. Bond: I move that Bill 4, the Offence Amendment Act, now be read a second time.

This bill contains a number of amendments to the Offence Act, which will allow for more effective....

Mr. Speaker: Minister, do you just want to wait one second?

Members, please hurry off to your other duties so that we can hear what's happening.

Continue, Minister.

Hon. S. Bond: Thank you, Mr. Speaker.

This bill contains a number of amendments to the Offence Act, which will allow for more effective and enforceable sentencing for provincial offences.

[D. Horne in the chair.]

The act currently has limited sentencing options: fines, incarceration or a suspended sentence. The act does not permit a court to sentence an accused to meaningful probation conditions. The only condition not allowed under its recognizance provision is to keep the peace and be of good behaviour. This framework is inconsistent with that of the Criminal Code, which can lead to confusion.

These amendments will give courts the ability to impose probation orders with meaningful conditions and to tailor the sentence to the offence and the offender. The courts will be able to impose both a deterrent sentence through fines or jail and also include a rehabilitative sentence through probation, thereby better managing the offender's behaviour in the community.

The new provisions will bring the offence process in line with the Criminal Code. Prosecutions under the Offence Act are relatively rare and are limited to cases in which the Crown feels they are appropriate to prosecute by way of provincial statute. I'll give two examples to the types of orders which will now be possible.

For a serious Motor Vehicle Act offence, such as driving without due care, a combination of fine, probation and jail would represent a meaningful sentence, which is now not available to the court. For repeat trespass offences, an offender could be placed on probation, with an

order not to go to a specific area. In addition, community work service could be imposed rather than a fine.

These amendments create an offence for breaching a condition, to ensure that they can be enforced. The act currently does not make it an offence to breach an order. Rather, an application must be made to the court, and following a hearing, the judge may impose a new sentence for the original offence.

Prosecutions under the Offence Act are relatively rare and are limited to cases which the Crown feels are appropriate to prosecute by way of provincial statute. Thus, we must ensure that the Offence Act provides an effective avenue for prosecution.

With these amendments, including consequential amendments, we have ensured that the enforcement powers available under the provincial statutes are maintained and enhanced. And finally, minor housekeeping amendments are made to correct wording errors in the act.

With that, I look forward to the comments of other members.

[1620]

L. Krog: I'm delighted to rise to speak to this today. It may shock the government. I'm going to be brief, because I intend to be kind to the government today. I'm sure they would prefer that I go on at great length when I'm saying something kind about them, but I see no reason to do that. That's not the job of the official opposition, after all. Our job is to be Her Majesty's Loyal Opposition.

Having said that, I am delighted that the government is proceeding in this way. Their federal kissing cousins, the Conservative Party of Canada, our national government, seem to believe that limiting judges' abilities to tailor sentencing to the particular offence and the individual is a bad thing, by bringing in mandatory minimum sentencing provisions and other changes to the Criminal Code of Canada.

We here in British Columbia are in fact making progress and giving power to our provincial courts now to make appropriate sentences in appropriate cases, rather than forcing, perhaps, a prosecution — as the minister has so ably pointed out — under federal statutes, allowing now for prosecution under provincial acts — which would be far more effective and giving the ability, I suspect, of those enforcing the law to exercise judgment and discretion not available to them now, and thereby enabling, hopefully, a more effective policing of the province and more effective enforcement of our various statutes.

In some respects, I suppose it would come as a surprise to some individuals who have little familiarity with the court system. They might well have believed that all of these provisions were available already and assumed that judges had these powers, but in fact, hon. Speaker, they didn't.

I think a number of these, set out in the bill, are very important. These additional sentencing conditions that can

be now included in a probation order include a number of things — mandatory reporting, prohibition of alcohol, prohibition of firearms, providing for the support or care of a spouse or other dependents, participation in community service, participation in treatment programs, making restitution or reparation for any loss or damage suffered by or as a result of the commission of the offence, limiting contact with individuals, orders that the defendant must not be present at a place or in premises, that the defendant must provide a written apology, that he must comply with other reasonable conditions that a justice considers appropriate — all with the view to protecting the public, preventing similar unlawful conduct and contributing to the rehabilitation of the defendant. These are all positive measures.

The reality is that for any of the members of this House who've had some involvement with the criminal law, either as lawyers or relatives or participants or who perhaps themselves follow the law at some point in their past... I suspect that's not many, if any, here. The reality is that in order to make sentencing effective, it has to meet the goals of sentencing, which are surely, obviously, the reflection of society's disdain for the act that has been committed but also the hopes of encouraging rehabilitation, preventing a repetition of that behaviour, whatever it may be, and ensuring public safety.

This bill enables a sentencing judge now to exercise a new and broader discretion, something that I think is a very positive step. If you will — to use that overworked cliché — frankly, the toolkit is expanded considerably as a result of the introduction of this bill. It provides appropriate processes for these changes. I think that the Provincial Court bench — inasmuch as they have to remain above politics — if you could ask them in a very direct way, would probably say, "Thank you so much for doing this; this makes our job much easier in being guardians of the justice system," in the particular communities that they serve across this province. I can assure the minister... I suspect that the bar is absolutely delighted by these provisions. You could argue that it was long overdue, but I see no reason to be critical of the government today, given that I'm in a generous mood, to suggest they should have done it earlier. The fact is that it's here.

They're all so pleased today, hon. Speaker, to have some good news. I can't imagine why. I can't imagine why. Perhaps a few events in the last few weeks have — I don't know — brought a little sense of unhappiness, or despair even, in some cases, so today if I can elevate the mood of the government benches for even a few moments, a little respite from the toils and cares of politics, I'm delighted to do so. This is — as one of the members over there was always wont to say or one of the former members used to say — more good news.

[1625]

Hon. P. Bell: More good news.

L. Krog: Ah, the minister is well aware of the old refrain. This is good news. I look forward to committee stage of this bill for a few comments. I think when the government does something good, they should be complimented for it. This is one, I might add, of those rare occasions. I'm delighted to have had an opportunity to make my comments on this bill.

M. Dalton: It's a pleasure today to stand in support of Bill 4, the Offence Amendment Act. I'd like to thank the member for Nanaimo for his kind remarks. We're feeling the love here today.

This is another valuable block in our efforts to strengthen the criminal justice system as we tackle crime. We've all met immigrants expressing appreciation for their sense of security and safety that they experience here in British Columbia. I've been to Mexico many times and lived there, and I've just been saddened by how there's been a slide into more and more violent crime, mass beheadings, mass killings with the Zetas. I know they're really struggling there.

I have other friends from South Africa, and the challenges they've had in the past, constantly thinking of security, whether it be barred windows or just the fear. Sometimes it's very palpable, and it isn't until you move to British Columbia or to Canada that you actually sense the release.

