



Fourth Session, 39th Parliament

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

Tuesday, November 1, 2011
Afternoon Sitting
Volume 27, Number 4

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. Izard, 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

Tuesday, November 1, 2011
Afternoon Sitting

	Page
Routine Business	
Introductions by Members.....	8563
Tributes	8564
Marjorie Docherty	
Hon. M. MacDiarmid	
Introductions by Members.....	8564
Introduction and First Reading of Bills.....	8564
Bill 13 — Metal Dealers and Recyclers Act	
Hon. S. Bond	
Statements (Standing Order 25B)	8564
Luso Club in Kitimat	
R. Austin	
4-H Club	
D. Barnett	
Morden Colliery Park proposal	
D. Routley	
ARIEL research project at TRIUMF	
R. Lee	
Events in Kootenay West constituency	
K. Conroy	
Concussion injuries and return-to-play guidelines for young athletes	
M. Stilwell	
Oral Questions.....	8566
Executive compensation at B.C. Hydro, B.C. Ferries and CLBC	
A. Dix	
Hon. R. Coleman	
C. James	
Hon. B. Lekstrom	
Hon. S. Cadieux	
Kitwanga mill status and log export policy	
D. Donaldson	
Hon. C. Clark	
Forest industry jobs and log export policy	
N. Macdonald	
Hon. C. Clark	
Government handling of personal information privacy breaches	
D. Routley	
Hon. M. Polak	
Investigation of election campaign for member for Vancouver-Fraserview	
K. Corrigan	
Hon. S. Bond	
Access to information on seniors care facilities	
K. Conroy	
Hon. M. de Jong	

Orders of the Day

Committee of the Whole House.....	8572
Bill 6 — Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2011 (<i>continued</i>)	
B. Simpson	
Hon. S. Thomson	
N. Macdonald	
B. Routley	
Report and Third Reading of Bills.....	8586
Bill 6 — Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2011	
Committee of the Whole House.....	8586
Bill 12 — Teachers Act	
Hon. G. Abbott	
R. Austin	
V. Huntington	
Reporting of Bills.....	8595
Bill 12 — Teachers Act	
Third Reading of Bills	8596
Bill 12 — Teachers Act	

TUESDAY, NOVEMBER 1, 2011

The House met at 1:33 p.m.

[Mr. Speaker in the chair.]

Routine Business

Introductions by Members

J. Les: It's my pleasure this afternoon to introduce some very special guests who are joining us today. They're in the gallery this afternoon. First of all, I would like to introduce the Ambassador of Turkey, His Excellency Rafet Akgünay, who I had the pleasure of meeting with this morning, and Madam Akgünay, who is accompanying him today.

As well, today in the Speaker's gallery I'd like to acknowledge the Consular Corps of British Columbia, led by the dean of the Consular Corps and consul general for El Salvador, Ms. Rosa Elena Moreno.

The Consular Corps, based mainly in Vancouver, is the official body comprising all consular officers resident in the province of British Columbia. The corps comprises 30 career consular posts staffed by foreign officers and 54 consular posts staffed by honorary consular officers. In total, therefore, 79 countries are based here in the province of British Columbia.

This afternoon my ministerial colleagues will have the opportunity to brief the members of the Consular Corps who have been able to join us today. I would ask members of the House to please make them all very welcome.

J. Horgan: On behalf of the opposition, I want to join with the member for Chilliwack in acknowledging and recognizing the Consular Corps who are with us here today in the precincts.

My colleague the member for Vancouver–Mount Pleasant and the Finance critic, the member for Surrey–Whalley, are well known to the corps. As Lower Mainland MLAs, they work tirelessly with government members and with the corps to advance trade and economic development and prosperity not just here but around the world. Would the House join the opposition in making the Consular Corps very welcome.

[1335]

Hon. M. Polak: I'm pleased to introduce to the House today the newest member of my Langley team. Todd Hauptman is a pretty impressive young man. He's not only my social media manager in my constituency office, but he's very well known in the community as an advocate for social justice issues. He recently worked with Miss Canada, Tara Teng, to organize a very successful Freedom Week march in Langley in opposition to human trafficking.

Todd is the recipient of a Queen's Jubilee medal in 2003 and the recipient of the Canada youth award in July of 2002. He also researched and wrote a monthly youth column in the *Langley Times* newspaper from '01 to '03. Over and above all of his volunteer, advocacy and work obligations, he still finds time to work on his BA with a major in political science and a minor in communications at the University of the Fraser Valley. Would the House please make Todd very welcome.

K. Conroy: It gives me a great deal of pleasure to introduce a group of people that are here with the B.C. Health Coalition. It includes Alice Edge, Dr. Nora Etches, Len Cohen, Kathleen Kyle, Susanne Francoeur, Carla Dempsey, Carolyn Unsworth, Adam Lynes-Ford, Marian Cohen and Lesley Cockrell. They're all here to talk about their report card on seniors health, and I'd like the House to join me in making them most welcome.

Hon. S. Cadieux: In the gallery today is the newest member of the Ministry of Social Development. Rayael Michalski is my new administrative assistant, and she's joining for the first time today to see how question period is. I know that we're all very happy to have her. It's been a few weeks without somebody in the position, and we're all taking a breath of relaxation today now that she's here. So would everybody please make her welcome.

J. Yap: I have two introductions. In the gallery today for his first visit in a long time is a good friend, constituent and supporter, Trevor Wick, who's here with his eight-year-old son Vaughan. Vaughan just had his birthday this past weekend, and as part of his birthday present, his dad decided to bring him to Victoria to spend the day here watching us here in the Legislature in action and also taking in the sights of Victoria. So would the members of the House please join me in giving a warm welcome to Trevor and Vaughan Wick from Richmond–Steveston.

Hon. S. Bond: Today in the gallery are a number of business, municipal and police representatives. They and the organizations they represent are helping us to further public safety by working to curb metal theft.

I would like to ask my colleagues in the House to welcome Dave Cunningham, the vice-president of government relations at TELUS; Shawn Hall, the senior communications manager at TELUS; Dana Adams, the director of security at TELUS; Bob Herriman, the chief security officer at B.C. Hydro; Bob Downie, deputy chief constable with the Saanich police department, and he is representing the B.C. Association of Chiefs of Police today; Bill Storie, bylaw enforcement manager at the township of Langley; and Sgt. Rick Burns with the Langley RCMP. Would the House join me in making all of our guests welcome.

Hon. M. de Jong: I won't repeat all of their names — I am obliged to the member for Kootenay West, who named them individually earlier — but I, too, would like to welcome the members of the B.C. Health Coalition, with whom I had a very fruitful and interesting discussion earlier today. Some of them have travelled some distance to be here, and all of them are most welcome in the precincts. I know that members will reinforce that.

Tributes

MARJORIE DOCHERTY

Hon. M. MacDiarmid: Continuing with the health theme, I ask the House to join me in congratulating Dr. Marjorie Docherty of Kelowna. She's been chosen as B.C.'s Family Physician of the Year.

I would also like to mention that this week is Family Doctor Week in Canada. I'd like you all to join me in the House in congratulating Dr. Docherty, as well as thanking family doctors across B.C. for the compassionate and excellent work they do on all of our behalf every day.

Introductions by Members

Hon. K. Falcon: I'm pleased to announce several guests who are visiting the House today from the Greater Victoria Chamber of Commerce, along with a couple of members of what they call their prodigy group, which is the group of young professionals that acts as an adjunct to the Victoria Chamber of Commerce and introduces young professionals into the networking opportunities available through that organization.

I would ask the House to welcome Bruce Carter, John Jurisic, Janell Karst, Jesse Szcapanowski and Dan MacLaren, who's here from Prince George. Would the House please make them all welcome.

[1340]

Introduction and First Reading of Bills

BILL 13 — METAL DEALERS AND
RECYCLERS ACT

Hon. S. Bond presented a message from His Honour the Administrator: a bill intituled Metal Dealers and Recyclers Act.

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

Motion approved.

Hon. S. Bond: I am very pleased today to introduce the Metal Dealers and Recyclers Act, 2011. This legislation

fulfils the throne speech commitment to introduce a law to curb metal theft and the serious public safety concerns that it raises.

Metal theft has become a serious public safety concern in British Columbia. When metal is stolen, the resulting downed cables, ungrounded power lines, exposed live wires and undermined structures pose an immediate public safety risk to citizens and the workers who repair them.

The costs associated with metals stolen from the province's infrastructure are substantial. This year to date, for example, TELUS has reported 325 incidents of their live cables being stolen — each incident cutting off service, including 911, for customers. Surrey RCMP indicates that on average they receive at least one report of wire theft every 12 hours. The city of Surrey has estimated their costs associated with wire theft from light standards as over \$2 million. A single incident of wire theft in Langley on October 23 resulted in a loss of phone, Internet, cable and 911 services for over 20,000 customers.

As the majority of stolen metal ends up at a scrap metal yard, provincial legislation is aimed at closing the market for stolen metal through the regulation of the transaction of scrap metal. This bill draws from successful municipal scrap metal bylaws and makes it provincewide in its application.

The proposed legislation establishes a provincial registry for metal dealers and recyclers who trade in selected metals which are known to be the target of thefts, notably copper. This legislation will deter copper thieves, protect 911 emergency services, prevent theft-related power outages and save millions of dollars for taxpayers every year.

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

Bill 13, Metal Dealers and Recyclers Act, 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)

LUSO CLUB IN KITIMAT

R. Austin: This past Saturday, the 29th of October, I was honoured to attend a wonderful celebratory dinner dance in Kitimat. It was the 50th anniversary of the Luso Club, representing the large Portuguese community in town.

The guest of honour was the consul general of Portugal, Mr. Carlos de Sousa Amaro, who is responsible for looking after the interests of all Portuguese citizens in western

Canada. In his speech he acknowledged the movement of so many people over the last 50 years who left their lives, families and culture to come from the Azores, as well as mainland Portugal, to create new lives in a far-off community that was just developing around a new industry — aluminum.

The transition from an agricultural economy practised in the warm eastern Atlantic sun to a heavy industry in northern B.C. was not an easy one. Nevertheless, these hard-working Portuguese immigrants succeeded beyond their wildest dreams. They have raised families that have mostly gone on to further education while always maintaining their strong cultural ties to their old country.

A wonderful band, Starlight, was flown in from Toronto to play fado music, and over 250 people in attendance enjoyed a wonderful meal all cooked by the volunteers of the Luso women's auxiliary.

The club started with 20 members in December of 1961 in order to maintain links to Portuguese culture, and to this day numbers nearly 300. They donate time and money to the Relay for Life, the telethon, scholarships and soccer teams. Of course, they take time each year to celebrate their great poet, Luís Vaz de Camões.

I would like to thank Anna Cabral, Luso president; Eddie Abreu; and all the volunteers for a wonderful evening of sharing great memories, music and wonderful food. Here's to the next 50 years of further success and keeping these Portuguese cultural ties intact.

[1345]

4-H CLUB

D. Barnett: November is 4-H Month in British Columbia, and 4-H stands for head, heart, hands and health. The 4-H program is a vital link between youth and agriculture, which contributes to the future of farming in B.C.

The B.C. 4-H program has been developing young British Columbians for more than 95 years. More than 2,200 young British Columbians between six and 21 years old participate in B.C. in 4-H. Earlier this year the province provided B.C. 4-H with an \$85,000 grant. The funding is being used to manage the 4-H program and encourage young British Columbians to consider working in the agriculture sector.

Many 4-H kids are part of a larger network of farm families. Nine in ten B.C. farms are family owned and operated. The 4-H kids learn respect for animals and people and about the work that goes on in producing food. Participants can choose between 24 diverse programs, including agroforestry, aquaculture, beef, environment and photography.

The 4-H program has a pledge that states: "I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, my health to better living, for my club, my community and my country." The 4-H program

also has a motto that rings true to the way we do things in my area of the province, and that is "Learn by doing." I ask that all members in this House join me in recognizing this worthwhile and meaningful program helping train and support many young British Columbians.

MORDEN COLLIERY PARK PROPOSAL

D. Routley: I rise to speak of Morden Colliery Park. How do we tell the story of a young province? How do we capture the essence of early newcomer history in British Columbia? Forestry, fishing, mining and agriculture were foundation stones of our province. There are no Parthenons or pyramids to remind us. We in the rain forest have few physical reminders of what our past looked like or how it felt.

In the Ladysmith-Nanaimo region our communities were built on coal. A history of hard work, tragedy and labour struggle played out in the mines and the communities they supported. Little is left to remind us. The beaches at Ladysmith are still a mixture of sand, rocks and lumps of coal from the loading of ships in the harbour. Otherwise, like the people who did the work, the artifacts of this industry have slipped away in the sands of time.

Morden Colliery is one notable exception. Morden was built to service what was expected to be a profitable mine by Pacific Coast Colliery. One of a kind in its day, Morden was essentially an elevator from which coal would be loaded into railcars below it. Built during a strike while the mines were idle, the six-storey concrete structure stood tall over the landscape and alone in its pioneering use of reinforced concrete technology.

Once the strike ended, mines reopened. Morden never made money. However, in its role representing a disappeared culture, the Morden mine still stands as an impressive structure.

Friends of the Morden Mine are trying to raise funds to save the deteriorating minehead structure. Time is short before the ravages of weather and age take this singular piece of our history. Standing near existing trail systems, Morden Colliery, if saved, will be an attraction for tourists from the new Nanaimo cruise ship terminal nearby.

I invite all members to visit Morden Colliery Park in Extension, in Ladysmith, to view this impressive piece of history. I implore the provincial government to invest in the restoration of this site. An economic opportunity for the Morden mine may still lie in its future if we can save its past.

ARIEL RESEARCH PROJECT AT TRIUMF

R. Lee: This morning I was at TRIUMF, Canada's national lab for particle and nuclear physics. I was there for the groundbreaking ceremony for a new project at

the lab, called ARIEL, which stands for advanced rare isotope laboratory.

[1350]

This \$72.9 million project is partly funded by a provincial government investment of \$30.7 million, an investment which will maintain B.C.'s position as a world leader in particle and nuclear physics. This investment will bring other benefits as well. ARIEL will help address the issue of shortages of medical isotopes, which are critical in treating heart and cancer patients. ARIEL is the next-generation linear accelerator. Underground beam tunnels and labs will make it possible for TRIUMF to perform cutting-edge experiments in medical isotopes, demonstrate new technology for producing them and broaden their research into particle and nuclear physics as well as materials science.

ARIEL will also create jobs. During the next 18 months of construction it will create 90 person-years of employment. Once ARIEL is open, it will provide 160 permanent jobs in the private sector, universities and at other research agencies. ARIEL will even lead to technologies which will reduce pollution from coal-fired plants and produce fertilizers from chimney flue gases.

I wish to congratulate Nigel Lockyer, director of TRIUMF, on this exciting new chapter in their history, and I look forward to learning what they discover in the future.

EVENTS IN KOOTENAY WEST CONSTITUENCY

K. Conroy: There have been a number of activities in my constituency that I would like to have acknowledged with a statement in the House — so many it was hard to pick just one. For instance, the community of Glade had a hundred-year celebration in July with three days of events. On September 4 the village of Slocan celebrated its 110th birthday with activities from sun-up to sun-down, including a parade and giant birthday cake.

August 26 to 28 the Vallican Whole celebrated its 40th anniversary with a weekend of events, including the much-celebrated locavore potluck dinner — locally grown dishes from the abundant gardens of the area.

We also had the Pass Creek fall fair, the Rossland fall fair, the Slocan Valley fall fair, the Nakusp fall fair and the 19th annual Hills Garlic Festival, a festival all about — you got it — garlic. It attracts about 6,000 people to the community of New Denver — people of all ages — with lively music, great food, children's entertainment and old-fashioned community fun. It is one of the ten best garlic festivals in the world.

