Second Session, 39th Parliament

OFFICIAL REPORT OF

DEBATES OF THE LEGISLATIVE ASSEMBLY

(HANSARD)

Tuesday, May 4, 2010
Afternoon Sitting
Volume 17, Number 2

THE HONOURABLE BILL BARISOFF, SPEAKER

ISSN 0709-1281

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

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

Second Session, 39th Parliament

SPEAKER OF THE LEGISLATIVE ASSEMBLY
Honourable Bill Barisoff

EXECUTIVE COUNCIL

Premier and President of the Executive Council ..... Hon. Gordon Campbell
Minister of State for Intergovernmental Relations ..... Hon. Naomi Yamamoto
Deputy Premier and Minister of Finance ..... Hon. Colin Hansen
Minister of State for the Olympics and ActNow B.C. ..... Hon. Mary McNeil
Minister of Aboriginal Relations and Reconciliation ..... Hon. George Abbott
Minister of Advanced Education and Labour Market Development ..... Hon. Moira Stilwell
Minister of Agriculture and Lands ..... Hon. Steve Thomson
Attorney General and Minister of Public Safety and Solicitor General ..... Hon. Michael de Jong, QC
Minister of Children and Family Development and Minister Responsible for Child Care ..... Hon. Mary Polak
Minister of Citizens' Services and Minister Responsible for Multiculturalism and the Public Affairs Bureau ..... Hon. Ben Stewart
Minister of Community and Rural Development ..... Hon. Bill Bennett
Minister of Education and Minister Responsible for Early Learning and Literacy ..... Hon. Margaret MacDiarmid
Minister of Energy, Mines and Petroleum Resources ..... Hon. Blair Lekstrom
Minister of State for Mining ..... Hon. Randy Hawes
Minister of Environment ..... Hon. Barry Penner
Minister of State for Climate Action ..... Hon. John Yap
Minister of Forests and Range and Minister Responsible for the Integrated Land Management Bureau ..... Hon. Pat Bell
Minister of Health Services ..... Hon. Kevin Falcon
Minister of Healthy Living and Sport ..... Hon. Ida Chong
Minister of Housing and Social Development ..... Hon. Rich Coleman
Minister of Labour ..... Hon. Murray Coell
Minister of Public Safety and Solicitor General ..... Hon. Michael de Jong, QC
Minister of Small Business, Technology and Economic Development ..... Hon. Iain Black
Minister of Tourism, Culture and the Arts ..... Hon. Kevin Krueger
Minister of Transportation and Infrastructure ..... Hon. Shirley Bond

LEGISLATIVE ASSEMBLY

Leader of the Official Opposition ..... Carole James
Deputy Speaker ..... Linda Reid
Assistant Deputy Speaker ..... Claire Trevena
Deputy Chair, Committee of the Whole ..... Harry Bloy
Clerk of the Legislative Assembly ..... E. George MacMinn, OBC, QC
Clerk Assistant ..... Robert Vaive
Clerk Assistant and Law Clerk ..... Ian D. Izard, QC
Clerk Assistant and Clerk of Committees ..... Craig H. James
Clerk Assistant and Committee Clerk ..... Kate Ryan-Lloyd
Sergeant-at-Arms ..... Gary Lenz
Director, Hansard Services ..... Jo-Anne Kern
Acting Legislative Librarian ..... Peter Gourlay
Legislative Comptroller ..... Dan Arbic

ALPHABETICAL LIST OF MEMBERS

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

LIST OF MEMBERS BY RIDING

Abbotsford-Mission — Hon. 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 — Harry Bloy
Burnaby North — Richard T. Lee
Cariboo-Chilcotin — Donna Barnett
Cariboo North — Bob Simpson
Chilliwack — John Les
Chilliwack-Hope — Hon. Barry Penner
Columbia River–Revelstoke — Norm Macdonald
Comox Valley — 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 — Terry Lake
Kamloops–South Thompson — Hon. Kevin Krueger
Kelowna–Lake Country — Norm Letnick
Kelowna-Mission — Hon. Steve Thomson
Kootenay East — Hon. 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 — Hon. Iain Black
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 — Hon. John Yap
Saanich North and the Islands — Hon. 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 — Stephanie Cadieux
Surrey-Tynehead — Dave S. Hayer
Surrey-Whalley — Bruce Ralston
Surrey–White Rock — Gordon Hogg
Vancouver-Fairview — Hon. 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 — Hon. Moira Stilwell
Vancouver–Mount Pleasant — Jenny Wai Ching Kwan
Vancouver–Point Grey — Hon. Gordon Campbell
Vancouver-Quilchena — Hon. 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 — Hon. Ben Stewart