We do live, in comparison to many countries of the world — Africa or Asia or many places — in a very peaceful and law-abiding place of the world. But let's not kid ourselves. There is crime. Any crime is too much in its debilitating impact upon victims, upon their families and upon communities. This crime breeds fear and loss of business.

There are no areas in our society that are immune to it, even my area, which is a great place, Maple Ridge–Mission. There is crime there. But there's been good news.

I think that this doesn't just happen. We've seen a tremendous decrease in the level of crime. Last year, 2010, we saw a decrease in British Columbia by 6 percent — and actually, 7 percent in violent crime. This didn't just happen by one measure. It's a lot of measures and a lot of steps. There are a lot of building blocks that have been involved. I see this act, this amendment here, the Offence Amendment Act, as one more block in our efforts to combat crime.

Actually, a few days ago we had in the *Globe and Mail*... Many of the members may have read this or are aware of it. It says that "Canada's homicide rate hits 44-year low." This has been declining since the mid-'70s, and it's led primarily by the drop in B.C., Alberta and Manitoba. It goes on to mention how B.C. actually has the lowest out of the western provinces.

So we're seeing some tremendous changes. One of the communities I represent is Mission, and Abbotsford–Mission a few years ago had the highest murder rate,

homicide rate. That has changed. It was halved last year. That's great news. It halved and went down by 56 percent last year.

Vehicle theft is down by 65 percent in the past few years. In 2010, last year, there were 9,000 vehicle thefts, as compared to 2003, where there were 26,000 thefts.

In addressing the Offence Amendment Act, we have to ask ourselves how this happened. What's going on right here? I've heard some people say: "Well, it's just the demographics. We're getting older." Well, it's a lot more than that.

I think why we're seeing this is a result of good initiatives. Some of the initiatives — the bait car program. Just recently we had the addition of a bait trailer program, and that has really helped to reduce theft.

Civil forfeiture. This has been a great program that was brought into this province in 2006 and has been 100 percent successful. It's been no cost to the taxpayer. Also, the residue funds go into youth diversion programs.

[1630]

The decrease in crime — I'm going to talk about the laws here in a moment — is also a result of smart policing. We've been targeting chronic and prolific offenders. We understand that the majority of crimes are property crimes. They occur ten to 13 times more than violent crimes. We've been using modern-day technology to track and apprehend individuals.

I would like to say that this tremendous news we've been seeing as far as the decrease in crime is also the result not just of smart policing but, I would say, good policing. It's sad that in numerous countries the police are often seen as the enemy because they're in it for themselves, for graft. Our police forces display tremendous integrity and professionalism.

It has also been because of positive actions. The B.C. Liberal government has nearly doubled the budget as far as policing — 2,100 new officers. Also, 100 percent of net traffic fine revenues go to municipalities. This has meant about a half a billion dollars more in the increase towards combatting crime in the municipalities.

Finally, it's the result of good laws. A case in point is the drinking laws. Well, what has that meant? We've seen a 50 percent decrease in the number of fatalities due to drinking and driving. Also, we've had gang legislation, which has been helpful in reducing gang killings by nearly 50 percent just last year alone — from 35 in 2009 to 18 in 2010.

We've also had Grant's law, which was implemented due to the death of Grant De Patie, who lived in Maple Ridge. It was very unfortunate, but we've tightened up as far as security measures with gas stations.

[D. Black in the chair.]

The Offence Amendment Act is another example of good legislation. Under the current act we only have

three sentencing options. We have fines, a prison term or a suspended sentence. There are no probationary measures, except to order them to keep the peace and be of good behaviour. What this act allows, permits, is increased flexibility.

These amendments enhance sentencing options for those offenders charged with a provincial offence, not an offence under the Criminal Code. Provincial offences include driving without due care, trespass and street disorder. It will allow us to have the power to impose probationary orders for up to two years, along with a range of conditions. The member for Nanaimo read those conditions, but there are quite a number.

The current act only allows for an offender to be placed under a six-month probationary condition, and it's very limited to good behaviour, as I mentioned. The six-month suspended sentence does not allow sufficient time for an offender to comply with terms such as community work.

So in the case of a serious motor vehicle offence, such as driving without due care, the court will be able to impose a combination of fine, jail and probation. This would constitute a meaningful sentence that is not currently available to the court.

Charges for street disorder offences could be laid under the Liquor Control and Licensing Act, for being drunk in public, instead of under the Criminal Code. So it just increases our flexibility. Now, under this act, individuals who fail to comply can also and will also be charged with a breach of their probation orders.

This bill will ensure that justice will be served, be more appropriate consequences to criminal activity. Deterrence will be improved and, also, individualized. It's a range of tools to uphold justice and, at the same time, reduce the costs as much as possible in order not to place people into prison when the same consequences and results can be achieved through a variety of probationary measures.

This is a good piece of legislation, and I urge all members on both sides of the House to support it.

[1635]

K. Corrigan: I, like my colleague the member for Nanaimo, am rising to speak in support of this bill. With the education bill and this bill, it is harmony run amok in the Legislature today.

Bill 4, the Offence Amendment Act, 2011, amends provisions of the Offence Act. The Offence Act contains the procedural, evidentiary and sentencing provisions for provincial offences. I support the intent of the bill, which generally is to provide judges with more sentencing flexibility. More specifically, the intent is to permit more effective management of offenders in communities and make provincial legislation consistent with the Criminal Code of Canada. Key additions include adding to the court the power to impose probation orders for

up to two years and to create an offence for the breach of probation orders.

I just mentioned that the stated intent is to make provincial legislation consistent with the Criminal Code of Canada. It is interesting because with this increasing flexibility in sentencing, particularly with regard to giving judges the ability to impose a probation order... It's going to be interesting to see what the impact of this is on the justice system — whether or not there's going to be more of a tendency to proceed by way of provincial legislation as opposed to with the Criminal Code or some other federal piece of legislation.

One of the examples of a situation where there could be a choice to proceed criminally or under provincial statute would be for street disorder offences — for example, where charges could be laid under the Liquor Control and Licensing Act for being drunk in a public place, rather than under the Criminal Code.

Under those proposed provisions, offenders could be placed under probation orders with conditions such as paying for damages, writing an apology — which I thought was an interesting possibility; it is on the list of possible conditions of a probation order — and performing community work service. If individuals fail to comply, they can be charged with a breach of their probation orders. I think these are positive additions and are certainly important tools that are flexible for dealing with people who break the law in this province.

It is interesting, as well, in that this provides more flexibility to proceed in a different way. Those in the justice system will see that there is more flexibility and more ability to use the sentencing provisions in a way that might be more effective, because the reason for flexibility is to be more effective and have more tools. I think it certainly does that.

But also interesting is if we're going to have another move towards a greater use of provincial as opposed to federal legislation — in this case, instead of the Criminal Code. It's another example where the province has had a tendency to move in a direction that blurs the lines a little bit between the various processes in the judicial system. For example, I'm thinking of some of the moves towards administrative processes. I think we have to be very careful that when we're making these changes and moving towards, for example, administrative penalties, we continue to protect the rights of the individuals that are going through the system.