From August 16 to 20 this year the B.C. Seniors Games were hosted in the West Kootenays. Over 3,500 participants, plus their support people, made our area a very busy place. What was unique about these seniors games was a collaboration amongst the three cities of Trail, Castlegar and Nelson. Not only did they work in

partnership to pull off one of the most successful games in the history of the seniors games; they managed to do it with only a year's lead time to organize — an incredible feat accomplished by an amazing and dedicated group of over 2,000 volunteers.

I must admit that the thrill for me, even though I put over 180 medals on people's necks that weekend, was putting the gold medal on the neck of the winner of the 80-plus golf, my 83-year-old dad, Ben Thor-Larsen. To everyone who volunteers and participates in all of these events in our region, I want to thank everyone for what you do.

CONCUSSION INJURIES AND RETURN-TO-PLAY GUIDELINES FOR YOUNG ATHLETES

M. Stilwell: The 21st century is poised to be the era of the brain. Only now are we beginning to understand how it develops and functions and, importantly, how to keep it healthy.

The most common brain injury is a concussion caused when the head is jostled back and forth, causing the brain to shift and bruise delicate brain matter. Most concussions occur without loss of consciousness and often are overlooked, with potentially serious consequence. Concussions can cause memory impairment, inability to concentrate, irregular sleep, headaches, nausea, dizziness and sensitivity to light or noise and can result in permanent damage.

Young athletes are particularly susceptible to concussions. In fact, the majority of sport-related head injuries occur in individuals younger than 20 years old. Young athletes, their parents and coaches need to be aware of the risks that a second concussion can have if a previous concussion has yet to heal, and not feel pressured to hide their injuries or return to play prematurely.

We can prevent brain injuries due to multiple concussions to young athletes by following return-to-play protocols and increasing education and awareness for coaches, parents and athletes. In other jurisdictions governments have acted by passing return-to-play legislation outlining guidelines for concussion management. Brain research has influenced government policy regarding early childhood brain development. It is time that we take the next step and use it to protect those minds. I think we can all agree that a healthy brain is a happy mind.

[1355]

Oral Questions

EXECUTIVE COMPENSATION AT B.C. HYDRO, B.C. FERRIES AND CLBC

A. Dix: B.C. Hydro executives are receiving millions in bonuses while creating what the Auditor General

has called "the appearance of profitability where none actually exists." B.C. Ferries executives are receiving millions in bonuses as they cut ferry services and ferry users pay more and more. CLBC executives have been pocketing large bonuses as the system they run lurches from crisis to crisis and vulnerable people suffer. At least the minister responsible has said: "No more bonuses."

My question to the Premier is simple. Will she intervene to put a stop to runaway bonuses at B.C. Hydro and B.C. Ferries?

Hon. R. Coleman: First of all, I invite the member to go look at the B.C. Hydro business plan and find out how bonuses are paid and why. I'd also like to remind the member opposite that the people that work at B.C. Hydro in the executive level are paid in the lower 25 percent of people that work for utilities in this country. In actual fact, one of the challenges is attracting people and keeping people.

I want to make sure that the member opposite knows it is not based solely on profit. I want him to know that the other factors that determine performance pay include worker safety, measured by the number of days lost on the job to injury and frequent injuries; the reliability of power, measured by the length of power outages, frequency of power outages and how often the same customers experience an outage; reliability of power supply, which is measured by how much generation is available over the winter when we need the electricity the most; customer satisfaction, measured by year-by-year-round surveys of ratepayers; billing accuracy and resolving customer issues on the first phone call; success in achieving conservation goals; and also achieving climate change targets by reducing greenhouse gas emissions.

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

A. Dix: Again, to the Premier. The government appears to have a no-executive-left-behind program here. The Auditor General raised the issue of the government's use, B.C. Hydro's use, of deferred accounts. Ten years ago they had one \$200 million account. Now they have \$2.2 billion in multiple accounts. It's about to climb to \$5 billion. They used the deferral accounts to move a loss, a \$249 million loss, into a \$402 million profit. As a result, people were paid bonuses.

The government surely can't be this out of touch. Doesn't the Premier think it's time to end out-of-control bonuses at B.C. Hydro?

Hon. R. Coleman: The only person out of touch in this Legislature is the Leader of the Opposition. I get that the opposition doesn't believe people should be paid for doing good work. I get that the opposition wants to see spikes in rates, so the spike rates can jump

up 50 percent one year and drop off another, because we don't have deferral accounts and we can't shape the cost to the consumer.

I also get, though, that the Leader of the Opposition is refusing to remember a couple things. One, in the 1990s they froze rates, took away the revenue from B.C. Hydro to modernize and upgrade the system, which we've been investing in for the last ten years, which allows for a stable B.C. Hydro in the future.

They also never want to talk about that they flushed a personal cheque to every ratepayer at the beginning of the last election to try and buy votes in 2001, which took money right out of B.C. Hydro's account which could have been invested in infrastructure that would keep the system modern and capable.

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

A. Dix: We know that the authors of Bill 29 are happy to give \$5.9 million — this is just the top five executives at CLBC, B.C. Ferries and B.C. Hydro — over the past four years. That's \$5.9 million in bonuses to just those people. They don't count millions of dollars in other bonuses elsewhere.

[1400]

I mean, they surely have to understand that B.C. Hydro ratepayers and B.C. Ferries users are the ones paying the price for this. Surely they understand that. It's time that this changed. This policy is out of touch.

Now, the minister responsible for CLBC, unlike the minister responsible for B.C. Hydro, if he's the one designated to answer the questions today.... She listened, and she said: "No more bonuses."

So does the minister responsible for B.C. Hydro agree with the minister responsible for CLBC? Does the minister responsible for B.C. Ferries agree with the minister responsible for CLBC? Does the Premier agree with the minister responsible for CLBC? And are they going to take action to put a stop to these out-of-control bonuses today?

Hon. R. Coleman: It's the old class warrior coming out in the Leader of the Opposition here today. The reason the members can even talk about bonuses in this Legislature is because we actually changed the law in 2007 that these would be disclosed, which you never did when you were government.

I think that it's actually reasonable to have a measurement that says: can our workers be safe? We don't lose them to injury or death because we actually put a performance measure in place for people who are in the management of B.C. Hydro. I think the reliability of power that British Columbians should be able to rely upon when they flip a switch — and it comes on, and their TV works or their freezer or their fridge or whatever works — is an important piece of the performance at B.C. Hydro.

I know you don't agree with that. I know you don't care about customer satisfaction and the relationship we have with our customers. I know you don't like to be accurate. I know you don't care....

Interjections.

Hon. R. Coleman: When the yelling gets louder, Mr. Speaker, I know I've touched a nerve.

You also don't care about climate action, and you don't care about conservation, because you don't believe that this company should have performance measures that its people should be responsible to and should actually, at some point, be rewarded for, for achieving them.

C. James: I heard the minister talk about customer satisfaction. Well, let's take a look at B.C. Ferries for a minute. B.C. Ferries has seen fares skyrocket and ridership drop. The company has plunged \$20 million into deficit, but the four top executives at B.C. Ferries received more than \$1 million in bonuses. That's double what the B.C. Hydro executives raked in.

My question is to the Premier. When will she put an end to these outrageous bonuses that are being paid across her government?

Hon. B. Lekstrom: Thank you very much to the member for the question. I think the member is well aware that under Bill 20, which we dealt with in this House, when it came to salaries and benefits for the executives at B.C. Ferries, we dealt with that. We shared the concerns not only with the opposition but with the members of the public. We brought forward that they would be reflective under other public sector Crown corporations only.

So for the member to ask the question.... I know she knows the answer. We're here in theatre today, called question period, but the answer is quite simple. We've dealt with that under Bill 20. We're looking forward. I think we have a wonderful, incredible ferry system, a world-class ferry system.

The issue I hear about is the affordability and the sustainability issue, and I know that the independent commissioner has engaged the public on that and is doing great work. I'm looking forward to the report that he brings forward for all of our consideration.

Mr. Speaker: The member has a supplemental.

C. James: To the minister, to the Premier, to this government on the other side: if they wanted to look at affordability, they'd end those executive bonuses today and put that money into services. Half a billion dollars in bonuses paid at B.C. Hydro for running what is actually a deficit. More than \$1 million in bonuses to just the top four executives at B.C. Ferries.

Worst of all, this Liberal government actually paid bonuses to executives at Community Living to cut back on services for the most vulnerable. Now, as we've heard, the minister said that bonuses were wrong at Community Living, but there's still no guarantee that that money won't be rolled into salaries.

[1405]

My question is to the Premier. Isn't it time today to stand up, say no to bonuses and put those dollars into services and supports for people in British Columbia?

Interjections.

Mr. Speaker: Members. Members.

Hon. S. Cadieux: I'm pleased to give the answer that I gave before, relating to the situation of variable pay or incentive plans at CLBC. When it came to my attention that that was the practice at CLBC, I thought that was the wrong policy for that organization, given that it was serving people with disabilities and providing for their supports.

I had a conversation with the board chair, who indeed agreed with me and has agreed to end that system. I am waiting for her to come forward with the plan for how they would like to address the compensation going forward.

KITWANGA MILL STATUS AND LOG EXPORT POLICY

D. Donaldson: In July the Premier took part in a flashy photo opportunity to reopen the Kitwanga mill in my constituency. On October 7 the mill shut down indefinitely, partly because they can't get wood. Meanwhile, raw logs are being shipped out of the country right along the highway in front of the mill.

Since the Liberals were there for the photo opportunity and to claim credit for the mill's reopening, will the Premier now take responsibility for those workers losing their livelihoods in Kitwanga indefinitely?

Hon. C. Clark: Twenty-seven mills have reopened in British Columbia as a result of the work that the government has done in opening new trade relationships in Asia. That's been the work of some very, very focused effort that the government put in, in making sure that we are maximizing our trade presence and working cooperatively with people in the industry.

It was timely that the government went ahead and did that. We had no idea how timely it would turn out to be at the time, given what has since happened in the American economy, our largest trading partner to the south.

We intend to continue to make sure we stay focused on bringing home jobs for British Columbians. That's why on Friday I'm travelling to China and India — because we are going to spend our time opening up new

trade relationships with China and India for our manufactured wood.

One of the things that the members opposite don't understand is that if you don't have customers, if you don't create a thriving economy, you don't have jobs here at home. That's what the trip is going to be about.

Mr. Speaker: The member has a supplemental.

D. Donaldson: The Premier got the photo opportunity, and the workers got pink slips. That's this government's job action plan in action.

The millworkers know the indefinite shutdown is, in part, due to raw log exports. Millworkers like Randy Good. He has worked at the mill for 35 years. Now he's looking at moving to Alberta in order to find a job to support his family.

We know that the Premier and her party are good at cutting ribbons, but when will the Liberals get serious about problems facing forestry and ensure B.C. logs for B.C. jobs?

Hon. C. Clark: The thing that we have to do as a government if we are going to bring home jobs for the province of British Columbia, if we're going to make sure the people in Kitwanga and people across the province in rural communities are working, is that we're going to have to work hard to find customers for our wood.

Now, those customers aren't in abundance south of the border, like they once were. As a result of the work that the government has been doing through FII and some of the trade work that we've been doing in China, in some months we have seen more softwood go to China than it has to the United States for the very first time in history.

We have to continue to build those relationships. We have to make sure that we are finding customers for our wood so that we can put British Columbians to work in this province, and that's where it begins.

[1410]

You cannot support the valued social programs that people depend on if you don't have a thriving economy. You can't have people going to work if you don't have a thriving economy. You cannot make sure that rural communities are thriving if you're building up debt and you're undermining confidence in our economy.

The very worst thing that could happen to British Columbia is that we go back to where this group of people took us in the 1990s. Instead, we're going forward. We're going to Asia. We're going to China, and we're bringing home jobs for British Columbians.

FOREST INDUSTRY JOBS AND LOG EXPORT POLICY

N. Macdonald: Here are a few facts that get in the way of the rhetoric. There have been five permanent closures.

There have been 18 temporary closures, including Kitwanga, in the period that the Premier talks about. She constantly talks about 27 mills. There have been 24 reopenings. Those are the facts.

The minister and the Premier, when they go around, misrepresent reality. If the Premier wants to see B.C. logs used in manufacturing, she's headed to the right place. She's headed to China, where 80 mills have opened using our raw logs.

I tell you what people in British Columbia believe. They believe that B.C. logs should be for B.C. jobs. When is the minister going to get it? When is the minister going to step away from the photo ops that produce nothing and produce jobs here in British Columbia?

Hon. C. Clark: We saw the NDP's plan for creating jobs in forestry in British Columbia. It was called the jobs and timber accord. It promised 21,000 new jobs, and 13,000 jobs disappeared. That's what happened. That's what happens when the folks on the other side are in government and they reduce the economy to a simple slogan.

Instead of doing that; instead of devastating our trade presence, as they did in Asia; instead of fundamentally misunderstanding what drives our economy; instead of raising taxes and driving up debt and potentially putting British Columbia in the same kind of position that we see many other countries in the world struggling with today, our government is focused on reaching out.

We're focused on finding customers for what B.C. produces, and when we find those customers, when we make those deals, we will bring home jobs for British Columbians. That is what will make British Columbia the place to invest around the world, and it will mean not only do we remain a safe harbour for investments but we lead Canada in terms of job growth.

Mr. Speaker: The member has a supplemental.

N. Macdonald: None of that is real. None of that is based in reality. That does nothing to help people in Kitwanga. I mean, the fact of the matter is that since this B.C. Liberal government has taken over, we have lost 34,000 family-supporting jobs. That is the reality. The so-called Jobs Minister, when he was Minister of Forests, lost 17,000 jobs. Those are the facts. Those are indisputable. So it has been an unprecedented failure.

At the same time, right now in the same period as last year we have a 207 percent increase in raw log exports. That is the reality that is there for the Premier.

So the question is this. When is this government going to do the right thing? Take the resource that we have collectively, and put it to use so that we create jobs here in British Columbia — good, family-supporting jobs. When is that going to happen?

Hon. C. Clark: The jobs and timber accord; 13,000 jobs disappeared. We had the Forest Practices Code, which added a billion dollars to the costs of doing forestry in British Columbia. We had a Forest Practices Code that was 70 feet of paper at its height, and that member will stand there and lecture members on this side of the House about how to make sure our forest industry is thriving.

[1415]

We lost 13,000 jobs in the forestry industry in British Columbia at a time when the American economy was booming — the biggest expansion of the economy in North American history. British Columbia became a have-not province. Why? Largely because members on that side of the House did everything that they could to put their foot on the neck of the forest industry in British Columbia.

We are going to do it differently, and we have been. The proof is in the pudding in the last five years, where the government has put a singular focus on trying to open up markets in Asia and making sure we bring home those jobs for British Columbians by diversifying our markets and by finding customers for our manufactured woods. That is how we will make sure there are jobs for British Columbians — not just in the Lower Mainland, not just in the south Island but in rural communities all across British Columbia.

GOVERNMENT HANDLING OF PERSONAL INFORMATION PRIVACY BREACHES

D. Routley: The B.C. Liberal government has been responsible for numerous privacy breaches since 2001, and the problem has only now become worse. Last week reports of a loss of medical records for 450 B.C. surgical patients when a laptop was lost at a Toronto airport. This week it's news of private client data from the Ministry of Children and Families being thrown in a dumpster. Two *CTV News* reports a week apart show that this government is letting private data walk and dragging their heels to clean up the mess.

To the Minister of Citizens' Services: how could private information be left in airports and dumpsters, and what immediate steps is this government taking to ensure there won't be another such report next week?