Party Standings: Liberal 49; New Democratic 35; Independent 1

CONTENTS

Tuesday, May 4, 2010
Afternoon Sitting

Page

Routine Business

Orders of the Day

Proceedings in the Douglas Fir Room

TUESDAY, MAY 4, 2010

The House met at 1:34 p.m.

[Mr. Speaker in the chair.]

Routine Business

Tributes

CANADIAN NAVY CENTENNIAL

Hon. M. Coell: Today we commemorate and honour our Royal Canadian Navy for a hundred years of service to our country. The Royal Canadian Navy has a rich history and has left a memorable and favoured impact on the international community. Here at home in greater Victoria CFB Esquimalt is a defining part of the capital region.

The Freedom of the City Parade brought the navy to the Victoria community in grand fashion. The downtown business association and participating businesses hosted a barbecue for the entire parade and all the participants and their families. A homecoming statue was unveiled at the corner of Wharf and Government streets.

[1335]

Will the House please offer our thanks, respect and congratulations to the men and women of the Royal Canadian Navy on their 100th anniversary.

Introductions by Members

V. Huntington: I'd like the House to make welcome my constituency assistants, who are here for the first time: Bernadette Kudzin and Yvonne Parenteau. Would the House join me in welcoming them to the House.

Hon. N. Yamamoto: I have the pleasure of introducing students from Western Washington University. They're in a class called Canadian politics and government. They're here to visit us today. Would the House please make them welcome.

D. Hayer: I have the great pleasure of introducing two classes of 40 grade 5 students visiting from Pacific Academy School in my riding, which is one of the best schools in North America. Joining them are their teachers Claudia Petersen and Nancy Bakken as well as 20 parent volunteers who have taken time out of their busy schedule to bring the students here so they can learn about the government. Would the House please make them very welcome.

M. Dalton: In the House today I notice that we have visitors from Christian Life Assembly, and Karen Reed, who spoke at this morning's prayer breakfast. There were about 20 MLAs that joined us. It was a great event. Thank you very much to Tim Schindel with Leading Influence Ministries, who helped lead it. Would the House please make them feel welcome.

Statements
(Standing Order 25B)

TULANI ACKERMAN AND STEPS FOR STUDENTS

G. Coons: I rise today to speak about an inspiring young teacher, Tulani Ackerman. Tulani has a passion and determination to bring all stakeholders in children's education together to enrich the educational experience for all students.

To do this, Tulani has founded StEps for Students, which is an organization working to discover alternative ways to meet the needs of every student. On July 1, 2010, the StEps movement will hit the road to walk and bike throughout British Columbia in an effort to gather stories and ideas regarding the challenges faced by our provincial education system.

Tulani will be leaving from Prince Rupert on her 2,500-kilometre journey, walking and biking to the Parliament Buildings in Victoria and arriving on August 12. She'll be stopping at towns and cities along the way to deliver her message of collaboration and hope.

StEps for Students' mission statement is "To find new and innovative ways of meeting the needs of every student." The primary goal is to promote non-partisan dialogue between students, provincial government, parents, teachers, administrators and community members. A secondary goal is to build and bridge collaborative input and relationships.

Tulani is a teacher in the Prince Rupert school district. Through her passion for life and deep caring for people, she inspires others to recognize and pursue their full potential. She is particularly gifted at and committed to empowering children and youth from all walks of life. Tulani hopes to unite people to seek more positive solutions. She recognizes that it is from our young people, with their energy and idealism, that new ways of doing business will evolve.