Of course, I'm thinking in this case, for example, recently that the provincial roadside suspensions are being used in many cases instead of Criminal Code charges for drinking and driving. Instead of impaired driving charges, in many cases roadside suspensions are being used.

[1640]

This is, again, a blurring of the line between criminal law and provincial law — in this case in an administrative process — and we have to be careful about that. We know

that in that case the Supreme Court Justice Mark McEwan had a stinging rebuke for the provincial government's anti-drunk-driving scheme. He called it "seriously flawed" in a case where a woman got a roadside suspension. The judge felt that the process had been seriously flawed, that her rights had not been duly taken into account and that a miscarriage of justice had taken place.

I think that as we gain more flexibility, as we use new tools, as we move to administrative processes, we have to continue to remember that it is imperative that we protect the rights of individuals involved and all of the protections that are clear in court — the evidentiary protections that are clearer when a case goes to court.

Another example is the Civil Forfeiture Amendment Act, which again created an administrative process for forfeiture of proceeds and instruments of crime. In all of these types of situations, we need to be careful that we carefully maintain the rights of individuals that are affected by these pieces of legislation.

Again, I want to say that I am generally supportive. I am always concerned that we are aware of any costs that may be associated with legislation, but it doesn't appear — although I will certainly ask questions about this — that there will be increased costs. In fact, perhaps the cost to the judicial system will go down as a result of the increased flexibility that is provided under this bill.

I am particularly pleased that this bill provides for probation orders when there are proceedings under the Offence Act — some very creative possibilities as well: for example, participation in community service, which is useful and can be effective; participation in treatment programs, another tool which is important; restitution; limiting contact with individuals, another effective tool, which is important in many cases; providing a written apology, which I think is a good idea. Of course, the probation order can be up to two years, so there's the ability to control and manage behaviour for a significant amount of time.

It also provides for the use of intermittent sentences in offences tried under the Offence Act. I think that is another creative tool and something that is positive as well.

Overall, I am in agreement with my colleague from Nanaimo that this is a positive bill, and I am looking forward to going through it section by section in the committee stage. With that, I will take my seat.

N. Letnick: I'm pleased to have the opportunity today to speak in support of amending the Offence Act. Compared with some other legislation that we debate here in the House, this is a reasonably simple and straightforward item, but I can't help but reflect that just about now, at quarter to five, our children and grandchildren are going trick-or-treating, and we're in here debating this piece of legislation.

An Hon. Member: You're too young to have grandchildren.

N. Letnick: I'm too young to have grandchildren — that's right, hon. Member — but I look forward to the day when I can stand up for the first time and talk about my first grandchild. I still have a 17-year-old that does go trick-or-treating. Just thought I'd bring that in.

It's kind of a scary day when we have members of the opposition and members of the government side all agreeing on different pieces of legislation. Maybe this is a little bit of *The Twilight Zone* — I'm not too sure — but I'm happy it's occurring, and...

Interjection.

N. Letnick: It's not April 1, no.

...hopefully, it will continue on for many pieces of legislation to come.

[1645]

I believe it's a sensible and even necessary move to make the amendments. The amending of the Offence Act will allow our provincial courts and judges to better reflect both the needs of society at large and also the unique and individual circumstances of each respective offender.

As the Offence Act is written today, provincial courts only have three sentencing options at their disposal. These include fines of up to \$2,000, up to six months in jail or a suspended sentence, and-or recognizance within limited concerns and conditions.

Currently, those conditions might include a two-year recognizance to keep the peace and be of good behaviour. The second is a suspended sentence provision allowing the offender to be placed on conditions in the community, but only up to a maximum of six months. Unfortunately, this is sometimes inadequate. For example, a six-month suspended sentence often does not allow sufficient time for an offender to comply with terms such as community work, which is very important.

[Mr. Speaker in the chair.]

The current act also does not permit prosecution for breaching the conditions of an Offence Act recognizance. While greater flexibility is needed, the Offence Act does not require a complete overhaul. The solution is simply to amend the current act. This will allow courts to move more effectively, managing offenders in communities by expanding their sentencing options beyond what is currently available under the Offence Act.

How will that work? That's a very good question. Provincial courts will have the ability to impose probationary conditions tailored to the specific offence and the offender's unique circumstances. This is a great move forward. For example, the court could consider a requirement to make restitution for damages caused by the offender. They could consider a requirement to perform community work, or conversely, they could consider a requirement to stay away from a specific area. These are

not lifetime sentences. These probationary orders could extend up to two years.

It's not difficult to see how this enhanced flexibility in sentencing would be beneficial for our courts to better respond to individual offences. It's important to note that these amendments do not create any new offences under the liquor act or any other provincial statute; neither do they eliminate existing mandatory minimum penalties.

In fact, these amendments would allow courts to go further and add a period of probation to the mandatory minimum. For example, in the case of a serious MVA offence, such as driving without due care, the court would be able to impose a combination of fine, jail and probation. This would constitute a meaningful sentence that is currently not available to the court in British Columbia.

Not incidentally, the amended Offence Act will improve the court's ability to respond to street disorder offences. Charges for street disorder offences could be laid under the Liquor Control and Licensing Act — for being drunk in public — instead of under the Criminal Code.

The proposed amendments would mean that offenders could be placed under probation orders with conditions such as paying for the damages; writing an apology, as we have heard already a few times today; or undertaking community work service. Individuals who fail to comply could be charged with breach of their probation orders. This legislation is consistent with the Criminal Code and consistent with the government's commitment to public safety.

In conclusion, hon. Speaker, these changes will allow the courts to better manage the behaviour of offenders in the community and ensure that the Offence Act continues to reflect our society's changing realities and needs.

Thank you for the opportunity to speak to this good legislation.

Mr. Speaker: Seeing no further speakers, Attorney General closes debate.

Hon. S. Bond: Well, it is a rare and enjoyable afternoon in the Legislature this afternoon. It's a pleasure to hear both sides of the House have the opportunity to support what is good public policy.

From our perspective, this is very much about enabling sentencing and flexibility for judges. We want to be assured that, wherever possible, things like probation as an alternative are being considered. So this is about more effective sentencing. It is about providing flexibility. It is about ensuring, as one of the critics from the opposition side said.... He paraphrased it in this way: "It expands the toolkit." And that is precisely the intent of the amendments that we're bringing forward today.

With that, Mr. Speaker, I move second reading of Bill 4.

Motion approved.

Hon. S. Bond: I move that Bill 4 be referred to a Committee of the Whole House to be considered at the next sitting after today.

Bill 4, Offence Amendment Act, 2011, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

[1650]

Hon. M. Polak: I call committee stage of Bill 6, intitled Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2011.