Hon. M. Polak: Far from dragging its heels, I'm advised that the ministry received the documents in question from the Saanich police on Friday afternoon and immediately set about to contact those individuals who had been affected. However, contrary to what has been reported, we are advised by the Saanich police that the bulk of the materials were training manuals. There were only a very small number of individuals who were affected. They have already been contacted, save one, who has not been able to be located.

In fact, with respect to future action, those employees of the Ministry of Children and Family Development have been reminded once again not to take private materials or materials containing private information home. But in this case the vast majority of the documents were simply training manuals and did not contain any personal information.

Mr. Speaker: The member has a supplemental.

D. Routley: "Never again" is what they said the time before. This government should have been sensitive to the issue after the first incident, but when the second occurred, the government's initial reaction was to deny that private data was included in the documents. Clearly, that was not the case. This government will protect their own private interests. They'll shell out \$6 million to shut down the B.C. Rail trial, but for some reason, when it comes to the public's privacy, it all ends up in a dumpster.

Again to the minister: why didn't this government immediately look into the apparent breach of policy, and why didn't they immediately identify and notify the people whose privacy may have been breached?

Hon. M. Polak: I'm surprised at the member's line of questioning. I took the opportunity to walk the member through the timeline with respect to our receiving of the information from the Saanich police.

The member well knows, as I advised him, that the Saanich police initially advised the ministry that they had shredded all the documentation and that in fact none of it — none of it — contained personal, private information. It was subsequent to that that the Saanich police then informed the Ministry of Children and Family Development that in fact they hadn't shredded the documents.

The ministry then retrieved them from the Saanich police, and as a result of working together with the Office of the Information and Privacy Commissioner as well as the information officer with MCFD, they determined that there were, in fact, less than five — I'm prohibited from giving the precise number, but fewer than five — individuals.

They were historic. They were not children in care. They happened to be limited amounts of information with respect to child care subsidy, and those people were immediately informed, save one family, who have moved out of British Columbia. We have not been able to locate them.

[1420]

INVESTIGATION OF ELECTION CAMPAIGN FOR MEMBER FOR VANCOUVER-FRASERVIEU

K. Corrigan: The member for Vancouver-Fraservieu has been found guilty of violating the Election Act and

has been fined \$11,000. Now there are new allegations of up to \$40,000 more in unreported spending.

My question to the Premier: does the Premier intend to allow the Liberal member for Vancouver-Fraserview to remain in the government caucus?

Hon. S. Bond: We canvassed this question yesterday in the Legislature, and the member opposite knows well that there has been a lengthy police investigation. There has been a special prosecutor that the process has worked through. That work has been completed. If the member opposite has any additional concerns that she would like to bring to the attention of the police — or anyone else, for that matter — she should do just that.

Mr. Speaker: The member has a supplemental.

K. Corrigan: These are new allegations, and Elections B.C. is looking into them, so there is new material. Clearly, there's tension in the government caucus when it comes to the member for Vancouver-Fraserview. The charges, violations and fines all centre around illegal activity in the Vancouver-Fraserview Liberal campaign. Illegal activity has been proven, and now there are allegations from one of those involved that even more violations occurred.

The Premier is also the leader of the Liberal Party. What inquiries has the Premier made to find out exactly what level of illegal activity her party was involved in during the last election?

Mr. Speaker: I'm just going to remind the member to be very, very careful where she's going.

Hon. R. Coleman: I would submit to you that this is not about a ministerial responsibility and that this line of questioning is completely out of order in this House.

ACCESS TO INFORMATION ON SENIORS CARE FACILITIES

K. Conroy: Yesterday in the Legislature we heard the Health Minister trying to explain away his government's poor record on accessing information about seniors facilities. He said: "The government has taken significant steps to ensure... a far broader source of information."

So how is it that a spouse can't even get information about her husband's seniors facility? Kathleen Kyle is relying on a freedom-of-information request to find rules about Vancouver Island seniors facilities — policies, procedures, standards or guidelines. Families filing freedom-of-information requests — is that what the minister means by a "broader source of information"?

Will the minister admit his government has failed to give seniors and families the full range of information about the treatment of their family members?

Hon. M. de Jong: As I indicated earlier, I had an opportunity to meet with the B.C. Health Coalition — Ms. Kyle. We had a good discussion, actually, about the progress that has been made and some of the challenges that remain.

I will say to the member and members of this House the same thing I said to the coalition. The objective for the government, the objective for me, is to ensure that residents, patients and their families have ready access to the broadest possible ambit of information so that they can make informed decisions about the homes and the facilities that their loved ones are living in.

That remains the objective. We're making progress, and we intend to continue making progress.

Mr. Speaker: The member has a supplemental.

K. Conroy: The Ombudsperson was very clear about the need for full disclosure, and it's been two full years since that report came out. She said that the residents and their families need to have access to all information about what's happening in B.C. seniors facilities.

As the minister has said, he did meet with the B.C. Health Coalition, and they gave the Liberal government a failing grade on this issue.

Again, when will the minister finally take this matter seriously and give families the information they need to make fully informed decisions about the care of their loved ones?

[1425]

Hon. M. de Jong: I will tell the member this, and I'm not sure that I said it to the coalition when I met with them. I actually applaud any organization that sees the merit in issuing report cards on matters....

Interjections.

Hon. M. de Jong: It wouldn't be the first time in my life that I disagreed with one of the marks.

The coalition recognizes that by enshrining legislatively a residents bill of rights, we have taken a crucially important step. We have said legislatively that family councils should exist, that there should be involvement at that level in guiding the affairs at care facilities. We have legislatively stated that an adult person in care or their families should have ready access to copies of the laws, the rules and the policies, access to inspection reports.

I want to say this to the member, because she raised this yesterday as well. Not just routine inspections. They should also have access to information derived from inspections relating to substantiated complaints. That is something that residents and their family members are entitled to and something that they will have.

[End of question period.]

Orders of the Day

Hon. R. Coleman: This afternoon we'll continue with committee stage of Bill 6, intituled the Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2011. Should we finish that, we would then move to committee stage — members should be aware — of Bill 12, intituled the Teachers Act.

Committee of the Whole House

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

The House in Committee of the Whole on Bill 6; L. Reid in the chair.

The committee met at 2:29 p.m.

On section 5 (continued).

B. Simpson: I'm trying to understand, with section 5, really what it is we're being asked to agree to here and what the government's intention is. If you read section 5, it basically indicates that an eligible bioenergy application, which we've canvassed before.... That's somebody who has got a B.C. Hydro agreement to provide bioenergy.

[1430]

Bioenergy is defined as "from Crown timber." It appears as if the first section of section 5, section (a), is saying that if — and I'm looking to the minister to see if I'm understanding correctly what's going on — for some reason the non-renewable timber licence is not being issued in a timely manner, to give the bioenergy applicant the opportunity to get fibre to begin to produce energy from that fibre, the minister is being enabled with an alternate tool here under the fibre supply agreement to give them a fibre supply agreement while they go through the process of getting a non-renewable timber licence.

Is that what I'm understanding? This is a stopgap measure, because the actual licence that they are waiting for is not available for them to fibre up the production of bioenergy.

Hon. S. Thomson: Section 13.1 of the act provides for the award of a licence for a bioenergy plant under a successful call or a successful proponent for the bioenergy operation. And it's not stopgap. What this does is — because the legislation says that you can't provide the non-replaceable forest licence until they've reached commercial operation — provide the opportunity to provide the fibre to that operation as it tests the facility to make sure it can do the appropriate work leading

up to being in commercial operation, at which time you can issue the non-replaceable forest licence.

B. Simpson: That's interesting. I appreciate the minister's answer. I wasn't aware that was the intention of this. So let's go to: have any of these been issued?

Hon. S. Thomson: No, none of these licences that we're talking about here have been issued. The successful proponents to the call are in the process of developing their operations, so we haven't got to the point where we would be issuing any non-replaceable forest licences. We haven't yet got to the point where we're issuing any of these particular licences that are provided for here either.

B. Simpson: The section states that the applicant of an eligible bioenergy application approved under a previous section, "if the licence is a fibre supply licence to cut and, in the opinion of the minister, Crown timber is required for the purpose of (i) achieving the commercial operation date as set out in the...supply contract...(ii) supplying Crown timber to the power plant described in the bioenergy supply contract associated with the application until timber is obtained under the forest licence...."

If I'm understanding the minister correctly.... And I'm curious why the language "in the opinion of the minister...." Again, we have this language that it's not by regulation. It's discretionary. But in this case, I guess, a case has to be made to the minister.

[1435]

Is the minister saying that all this licence will do is allow a new enterprise that's supposed to produce bioenergy, give the government the capacity to slip them some wood to test in the pilot phase and the start-up phase, get that going, so that they actually do the ramp-up, and then they'll get a non-renewable timber licence to go cut logs to then fibre up the mill. So it's an interim capacity that the government has to make sure fibre is available in the absence of a licence being available at that time. Am I understanding that correctly?

Hon. S. Thomson: The process is that there's a successful applicant, and the fibre supply licence to cut is supplied to them to test the facility, to bring it up to the point of commercial operation. That's the point at which the.... They enter this process knowing that they're going to be given a non-replaceable forest licence. But the way it has been designed is that that licence isn't provided until they've got the plant functioning at commercial scale, and then the energy supply contract is provided. So this fibre supply licence to cut is to get it to that point.

It also means that this is still a possibility for a bridging as well, because there may be a period of time even

after the non-replaceable forest licence is provided to them that they will still continue to need access to fibre till they get to the point where all the activity is taking place under their non-replaceable forest licence. This fibre supply licence to cut can be continued through that time period.

B. Simpson: Could I just get clarification again, based on yesterday's discussion around this? Now, the fibre supply licence to cut — we're talking logging residuals, if I understood the minister correctly yesterday. It wouldn't be for cutting timber. It would be logging residuals, whereas the non-replaceable forest licence....

The opposition critic has already pointed out that those are problematic because they don't meet the intended public policy purpose the government had of moving into that waste material to produce bioenergy. You actually go into the same operating areas that sawmills and others are operating in.

But just to clarify for the minister. The fibre supply licence to cut is different than a non-renewable timber licence in that the fibre supply licence to cut is simply for logging residuals. That's what we're granting access to.

Hon. S. Thomson: That's correct.

B. Simpson: So we're really asking these entities to take what could effectively be some of the most expensive materials that are out there, go back out there and get that material and bring it back in again, versus under a non-renewable licence.

[1440]

But the other aspect of that: have the issues associated with going back out to an already logged land base been addressed under this fibre supply licence to cut, where the licensee that logged in that area holds residual liabilities under the Wildfire Act; residual liabilities potentially for the roads and infrastructure that are there, including maintenance; and residual liabilities under silviculture?

Does a fibre supply licence to cut address those residual liabilities for other licensees that were in that operating area and actually created the waste?

Hon. S. Thomson: To the member opposite, he identifies the issue that we've been working through in developing the implementation and the regulation for this in terms of addressing those overlapping liabilities and responsibilities. As I indicated earlier, we feel that we're to the point where we're resolving those implementation issues for this licence and that we will be able to do that in the near future.

The other option, obviously, is to continue to promote the business-to-business relationships on it so that it comes out at the beginning in one pass. That's where we would obviously encourage it, and that's why we say in

the legislation "in the opinion of the minister." If there is, it leaves us the option to say that we think there is a better solution here — to encourage that business-to-business relationship.

If in the opinion of the minister, that hasn't taken place, then we don't necessarily need to issue that direct fibre supply licence to cut if we think there's another way to achieve it that would address some of the cost issues and things like that.

That's obviously our first choice, but what we wanted to do was make sure that we had a tool in place where we could direct-award that fibre for those operations, in the event that it was needed in order to be able to get their operations through to that commercial level of operation.

B. Simpson: Thank you to the minister. I think that was a very important explanation, because one of the concerns that people have out there is that these entities may not be successful without those business-to-business relationships, that they won't be successful as stand-alone. The minister's explanation of "in the opinion of the minister" is actually a stronger sense to that, if that's the driver, to try and drive the business-to-business relationships and improve the success of these.

Just one more question on the text of this and then a couple of questions about where it's going to end up. As the minister has already indicated, to a certain degree, this is a stopgap, and it may be a stopgap for a little bit longer.

Why ten years? Ten years seems like an awfully long time if what you're doing is helping to fibre up a plant through the pilot phase, through the testing phase, getting to the commercial level. Ten years seems like an awfully long time to be in that phase for one of these plants. Can the minister explain why that time duration is necessary?

[1445]

Hon. S. Thomson: Yeah, fair point. We would certainly hope that it never would take ten years. The way the fibre supply licence to cut can be awarded, we can do it for a year or two years, up to five years, and extend it during that process. The maximum currently is five years.

What we've added in is some additional flexibility, I guess, or additional time in the event that there were some circumstances where, for some reason, there were challenges in financing, challenges in getting.... If it took close to the five years to be able to get to that commercial level, we need to extend it there, beyond that five years. We wanted to be able to do that. We just put an outer limit on it, but one that gave us a fair amount of margin. We would certainly never hope that it would take up to ten years, but we did need to put a maximum in there.

B. Simpson: Just for clarification purposes again, does the minister expect that there'll be more than four? The four, I believe, have come out of two calls by B.C. Hydro. Will there be further calls? Will there be more than four? Or is this simply a change in the act to enable the four successful bidders to date to get the fibre that they need?

Hon. S. Thomson: At this point this tool or policy is being developed for the successful applicants that are in the call, that have been successful. As far as future potential calls or anything, that is to be determined. At this point there is not a specific plan for another call, but we want to make sure that we provide the tool to ensure maximum opportunity and success for the four that have been successful proponents.

B. Simpson: For the public record, I don't believe the minister was in the House when it was projected that British Columbia could produce as many as four Site Cs from bioenergy production, from wood waste. A predecessor of his put forward not only here but on *Voice of B.C.* that that's the order of magnitude of what we're dealing with. Quite frankly, the fact that it's only four, the fact that it is small production of power and the fact that the interim measure is the residuals and that the long-term fibre is a traditional non-renewable forest licence speak volumes to the dramatic failure of this government's bioenergy policy and bioenergy program.

That's not this minister's fault by any stretch of the imagination, but it does speak to that grandiose promise that you often get in this Legislature and out in the public, and then no accountability mechanisms for when that failure is realized.

To the minister, with respect to what is in his portfolio: is the ministry capable of analyzing and providing to the minister's counterpart what the actual biomass is that would be available? I mean, my preference, as the minister has already indicated, is to get to one pass. One pass simply means that you go out to the bush, you log, you bring in the sawlog, you bring in the pulp log, you bring in all the residual materials into a marshalling zone, and then you facilitate full utilization of that, notwithstanding leaving some raw materials in the forest for proper ecosystem management. That's what we mean by one pass.

[1450]

Right now we've got perfect sawlogs, basically, being taken out and everything else, including what in the past used to be regarded as perfect sawlogs, accumulating. Contrary to the government's climate change initiatives, we put a match to it and burn it. The bioenergy strategy was supposed to be the way to address that. It's quite clear from this — and, again, not the minister's fault — that it is an abject failure.

Is the minister doing work in this area, the fibre supply agreements, etc., to actually quantify for future consider-

ations what might be available under these fibre supply agreements for future biomass calls in the province of British Columbia? Is there some quantification going on of the residuals that might be available for future calls?

Hon. S. Thomson: Firstly, the short answer to that is yes, that work continues. To assess that, we have a committee working on it, looking at how we advance the bioenergy economy. We are continuing to look at other tools that are available — for example, the reseeding licence concept and others — to make that fibre available. We have continued to have advancements in the sector in technology. We've got significant increases in pellet production underway. So all that work continues.