I'm sure we all agree that we need to work towards proactive solutions to assist all children to reach their full potential as well-functioning adults and active, contributing citizens in our society. I would encourage all to watch for Tulani as she passes through our communities, and don't hesitate to join her in her journey.

BURNABY FESTIVAL OF VOLUNTEERS

R. Lee: Last month I attended the Burnaby Festival of Volunteers at the Lougheed Town Centre. This is an

event that has been held for the past seven years. It's an opportunity for local organizations to recruit volunteers and also a chance for volunteers to find opportunities to help out in the community.

Groups such as the B.C. Genealogical Society, Juvenile Diabetes Research Foundation, Douglas College ICARE program, Katimavik, Purpose Society, Dixon Transition Society, Volunteer Grandparents, SUCCESS, Variety Club, South Burnaby Neighbourhood House and Burnaby citizen support were taking part in this year's festival.

Even my fellow MLA and I had a booth at the festival to provide more information on government services but, more importantly, to let these groups know that we appreciate the work they are doing in our community.

[1340]

These organizations look forward to this event. It is a chance for them to share in ideas on how to best deliver their services to the public and at the same time offering those who want to help a great environment to do so. In most cases these groups are working to improve the lives of people in the community, and the fact that volunteers are helping is very encouraging.

Again, there was great volunteer support that helped with the organization of this event. Lee Faurot of Volunteer Burnaby has been a contributor to this event in years past and once again is leading to make this year's event a success and possible. Volunteers such as Ken Ryan, Preett Grill, Matt Visser, Maria Mena, Eudora Koh, Amy Fu and Geraldine Wall have contributed to making this year's festival a success as well.

As co-founder of this festival, I would like the House to join me to thank all the volunteers and non-profit organizations for their participation in this year's festival.

CHILD CARE AND EARLY LEARNING

M. Elmore: As we celebrate May as Child Care Month, we extend our appreciation and thanks to all child care providers, early learning educators, professionals in the field, advocates and, of course, parents for their commitment and dedication to performing the essential work of nurturing and supporting our most precious and valuable resource — our children.

As well, we recognize the rights and important role that children themselves play in our society. As per the United Nations convention on the rights of the child, we are reminded that children have rights in early childhood and that young children are active social participants. Further, children are positive, participating citizens who are entitled to a full share of society's resources, meaning that they have a right to make claim on the government and receive services that support them.

A key foundation of lifelong learning, with long-term implications for prosperity at the societal level, is good-quality early childhood education and child care. This valid concept is embraced by many, including social scientists; policy experts; economists, including business leaders; and, of course, parents and grandparents.

As such, it's disappointing that British Columbia in Canada has the dubious distinction of ranking last out of OECD countries in terms of spending on child care and early learning. B.C. also has the worst poverty rate in Canada for the sixth straight year. More than ever, we need a quality, affordable and universally accessible early childhood education and care system.

Such a system is important to support children because it assists children in reaching their full potential and builds a strong knowledge-based society that supports family, especially parents who are in the workplace. It's also an essential part of gender equality that allows women to fully participate in social, civic and economic life. Such a system builds equity in quality of life and social infrastructure for rural, northern, remote and First Nations communities and also children with special needs. It's essential to reduce the poverty level.

As we mark Child Care Month, let us affirm that an early childhood education and care system builds social inclusion, and it is indeed the best way to support our children.

SPARKLING HILL RESORT IN VERNON

E. Foster: Last weekend my wife and I had the opportunity to attend the grand opening of a new world-class resort and spa in Vernon. Sparkling Hill Resort and Wellness centre is a 240,000-square-foot, $120 million investment in our community that will create 130 full-time jobs.

The resort boasts over 66,000 square feet of spa; 150 rooms; the first cold sauna in North America, which drops to a bone-chilling minus 110 degrees Celsius; therapeutic pools; 48 treatment rooms; a first-class fitness centre; and European fine dining. Sparkling Hill has everything you need. With the travelling time being only 25 minutes from Kelowna International Airport, it makes it easily accessible for not only people living in our community but for out-of-town guests who want to visit our region.