Committee of the Whole House

BILL 6 — FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS STATUTES AMENDMENT ACT, 2011

The House in Committee of the Whole on Bill 6; D. Black in the chair.

The committee met at 4:54 p.m.

On section 1.

N. Macdonald: Just for the minister's information, there's a pod of three or four that have a variety of questions. So as we go through the various sections — and for the information of the Chair as well — there's a series of people that will be coming up at different and disjointed times to ask questions on the various sections.

Now, as we said in second reading....

Interjection.

N. Macdonald: A member is asking about the pod. I thought "pod" was a very British Columbia term for what we're doing here.

So as we said in second reading, with an amendment act such as this, it's the individual sections that we'll be testing and seeing where the government is going. Some of them are very straightforward. As I said in second reading, we were given the benefit of a briefing, which we very much appreciated. So some of the questions will be simply to put things on record, and then others will be testing parts of the bill.

[1655]

Starting with section 1, our understanding is that this is simply definitions that currently exist. We know that they currently exist in the Forest Act. I guess the first question would be: have any of the definitions changed at all? I know they're changing positions, but have there been any substantive changes to the definitions, or are there any new terms that have been added to the definitions in section 1?

Hon. S. Thomson: Firstly, I appreciate the opportunity to move into committee stage, and I'll just introduce the staff support that I have here currently. There will be a little bit of a changeover with staff as we get into the different parts of the bill. With me I have Richard Grieve from our legislation policy branch, Marg Shamlock with our legislation branch and Brad Harris with our forest tenures branch. I appreciate the opportunity, as the pod gathers on the opposite side of the House.

To respond to the first question, the answer is no. There has not been a change in the definitions. It's moving the definitions from one section of the act to the front of the act because the definitions are used throughout the act, and it was more appropriate to have them on the front end.

B. Simpson: I know that these definitions haven't changed, but for clarity, I would ask if the definition of bioenergy is defined by government anywhere else other than as derived from the Crown timber. Does the government have a definition for bioenergy that's broader than energy as derived from Crown timber?

Hon. S. Thomson: The definition here is specific for this legislation. That's why it relates to Crown timber. There may be references to bioenergy in other legislation. I don't have that specific information with me. But just to note that this definition is narrow with respect to this legislation under the Forest Act, and that's why it relates specifically to energy derived from Crown timber.

B. Simpson: The reason, just for context, for asking some questions about the definitions.... I seem to recall the original amendment act that brought these in. Because there is another portion of the legislation later on, in section 5, that does make some addendums to the bioenergy supply language here, or the way of working with a fibre supply licence, etc., it's important to get clarity.

With respect to bioenergy meaning "energy derived from Crown timber," if the minister could clarify if that is referring to standing timber.

Hon. S. Thomson: The reference back to.... There is a definition of "timber" in the act, which means "trees, whether standing, fallen, living, dead, limbed, bucked or peeled." So it would include all of that timber on Crown land.

[1700]

B. Simpson: The reason for getting clarity on this is to.... The original intent of bringing in these fibre supply agreements, tying them to the bioenergy supply contract and bioenergy applicant, was that government moved in that direction in order to deal with an accruing waste issue, particularly in the mountain pine beetle-impacted areas. As we'll canvass a little bit later on, the tool that the

government is using may or may not be enabling the district offices to address that very issue.

Because bioenergy means "derived from Crown timber," for clarity, when an individual is given a fibre supply licence to cut, can that licence to cut include actually cutting down timber for the purposes of bioenergy?

Hon. S. Thomson: The fibre supply licence to cut is specific to road waste and roadside and landing waste. It does not include standing timber. So the fibre supply licence to cut would not provide the opportunity to access standing timber into cut. We have other tools to deal with providing those opportunities.

B. Simpson: For clarification purposes, then, under "eligible bioenergy application," which is in this section 1 under definitions, it says: "means an application for a non-replaceable forest licence under section 13.1...." I wonder if the minister could clarify whether that non-replaceable forest licence is the same as the fibre supply licence to cut. If not, does that non-replaceable forest licence associated with a bioenergy application allow the licence holder to cut down timber for the purposes of bioenergy?

Hon. S. Thomson: Just to clarify in terms of what we're dealing with here, there are two different processes here. One is the fibre supply licence to cut. These definitions do not apply to that. These definitions relate to section 13.1, which is the process where we have a successful applicant under the process with the bioenergy supply contract and all provisions there. So that is just bringing those previous definitions forward into here. This does not deal with the fibre supply licence to cut. That's completely separate.

[1705]

These sections relate to previous policy that was in the act around the bioenergy supply contracts, where you have a successful applicant and they need to be able to.... We have the tools to be able to provide them with fibre supply through the non-replaceable forest licence or other tools.

B. Simpson: I take the minister's point, but in section 5, when we get there, it is referring to a bioenergy supply contract, which is what one of the definitions is here. The intent of the amendment is to facilitate the minister actually getting the bioenergy, the Crown timber, to the successful bidders on a bioenergy supply contract, so they are related. They're not as unrelated as the minister might have suggested they are.

Could I just clarify for the record that part of the changes that were made and part of what is going on here is that there's a "must" in the act that if an individual or a company is successful in getting a bioenergy supply contract, the act actually stipulates that the minister

must find a mechanism to provide them with the volume so that they can produce bioenergy from Crown timber. The minister is actually pushed by the act to find that volume to allow that proponent to produce energy from Crown timber. Is that accurate?

Hon. S. Thomson: Yes, that proposition or that understanding is correct.

B. Simpson: For context, for understanding some of the implications for section 5, how many current bioenergy supply contracts are there? I know it's been through a couple of rounds. How many contracts actually exist now?

Hon. S. Thomson: I am advised that there are four.

B. Simpson: Again, for the record, this has not been a very slick process in getting these out the door. There have been all kinds of issues associated with the bioenergy calls — round 1, round 2, pricing, all of these things. When you get four proponents that have had the endurance to be able to go through all of that process, it's one of the reasons, I think, that the government understood that at the end you didn't want to have B.C. Hydro have a successful negotiation issue of bioenergy supply contract only to turn around and have the proponent not be able to access the Crown timber they need in order to produce the energy. That's what's going on here; hence the "must."

In order to understand the nature of what we're looking at, what is the volume the minister is going to be looking for to enable those four contracts to be successful? What's the timber volume that will be required? Whether it's waste or standing timber doesn't matter. What is the total volume that the minister now must provide for those four plants to be successful?

[1710]

Hon. S. Thomson: The processors are continuing still to negotiate the volumes. I don't have the specific volumes with me here. What I can do is undertake to provide that information. I know the committee stage will continue, and we will get that information for you.

B. Simpson: The volume associated with the calls, and I'm sure that the minister is aware of this, is the rub — where these are, where that volume's going to come from — is it in competition with other volume holders? Again, the intent in moving in this direction was to deal with other Crown timber assets that were not being utilized. If you end up structuring this thing wrong and you end up giving the licences in the wrong manner, you end up actually making them in competition with the entities that already exist. That's the complaint, certainly, that I am getting.