I think it's fair to say that we need to look at the suite of tools that we have. Are they working together in advancing it? I think it's fair to say that, ultimately, the concept or the approach that the member opposite has outlined is what we'd like to get to. We have to make sure the suite of policies and tools that we have available work together to do that. This particular bill here is specific to the fibre supply licence to cut — to provide that opportunity for those successful proponents.

Section 5 approved.

On section 6.

N. Macdonald: Section 6 is basically around the master licence to cut. This is, as the minister knows, a particular type of licence that deals with things.... I think originally it was with B.C. Hydro. Now it deals with other areas — oil and gas, things like that — where a specific part of the public land has the forest cover removed and for an extended period of time.

Now, there are a couple of changes here. The first one basically changes the references from the regional manager or district manager or forest officer to the minister. This is a similar sort of change that we've seen with a lot of legislation. But just to put it on the record, could the minister explain the changes in 6(a), please?

Hon. S. Thomson: This change is in a couple of places in the bill. It's simply to provide the delegation authority for the minister to the appropriate official within the ministry in dealing with it, rather than....

[1455]

Because of the restructuring of the ministry and the changes in names and designations and with regional directors and the regionalization of the ministry under our approach, it's to provide that flexibility to be able to delegate authority to the appropriate individual without having to name all of those within the legislation and limiting that delegation matrix that would be in place.

So it's just simply to recognize that the ministry has been restructured and that we would provide for that

delegation authority directly to the appropriate official within the ministry.

N. Macdonald: So in terms of who would deal with this, who currently would be anticipated to deal with this sort of an application? Who would be dealing with it now?

Hon. S. Thomson: In this case, with the occupant or the master licence to cut, we're responsible for the legislation in setting the terms and conditions. The authority for approval of them rests with the Oil and Gas Commission.

N. Macdonald: Just to get a sense.... And here we're starting to go into (b), where we're talking about the limitation that exists to five years and doubling that to ten years. I understand that's for the purpose of alignment.

But just for some context, how much land are we talking about that is currently covered by the master licence to cut? How many hectares are being administered, based on this licence?

Hon. S. Thomson: The master licences to cut, as you know, are area-based. So they cover a broader area. It doesn't mean that underneath that master licence to cut, that means the total area covered by that master licence to cut. They're an umbrella licence provided through, as we said, the Oil and Gas Commission.

[1500]

Then there are cutting permits within those master licences to cut for the seismic line or for the well area, under the kinds of areas that are allowed to be cut under the master licence to cut. In terms of the total area, it would be based on an umbrella number. We would have to do a little bit of further work to be able to get you that number — the area that's covered by the current master licences to cut.

N. Macdonald: The minister can correct me just to make sure I understand that. We're moving from five years to ten years, and the minister is saying that the master licence to cut is for an area far larger than the minister would anticipate cutting taking place. So it's a bigger area, and part of it is anticipated to be cut — for instance, if it's oil and gas, then it will be cutting for various lines.

I guess the question is.... A lot of this will be concentrated in the northeast of the province. Is the land that's actually cut and removed part of AAC considerations? Is that considered? Is that information taken into account when an AAC is set?

Hon. S. Thomson: Yes, that is taken into consideration in the determination of the AAC. The Oil and Gas Commission reports those numbers to the chief forester, and that is taken into consideration in those AAC determinations.

B. Routley: Well, we've had some other surprises, so I'd be interested in whether we.... Do we collect stumpage under the master licence to cut? Is that collected as a line item somewhere? The Minister of Forests, who I'm sure is diligent and concerned about the public interest and the value to the Crown.... Somewhere in the ministry there is somebody worrying about such things. I'd like to hear exactly how much we're collecting and what line item I might find that in.

Hon. S. Thomson: The process here is that the.... With respect to this master licence to cut, there is what's called a clearing rate for that sector, the northeast sector, because this is specific to the oil and gas sector.

The way it works is there are three categories of assessment. One is called full assessment, and it is based on width. So if it's a certain width, 4.25 metres wide, then you're charged the full rate of category 1. If you can do it with a narrower width, then it's called category 2, which is half the clearing rate. If you can keep the width even narrower, then you're charged what is called category 3 at one-third the rate. Then the billing is based on the gross area over that rate.

It's assessed by the Oil and Gas Commission, and it flows to the province in terms of revenue. There isn't a specific line item for it. It would be included in the overall stumpage revenue.

[1505]

B. Routley: Well, this is an interesting job. I get to learn something new every day.

This new three-category system — is there any kind of check-scaling or...? Who is ensuring that this is being done correctly? I would worry that people out in the field might be trying to categorize something as the lowest category. It's almost like we've got a large volume of timber in the province of British Columbia only collecting 25 cents a cubic metre. I don't know if we're getting full value.

I'm concerned about that issue of value. Now that we've got this new system, who monitors that and reviews it? Is there any kind of checks-and-balances system in place to ensure that the Crown is getting fair value, and who is responsible for that?

Now that we've done away with the regional offices and district offices — about half of them — maybe it's something you could consider contracting out to Tim Hortons or Wendy's. You could kind of drive through and get your licence to cut at the same time. I mean, it sounds like that's where we're headed. It's kind of a.... We're extending this for a longer period of time.

I've got a further, more serious question on this, but this one interests me about the new category, so I'd like to hear who is monitoring this category of rate class.

Hon. S. Thomson: This rate and assessment is managed by the Oil and Gas Commission. They provide the

oversight on it. As you mentioned, it's not scaled. This is area-based, so it's based on the width and the area of the lines or the area that's cleared under this master licence to cut. That's where the oversight is provided.

It's important to recognize that this is a policy that helps streamline things and helps support the tremendous development of the oil and gas sector, providing those tremendous revenues for the province.

I did want to reference.... When you talked about drive-through permits, I noted that my colleague from Prince George was concerned that you didn't mention the opportunity of one other particular drive-through operation, if we were going to get into that kind of business, which we're certainly not.

B. Routley: The issue of extending this from five years to ten years — for this licence under (b). I assume there's some issue here beyond just lining up. Maybe it is just lining this up. I'd be interested in how.... Is it an expensive process? Is it an onerous process?

What's the problem we're trying to fix? I mean, surely we're trying to fix some problem. We're not just doing this because we can extend it from five years to ten years. So if there is a clear problem that we're trying to fix....

I assume it has something to do with the notion that you were going to have one-stop shopping for permits, and you were going to try to line things up so you've got all of the different ministries having a similar expiry date. It's kind of cloudy, I must say, what it is that you're trying to solve.

[1510]

Could you explain a little bit more what the benefit is to the Crown of going from five years to ten years rather than from five years to, say, six or seven or eight or nine. What's the magic in ten, and is there anything we can do about it if we think it has gone on too long?

Hon. S. Thomson: Without overcomplicating this, this is about alignment of terms. So under the Oil and Gas Activities Act and the terms there for up to ten years.... What we were finding is that our master licences to cut — as they are currently limited to five years — would then have to come in and be reapplied for, extended and a new master licence to cut provided.

So it is simply about aligning the terms — to align our terms for both the master licence to cut and under the free use permits with the current permits under the Oil and Gas Activities Act so that we don't have to issue another permit again for the same activity and under the same permit that's granted by the Oil and Gas Activities.

It is about reducing workload and time for staff, reducing costs and saving the applicants time and money in doing it. And it is a recognition of the overall objective of our ministry — moving to an integrated project, aligning permit terms where they make sense to do so,

to streamline that process and reduce duplication where it is a process of simply coming in and having to get a new licence to comply with the ongoing term under the Oil and Gas Activities Act.

So it is, quite simply, just about aligning those terms.

B. Routley: Just to have some idea of what we're talking about here in terms of the magnitude of the licence to cut, how many licences to cut do we have out right now in the province of British Columbia in all of the various categories? I assume we've got oil and gas, as well as hydro. I don't know whether you have them out in transmission lines as well. But do you have a total number? I assume that if it's licensing, somebody is responsible for giving out the licences and collecting the money.

While we're at it, I wouldn't mind knowing what it costs. What does someone pay for a master licence to cut?

Hon. S. Thomson: I'm advised that the total number is 670 master licences to cut. There is currently not a fee for that licence. But the cost saving and the time saving is both in terms of our staff and staff processing times and things like that. As you know, we're working to try to do things more efficiently, more effectively. It's also a time saving to the applicant. But it's 670 licences.

[1515]

B. Routley: Yes, thank you for that. So 670 — that is quite a lot. Do you have an idea of the total area they would be? I assume they draw lines on a map and have their area base. So do we have an idea, maybe an approximate, of the kind of area we're talking about here?

Hon. S. Thomson: As I indicated earlier, the master licence to cut is area-based, a broader area-based licence. Cutting permits are then issued underneath the master licence to cut. Those cutting permits, which are managed by the Oil and Gas Commission.... Those numbers are reported through to the chief forester so that he can take that into the AAC determination so that the fees can be applied against those cutting permits — width and length.

I don't have the specific number with me in terms of the total, but it is a number that, with some work, we would be able to provide. But just to be clear, the master licences to cut are area-based and cover a broader area, and then the activity under that master licence to cut is specific. It is seismic lines and well areas and things that are underneath that where specific cutting permits are applied for underneath that master licence to cut.

B. Routley: I assume I heard there the minister offering to dig in and get some more information at some point about these. I'm very interested in ensuring that the Crown is getting our full value. I mean, after all,

these are huge projects that are going on all over the province of British Columbia.

Now that I know there is a different kind of scheme for calculating the value of the timber, I would also like the minister at some point.... Maybe I'm wrongly assuming that you don't have it here today. But if you don't have it here today, at some point I'd like to know more about these three categories and what percentage of the total volume harvested in the province is in all of the three categories.

You talked about a wide category, a narrow category, and, it sounded like, a really narrow or something — No. 3. One, two and three, anyway. Whatever these rate classes are, I'd be very interested in what percentages are being paid out in the various categories and exactly what the Crown is collecting for the good people of British Columbia out of these projects.

Hon. S. Thomson: As the member opposite indicated, we'll undertake to provide that overall number that comes through what we call the clearing rate process.

B. Simpson: Again, thanks to the minister for bearing with the questions on this. I guess I'll put my own bias on the table right away. I think these are a blunt instrument. I think they served a purpose at one point, but now with the accruing questions around cumulative impact, particularly of the oil and gas industry in the Peace, my preference would be that rather than extend them for administrative purposes, extend them and commit to a review. I've had a discussion of that sort with the minister.

[1520]

I just want to check a couple of facts first, before I get into a couple of questions surrounding these. Am I understanding it correctly that both the master licence to cut and the cutting permits under the master licence to cut are issued by the Oil and Gas Commission, not the Ministry of Forests, that both the master licence to cut and the cutting permit are issued by the Oil and Gas Commission?

Hon. S. Thomson: Correct.

B. Simpson: Now we're into the tennis match. The Chair's going to get a crick in her neck.

With respect to that, where could I find the forest stewardship obligations and forest stewardship policy of the Oil and Gas Commission? Where would I be able to find that?

Hon. S. Thomson: For all the cutting activity under the master licence to cut, the regulation of that is under the Oil and Gas Activities Act and the regulation under that. Those regulations align with the Forest Act. But for this purpose, specifically for the oil and gas sector,

those regulations are provided for in the Oil and Gas Activities Act.

B. Simpson: How many foresters are under the employ of the Oil and Gas Commission that actually go out and manage these master licence to cut and cutting permits?

Hon. S. Thomson: I don't have a specific number of foresters. I do know that many of the employees in the Oil and Gas Commission are foresters. In fact, a number of those employees were previously employed by the ministry in that area.

What I do know is that the oil and gas staff, the Oil and Gas Commission, take their responsibilities, in terms of managing the regulation and their responsibilities under the Oil and Gas Activities Act, very seriously. As I said, the regulations align with the Forest Act, and we're confident that those regulations are administered carefully and responsibly by the Oil and Gas Commission.

B. Simpson: I know the minister is getting advice from staff, and there is a political answer to these questions. But I'm wondering if the minister is aware of the B.C. Oil and Gas Task Force from 2006, which basically targeted these master licences to cut as a vehicle for the government to essentially be undermining forest stewardship in the area of operations for oil and gas in the Peace directly.

It points out that there are inherent contradictions, as there are for water and various other things, with the Oil and Gas Commission, in undertaking the facilitation of the expansion of oil and gas and the permitting of removing Crown timber. It indicates that the Oil and Gas Commission did not take into consideration, for example, wildlife tree patches when they put in their seismic lines or their roads.

[1525]

When they were challenged by the Association of B.C. Forest Professionals about the stewardship aspect of that, the Oil and Gas Commission said: "Don't worry. Be happy. You can move wildlife tree patches around as you see fit." The professional foresters association indicated that's not the case. They're specifically there for a reason — because they have inherent value. And again, the Oil and Gas Commission, as the minister has indicated, because of administrative efficiencies, just says: "Don't worry. Be happy. You can blow through wildlife tree patches."

The reforestation requirements are minimalistic under master licences to cut. In fact, the Oil and Gas Commission has no documentation or requirements for reforestation under master licence to cut or cutting permits — which then calls into question the whole characterization of these as normative forest stewardship practices. Because good forest stewardship would at least require reforestation.

I want to get to something that the minister indicated before, where in response to a question from the critic, he indicated that all of the volume that's removed under the cutting permits under a master licence to cut is duly reported and that the chief forester takes all of that into account when he does the AAC determination.

I want to read into the public record from the B.C. Oil and Gas Commission task force report. This is a direct quote. "The overall concept of volume control or even, in contrast, an area control annual allowable cut to promote forest sustainability is not practised or enforced by the Oil and Gas Commission upon oil and gas licensees." This forces the chief forester to.... It says, for example: "Access roads and wellsites were not included in the calculation. Therefore, the chief forester came up with a proportional estimate to come up with a total net loss of the timber harvesting land base due to oil and gas activities."

This proportional estimate has actually been challenged on both sides, as either too low or too high. According to the report that I'm reading, which is a UBC study, it states: "It is impossible to determine if the harvest rates of provincial forest districts that share the land with oil and gas activities are sustainable or not."

I'm wondering if the minister can clarify for the public record. Under the cutting permits for the oil and gas under a master licence to cut, is the exact volume measured, cruised, appraised? Is that exact volume reported to the Oil and Gas Commission, and the Oil and Gas Commission reports that to the Ministry of Forests — yes or no? Are we talking exact volumes or estimates?

[D. Horne in the chair.]

Hon. S. Thomson: As I said earlier, the areas under the cutting permits and under the master-licence-to-cut umbrella licences are not scaled, so they are not exact volumes. They are based on a conversion factor, based on the area. That's what is reported to the chief forester, and he takes those factors into his AAC determination, but they are not exact volumes.

B. Simpson: Hence why the chief forester has to do estimates in that area, and the billing is also based on estimates. As I understand, the minister has indicated three classes, but it's an estimation of what volume is removed. Regardless of how wide or how narrow you go, you're estimating the volume of Crown timber that's taken down.

[1530]

One of the issues under master licence to cut that I want to just be clear on, again, from a factual perspective.... There are multiple companies operating in the same area. Those companies need to put their own seismic lines down. Often they put their own roads down, their own well pads down. Can a master licence to cut

be issued over an area repeatedly? Can there be multiple master licences to cut over a specific area of Crown land?

Hon. S. Thomson: Yes. By the nature of the master licences to cut, which are broad and area-based, they can overlap. Obviously, the cutting permits issued under those don't. So those are what are reported in terms of getting the estimates and the volumes that are cut under the overall umbrellas and under the cutting permits. That's what is reported to the chief forester. That's how he makes his determinations in terms of AAC in those timber supply areas. But, as the member opposite points out, they do overlap.