This world-class facility was the dream and vision of CEO Mr. Hans-Peter Mayr. Hans-Peter approached Mr. Gernot and Miss Eva Langes-Swarovski of the world-renowned Swarovski Crystal company. Their influence is seen throughout, with approximately two million crystals incorporated into every part of the resort, from the crystal fireplaces in the rooms to the four crystals embedded in the backs of the dining room chairs, magnificent chandeliers and crystal waterfalls.

[1345]

Hans-Peter and his team have left no stone unturned in the planning and construction as they brought his dream to fruition. I would like to thank the Langes-Swarovskis

and Mr. Hans-Peter Mayr for their vision and for choosing Vernon as the home for this one-of-a-kind, world-class wellness centre.

OCCUPATIONAL SAFETY AND HEALTH

R. Chouhan: This week is North American Occupational Safety and Health Week. NAOSH Week occurs every year during the first week of May to focus employers, employees, partners and the public on the importance of preventing injury and illness in the workplace, at home and in our communities.

Last week, on April 28, we remembered 121 workers who lost their lives at the workplace. When we were remembering them, we all talked about how important it is to take care of the safety and health of all workers, including ourselves. After we make the statements, when we finish the remembering, then we forget about it. So this week is a good reminder, again, for all of us to make sure that we take care of our workplaces.

The politicians are the worst offenders. All of us know. We sit around our desks. We go to all kinds of events during the week. We never talk about preventing injuries to our health, because we are not doing enough exercise. We do enough exercise of our jaws, but our bodies need help. So make sure during this week…. When you go home, talk to your partners, to your staff, and make sure you do enough exercise.

Do walking. There's enough material downstairs near the coffee room, the dining room. Pick one leaflet from there. Do some stretching when you're working, sitting at your desk. It's so important that we take care of ourselves. We should be role models for others.

We can start now. That's a good way to start. We should set up a goal at our workplace and then create awareness of these goals within and outside our organization.

EMERGENCY PREPAREDNESS

J. Les: I rise today to help dispel any obliviousness to natural and other disasters. This year we've seen major earthquakes in countries such as Haiti, Chile and southern China. We've seen floods recently in the southeast United States and wildfires in California, Australia and, of course, right here in our own province. Yet you still hear people say: "This won't happen to us."

This week is Emergency Preparedness Week, a national effort to shatter that myth and to encourage action now that could be beneficial later. Here in British Columbia we face 57 known hazards, ranging from wildfires to earthquakes to tsunamis and chemical spills.

In my constituency of Chilliwack the potential threat of flooding on the Fraser River looms every spring. Last year in the Greendale area of my constituency a mixture of heavy rain and melting snow on frozen ground caused homes, farms and fields to flood. On the hillsides mudslides were triggered, and sadly, a couple of homes were lost. A local state of emergency was declared, and residents and volunteers came together to prepare and pile sandbags and help one another out.

How many of us have taken the time to proactively prepare for emergencies? Having an emergency survival kit that you can grab and go is one simple thing that each of us can do to help prepare ourselves and our families in the event of an emergency.

Many communities are hosting information sessions during Emergency Preparedness Week, which runs through the eighth of May, and I encourage all British Columbians to get prepared. There are also great resources available online at pep.bc.ca and getprepared.ca Emergencies can happen at any time, so please, let's all do our part to get prepared.

Mr. Speaker: I just want to remind members about the content for private member's statements.

Oral Questions

FUNDING FOR EDUCATION

R. Austin: The Vancouver school board is facing a massive multi-million-dollar shortfall, and like the other districts, they'll be forced to lay off staff to balance their books. Right now the Vancouver school district is preparing layoff notices for teachers, special education assistants and other support staff.

[1350]

Children only get one chance at education, and this government is playing roulette with the future of our children and our economy. My question is to the Minister of Education. Why is the government underfunding our school system at a time when it is even more important than ever to invest in education?

Hon. M. MacDiarmid: This is clearly a demonstration of do as I say and not as I would have done. As we are aware from the NDP platform in the previous election, they would have invested, in the last two years, 60 percent less than we have on this side of the House in education.

We've increased education funding each year….

Interjections.

Mr. Speaker: Members.
Take your seat.
Continue, Minister.