For the record, I wonder if the minister could state the areas or the locations of the four bioenergy supply con-

tracts that have been let. What forest districts are they in? The second part of the question is: have any of them been issued a non-replaceable forest licence to date, which is the other definition in this section?

Hon. S. Thomson: With reference back to the previous question and the specifics, I'll undertake to provide those specific areas and the volumes in following through on the commitment we made on the previous question, to make sure that we have it correct. I don't want to do it here from a process of saying: "I think I have an understanding where they are on things." I'd rather make sure that we have the correct information for the member opposite and provide the answer to the previous question and this one at the same time.

B. Simpson: Could the minister just clarify whether or not any non-replaceable forest licences have been issued for any of these current four bioenergy supply contract successful proponents?

Hon. S. Thomson: I am advised no, not yet.

[1715]

B. Routley: In order to save some repetition, can we have a commitment from the minister to share the information on some of the questions that were just asked, or would you like me to repeat the questions? Can you cc us on the letters that you're going to respond...? The four areas, for example — can we just get a cc?

Hon. S. Thomson: My understanding is that my undertaking was to be able to provide that information during committee-stage discussion here so that it would be on the public record. I expect there will be the opportunity to do it as we get further into the questioning. My undertaking was to be able to do it on the public record, so we don't need to cc it. We'll provide that answer as soon as we can get the information.

B. Routley: My question goes back to this bioenergy, the interpretation of applying bioenergy is only derived from Crown land. I guess my question is: why would the original drafters have excluded the private land portion of either a tree farm licence or a woodlot licence, which is kind of the main subject of this issue?

Surely you wouldn't seek out and destroy or eliminate fibre that was included in some kind of a bioenergy contract that came from private land. It wasn't your purpose in drafting this language to exclude private land necessarily, was it? Or was it just a particular focus on the day that this was drafted that you put Crown land in and maybe somehow forgot about the possibility that there could be some fibre? Although it's smaller amounts, I would agree. It's not your intention to exclude it, is it — or is it?

Hon. S. Thomson: The reason that this definition is restricted to Crown timber is that this whole section is about the award of a forest licence for that purpose, and a forest licence is only available from Crown land.

B. Routley: The other question I had in the interpretation section was regarding the kinds of persons authorized by the minister. In that section under the "eligible bioenergy application" definition, there is the right to authorize persons; the minister can authorize persons. Could you give us some examples of what kind of staff positions this would apply to and how far-reaching it might be?

Hon. S. Thomson: In this particular situation with the delegation, this would likely be at the regional executive director level. They are in a position and can be delegated the granting of licences. That would be an example of a person who could be authorized by the minister to perform the obligations.

[1720]

Sections 1 and 2 approved.

On section 3.

N. Macdonald: Section 2, then, was just where the definitions were moved from.

In section 3, again it looks like a fairly minor change. Can the minister simply explain the implications of the change in language, taking out "if any" and adding "if so determined by the minister"?

Hon. S. Thomson: The reason that this was taken out is that the phrase "if any" in the current provision could be interpreted to mean any private land of a woodlot licence holder must be included in the licensed area. It was an interpretation that could be provided on it. This was taken out to provide that option of whether.... So it could mean that private land could be included or could not be included. It didn't mean that if you had private land, it had to be included.

N. Macdonald: Okay. There is a redundancy, it seems — I mean, it appears. The existing language is, "describe a woodlot licence area determined by the minister to be composed of (i) private land...owned or held under lease," if so determined by the minister. The redundancy that's apparent there is needed to clarify the point that private land doesn't necessarily have to go in. Is that the case?

Hon. S. Thomson: The provision to have "if so determined by the minister" is added so that if private land is put into the process when the application is made, then the minister would determine that to be part of and in-

cluded in the woodlot licence. Legislative counsel advised us to remove the "if any" portion because it did provide that potential interpretation that it had to be included if there was private land. That was changed there to remove that possible interpretation.

Then, just for clarity, "if so determined by the minister" means that if the application includes private land when the person is making the application and you want to include it in, then it would be, and "so determined by the minister" would mean that it would be included in the granting of the licence.

N. Macdonald: Just so that we understand this, when woodlots were originally put together, am I correct in assuming that private land had to come in and that current practice — what has become current practice — does not require private land to come in when a woodlot is created? Is that the current practice now?

[1725]

Hon. S. Thomson: Just to be clear, the inclusion of private land in the woodlot was never a requirement. It was one of the factors that was taken into account when applications came in and were being considered. In many cases when you were ranking the criteria and looking at it, it was one that added value to the decision so that it would get additional value or points, in a sense, in terms of consideration. But it was never a requirement.

N. Macdonald: Just to explore this a bit more, it nevertheless has been the practice, usually, to include land. How many woodlots have been given that did not include private land?

Hon. S. Thomson: I am advised, and this is a good estimate, that of the 860 woodlots, 700 have private land included in them and 160 do not.

N. Macdonald: Just to get a sense of practice, the 160 that do not — is this a more current practice, or is this something that over the span of woodlots has always been practice? Is this something that, more recently, woodlots have been given without private land? Or is it, as I said, something that has been common practice all the way through?

Hon. S. Thomson: I should just introduce.... We've been joined by another staff person in terms of this particular issue. I'm joined here by David Haley, the woodlot forester with our forest tenures branch.

Just to confirm, this is not something that has been a more recent trend. This is something that has been in place probably since the mid-1980s, so it has been a practice that has been there from that point on. In terms of exact years and how much in each year, we'd have to do additional work to be able to determine that, but I'm

advised that this is not a more recent practice. This is one that has been in place for quite some time.

Section 3 approved.

On section 4.

N. Macdonald: This is the section that a number of members spoke about in second reading and where the minister would be making the case that this is in the public interest. As the minister knows and the public knows, woodlot licences, as far as I know, are unique to British Columbia. It's a replaceable tenure awarded for 20 years. The practice has been usually that that's extended.

My understanding of the early philosophy of woodlots was to bring in, amongst other things, private land with the Crown land into a woodlot with management for the whole area. It was intended, amongst other things, to add forest land. We currently have about 550,000 hectares in woodlots, and about 17 percent of that is private land.

[1730]

Just two questions, and then colleagues have other questions. Just to be clear, private land could be removed currently — or maybe you could talk about the process — if the public lands of woodlots were given up. So the ability to remove private lands if the public lands were given up exists as well. Even within current practice, we do have the ability to have private lands removed from woodlots. Is that the case?

[D. Horne in the chair.]

The Chair: Minister.

Hon. S. Thomson: Thank you, Chair, and welcome to the chair.