B. Simpson: Forest stewardship plans overlap and so on. That is part of what's going on, but I guess what I'm getting at is that the activities of the oil and gas companies do longitudinal fractures to the land base — their seismic lines, their roads, their 3-D lines, all of those things.

In the report from UBC.... I should mention the young woman's name: Dr. Valerie LeMay, under George Hoberg's supervision at UBC.

The clearing activity of exploration and oil and gas development disturbs wildlife during sensitive breeding, nesting or overwintering periods; displaces wildlife temporarily or permanently from adjacent lands; fragments and alters the habitat on or along rights-of-way; improves hunter or predator access to remote wildlife populations; introduces noxious weeds in the area.

The disruption of the vegetation can increase potential for erosion, blowdown damage, fragmentation of habitat and reduced biodiversity, and limit the area's ability to regenerate naturally.

These are significant implications and beg the question of who has overall forest stewardship responsibilities. So my question to the minister is this. The Oil and Gas Commission is the issuer, and this bill is going to facilitate them issuing once in ten years instead of once in five years. I'm not sure that a one-time-in-ten versus a one-time-in-five is a huge workload issue for the Oil and Gas Commission. Nonetheless, all it's intended to do is facilitate some kind of reduction in workload.

Who is actually managing the landscape level in that area? Who has the broad-scale maps? Who's putting all of the cutting permits down, all of the roads down? Who's looking and saying that all of this activity is having this impact on these species or on this watershed? Who is responsible for that landscape-level stewardship of that Crown resource in the Peace region?

[1535]

Hon. S. Thomson: The member opposite is referencing a report from a number of years ago. It's important to point out that since that report we've had the Oil and

Gas Activities Act and the environmental protection and management regulation under that. That is providing for the overall environmental management and regulation protection of activities under the Oil and Gas Activities Act and is administered by the Oil and Gas Commission. It's important to recognize that.

In terms of the overall landscape level, I think this is an issue around addressing overall cumulative effects or cumulative impacts. Work is underway in that area, and work continues in that area. Again, it's important to recognize that the cutting permits are authorized by the activities under the permit. You don't get a cutting permit under the master licence to cut unless you've got the permit under the oil and gas activities. That doesn't happen unless you've got the other permits.

This is simply a process of aligning the permit and the permitting terms and timelines to provide more efficient operation for our staff, for our operations and for the activities in the field. The larger discussion around cumulative effects is ongoing.

B. Simpson: I appreciate that the minister is seeing this as a simple extension, five to ten years. As he well knows, often the area that is brought forward is an area for canvass. I think this is one that needs to be looked at carefully.

There is accumulating evidence that even under the forest stewardship plans, a glaring omission under the forest stewardship plan is who is managing the landscape level. Who is taking care of that? So under master licence to cut, that's the same.

The minister mentioned the oil and gas act and so on. But as the minister probably knows, a lot of the regulations for those have not been finished yet either — in fact, even the emergency response regulations under the new oil and gas act have not been completed. I would be curious to know the state of anything relating to forest stewardship.

I think, on balance, that the master licence to cut is not a stewardship-based way to deal with forestry. That's why it's handed to the Oil and Gas Commission, and that's why they issue the permits and so on.

My question to the minister is this. Is there any appetite on the part of government to actually spend time...? This was done in 1998. It wasn't this government that facilitated the Oil and Gas Commission having this capacity. The same language was used in 1998 for administrative efficiencies as the minister is using just now.

I don't agree that it should be turned over to tenures. We'll vote against the clause as a result. Would the minister commit to actually looking at whether or not this is the right tool from a forest stewardship perspective and from a cumulative impact assessment? That's in the minister's responsibility as the main political entity for the stewardship of Crown resources.

Hon. S. Thomson: I think that the answer to this is generally yes, in terms of addressing the overall work that's underway, in terms of cumulative impacts and cumulative effects. That work, as I mentioned, is underway.

As part of that, the tool with a master licence to cut, I think, is the appropriate tool under the current policy in terms of the permits and aligning the terms. But as I mentioned, the overall look.... I think it is part of our responsibility in the ministry to do so, to look at how this all works in terms of the overall look at cumulative effects. That work is underway, and obviously, some of the policies and tools that you have under that would be part of that look.

Section 6 approved on division.

On section 7.

N. Macdonald: Here again we have an extension of an existing type of permit — the free use permit. It's been extended with section 7 from one to five years. To begin with, maybe the minister can explain in general terms the free use permit and then the explanation for the extension from one to five years.

Hon. S. Thomson: The free use permits are permits that are issued for very minor activities. Firewood is an example, and Christmas trees are an example — short permits in order to deal with removal of trees for very minor things. What this does is simply allows the holder of a coal licence or a mineral title to be issued that permit for five years instead of one year.

This is, again, a process around not having to have multiple permits and to continue.... So it is part of streamlining the operations, of reducing the nature of multiple permits for these by extending it for up to five years.

B. Simpson: I'm actually standing for a purpose on this, because I've stood in contradiction to the government up to this point. I do think this is in response to years of requests to address this issue. For the most part, these are very small operators, as I understand. It is a small portion of the land base. It's a few trees here and there.

For a representative from an area that has many, many placer miners.... This is something they've been calling on for years. I know it's paid close attention to by the ministry staff as they go and look and make sure that, whether it's one year or five years, it's not abused. I'm comforted that ministry staff pay close attention to the removal of these trees under these permits.

So I wanted to stand to thank the government and the minister for responding to this. I know you have made a lot of the placer miners in our area quite happy that they'll only have to do this every five years.

Sections 7 to 9 inclusive approved.

On section 10.

[1545]

N. Macdonald: Maybe just as a starting point for this, will the minister explain the changes that are proposed here in section 10?

Hon. S. Thomson: This section sets out the procedure to calculate the amount of stumpage an agreement holder must pay to the government for Crown timber they have harvested. The amount payable is the product of the volume or quantity of the Crown timber harvested and the stumpage rate.

This amendment is consequential to proposed amendments in section 106 of the act which require the information be reported to the government for cruise-based cutting authorities. That is, instead of stating the volume of timber is "calculated under section 106," it states the volume is "calculated using the information required to be submitted to the government under section 106...."

This amendment is needed to ensure that section 103 properly describes the process by which the amount of timber is calculated for the purposes of determining the stumpage payable for cruise-based cutting authorities.

B. Routley: In this amendment under the Forest Act, does this cruise option apply to the entire province, or are we talking specific regions of the province? Are there limitations thought about for regulation? Or how are you going to go about that?

Hon. S. Thomson: The availability or the utilization of cruise-based timber or cruise-based assessment is available throughout the province in all areas of the province. The policies are set out in the appraisal manuals. There is specific direction in the Interior appraisal manual for dead pine that sets out the specific requirements. But it is an approach and a policy that is available throughout all of the province.

B. Routley: Wow. It's shocking to me that this would be available for the entire province, particularly the coastal region. As I'm sure the minister is aware, there are huge differences in timber values from the coast to the north and the Interior, in that in the same stand on the coast you can have a tremendous range of values from our spruce and old-growth cedar, for example, as compared to a hemlock or balsam stand. You can have just about everything in one hectare of land and huge differences in values.

I do want to comment at the outset that section 10 is actually consequential to section 11. Because it comes first, I think we need to canvass all of the issues in 11. Because 10.... To get our head around this, we have to

have a conversation about it as kind of a package. At least that's the approach that I'm taking.

[1550]

I want to say at the outset that I think that's really bad policy for the people of British Columbia. I've heard in the past the idea or the notion that, I think, 35 percent of a stand that has dead pine can be cruised and not scaled or graded properly, and that a timber cruise is essentially taking a hectare of land and applying a cruise to it. A lot of our provincial harvestable land has been cruised, and a lot of it is older information.

I think, as I've said before in this Legislature, it's true. I've talked to graders and scalers down on a dry land sort who will tell you that if a timber cruiser out in the woods says there are 600 or 800 cubic metres per hectare.... Then they scale and grade the timber, and of course they get a totally different outcome in terms of values. When you're actually looking at every single log to determine the value of that log, the Crown is going to extract a lot higher value doing the grading and scaling, as they do examining it on a dry land sort, piece by piece, log by log, in the very up-close-and-personal way that's going on.

The notion that the province is going to somehow get the best value for the Crown by running around using cruise information is really quite frightening indeed. I definitely want to get that off my chest. I think it's a bad idea. It's bad for the province, and we ought to be.... Really, part of the minister's job, when you read the details of Minister of Forests, is to be extracting value for the people of B.C.

I worry that we have a minister of permits. We're spending a lot of time focusing on: how on earth do we get permits out the door? And that's not the right focus, I would suggest. We had dropping timber values. They've gone through the basement. We're actually collecting less money as a province from our forests than what we're spending. That's, again, a bad notion — for the province of British Columbia to be in a situation where we've gone from billions of dollars being brought in for the Crown.

Then I hear this news about.... No wonder I didn't know anything about these various licences to cut, because they were under oil and gas and I'm from the forest industry. So go figure. You know, only this government.

I just can't resist. It's jiggery-pokery at its best — jiggery-pokery at its best to come up with the idea that you're going to take a forestry issue and give it to oil and gas. This is it in a nutshell: "Forget the forest. Let's give it to oil and gas to give out permits to cut our timber." Vast tracts of timber, so vast and so hard for the minister to figure out that they're going to have to go back to the shop and look at the map to come back with some kind of report on exactly what is going on.

I'm terrified to think that we're giving away our valuable resource at bargain basement prices. That's unacceptable

to the people of B.C. I mean, it's bad enough that we have to watch truckload after truckload going right through the middle of town, being shipped out of the province, and now we've got the oil and gas people running around doing bargain basement deals.

The Chair: Member. Member.

B. Routley: The question that I have is: what is the potential loss to the Crown? Think about this. We know what we've done in the past. We've got a history in this province. So what is the potential loss to the Crown by not grading and scaling timber? Do you have any idea?

Surely, in a province where we're concerned about the public interest, somebody in the shop over there is worried about the actual value and the grading and scaling and the value that we collect. We've got years and years of history. I have seen those. They're complicated documents to report scaling and grading that goes on.

[1555]

There was a big scandal in Shoal Islands years ago. I remember when BCFP... Boy, there were spotlights on the dryland sort in a major way because there was some kind of.... They thought they were cheating the province of British Columbia by not doing proper scaling and grading. Now we've got a situation where it's: turn a blind eye; get the licences out the door, fella; create an oil and gas sector that's giving licences out like they're candy. I mean, it's unbelievable that these kinds of things are going on.

So I think the province needs to know if there has been any kind of analysis done on the potential loss to the Crown by not grading and scaling the timber versus just having cruise.

Hon. S. Thomson: I wondered how long it would take to get around to the jiggery-pokery.

Interjection.

Hon. S. Thomson: Yeah, we knew it was there somewhere. That's right.

Just to be clear, the amendment we're discussing here is not a discussion about whether we use cruise-based assessment or not. This policy has been in place since 1978 — the ability to do the cruise-based instead of scale.

What the amendments to the legislation do are two things. One is to ensure that when it is done — if you move forward to section 11 — we can set and get the information required to ensure that the cruise-based approach is strict, that we're getting the proper assessment on it and to make sure that all the information that we require is provided to us. So it's to strengthen the cruise-based system.

So the amendment and the process here is not about whether or not to use the approach. The amendments are

to ensure that we can set and get the information required to make sure that we're getting the full information.

B. Routley: Could you give us some idea of the number of test sites or plots where you actually attempted to use the cruise in an area where you hadn't used cruise before? And how did you determine...? Did you actually use the cruise numbers to start with? You know, determine a value and then go out and actually scale it and grade it and come back with a number that gave you some comfort that the Crown was extracting the full value.

The Chair: I'm sorry, Member. Is this on section 10 or section 11?

B. Routley: Section 10 is consequential to 11, so it's both.

The Chair: Okay, Member.

[1600]

Hon. S. Thomson: Just to be clear, again, I want to reiterate the point that what we're talking about here within the amendment is to address the provision of information on a policy that has been in place for many, many years. But there is ongoing comparison or ongoing assessment between cruise-based assessments and scaled assessments.

Those comparisons are made by region, by cutting permit and can be made by a company. For the amount — with thousands of scaled assessments done versus hundreds of cruise-based assessments — the ratios are, to the greatest extent, 1 to 1. The cruise-based assessments provide the same information out of the scale-based assessment.

B. Routley: Well, we're talking about the same information. Now, I assume you're talking about volumes, but I was asking a question about values. This is the second time the minister has referred to the notion that this is somehow a practice that's been in place a long time.

I would like the minister to describe to what extent in the province of British Columbia — of the entire timber base on the coast, let's say... What percentage of the entire timber base on the coast has been cruised? One question at a time. Let's start there.

It's been asserted that timber cruising is done since the '70s, so what percentage of the volume of the coast of British Columbia has been assessed under timber cruising?

[1605]

Hon. S. Thomson: So just to confirm. I think that what the member opposite is looking for is: on the basis where stumpage is paid based on the cruise, it is estimated to be 10 to 15 percent.

B. Routley: And I'm assuming that's on the coast — that that's referred. So are we talking about a primarily low-value hemlock region?

The Chair: I'm sorry, Member. Could you explain to the Chair the relevance of your question to section 10?

B. Routley: Section 10 is actually consequential to the next. In item 11 you'll see that it refers to.... Number 10 refers to section 106(2), and item 11 is amending 106. So in order to deal.... It's actually consequential. It should be, in a way, No. 12, but it isn't here as No. 12. It's here as No. 10, so I'm speaking of them as a package.

If you would like to get by it.... I don't know if anyone else wants to speak to 10, but I can sit down, and we can move past 10, to 11.

The Chair: I would prefer that.

B. Routley: Okay. Well, let's do that, then.

Section 10 approved.

On section 11.

B. Routley: Yeah, so I'm still waiting for the answer on the low-cost hemlock — the percentage of the coast that was determined by cruise. I'm interested in whether that was just low-value hemlock, or was that applied to an area of mixed species on the coast of British Columbia?

[1610]

Hon. S. Thomson: Yes, generally, it does target the lower-quality hemlock stands. The region has procedures and processes in place to do that. There's a higher sampling intensity when we know that the payment is going to be based on cruise-based assessment. That helps reduce the risk to the province. But it's generally targeted at the lower-quality stands.

B. Routley: Timber cruising gives the province only approximate volumes of timber on a given timber base. Really, only through scaling and log grading can we definitively determine the exact timber volumes and grades — particularly the grades.

How will the province be assured that we're getting fair value for our logs for the province by only timber cruising? This is clearly.... It sounds like a shift. You're bringing in legislation that can be, by your own admission, applied throughout the province, and this potentially has serious detrimental impact to the values of timber that should be extracted for the Crown.

Will the province be assured of getting fair value? If so, how?

Hon. S. Thomson: First of all, I want to make it clear.... The member opposite made an assertion that we're bringing in legislation to provide for cruise-based assessment. I want to state again that that is not the case. This is a policy that has been in place for significant periods of time. But to be clear, the cruise-based assessment is targeting the lower-quality stands. It is targeting where there is a lower financial risk.

In terms of using the cruise-based assessment for billing, it does target lower-quality stands. It is looking primarily at the dead pine stands. In the Interior is the other area where it's used. Where there is value, then there is the cruise-based assessment at the front end and scaling on the back end to ensure that the province gets the value for the timber that is there.

N. Macdonald: The minister would agree — I think most people would agree — that the cruising is an estimate, whereas the scaling and the methods that are often in place make sure that a more accurate idea of the value of the timber is actually there. The minister is saying that it is only in the most low-grade areas that this method would be used.

It is, nevertheless, legislatively available to any part of the province. Is the minister contemplating moving into stands that might be slightly higher grade? What are some of the places that cruising could be used? The minister talks about cruising and then a check with scaling. Is that on everything, or would it be just sample scaling?