Hon. M. MacDiarmid: The members opposite are well aware that we've increased education funding every single year. While enrolment has declined by some 56,000 students, this year we are investing more than

$1.3 billion more than we did ten years ago in education in this province.

Mr. Speaker: The member has a supplemental.

R. Austin: The B.C. Liberal platform, as I remember, promised to protect public education and not bring in the HST.

Vancouver isn't the only district that's axing staff. The Delta school district is eliminating 16 teachers and 15 support staff. The Vernon school district is cutting 17 teachers and six support staff. The growing Central Okanagan district will be laying off 18 teachers and 22 support staff.

My question again to the Minister of Education: how does cutting teachers and support staff improve our education system for our children?

Hon. M. MacDiarmid: What we all are aware of — and this is not something that anyone can be blamed for — is that we have got declining enrolment around this province. We have 56,000 students fewer, and districts are projecting next year that we will have some 60,000 fewer students than we did ten years ago. Mr. Speaker, 52 of the 60 districts in this province have declining enrolment, and they continue to face that. In spite of that, we've increased education funding every single year for the last ten years.

What we are saying to school districts, including Vancouver, is that we need to do things differently. We need to look for administrative savings. We need to start doing things differently around the province so that we can reinvest those dollars in education.

Mr. Speaker: The member has a further supplemental.

COSTS OF SPECIAL ADVISER TO VANCOUVER SCHOOL DISTRICT

R. Austin: I think this minister needs to quit with the misinformation. She knows, or she should know, that the Vancouver school district has proposed more than $2 million cuts in administrative costs.

Although districts across the province are making cuts and laying off staff, this government has chosen to single out Vancouver by sending in a special adviser to look at their books.

Interjections.

Mr. Speaker: Members.
Member, just take your seat.

Interjections.

Mr. Speaker: Members.
Continue, Member.

R. Austin: Parents want this government to spend education dollars in the classroom, not on flying a special adviser and his staff back and forth from Victoria to Vancouver.

My question is to the Education Minister. How many staff does the special adviser have, what is this costing, and why isn't this money being spent on educating our children?

Hon. M. MacDiarmid: We have appointed the comptroller general, and she is going in. She's working right now in Vancouver with her staff. Even the Vancouver school board has said that they welcome another look, that they welcome the possibility that there are things they have missed.

But this is a school board which has 12,000 fewer students than Surrey and yet spends significantly — $3.6 million — more on administration. This is a school board where there are a dozen schools that have 40 percent or more empty seats.

The special adviser is doing her work, and we look forward to the report at the end of May.

[1355]

FUNDING FOR SCHOOL DISTRICTS AND CLASS-SIZE LIMITS

K. Corrigan: Well, Mr. Speaker, the Burnaby school district doesn't have declining enrolment and has the second-lowest administrative costs in the province. Here is what Ron Burton, a longtime school trustee, said about funding under this government. He said: "They're saying there's more money than ever before, and there isn't." He said he's never seen anything quite like it in the 22 years that he's been a trustee. The Burnaby school district has more students than ever before. They've had to cut 42 staff to make up a $5.2 million shortfall.

My question is to the Minister of Education. Is she telling the truth about education funding? Then how come she can't explain why districts of every size in every region of the province are cutting staff?

Mr. Speaker: I remind the member to be very careful with her language.

Hon. M. MacDiarmid: I'm pleased to go over the investments that we are making this year in education. This year in British Columbia we have increased education funding by $112 million. This is at a time….

Interjections.

Mr. Speaker: Continue, Minister.

Hon. M. MacDiarmid: This is at a time when governments around North America and indeed around the world are struggling as we come out of the worst recession since the Depression — at a time when our government expenditures are $1.7 billion greater than the revenues government is taking in. Yet in spite of that, we continue to invest in education and expand the programs that we're offering.

With respect to Burnaby, Burnaby's per-pupil funding is almost $2,000 higher annually than it was ten years ago — a 33 percent increase.

Mr. Speaker: The member has a supplemental.

K. Corrigan: With regard to extra money, here's what the chair of the board, Diana Mumford, said: "The extra money that the district is receiving is far surpassed by the increased costs, wages and benefits coming from the contracts that this ministry has negotiated."