Just to be clear, currently a person could surrender their woodlot licence, and that would allow the private land to be removed unencumbered from the licence. Under the current legislation we don't have the ability to remove or to allow for the removal of private land or a portion of that private land without the person fully surrendering the woodlot licence.

N. Macdonald: Just to clarify, because some of the comments we're getting from woodlot operators seem to indicate to me that this was a process that was not impossible as it stands.

Is this minister saying that if a woodlot operator wants to remove private land, they need to give up the public lands — that there's no mechanism that currently exists and that that's the reason for this amendment? There is no mechanism that would allow them to move a portion of the private lands and still retain the woodlot?

[1735]

Hon. S. Thomson: The reason why we're bringing this legislative change forward.... What happened with the change, which is section 39.1 of the act, related to the "minister may change the boundary or area of a tree farm licence with the consent of its holder."

When that change went through, what happened was that it rendered section 47.1, which is changes to an area or boundary.... It put us into a position where we were not able to remove private land or a portion of private land from a woodlot. What we're doing with this amendment, bringing the amendment forward, is providing the framework to be able to do that.

Prior to 2004 it could have been the case where you would have been able to potentially remove some private land, but the changes to the act put us in a position where we were not able to do that.

N. Macdonald: Just to understand. Inadvertently, in 2004 the ability that pre-existed to remove private land was taken away? If that's the case, then the minister can let me know if I've understood that correctly.

The question, then, I would have is: was that ever put into practice? Was private land historically ever removed from existing woodlot licences?

Hon. S. Thomson: Prior to this and prior to 2004 I'm advised that there would have been some removals of private land from woodlots under circumstances.... In some cases, it was related to divorce or some of those circumstances. So there would have been some examples of removal of private land from woodlots prior to 2004.

N. Macdonald: The impression I get from the minister is that this would have been a very rare occasion. It was something that was there for a minister prior to 2004 as something they would possibly utilize, but that was rare. Is it fair to say that this was a rare occurrence?

Hon. S. Thomson: I was just having a bit of a discussion here to try to determine what might constitute "rare" in terms of a definition or an impression of what rare might mean. What I'm advised is that it was not common practice. So it would have happened under limited circumstances and for those kinds of circumstances that I just outlined. It wasn't widespread; it wasn't a common practice.

Whether you would take it as far as saying that it was rare is probably putting an interpretation on it that would maybe give the wrong impression that it was only one or two. It was probably more than that, but it wasn't a common practice.

[1740]

N. Macdonald: Without the benefit of going back to the language that was there in the past for the minister to use, is the language that's in front of us more explicit?

Would the minister say that this is a more explicit piece of the legislation for the minister to use, whereas before it might have been something that had been something that had been practised but wasn't really laid out as clearly in legislation?

Hon. S. Thomson: It is more explicit. What we are putting into the legislation here is providing that clear authority for that to happen and to be considered. As you know, and based on the discussions that we have had, there would be policy developed that would provide the framework under which those considerations would be made. But it clearly puts into the act the ability to do that — to make it clear that the minister can.

C. Trevena: I would like to continue on this, on the language in the piece that's being amended. Under the Forest Act it says that the district manager or regional manager "if permitted by the regulations and in accordance with the regulations, and with the consent of the holder of a woodlot licence, may change the boundary or area of the woodlot licence." This obviously does expand it greatly, and it does allow very explicitly the removing of private land from a woodlot licence in the amendment.

My first question, Minister, is: why the change from allowing a district manager or regional manager to give that approval? Why is it going to the minister's office?

Hon. S. Thomson: Just to clarify, with respect to the previous section, which talked about, subject to section 45(1), "the minister, if permitted by the regulations and in accordance with the regulations...." The ability to delegate that authority was there previously. This maintains that but makes it clear that it would be by regulation.

Currently, under the Crown land portion, we have that ability. With respect to the private portion, that authority could be delegated, but it would clearly be by regulation.

B. Routley: Could the minister explain exactly what the public interest is in government providing this new option to remove the private land portion of a woodlot licence to the woodlot owner?

[1745]

Hon. S. Thomson: A few things on this particular question and this point. Firstly, as we've discussed previously, the ability to do this was there prior to 2004, and then, by changes to legislation, we took away the clarity to be able to do that. So in one respect, we're re-establishing, with some clarity, the policy and the ability to do that.

In terms of the public interest, I think it's important to recognize that here we're dealing with individuals with an aging demographic in the woodlot holders. We have responded to requests that have come forward from the Federation of B.C. Woodlots in wanting to address those.

They have clearly said that there would need to be clear policy around how that would be done and under what circumstances. We've had a number of discussions with the woodlot association around the policy and the criteria under which that would happen.

But in terms of the interest, it's to recognize that we're essentially dealing with families, with individuals, who've put private land into the process and included it in the woodlot. They are, in many cases, dealing with succession planning, with estate planning. This tool now, with this provision, provides us the flexibility to be able to deal with those individual circumstances.

I think it's in the public interest to deal with putting the provision back in place that was there previously and to be able to work with and respect the interests of individual landholders, individual families, who are dealing with their estates, dealing with succession and dealing with changing market circumstances.

This provides the flexibility which, in the longer term, can assist in continuing to keep the greatest percentage of their woodlot operations ongoing, rather than the person having to completely.... The only way to be able to deal with this at the current time is to surrender the woodlot licence in order to be able to deal with their private land portion of it.

B. Routley: First of all, I think I want to totally reject the assertion that somehow this is putting back in what was there before. I think the minister earlier clarified that this was going to give more clear authority than the previous legislation that talked about moving boundaries. There's a totally different context to the bill.

Rather than just moving boundaries, we're now talking about giving the minister the authority — the exclusive authority, I might add — to remove not just portions, either.... We're potentially talking about removing the entire thing.

But he did talk about some groups, so I'd like to hear from the minister.... Well, I do have to assert that there was no.... I didn't hear any explanation there about public interest. I heard about the interest of a handful of people belonging to an organization. There was no explanation there at all about the public interest or the interest of the Crown. There was an interest of some people that specifically could benefit.

Back to the intent of this. Could the minister explain what groups or organizations or persons have specifically asked for this change?

[1750]

Hon. S. Thomson: This specific request to address this issue came from the Federation of B.C. Woodlots. As you know, that's the association that represents the collective interests of the 800 or more woodlot owners in the province. Specifically, that's the group in the organization that has discussed this. It has been discussed for some period

of time, it's fair to say. There has been a process of consultation and discussion with them over a few years on this before the bill being brought forward today.

As part of that, you would hear from individual constituents and owners on it, but I think that's on an individual basis. The broader policy approach and recommendations have come from the federation.

B. Routley: Well, I would suggest that's about as close as we're going to get to an admission by the minister that it was really an exclusive club that he was dealing with that happened to benefit. Somehow that's been mysteriously blended into some kind of public good.