[1615]

Hon. S. Thomson: Just to be clear, this is not signalling a policy change. This is not meant to mean that we are proposing to do more cruise-based billing on higher-value stands. The cruise is an estimate. We do have the procedures, as we said, targeted at the lower-quality, lower-value stands, where it's used for billing.

In terms of scaling, that is based on a scale process where the logs are scaled. Again, that is not every single log.

To be clear, we're not signalling a change here in going towards, necessarily, more cruise-based billing. What we are doing with this amendment is ensuring that where it is used, we have the provisions in place within the legislation to be able to ensure that we get the full information required in order to do that assessment.

B. Routley: Well, it's being asserted again here that it has not changed. As I understand it, the pine beetle.... There is a larger area of the province that's now cruise-based than was the case in the past. That's based on, as I recall, 35 percent of the stand or more beetle-killed, and you're applying the cruise-based method.

I just want to be certain if that's the case. Could the minister comment on the number of scalers and graders that have lost their jobs in the province of British Columbia

as a result of both the pine beetle and the change in the model from a more heavily based reliance on the cruise model rather than on grading and scaling?

Hon. S. Thomson: As the member opposite knows, it's related to section 106(1)(b), where we said: "must, in the circumstances provided for in the policies and procedures referred to in section..." etc. That was a provision that was put in place specifically to move towards cruise-based billing in the low-value dead pine stands.

Again, this amendment and this approach here are not about a wholesale shift in cruising policy or where we may do the cruise-based billing assessments. This is about ensuring that where it is currently being done in targeting those low-quality stands under that approach, we have the provisions to ensure that we can set and get the information we require — that we're getting the proper information in order to be able to do the billing assessments and to collect the stumpage.

[1620]

Section 11 approved on division.

On section 12.

N. Macdonald: Now we're moving into some of the changes to the Foresters Act, and we're going to be moving along a bit quicker here with many of these sections.

So then we go to section 12. This change to the Foresters Act.... Just one question: what was the process of consultation with professional foresters on this change?

Hon. S. Thomson: In terms of bringing these amendments forward with respect to the Foresters Act, we had a very extensive and close consultation with the professional foresters association. They communicated with their membership. We worked with them in terms of bringing these amendments forward, and they're supported by the association.

Section 12 approved.

On section 13.

N. Macdonald: So on section 13, when and why were subsections 2(4) and 11(2) created, and what occupation groups were exempted from this act? Why was this power given to the association that represents forest professionals?

Hon. S. Thomson: This section and the section that is being deleted was in reference to maybe where there was a section or time frame allowed for the transition period for forest technologists, who, through the Applied Science Technologists and Technicians association of

British Columbia, were required to become members of the Association of British Columbia Forest Professionals. There was a time period put in place to allow that to happen. That has now been completed. That provision was December 2005. So that section has been completed that allowed for that time frame. That process is now completed, and that section is no longer needed.

Section 13 approved.

On section 14.

N. Macdonald: Section 14 is changes to the objects of the association. I guess the question is.... It creates mandatory standards where previously they had been voluntary. Could the minister explain why there was the need to do that.

[1625]

Hon. S. Thomson: This section was amended to strengthen the process of the certification schemes for the occupations that are under the association.

The previous section, which talked about voluntary certification schemes was — in the view of the association, and we supported it in discussions with them — to strengthen their schemes to make sure that they can cover off their responsibilities and obligations in ensuring that the people who are practising professional forestry are part of those schemes and that it simply isn't voluntary.

Section 14 approved.

On section 15.

N. Macdonald: I look for clarification on section 15, because in reading it, it looks like, to me.... I know we went through a briefing on this, so it should have been clear in my mind. But when I read it again, it looks like some of the changes here....

It goes on into section 17 and section 18, where.... The way the professional organization that represents foresters would work is that rather than the current method for establishing membership rates being set with the general membership, this seems to put it into the council. Now, it could be that I misunderstood that, because after the briefing colleagues were talking about that.

Is that a correct understanding? Does this change the current way? And it allows membership fees that previously had been set as a bylaw by council and then ratified by a vote of 50 percent of the membership.... Is it now that the membership fees are set by resolution of the council and do not need to be ratified by the membership? Am I correct in understanding? Or if that's not the case, can the minister please explain how that works.

Hon. S. Thomson: This needs to be referenced back to section 9, which is for the bylaw process. What has been undertaken here is for quality assurance programs in areas other than continuing education.... Peer practice review has been moved out of bylaws into resolutions so that they can bring in these quality programs and requirements by resolution.

The annual membership fees have been moved out of the bylaw process and into the resolution process, which allows the elected council to set the membership fees. Currently that is the way it is essentially operating, because by resolution, they currently have the ability to set special levies. They've been utilizing that process to levy to run the programs. So it was viewed by the association to move membership fees overall into the elected council process.

This is consistent with a number of other professional associations and assures that the association can fund the necessary certification programs and makes sure that they can deal with foresters who are entitled to practise in the province due to labour mobility legislation.

[1630]

N. Macdonald: Just to understand, the bylaws, which need to be passed by two-thirds.... Previously that's been removed, and it goes to resolution. Resolution is a lower bar if it goes to general membership. But you're also saying that for the fees, it doesn't go to general membership. It only stays within the council. Fees are set.

Now, clearly, there's a story here. In the past, I would presume, there's been an attempt to raise membership fees, and that hasn't been successful. There's been an attempt, possibly, to set standards, and that hasn't been successful. So there's been a request at some level for a change. I know that in the past we had debates on the engineers, where a similar sort of thing was put in place.

Maybe the minister can just give us the story that is behind this initiative, because it must come from somewhere. It is a significant change, so what's the story behind it?

Hon. S. Thomson: With respect to this provision, I think the important thing to recognize here is that, with changes in the industry, there are increasing responsibilities on the part of the association of professional foresters — increasing obligations dealing with labour mobility, in bringing technologists and forest professionals in; increasing pressures in terms of providing the development programs; and increasing responsibilities around discipline in terms of the growing professional reliance to make sure of all of those.

That obviously puts great responsibilities on the part of the association, puts significant requirements on them for which they need funds, membership fees, to be able to do. So in consultation with the association, this was the recommendation.

As we said, it brings them into line with a number of other professional associations. This was supported in the consultation process we had with the council and, I think, will allow them to undertake their responsibilities and ensure that the management and obligations of professional foresters are maintained.

I think it is true — and it's probably reflected in the number of other associations that have taken membership fee proposals forward that aren't successful — that there are increasing responsibilities, and it is the responsibility of an elected council to set those fees.

Presumably, if the broadest base of the membership doesn't support the decisions that are made by their elected council by resolution, they have the opportunity to change that. So we're comfortable with moving it from a bylaw to a resolution process, as requested by the association.

[1635]

N. Macdonald: We won't spend a tremendous amount of time on this. Essentially, what has happened.... Legislative changes have changed, as the minister said, what the professional body is responsible for. Those legislative changes have a cost attached to them. It's pretty clear that the membership as a whole has resisted paying for that. Essentially, what this does is change the rules.

Now, from my perspective, just in the organization that I would have belonged to as a teacher and a principal, I would always, as a member, participate either as a delegate to an annual general meeting or in some sort of wider consultation in some of these important things. Essentially, we are fundamentally changing how fees are set and how this organization works and putting a lot more power into the council. When the minister talks about these initiatives being supported by the membership of this professional association, I think what he's talking about is the council.

So this isn't an initiative that we support. We understand the history. But when we talked about the professional engineers, I think we had members here that were members of that organization, and a fairly similar thrust was resisted by those individuals. Like I say, I see where the minister is going, and I see where it comes from, but I think it's an area that we won't be supporting.

B. Routley: I definitely want to add that I come from a long history of belonging to a democratic organization, and in fact, to change bylaws and go to a two-thirds requirement from 50 percent plus one would require a two-thirds vote of the membership.

I was wondering if the minister had seen, at the professional association meeting...? Does he have a copy of the people who were attending that convention and the resolution that was passed by a two-thirds majority to

move to this, to request this potential change? To not do so would be, I think, to push against the democratic wishes of part of the organization.

Quite frankly, I find it strange. Obviously, there's a lot of history here on why these professional organizations.... I understand that there are other organizations that do, like professional.... I think it's engineers who have the same or some kind of similar situation, where there's legislation dealing with how their democratic processes work. But I find it highly unusual that this legislation would be called upon to change the democratic principles that apply to an organization that....

I guess my simple question is: why don't they do it themselves? Any organization I've ever been part of that's truly democratic doesn't need somebody else to hold their hand to come up with a process that's truly democratic. And if this hasn't been passed at a professional foresters.... Or maybe there is no requirement to pass it at a professional foresters convention. At least, I'd like to know that, on the record — that it's not a requirement and all of the business of that group somehow is tinkered with by the Legislature of the province of British Columbia.

I find it quite amazing that all of us are here today, using our valuable time talking about an organization that really could manage their own democratic decisions, from my point of view, in determining whether or not it's 50 percent plus one or a two-thirds majority. So yeah, I'll definitely be voting against something that's trying to tinker with somebody else's democratic rights.

[1640]

Hon. S. Thomson: To reiterate, the proposed changes here were developed in close consultation with the association, with their council. This is one that they see as important in order to be able to ensure that they can continue to meet the obligations and the responsibilities, particularly the additional responsibilities, and to have a more streamlined process — to be able to do it through a membership fee, as opposed to a fee and a continued process of special levies.

I reiterate that the council is an elected council. If the elected council moves in a direction that is not supported by the membership, then the process to deal with it would be through election of the council.

Section 15 approved on division.

Sections 16 to 20 inclusive approved.

On section 21.

N. Macdonald: Section 21, then, authorizes the council to "cancel a person's certification of accreditation if the person fails to pay fees or other charges." So I guess the question is: is this a new power that the council has? Maybe the minister can just elaborate on exactly what

existed previously and also, I suppose, the rationale for the need to change this.

Hon. S. Thomson: This is an amendment that simply.... Through the provisions of the amendments here, we're creating a position or a certification program related to a certificate holder. This is simply adding that certificate holder to the requirements that were already there previously for a registered member, an enrolled member, a special permit holder. It's just simply adding that certificate holder to already existing policies that they had within their association.

Sections 21 to 30 inclusive approved.

On section 31.

N. Macdonald: We're into a bill that I was here for the creation of, the Resort Timber Administration Act, and what was put forward as necessary not that long ago has been found to be unnecessary. Can the minister just explain the rationale for pulling this back into the ministry and explain the definitions "Crown timber" and "private land" and why it would be necessary in this act to have those two definitions?

[1645]

Hon. S. Thomson: Just to explain the overall rationale for this change in these amendments. As you know, the Resort Timber Administration Act.... We're moving to create the one project, one process to ensure that all the administration is within that single process. That responsibility now lies under this ministry, the Ministry of Forests, Lands and Natural Resource Operations. We need to remove the references to the Tourism Minister in the current legislation.

Bringing in the two definitions, "Crown timber" and "private land." If you move forward to section 34, we talk about the making of regulations: "designating as a controlled recreation area an area that consists of one or both of the following: (i) Crown land; (ii) private land on which Crown timber is located."

It's a reference to provide the ability in that section to undertake those obligations and to provide a definition so that it's the same meaning as in the Forest Act, and "Crown timber" meaning timber reserved for the government.

Sections 31 to 33 inclusive approved.

On section 34.

N. Macdonald: Just to reference what the minister was saying about section 31. He pointed to section 34, and I guess the question is: where in B.C. is there Crown timber on private land? Where in the province is Crown

land used in this way? If there are a number of these sites, the minister can just give me examples so that I understand what has taken place, presumably, since 2006.

Then a further question is: what compensation does the government get for this? If it's Crown timber on private land and it's cut, is there some sort of compensation given to the Crown for that, or do they get access to the timber?

I see a quizzical look. Just examples of where you would find the Crown timber on private land that was referenced. Where in the province is the Crown land used that way? So just examples. You don't have to list them all, by any means. Then, what compensation does the government get for the timber?

Hon. S. Thomson: A couple of examples. Previously what happened under master development agreements.... An example would be Panorama or Kimberley, where we sold the land but kept the timber. That's where there would be Crown timber on private land.

[1650]

There are a couple of examples, just to confirm that when that timber is cut, the province does collect stumpage on it.

Sections 34 and 35 approved.

Title approved.

Hon. S. Thomson: I move that the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 4:51 p.m.

The House resumed; Mr. Speaker in the chair.

Report and Third Reading of Bills

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

Bill 6, Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2011, reported complete without amendment, read a third time and passed.

Hon. T. Lake: I now call committee on Bill 12, intituled the Teachers Act.

Committee of the Whole House

BILL 12 — TEACHERS ACT

The House in Committee of the Whole on Bill 12; D. Horne in the chair.

The committee met at 4:54 p.m.

Hon. G. Abbott: Just to begin, I'd like to introduce, on my right, Deputy Minister of Education James Gorman. On my left is Assistant Deputy Minister of Education Claire Avison, and behind me is Mary Shaw, who is director of legislation.

[1655]

Also, I'd like to take this opportunity to introduce, in the gallery, Eric Wredenhagen to the House. Eric is the in-house legal counsel to the B.C. College of Teachers, and he's here today to watch the committee stage debate of Bill 12. I please ask all members of the House to join me in making Eric welcome.

Section 1 approved.

On section 2.

R. Austin: I just had a question around the commissioner. It's going to be an appointment made by an order-in-council for a five-year term. I think it's fair to say that the role of commissioner is critical in the success and operation of this new council. What happens if the government finds that the person that they have thought would be the ideal person turns out to have some challenges? Is it simply a matter of removing them, again, as an order-in-council?

Hon. G. Abbott: Yes.

Sections 2 to 8 inclusive approved.

On section 9.

R. Austin: I'd like to just ask a couple of questions with regards to the composition of this new council. It's clear that with a 15-member voting body and with eight of those guaranteed to be teachers — whether they be members of the BCTF or whether they be teachers who are licensed and work at private schools — it does guarantee a majority of teachers on this council.

I happen to agree with that, but I just wanted to ask the minister what he believes is the importance of having a majority of teachers on this council. As he and his staff looked at models around other jurisdictions in Canada and around the world, how did they arrive at keeping this council relatively small and at this particular breakup?

Hon. G. Abbott: The member's analysis is accurate. Certainly, those eight positions will undoubtedly be filled by certificate holders. It is a requirement that it be so.

We expect, though, that the number of certificate holders will be larger. Almost certainly, the representative from the Principals and Vice-Principals Association will also

be a certificate holder; as will a representative from the B.C. School Superintendents Association; as would FISA, the Federation of Independent School Associations. And it is possible, although not certain, that the Association of B.C. Deans of Education representative would be a certificate holder as well. So of those eight, plus the additional three or four, they would all be holders of certificates, and that's by design.

The member asked a very good question. How did we arrive at this? We did canvass extensively, nationally and internationally, models for teachers colleges and for teachers councils.

[1700]

I think, probably, in terms of number and in terms of the name — and, I guess to some extent, composition — this hybrid.... This is unusual in Canada. I think that it's the first time we've had a hybrid of this character in Canada. We have only one province remaining with a teachers college, and that's Ontario. In the balance of Canada, generally, these issues are done all in the Ministry of Education or committees appended to the Ministry of Education. This model probably most closely resembles what they have in New Zealand and some states in Australia.

R. Austin: Let me just get this correct. For the five members of the teaching profession who are going to be elected, what the minister is saying, then, is that someone who is a superintendent or a principal or vice-principal could also apply for those elected positions. Is that correct? Or is it meant to be...?