The district has also been forced to increase class sizes in Burnaby secondary school because of these cuts. Across the province more than 12,000 classes break this government's own class-size and composition law. Why is this government refusing to give districts the resources they need to comply with the government's own class size and composition?

Hon. M. MacDiarmid: This is a government that has invested in Burnaby. In fact, next year this district will be receiving an increase in its funding of $3.5 million. So to say….

Mr. Speaker, it's a substantial increase in their funding. Not only that, in this school district alone we have invested more than $65 million in capital projects as well. We continue to invest in schools, in their capital funding and in new programs like full-day kindergarten. But what we're not going to do is continue with the status quo, and we are urging school districts — and in fact, we're working with school districts — to find administrative savings, to not have duplication of services in each and every one of the 60 school districts. We need to find ways to do things differently, and that is our intention.

COSTS FOR CHILD CARE FACILITIES IN SCHOOLS

M. Mungall: School cuts aren't just impacting classrooms. In my region day cares are the latest victim of this government's chronic underfunding of the education system. The Creston Valley First Steps Infant Toddler Centre is looking at a $14,000 annual rent increase because school district 8 can no longer afford to host the program.

My question is to the Education Minister. How does she expect schools to become neighbourhood hubs when districts can't even afford to offer basic programs, let alone support community organizations like First Steps Infant Toddler Centre?

Hon. M. MacDiarmid: The Kootenay Lake school district is one of many that has had really substantial declining enrolment. We recognize that it is difficult when enrolment is down. The enrolment in this district is 21 percent lower than it was ten years ago.

[1400]

In spite of this, funding year over year has increased, but we do acknowledge that governments at every level — federal, provincial, municipal and school boards — who are elected to govern, are faced with difficult choices today. We're in an environment where the government revenues are $1.7 billion lower than what is being taken in by government.

We have increased education funding, and we've increased the amount that's going to districts around the province. But districts do need to find ways of doing things differently, and they need to make decisions at a local level.

Interjections.

Mr. Speaker: Members.

The member has a supplemental.

M. Mungall: The Creston Valley First Steps Infant Toddler Centre is not the only day care being hurt by this government's failure to fully fund our public education system. In fact, both Care to Learn in Nelson and the Salmo Children's Centre are facing a 140 percent rent increase.

My question is to the minister again. Will she get out of her message box and tell British Columbians how hiking day care costs helps to fulfil this government's promise to enhance early learning and support vulnerable children?

Hon. M. MacDiarmid: It's interesting to hear from the members opposite about early learning and their devotion to it, seeing as how they voted against the budgets that would support full-day kindergarten and StrongStart B.C. centres. We've invested over $43 million in StrongStart B.C. centres around this province in every single district, including three in the member opposite's own riding. There is one in the Creston Education Centre, in Winlaw Elementary and in Crawford Bay. So Mr. Speaker, we're investing.

Next year half of the students in this province will be attending full-day kindergarten, a program that is absolutely embraced by educators and parents alike and that early childhood educators tell us is the best place we could make our investment in education.

FUNDING FOR SURREY SCHOOL DISTRICT

H. Bains: This minister is flip-flopping from one reason to another reason for the funding shortfall in the school districts. Now she's saying that bad economic times are the reason why we are not providing them the funding that they need, but the Premier can charter five jets to fly his friends in for an announcement. He had money for that, but no money for the children in this province. Shame on you guys.

The school district of Surrey has suffered blow after blow at the hands of this government. Now they are left with no option but to cut specialist teachers, support staff because of the government's funding shortfall of $12.3 million in a growing district — 1,300 new students. These cuts will leave the Surrey district with ten fewer counsellors, eight fewer teacher-librarians, 13 fewer learner support team teachers.

My question is to the minister. When will this minister and these Liberals realize that their downloading costs and funding cuts are resulting in a poor quality of education for the children of Surrey?

Hon. M. MacDiarmid: The member needs to listen more carefully, because while I spoke of the economic downturn, I said that in spite of that, our government has increased education funding last year and this year.