Specifically, I'd like to know what businesses are impacted by the potential loss of a significant portion of a woodlot licence. Obviously, when actions are taken in the future, there will be impacts to businesses that currently are getting supplies from a particular woodlot licence. Have there been any consultations with the potential businesses that have, in the past, received wood from these woodlot licence holders?

Hon. S. Thomson: I think it's important to recognize here that in dealing with this, what we're doing is facilitating the removal of a portion or some of the private land. It doesn't mean that all the private land from the woodlot process is going to be removed. In many cases, this is to help facilitate generational, intergenerational transfer of private land, which means that it would stay in the woodlot.

I think the important point to recognize is that, given the relative percentages of land that is in the woodlot, privately as compared to the Crown land portions of the woodlot.... This is just to put it in perspective. If all the private land in the woodlot program was removed, it would be less than 0.16 percent of the current provincial AAC.

So we don't expect that, by having this provision, it is going to have a major impact on businesses. In fact, in many cases what it will do is allow the Crown portion of the woodlot to remain in production rather than having to surrender it, which in many cases may impact those local businesses to a greater degree than the ability of an individual to take his private land or a portion of it out of the woodlot.

N. Macdonald: Just quickly on that point. Was there any scenario beyond estate planning that would have the land removed? The minister has talked about estate planning. Are there any other scenarios that are being considered with this or that were part of the lobby from the woodlot association?

[1755]

Hon. S. Thomson: I have referenced the estate, intergenerational transfer, succession planning as being one

of the examples or one of the circumstances under which that might happen. There are also others. It could include a situation where, as a result of the impact of, for example, the mountain pine beetle and the impact that that's had on the viability of the operation, the ability to remove a portion of it allows the overall viability, allows the person to remain in business. As you know, that's had a significant impact on the economics of woodlot operations in many cases.

There also may be situations where the individual would like to be able to utilize that portion of the private land for another purpose — for example, going back into an agricultural operation or something along those lines. So there would be a number of different circumstances where the ability to be able to do it.... I want to make it clear that it's all or a portion of the land that the individual may want to take out.

So there are a variety of circumstances. It's not just the extreme circumstances of estate or the extreme circumstances of family breakup or those kind of circumstances, where some of the situations prior to 2004 had the land removed. It's a variety of circumstances. But again, what we are proposing here is the ability for the individual family, the individual operator, to be able to have that opportunity, depending on his circumstances.

N. Macdonald: There are a number of scenarios that I hear, and I understand why the woodlot operator would want this ability. But I guess what I haven't heard is what the public interest is. What public benefit comes from giving the woodlot operator those options? I certainly understand why they would want it. That's why they were lobbying. It's not clear in my mind with any of those scenarios what public interest is served by giving the woodlot operator the ability to remove land that originally was part of the parcel of land that was supposed to be managed as a whole.

[1800]

Hon. S. Thomson: The ability here to be able to remove all or part of the land.... Where I feel this is in the public interest, and why we've responded to the request of the Federation of B.C. Woodlot Associations in undertaking this and providing this option.... This will allow for those circumstances which would then ensure that the balance of the Crown land that's in the woodlot operation continues to be managed under the approach and the stewardship of woodlot owners, rather than having to surrender the total portion in order to deal with their private land. This will allow woodlot operations to continue and, in fact, may in the longer term result in maintaining all those portions of Crown land in woodlot management, as opposed to having to remove it from the woodlot program.

In terms of the public interest I think what we're doing is three things. One is recognizing the interests of

individual operators and their families in being able to provide this provision to deal with those circumstances, being able to ensure that the Crown portion continues to be managed within woodlots. Also, it provides additional economic opportunity for that owner in terms of other activities on that land — you know, back into agriculture or those kinds of things that they would be able to do.

I think all of those things combined together provide for public interest. It's clear that there will be conditions and criteria under which that would happen. We've talked about criteria like having the private land in the woodlot for a minimum number of years and other policies that would ensure that when it's considered, all of those values and provisions would be taken into consideration.

B. Routley: It certainly all sounds very good for woodlot owners indeed. But I think we can agree that the removal of private land, in the case of tree farm licences, clearly created substantial community upheaval and stress to many, many families and residents as a result of the changes to zoning. Also, the community impact, such as changes to community plans, has created controversy. So clearly, there are some issues here.

I'd like the minister to explain. Has he given any thought or consideration, and does he have answers, to how Bill 6 could possibly contribute to community sustainability or stability? There's a lot of documentation out there that talks about community stability and sustainability. I'd like to hear exactly how removing the private land is somehow going to contribute, because at the end of the day we're reducing the amount of land available for forest land use.

[1805]

Hon. S. Thomson: A couple of additional points that I think are important to note here. One is that, clearly, any provision or any application to remove all or a portion of the private land from the woodlot would have to be advertised, and appropriate notification and public notice provided. So that's the opportunity, then, to make sure that when we're considering those, the public concerns and issues are brought forward in that process.

The woodlot operator making the application would have to have all of his obligations to the province and everything completely up to date. So if there are any transgressions, that actually will mean that the overall level of management of the operation will have to be taken into consideration. In order to be able to make the application to remove, you're going to have to be assured that everything is complete and up to date. So that will raise the overall level of management within the operations.

Additionally, any removal will have to comply with local zoning and local bylaws. Those provisions will be in place as well. So through that disclosure process, through that notice process, through the provisions of having the

local zoning bylaws in place, the community input and the community concerns will be part of the decision-making process.

B. Routley: I'd like to thank the minister for all the interesting words there, but I don't see it written down here anywhere, unless this is to be interpreted from the words "regulations, if any." There is a provision in there that talks about "regulations, if any," and I think we just had an elaborate explanation of the "if any" part. But the bill itself does not include any of the comforting words that we just heard about what might or may happen.

The fact that we've got, in the province of British Columbia, logging roads, gas, transmission lines, provincial highways, etc., all shrinking down.... Of course, there are the parks. They've all shrunk down the available land for provincial harvesting and for forest land use. So could the minister explain what will be the impact, and has he given any consideration to the fact that the B.C. province land base will shrink as a result of these potential withdrawals? Has he done any analysis of exactly what those potential withdrawals might be in the near future and, then, long term?

Clearly, this does open the floodgates, so to speak, in terms of turning loose private lands. So we need to know about the potential shrinkage of the potential forest land withdrawals that are coming here.

Hon. S. Thomson: What I hope I didn't hear in the comment or the question from the member opposite.... He referenced concerns about the impact that parks may be having on the land base. I hope I haven't heard from him that he's not recognizing the tremendous achievements we've made in establishing additional parks and conservancies and things in British Columbia.

Just to be clear, and I think it goes back to the original point.... This is a very theoretical "if". If all of the private land currently in woodlots was removed — and that would mean that all of that private land in there would have to meet all of the conditions and policies that would be put in place in terms of numbers of years of holding land in the woodlot, and all of those other provisions — that would be less than 0.16 percent of the total AAC.