Hon. G. Abbott: We believe it is quite unlikely that in either case that would occur. But it is theoretically possible that a vice-principal, for example, who also had a portion of his or her role in the classroom might meet the qualification. Again, it's probably unlikely that they could. But I guess there's theoretically nothing that would prohibit.... In the case of a school superintendent, it is pretty much remote, because they would have been a principal prior to becoming a superintendent.

R. Austin: The non-voting member that's going to be appointed by the minister — could you explain how different that position is from the commissioner that the executive council will designate?

[D. Black in the chair.]

Hon. G. Abbott: In the case of the commissioner, the commissioner will operate only in the disciplinary sphere of the new Teachers Council. The commissioner will have no role in respect of the broader policy consideration or work that the council would do. Similarly, the ex officio representative of the minister who will be on the broader council.... That ministerial appointment would not be operating in the disciplinary area.

R. Austin: So the person who is appointed as an ex officio officer would be someone who'll be taking on a lot of the responsibilities of the former registrar, minus any of the activities that related to investigations in regards to disciplining.

Hon. G. Abbott: Just to be clear, the ministerial appointment, likely to be an assistant deputy minister from the Ministry of Education — the ex officio, non-voting member of the broader council — will not be involved in any way in disciplinary matters. That will be the purview of the commissioner, and the commissioner's role will be exclusively in the area of discipline.

There is an attempt here.... We've acquired all this lingo from the computer world, like "firewall." That's not really what's intended, but there is intended to be a difference between the disciplinary component of this organization and the policy consideration portion of the new college.

R. Austin: But the firewall won't be a real firewall, because the people who are going to be chosen to sit on the disciplinary committee and ultimately on the discipline panels do come from the general council. So to that extent, there will be a lot of cross-sharing of information. Is that correct?

Hon. G. Abbott: That is correct. Sure.

Section 9 approved.

On section 10.

[1705]

R. Austin: I just want to ask.... The main difference between the former college and this new council is that this council is only going to play a part in.... It's going to be greatly reduced in terms of what it takes care of versus the old college. What's the reason for that?

Hon. G. Abbott: I'll attempt to answer the member's question in brief, and then I have a brief housekeeping amendment. I'll move the amendment after that, while I'm thinking about it, lest it get lost in the important debate that will occur here.

In terms of the differences between the council and the college, one of the reasons why it is more appropriate to use the term "B.C. Teachers Council" versus "College of Teachers" is that the management of the certification role will be moving from the college to the Ministry of Education. This is consistent with all of the jurisdictions in Canada, with the exception of Ontario. They are all managed in-house, and that's the intention in this legislation: to manage this certification role in-house in the ministry.

Also, I think the other really very substantive change between the college and the council is the change with

respect to the disciplinary body, which we'll be talking about presently here as we get to that section, although I'm glad to review it in concept in this section as well. But there is a change.

We move to nine members, as the Education critic knows, and we also move to panels, which are specifically structured so that there is never an apprehension that members from the B.C. Teachers Federation who may be on those panels form a majority. That's a very major, substantive change in the bill.

With the exception of that, the kinds of things that the college does in terms of looking at preservice preparation for new teachers or looking at standards of conduct or at standards for admission to the profession — these kinds of areas which the college did — will continue to be the purview of the council.

The member, hon. Chair, may have questions, but I'd like to move the amendment to section 10 that is in possession of the Clerk.

[SECTION 10, by deleting the text shown as struck out and adding the text shown as underlined:

Objects of council and responsibilities of council members

- 10 (1) The objects of the council are as follows:
- (a) to establish standards for the education of applicants for certificates of qualification;
 - (b) to establish standards for the conduct and competence of applicants for certificates of qualification and certificate holders.
- (2) In carrying out its objects, the council must exercise its powers and perform its duties under this Act in the public interest.
- (3) A council member must act
- (a) in good faith, and
 - (b) in a manner that puts the public interest ahead of the interest of any organization with which the council member may be affiliated.
- (4) A council member must not act on behalf of an authorized person in respect of a complaint, a report, an investigation, a consent resolution process, ~~or a hearing or a certification appeal under Part 6 [Disciplinary and Professional Conduct Inquiries and Certification Appeals].~~ or on behalf of an appellant in respect of a certification appeal under Part 6.]

Amendment approved.

On section 10 as amended.

R. Austin: I see that there's an attempt here to put it in legislation that all the members of this council, when they're coming here to do their work, act independently of their own interests — of the organization which they're affiliated with.

Sorry, I'm moving ahead a little bit, but this question is connected to section 11. All members are also going to take an oath to ensure that they fulfil that oath or that duty in section 10. Who gets to decide whether they've taken off their particular hat?

You know, I'm just wondering whether this legislation.... It sounds great. I mean, obviously, you want

people to come together, and you want them to look out for the public interest rather than the interests of their own affiliation that they came with. But who gets to decide that? In section 11 it says if you break that oath, you can be removed. I'm wondering how, in reality, one can decide that.

[1710]

Hon. G. Abbott: In an instance where, potentially or theoretically, a member of the council were in breach of the oath of office that they take on assuming a role, it would be the purview of the broader council to form a conclusion about whether their colleague had gone beyond or erred from the public interest which they pledge in their oath.

R. Austin: That's going to be a bit of a challenge to determine that, I would say, because in some instances, some of the dealings that the council are going to be dealing with will be quite contentious. Therefore, it would be easy to accuse members who are coming to this that they are not removing their principal hat or their superintendent hat or their teacher hat, for that matter, and are not being collaborative enough.

In cases like that, again, how is this piece of legislation going to become a reality on the ground when you consider that there will be lots of challenges sometimes when you get groups of people, representing different interests within the education sector, who deem that one group is not being collaborative enough?

Hon. G. Abbott: I think it's important that we discuss this for clarity on the record. The object here in terms of a potential removal from office would never be for an issue like a contentious point of view or articulating a controversial position. It would be much more like the breach of the oath that we take as members of the Legislature or as members of cabinet — that we are able to maintain our offices subject to good behaviour and subject to living up to the commitments that we make in the oath. It would never be for reasons of a particular view on an issue that might be debated extensively at the council; nor would it be for reasons that they were less collaborative than they needed to be. It's a much more legally based issue than that.

Section 10 as amended approved.

Section 11 approved.

On section 12.

[1715]

R. Austin: Meetings must be held at least once a year. I'm surprised, with the important work that this council is planning on doing, that the minister hasn't made that

slightly stricter. If it only meets once a year... I mean, I realize that, hopefully, it will meet more. But if it only has to meet once a year, it seems like they won't be able to do all of the things that they're asked to do in terms of having a lot of input from these 15 people who are here to gather to do this work.

Hon. G. Abbott: The one year sets out the minimum threshold. Our expectation is that the council will meet far more frequently than that. We didn't want to prescribe in legislation precisely how often they should meet, so the one year is the minimal threshold.

R. Austin: It will be the council as a whole that decides how often they want to meet, so long as it's more than once a year. Is that correct?

Hon. G. Abbott: Yes.

V. Huntington: Relating to subsection (3), will it be the regulations that define what the situation is or can be for in-camera meetings?

Hon. G. Abbott: Thank you to the member for her important question. The aim of this section around council meetings is to ensure that generally, transparency prevails — that meetings, unless there is some specific reason to do otherwise, will be open to the public. The sub (3) leaves open the possibility that if, for example, the government were to feel there were too many meetings going in camera for the wrong reasons, potentially that could be limited by regulation.

V. Huntington: Could I ask, then: does this imply that there are no prohibitions against going in camera, such as you would find in the Local Government Act?

Hon. G. Abbott: Now understanding the member's question a little better, hopefully this will help. First of all, in this section on council meetings we are not dealing with any disciplinary actions. Those are distinct from what occurs here.

These are the meetings of the broader council where they may be talking... Sometimes, I'm sure, the issues can get heated but are generally quite different from disciplinary issues. The members might be discussing, for example, a new teacher training model at a university or a university college. Those are the kinds of things that would occur.

[1720]

The aim of this is to say that except in the most extraordinary circumstances, we expect these meetings to be open to the public. I can't, offhand, imagine a scenario, given that we're not talking about discipline, where one would need to take this in camera, but that's a possibility. I suppose we can't imagine every circumstance. But this

tries to make it very clear that we see open meetings as the standard, and only in the rarest of instances would we see anything other than that.

V. Huntington: Could I just comment that many of us have come from local government backgrounds, and this issue... Even though I understand that this section provides an expectation that there be open meetings, there are many, many reasons why groups of councillors — and in this case, I suppose they would be members of a council — try to push issues into in camera. You may find, as time proceeds, that indeed, more administrative matters more and more end up in camera.

For instance, the Local Government Act prohibits in-camera meetings except under very specific circumstances — legal opinion, personnel issues, etc. The minister may want to watch, if not amend, that situation quite closely.

Hon. G. Abbott: A fair comment, I think, by the member. Having spent 16 years in local government, I recall that every reason to go in camera started with an L, and I've been long enough departed that I can only remember "land" and "legal" now. The chances of this organization acquiring land or having to negotiate on it are, hopefully, slim.

Actually, there may on occasion be, I suppose, legal issues around it, but I would think, again, that it would be uncharacteristic and unusual for that to occur.

Section 12 approved.

On section 13.

R. Austin: This section here outlines the fact that it's going to be this council that approves educational standards and teacher education. But the government retains the right through the minister to disallow one of those recommendations. What's the purpose of that?

Hon. G. Abbott: This is a provision that exists in the current Teaching Profession Act in the structure of the B.C. College of Teachers. It has been in place, I think, since the inception of the College of Teachers. It is designed to be a mechanism that would prevent the adoption of a bylaw which might be in contravention of an existing provincial law or agreement.

Sections 13 and 14 approved.

On section 15.

R. Austin: This section here deals with this bill being in compliance with TILMA — which, my understanding is, is just between British Columbia and Alberta — and the new west partnership trade agreement, which deals with western Canada to Saskatchewan.

Can the minister just explain to the House how having differential rules in terms of what teachers are expected to know in these two other provinces will affect when they want to move here or vice versa?

[1725]

Hon. G. Abbott: The member may wish to explore this a little bit more, because it may be at a little higher level of complexity than my answer provides. But these provisions in this bill are now a pretty standard feature of legislation like this, and it is to ensure, again, that any action undertaken is not inconsistent with any provisions around labour mobility or other that may exist within the new west partnership trade agreement or within TILMA. So again, it is attempting to ensure that we observe the integrity of these agreements in the work of the council.

R. Austin: But what happens if...? I don't know what the teacher certification requirements are in Saskatchewan, but if they are lesser than what is required here, presumably this section then allows a teacher from Saskatchewan to come in, nevertheless, and still be certified under this body. Is that what the purpose of this is?

Hon. G. Abbott: The member's question is a good and fair question, and I may come back and provide him with some supplemental information a little bit later when we talk to the applicable executive member that has greater knowledge on this subject.

Generally speaking, the aim of this.... As part of the development of both TILMA and the new west trade agreement, the certification directors have been working together to ensure that there is a very close comparability between the educational certification requirements in those three western provinces. So we don't believe this would ever be an issue between Alberta, Saskatchewan and British Columbia.

Teachers should be able to go back and forth in terms of opportunities that open up. We would be unlikely to discourage a teacher from Saskatchewan or Alberta from taking a position in British Columbia. If, for example, we had a position in the northeast or northwest that we were having difficulty filling, we'd probably welcome them.

Our understanding.... Again, if there's anything at odds with this, when we get a fuller answer from the balance of the executive, I'll advise. But generally, we don't believe this will be an issue, because the certification standards are so very comparable.

R. Austin: What would happen, though, if in those other two provinces those certification standards were changed? Would this bill insist on our standards if they were higher, or would we have to then lower our

standards if those other two provinces changed their certification standards?

[1730]

Hon. G. Abbott: I think the same question could be asked of any profession that has a measured standard associated with certification, whether it be plumbers, electricians.... I was going to say politicians, but we have absolutely no certification behind us, hon. Chair, as you know. But for most trades and so on and most professions, there are certification standards.

So if there are deviations — if, for example, one of the other provinces decided to reduce their requirements for certification in any area — it would become an issue to which the ministers charged with the administration of the agreement would have to turn their attention. It might be something that would bring an end to the agreement.

So it's really a much broader issue here than the member is raising there — than the issue around the council or, indeed, around the college.

R. Austin: I'm just going to give an example. If there was a remote community in, say, northern British Columbia that had a trades program in a school and they lost the teacher of that trades program — say it was welding or automobile mechanics.

If it became impossible to attract a teacher from somewhere else in British Columbia who could teach that, under this section or anywhere in this council, would it be possible for there to be an amendment made to the standards to allow somebody who had a huge amount of experience in either the welding field or the auto mechanics field to come from Saskatchewan or Alberta and come here and say: "Look, you're having trouble attracting a teacher here. I may not have the specific teacher qualification that you require. However, I've spent 20 years as a mechanic or a welder. I think I can teach this."

Under this council, could they make those kinds of decisions?

Hon. G. Abbott: The circumstance that is contemplated in the member's question is not an entirely unusual one. We have, in areas in rural and remote British Columbia, not frequently, circumstances arising where for a particular shop program, as an example — but it could be in the academic area as well — a school has difficulty recruiting an individual who can do a program in welding or mechanics or woodwork.

In those cases under the existing Teaching Profession Act, under the existing body of rules and regulations around this, the ministry can issue what is called a letter of permission to an individual who, to use the member's example, might come with 20 years experience but not have a Bachelor of Education to back it up.

So that existing practice, which we have in the province under the College of Teachers, will continue under the

B.C. Teachers Council, with the continued practice of the ministry issuing letters of permission where those shortages might arise.

Section 15 approved.

On section 16.

R. Austin: So the minister must make this report public within 45 days. I'm just wondering why. Obviously, a large part of this bill is about opening up the entire process to public scrutiny here. I'm just wondering why it takes 45 days to make this report public.

[1735]

Hon. G. Abbott: My aim would be to release it in about 4½ minutes, but there may be ministers in the future who are not such fast readers as I am. I guess it's a fairly standard 45 days.

R. Austin: I take it that the minister is not planning damage control in regards to this file, then.

Sections 16 to 19 inclusive approved.

On section 20.

R. Austin: I just have a quick question with regards to section 20.

At the beginning there is a definition for practising teacher. I thought that this would be someone who actually is in the classroom, but apparently this is also available for someone to put themselves forward as a candidate who has been out of the classroom for two years.

So it's not actually teachers who are.... It doesn't have to be just teachers who are actually practising today. It can be somebody who has been out of the classroom a couple of years. Is that correct?

Hon. G. Abbott: A candidate will have had to be an active teacher within the last 24 months.

Sections 20 to 25 inclusive approved.

On section 26.

R. Austin: Now we are getting to the discipline aspect of this bill. I think it's fair to say that this is the part that is both the most controversial and the most challenging, because the idea of this new council is to separate the discipline process from the other aspects of their work and to ensure that, unlike in the other aspects, when it comes to discipline, there will be a board set up specifically to look at discipline which will change and ensure that the teaching profession, at least mem-

bers of the BCTF, the Federation, don't have a majority on that discipline conduct board.

I just wanted the minister to comment on that and to say what the reasoning is behind that.

Hon. G. Abbott: The aim of the structure as it's set out in the bill is to try to raise public confidence, with respect to the disciplinary processes of the new body.

Secondly, to ensure that student safety is first and foremost the goal of the new body and to ensure that it is structured in a way that anyone who might initiate a complaint or anyone who might be subject to a complaint is not only treated fairly but seen to be treated fairly.

The member is right. This is the most challenging and controversial portion of this, and it does break some new ground in terms of composition. But the issues — and I've had lots of discussion of this with the Teachers Federation — around public confidence, about apprehensions, about potential linkages between the advocacy role of the B.C. Teachers Federation and the service of members of the TF on panels dealing with a disciplinary matter have been longstanding.