The district of Surrey is going to receive $14 million more in funding next year than they did in the previous school year — $14 million. Their per-pupil funding has increased by 36 percent over the last ten years. This is also a district in which we've invested over $200 million in new capital projects.

[1405]

We are investing in Surrey and working hard with that school district to meet the demands — the member opposite is correct — of a growing district.

J. Brar: Some 1,300 new students are entering Surrey schools this year. Despite that, the minister is forcing the Surrey school board to cut teachers and support staff to deal with a $12.3 million budget shortfall. In addition to the cuts that will directly impact the classrooms, the board will also be making $4 million in cuts that will lead to less maintenance and less cleaning services in our schools.

My question is to the Minister of Education. When will she open her ears so she can hear the pleas of the Surrey school board and provide them with the funding they need to deliver quality education to the children of Surrey?

Hon. M. MacDiarmid: The members opposite have acknowledged on a number of occasions and in a number of places that we have an excellent education system here in this province. Let's be really clear about that — an excellent education system with good outcomes, and an education system that has had increased funding every year for the last ten years.

Surrey is growing rapidly. There's no question. But an additional $14 million in their budget is not a cut.

MULTICULTURAL LIAISON WORKERS IN VANCOUVER SCHOOL DISTRICT

J. Kwan: The fact is that school boards across this province are faced with an education funding crisis because of this government's funding shortfall, and that's the truth. Under this government's watch, the Vancouver school board has already had to cut $51 million in education programs and services in the last eight years.

On the chopping board this year are multicultural liaison workers. Twenty-five percent of the students are K-to-12, ESL-designated students in Vancouver. By 2031 Metro Vancouver's visible minorities will comprise 59 percent of the total population. With immigration on the rise and the average caseload of 2,000 students per Chinese-speaking liaison worker, would the minister agree that B.C. needs more multicultural workers in the school system and not less?

Hon. M. MacDiarmid: I think what I really hear from the member opposite is support for our appointment of a special adviser. It's not only the member opposite who is supportive; it's also former NDP Finance Minister Elizabeth Cull who is supportive of the appointment of the special adviser.

We are urging this school board, in fact, to look very carefully at the fact that their administrative costs are substantially higher than those of Surrey, in spite of the fact that they have fewer students. Surrey, with 12,000 more students, is spending $3.6 million less a year on administration. These are the kinds of things that this school board needs to look at and address and work within the budget that they have.

Mr. Speaker: The member has a supplemental.

J. Kwan: The minister didn't listen to the question, and she didn't care to answer the question. The fact is that there isn't $16 million in administrative cuts in the Vancouver school board.

Robert Li is working with a grade 8 ESL student. The student felt isolated and excluded in her new environment and began skipping school. Luckily, Robert Li was there to connect with the student and to act as a bridge between the student, the educators and the parents.

[1410]

For $225,000 the Vancouver school board could save all four multicultural workers in the system. Will the minister act today and call on the Minister of Finance to

cut the fat in the $28 million in the spin doctors' budget, the public affairs bureau's budget, to save this valuable service for the students in the city of Vancouver?

Interjections.

Mr. Speaker: Take your seat.

Interjections.

Mr. Speaker: Members.

Hon. M. MacDiarmid: I would remind the members opposite that this is a school district that, in the ten years we've been governing, has had an increase in their funding every single year. In fact, I believe that the last time this district had a reduction in their funding was when the member opposite was actually at the cabinet table and voted that reduction in.

School districts around the province need to be finding different ways to do things, and many of them are. Many of them are. They're protecting classroom funding, and they're finding different ways to manage within their budgets. We urge Vancouver to do that.

REGULATION OF SALE OF OPTICAL PRODUCTS

V. Huntington: Prior to the announcement from the Minister of Health that he had unilaterally changed regulations to permit on-line purchase of contact lenses and eyeglasses without prescription, can the minister tell us what research he did to assure himself that the decision would not adversely affect the health of British Columbians?

Hon. K. Falcon: Yes, staff actually did an enormous amount of research, scouring the medical evidence. I would refer the member to the Mayo Clinic, and look at the standards for suggested visits to an eye health practitioner, depending on your age range. In the 20s it suggests once every ten years. In the 30s it's maybe twice every ten years. It has a varying amount.