[1810]

So this is not about a rush or a process of removing huge or significant portions of private land from that harvest land base. This is private land, a small percentage of the total of the land held within woodlots, and it allows....

By removing the private land portion, it doesn't mean you are removing all of the Crown land portion of that woodlot from the land base. What it means, in fact, in most cases, is that it will ensure that the portions that are within the Crown land in woodlots will continue to be maintained under woodlot management and stewardship.

B. Routley: Well, in order to give words of comfort to the minister, I love our B.C. Parks as much as anybody.

The potential loss both in stumpage to the Crown and in timber supply loss.... Specifically, I want to hone in on the potential loss to the Crown as a result of stumpage that is paid.

If all of the woodlot owners eventually asked to have their private lands removed, has the minister or his staff done the calculation on how much loss to the province there would be as a result of the loss of stumpage that is paid to the Crown off the private land portion of these woodlot licences?

Hon. S. Thomson: Just to clarify, this does not have an impact on stumpage revenue for the province. As you are aware or may not be aware, the private land portion of the woodlots does not pay stumpage or rent. It generates additional economic activity. That is the benefit to the Crown from the private land portion of it. Removing a portion of the private land would not have a revenue impact on the Crown with respect to stumpage or rent.

B. Routley: Could you explain for us the tax implications to the Crown? There is still tax, I assume, collected by the province of British Columbia. Or is there yet another surprise that we don't collect any tax either?

Hon. S. Thomson: Just to clarify, in terms of current assessment policy, whether the land is within the woodlot or without the woodlot on the private land portion does not change the assessment and the tax provisions of that property unless it was changed to some other assessment class. A removal of the private land from the woodlot portion of it does not change the assessment or taxation of that property.

[1815]

B. Routley: I assume you would agree that that does open up the door to potential rezoning applications though. You would agree that that would be the case. It does change the designation of land that is for forest use, and someone could go to their local municipality and then look at a zoning change.

Hon. S. Thomson: As I stated previously, any removals of private land from the woodlot would be subject to local zoning and local bylaws. As the member knows, with respect to any other private land, applications can be made to local government for changes in zoning, changes in bylaws. That process is in place with respect to the private land. Those decisions would be made by the local government or the local authority.

B. Routley: Does the minister have any plans at all to mitigate the loss of these lands? If so, how, and if not, why?

Hon. S. Thomson: As I stated earlier, under the extreme scenario that all of the private land currently in woodlots, if applications came in to remove all of that, it's less than 0.16 percent of the total AAC. Based on discussions with the woodlot operators, I certainly don't see that happening. We were not of the view that specific mitigation measures need to be applied. We'll be dealing with these on an individual situation.

[1820]

I think it is also fair to say that going forward with the ability to bring private land in.... Knowing that there are the provisions that would allow you to remove that private land at some point in the future after a certain number of years and time and all other criteria that would be in place, you actually will assist overall in moving and continuing to expand the woodlot program in British Columbia and potentially bring more area in under new woodlot applications.

B. Routley: Under this bill, private woodlot owners could remove land at the sole discretion of the minister. Could the minister explain why he thinks he needs that exclusive right?

Hon. S. Thomson: The provision to leave it with the current wording, which provides for that discretion, and to have the provisions under which that discretion would be exercised established by policy, was in recognition of the fact that we're dealing with 860 — well, actually, because there are a number of woodlots that don't have private land in them, it's 700 or so — individual family operations that have unique circumstances, and every application may be slightly different.

It was viewed that it would be a more efficient process — in order of dealing with it — to be able to have it with that kind of discretion in it so that we could have the policy, and the policy could be flexible to deal with that range of individual circumstances. Providing a prescriptive approach for doing it would not mean that you would be able to do that — that you would be continually looking at the changing regulation in order to be able to do it. We have put in the provision to say that there is a provision for regulation there.

So my expectation is that there may be some key principles that could be established in regulation, providing enough flexibility to be able to deal with those unique 700 potentially different circumstances when you're dealing with individual operations and individual families.

B. Routley: Obviously, in terms of the public interest, we have an obligation to ask deep and thoughtful questions, and one of them that is brought to mind as a result of this change is that we have highlighted a specific group that will benefit.

So I would like to know who and how many people are going to benefit as a result of this change or are waiting in

the wings, essentially, for this change. How many people, and potentially, who are they? I think the public has a right to know because we're drafting legislation specifically for a group of people, not in the public interest but for some woodlot owners.

[1825]

Hon. S. Thomson: We have not kept specific track of the total number of inquiries. There isn't a process now for people to apply to do it. It has been part of general discussion with the federation and the woodlot association. We know there is interest. We know that out of 700 different families and 700 different unique circumstances, there is interest, but we don't have a specific number of how many would make application.

I think that, also, we've had discussions around the criteria and the policy and regulations that may be put in place to do it. So until you have those specific core principles in place, we would not know exactly how many might come forward.

Noting the hour, I move that the committee rise and report progress and seek leave to sit again.

Motion approved.

The committee rose at 6:26 p.m.

The House resumed; Mr. Speaker in the chair.

The Committee of the Whole, having reported progress, was granted leave to sit again.

Hon. T. Lake moved adjournment of the House.

Motion approved.

Mr. Speaker: This House stands adjourned until 10 a.m. tomorrow morning.

The House adjourned at 6:27 p.m.

HANSARD PRODUCTION

Acting Director
Robert Sutherland

Post-Production Team Leader
Christine Fedoruk

Editorial Team Leaders
Laurel Bernard, Janet Brazier, Robyn Swanson

Technical Operations Officers
Pamela Holmes, Emily Jacques, Dan Kerr

Indexers
Shannon Ash, Julie McClung, Robin Rohrmoser

Researchers
Jaime Apolonio, Mike Beninger, Polly Vaughan

Editors
Aaron Ellingsen, Deirdre Gotto, Jane Grainger, Betsy Gray, Iris Gray,
Linda Guy, Barb Horricks, Bill Hrick, Paula Lee, Donna McCloskey,
Bob McIntosh, Anne Maclean, Constance Maskery, Jill Milkert,
Lind Miller, Lou Mitchell, Karol Morris, Dorothy Pearson,
Erik Pedersen, Peggy Pedersen, Janet Pink, Amy Reiswig,
Heather Warren, Arlene Wells, Glenn Wigmore

Published by British Columbia Hansard Services,
and printed under the authority of the Speaker.

Printing Agent
Crown Publications, Queen's Printer for British Columbia
563 Superior St., Victoria, B.C. V8W 9V7
www.crownpub.bc.ca

Daily and annual *Hansard* subscription information
is available from Crown Publications.

www.leg.bc.ca

Access to on-line versions of the official report of debates (*Hansard*),
webcasts of proceedings and podcasts of Question Period is available
on the Internet. Chamber debates are broadcast on television.