[1740]

The issues, the apprehensions, the concerns were galvanized somewhat, I would say, by the very thoughtful report that was undertaken by former Deputy Minister of Education Don Avison in respect of these matters.

But the issues didn't start and stop with that report. There have been concerns about disciplinary functions and processes for at least 35 years, since the first College of Teachers was initiated. As recently as a couple of months ago, they were back on the front page of the *Vancouver Sun* and other media in response, again, to concerns that the disciplinary processes may not have been effective.

Again, we're not trying to make any assumptions about motives here, but I believe if we are to serve the end — public confidence in processes and functions and structures — and ensure that those work effectively, we believe the model here is what needs to occur, because unlike many other professions, the profession of teaching deals almost exclusively with children.

R. Austin: Could I ask the minister: is this consistent with a lot of the other jurisdictions that you looked at in Canada and, as you mentioned, New Zealand and other countries? Is this what they have done?

Hon. G. Abbott: We don't really have comprehensive knowledge of what all the disciplinary processes are across Canada or in Australia, New Zealand, etc. Having been a part of the creation of it, I think I can say this in confidence — that we have here what I would call a made-in-B.C. solution, because the hybrid model we have here is not found in other jurisdictions in Canada.

We'll check and try to give you a more comprehensive answer, but we think this is pretty much a made-in-B.C. piece that we think is appropriate. We didn't necessarily try to match up with any other jurisdiction in Canada or around the world.

Sections 26 to 28 inclusive approved.

On section 29.

V. Huntington: This may seem a somewhat arcane question, but has the minister received advice that the oath taken as a member of the council is sufficient to carry him through as a member of the board?

[1745]

Hon. G. Abbott: Yes. Our advice is definitively that if one takes the oath of office for the broader council, the oath has application in all of their work, including on the disciplinary panel. Further, should the commissioner bring any lay members in to serve on panels when there is not sufficient number among the nine, they would have to take that oath of office to live up to those standards as well.

Section 29 approved.

On section 30.

R. Austin: If there is a school that is on reserve and is part of First Nations schools, do they have to ensure that all of their teachers are also certified in this new council?

Hon. G. Abbott: We do not have and the ministry will not have under the new model — nor did the College of Teachers under the old model have — any jurisdiction to require teachers and on-reserve First Nations schools to have certification within the College of Teachers nor the new B.C. Teachers Council. So the short answer is no. That is currently and will remain the jurisdiction of the federal government.

However, under some of the recent agreements, the tripartite agreements, there will be provision for First Nations educational authorities to draw down that jurisdiction to their level. But none have exercised that alternative yet. I think there is still much debate and discussion going on within First Nations authorities as to exactly what shape the First Nations education and governance will take.

R. Austin: I realize this discussion takes us a little bit outside of this bill, but in the discussions that are happening around jurisdiction, once those matters are dealt with and First Nations decide to join with the mainstream B.C. education system — at their own decision

— at that point, I take it, they would then have to fulfil all the obligations of this bill. Is that correct?

Hon. G. Abbott: It may be useful to make this observation because I haven't previously, but it is an important point. When a teacher is hired in a First Nations on-reserve school, the certification standards, as I have noted, reside with the federal government. We can't oblige a First Nations school to hire B.C. College of Teachers or Teachers Council-certified teachers, but many of them do. Many of them will consult with the college, as an example, about a record with respect to teachers.

[1750]

If, in a First Nations reserve school, there is a teacher who has certification with, previously, the B.C. College of Teachers — in the future with the B.C. Teachers Council — and the Ministry of Education, province of British Columbia, if they are the subject of a complaint at that First Nations school, they are subject to the disciplinary processes of the current College of Teachers — in the future, B.C. Teachers Council. That's an important point. We can't say that the teachers are going to be certified, but if they are, they become subject to those rules.

Further, and I think this is where the member was going with the question, I think that we get into a bit of a speculative area here, because what exactly First Nations education will look like a year from now, five years from now and a decade from now is not certain enough for us to say that they are going to align this way or that way with our educational system. They may, and we hope that they will, but we can't say that for certain at this juncture.

They may draw down jurisdiction from the federal government but exercise it themselves for purposes which may or may not be consistent with what we do in the province.

Sections 30 and 31 approved.

On section 32.

V. Huntington: During my briefing on this.... I do want to thank the minister and his staff very much. It was extremely interesting and useful, and although we didn't get through the whole act, which you'll probably see in my lack of questions as we proceed, I did note to the assistant deputy that I had a significant problem with section 32.

In my experience, enabling any sort of appeal to be undertaken by the person who made the initial decision is an extremely weak opportunity for justice, if you will. It would make anybody making an appeal feel that way, I think. In past jobs and past lives and careers I have seen this type of section, as innocent as it looks, cause significant problems over the years.

I would ask whether the minister has given any significant thought to what this appeal to the decision-maker might entail. I was advised that it's for fairly straightforward administrative issues that might affect a certificate holder, but in fact, as you read the legislation, it could be for much more than that. I see it as a significant weakness in this section.

Hon. G. Abbott: I thank the member for her thoughtful question. First of all, I note that section 32 is consistent with provisions that currently exist in the Teaching Profession Act and the B.C. College of Teachers around reconsideration and appeal.

[1755]

The names of the players change in the new legislation. There will now be a director of certification, and should that director of certification decline, for whatever reasons, to certify the individual coming forward for certification, this is to give provision to appeal to a certification panel. So there is recourse to the individual should they feel aggrieved of the decision of the director of certification.

[L. Reid in the chair.]

We have looked at the precedents in other organizations. For example, under the Agricultural Land Commission Act there is potential to review decisions around exclusion, inclusion, etc. — the Business Practices and Consumer Protection Act, the Workers Compensation Act and decisions or orders of the Workers Compensation Board, and the Motor Vehicle Act.

Again, we're trying to set up a structure here that is consistent with principles of administrative law and administrative justice. We believe that should be successful, and it appeared to be successful in the previous model.

V. Huntington: Could the minister possibly point me to where in this section it refers to a panel reviewing the request for appeal?

Hon. G. Abbott: I call the member's attention, first of all, to sub 32(8), which makes reference to "a reconsideration decision by the director of certification to the commissioner in writing within 30 days..." etc. Then when we go on to sections 68 through 77, under "Certification Appeals." It is within those sections that we will see a direct reference to the panels, I understand.

Section 32 approved.

On section 33.

R. Austin: I wanted to ask a question on the practice fee that members will now pay. My understanding is that that is going to be able to be deducted at source off

their pay. Could the minister tell the House what he expects that fee to be, relative to what teachers are paying now for their College of Teachers?

Hon. G. Abbott: The answer to the first portion of the question is yes, deducted at source. Secondly, the fee will be set by regulation. However, in the extensive discussion which I had and we had with the B.C. Teachers Federation around fees, I made a commitment to try to reduce it from its current \$120-a-year level. We are hoping for a substantial reduction from the \$120 level to hopefully, perhaps, in the \$80 range.

[1800]

Again, we know from annual general reports of the college something of its financial position, but there is lots we will learn after this bill is passed. We'll have a better idea, but we are confident that we can reduce it and reduce it in a fairly substantial way.

R. Austin: Actually, the part here that says that if a teacher doesn't pay their practice fee they'll be suspended.... In reality, that couldn't actually happen because it's going to be deducted at source. Isn't that correct?

Hon. G. Abbott: Not all teachers who hold certification may be employed. They may be unemployed and therefore not having the deduction at source.

Sections 33 to 39 inclusive approved.

On section 40.

R. Austin: Section 40. Does this section allow a complaint? Ultimately, if somebody wants to say that they don't feel they've been dealt with fairly, can they still go to the courts after this — like to the Supreme Court of B.C. — if they wanted to?

Hon. G. Abbott: Yes, they can appeal a panel decision at judicial review.

Sections 40 to 42 inclusive approved.

On section 43.

Hon. G. Abbott: I move that the amendment to section 43 that's in possession of the Clerk be moved.

[SECTION 43, by deleting the text shown as struck out:
Former authorized persons and former members

43 (1) In this section, "former member" means a person who was a member of the College of Teachers under the *Teaching Profession Act*, R.S.B.C. 1996, c. 449.

(2) For the purposes of determining whether a former authorized person or a former member has been guilty of professional misconduct or other conduct unbecoming a teacher, section 38 [*duty to report professional misconduct*] of this Act and this Part apply to

- (a) the former authorized person as if the former authorized person were a certificate holder or a person holding a letter of permission, as applicable, and
- (b) the former member as if the former member were a certificate holder.]

Amendment approved.

Section 43 as amended approved.

Sections 44 and 45 approved.

On section 46.

V. Huntington: On subsection (3), is there no limitation to when the commissioner may take further action in respect of an issue?

Hon. G. Abbott: When the commissioner makes the decision to refer a matter to a panel, it cannot be reversed at that point. It becomes the purview of the panel.

V. Huntington: Could you repeat that, please?
[1805]

Hon. G. Abbott: We may have to ask the member to repeat her initial question. We understood the question to be: does the commissioner have the opportunity or the purview to take additional action on a matter once it has been referred to a panel? That's what we understood the member's question to be.

The answer we provided to that question, which may or may not have been the member's question, was that once it goes to the panel, it becomes a matter for the panel rather than for the commissioner. But we may have misunderstood the member's question, and we would welcome a supplemental on it.

V. Huntington: I think the member may have misunderstood what she was reading in the first place here. What I was trying to ask is that the commissioner, at any time, may take further action on a matter that was deferred. I'm thinking more in terms of a limitation period on an action. Is there anything that limits his ability to take further action?

Hon. G. Abbott: We'll take a second stab at this. We think we may understand the member's question more fully this time.

Probably a very good example here would be where a complaint also initiates a legal action in the courts, a Criminal Code charge. In the first instance, it would be necessary for the commissioner to defer any action on the complaint until the processes of the court had been completed. And then, when the processes were completed and if the commissioner felt it appropriate, he or she could commence one of the actions under sub (3)(b).

Section 46 approved.

On section 47.

R. Austin: Could the minister explain: in the preliminary review and investigation process at what point will the name of the person who has been complained about be made public? And in this bill is there a differential or an allowance for those actions that have the potential to destroy a teacher's career and those actions that are not deemed to be the type that would destroy a person's career?

How does this bill ensure that we don't end up with a situation where somebody has a complaint against them, it goes public, and then it's impossible, once that person is found to be innocent...? Of course, if they are guilty, not a problem, but if they're found to be innocent, how does this protect that teacher?

[1810]

Hon. G. Abbott: I thank the member for the question. It's an important one.

The first thing we should observe is that the provisions around investigation, identification and so on that are reflected in this act are also reflected in the current Teaching Profession Act and the current structure of the disciplinary investigation processes of the College of Teachers. So we have a long experience in that and believe that there's a fair treatment of people within that.

In terms of a complaint being registered against a teacher, that complaint would go — assuming it's of a serious character — to the commissioner for consideration. The commissioner may believe it appropriate, on the basis of the facts that have been assembled, to do a preliminary investigation. There would be no public disclosure of the teacher's name — or the principal's name or the superintendent's name, for that matter — at that point.

That release of the individual's name would not be public until a citation was issued against the person subject of the complaint. So until that point there would be no public disclosure of that, although again, if the infraction or the complaint was of such a serious character that it produced a charge under the Criminal Code, then of course the release of names becomes a different element rather than this.

The college has not been in the business of doing investigations, issuing citations and then seeing a lot of the individuals not found responsible. Apparently that rarely, if ever, has happened, where after a comprehensive investigation the complaint has been found without substance. So the member's suggestion that potentially someone could be the subject of an egregious complaint that had no substance is unlikely in these thorough and exhaustive processes that occur.

R. Austin: The minister used the term "a complaint of serious character." Where in this legislation does it

deem what kinds of complaints are of serious character and what aren't? And how does this bill ensure that matters that are not of a serious character do in fact go back to the local school or to the local school board to deal with?

I'm just concerned that this process may end up having a lot of complaints made which are not dealt with at the local level — partly because maybe there isn't a lot of capacity at the local level and, therefore, they can't deal with it — and so it just sort of festers and gets bigger and ends up coming to this board. How is that handled?

[1815]

Hon. G. Abbott: I'd call the member's attention to section 45, "Decision not to take further action after preliminary review." In (1)(a), for example, there is reference to "the matter is not within the jurisdiction of the commissioner or a panel." So it might, for example, be an employment issue that should be resolved between the school district, probably through the superintendent, and the teacher. That would be one example.

It may be an issue that involved a dispute in a staff room. Again, that might be an important issue, in terms of the conduct within the school, but it would not be an issue that should engage the commissioner and a panel. Unless it's of a really serious or egregious character, it should not.

The second in (1)(b): "the matter is frivolous, vexatious or trivial or gives rise to an abuse of process." This would be the section where, again, within the role of the commissioner, he or she should be attempting to fully understand the complaint, understand whether there is substance in fact behind it, and if there is, then give consideration to either a preliminary investigation, further investigation, assembly of a panel — those kinds of things.

Again, the college and its staff have extensive experience with respect to that. We are going to be building on that experience in the new structure and the new processes.

R. Austin: Let me get this straight. If, as the minister has just outlined, something comes forward and the commissioner decides this is not worthy of going to a panel, at that point it may stay on the record of that teacher and would be private. But once it's sent back to the local school district, at no point will any of that sort of knowledge of that complaint ever become public. That's something that would be kept on the file and be a matter of human resource. Is that correct?

Hon. G. Abbott: We don't believe it would be within the purview of the board or the commissioner. If the commissioner looked at it and determined it was an issue that should be resolved at the local level, there would not be anything on the record. There'd be noth-

ing public that would in any way inhibit the career of the individual.

Sections 47 to 78 inclusive approved.

On section 79.

[1820]

Hon. G. Abbott: I hate to disturb the momentum that has been created here, but I move the amendment to section 79 that's in the possession of the Clerk.

[SECTION 79, by deleting the text shown as struck out and adding the text shown as underlined:

Online registry

79 The director of certification must establish and maintain an online registry for the purpose of providing the public the following information about each authorized person:

- (a) the authorized person's name;
- (b) the current status of the authorized person's certificate of qualification, independent school teaching certificate or letter of permission;
- (c) a record of any suspension or cancellation of the authorized person's certificate of qualification, independent school teaching certificate or letter of permission;
- (d) a record of a term of a consent resolution agreement under section 53 [*consent resolution agreement*] that is
 - (i) an admission of professional misconduct or ~~other~~ conduct unbecoming a teacher or an admission of incompetency to carry out professional duties and responsibilities, or
 - (ii) a consequence with respect to which a panel may make an order under section 64 ~~(3)(c)~~ [*consequences after hearing*];
- (e) a record of any findings under section 63 (1) (b) or (c) [*findings after hearing*] and orders made under section 64.]

Amendment approved.

Section 79 as amended approved.

Sections 80 to 125 inclusive approved.

Title approved.

Hon. G. Abbott: I move the committee rise, report the bill complete with amendments.

Motion approved.

The committee rose at 6:23 p.m.

The House resumed; Mr. Speaker in the chair.

Reporting of Bills

BILL 12 — TEACHERS ACT

Bill 12, Teachers Act, reported complete with amendments.

Mr. Speaker: When shall it be considered as reported?

Hon. G. Abbott: With leave, now, Mr. Speaker.

Leave granted.

Third Reading of Bills

BILL 12 — TEACHERS ACT

Bill 12, Teachers Act, read a third time and passed.

Hon. I. Chong moved adjournment of the House.

Motion approved.

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

The House adjourned at 6:24 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.