I would suggest that the Ophthalmologist Society also has recommendations I would refer the member to. The bottom line is this. On this side of the House we believe in the public's right to make informed choices, the public's right to purchase eyewear where it makes sense for the public, where they can find value for the public. As responsible consumers, they can do that.

Mr. Speaker: The member has a supplemental.

V. Huntington: I thank the minister for his answer. However, an FOI request for details on MSP referrals by optometrists to ophthalmologists shows that in 2005 alone there were almost 123,000 referrals for significant diseases like glaucoma, diabetes mellitus, retinal detachments and disorders, and cataracts — 123,000 referrals. Almost half of those referrals were for individuals under 65 and 4,200 alone for children under 18.

What controls has the minister put in place to ensure that non-prescriptive on-line purchases won't end up costing the system more when it eventually has to deal with serious medical problems not caught by routine eye examination?

Hon. K. Falcon: First, I would refer the member to the proposed regulation, because the member will see that it doesn't include children. It's actually for healthy adults, asymptomatic — that means they have no eye health symptoms — between the ages of 19 and 65.

I think that if the member looks into the medical evidence, what you will find is that there is no medical evidence that would require or support government making a decision that would force people to have annualized medical eye health exams. What you will find, if you look at…. Whether it's the Mayo Clinic or the ophthalmological society, you will have a consensus of recommendations by experts within the field — not medical evidence but a consensus of recommendations — that will suggest visits anywhere from once a decade to three to five times a decade, depending on how old you are.

[1415]

At the end of the day, we actually believe, on this side of the House, that an informed member of the public is capable of making appropriate health care decisions, just as an informed member of the public today can determine whether they wish to visit their general practitioner or their family doctor every year or every two years or every five years, depending upon which symptoms they determine they're experiencing. It is no different on eye health.

SAFETY OF OIL PIPELINE AND SHIPPING FROM PORT OF VANCOUVER

G. Gentner: Some 300,000 barrels a day of crude oil capacity runs through a pipe from Alberta to the Lower Mainland right now, and there are plans to expand it to 700,000 barrels a day. The Port of Vancouver saw a 94 percent increase in crude oil shipments last year compared to 2008, and the amount of crude shipped out of Vancouver will continue to grow.

To the Minister of Environment: what is this government doing right now to ensure we are prepared for the eventuality that something…

Interjections.

Mr. Speaker: Members.

G. Gentner: …will go wrong and that one of those tankers will spill in our coastal waters, supertankers navigating through Stanley Park, English Bay and into the Georgia Strait, threatening our coasts from Vancouver Harbour to the Juan de Fuca?

Hon. B. Lekstrom: I think it's important, and we talked yesterday, briefly, about the environment, but being a member of any political party doesn't give you the benefit of saying: "I care more about the environment than anyone else." I think we all do.

But when it comes to tanker traffic, I want to read an interesting quote.

Interjections.

Mr. Speaker: Members.

Hon. B. Lekstrom: It says: "In regards to northern tanker traffic" — this is from the Leader of the Official Opposition, the NDP leader — "we've certainly given it a yellow light and a caution about looking at the environmental concerns." Yellow, in my mind, means "Proceed with caution," hon. Member. I think you should get it straight. We care. We will always protect the environment in which we live, but make sure you check with your own leader before you get up and make a policy announcement.

Interjections.

Mr. Speaker: Members.

R. Fleming: We're not asking the Minister of Energy if he cares. I think we're getting an idea about that through his answers to a number of questions this week. We're asking him whether his government is prepared, because Kinder Morgan, through the Port of Vancouver, has increased shipments. From 2008 to 2009 crude shipments doubled. That's the very same year that the Ministry of Environment's environmental protection branch was cut by 60 percent. That's the branch that is supposed to be prepared for oil spills in British Columbia. So the question to the minister….

Interjections.

Mr. Speaker: Members.
Member, just take your seat for a second.
Members.
Continue, Member.

R. Fleming: Given the plan to more than double the volume of crude oil planned for supertankers on our coast, will the minister assure this House that environmental protection will, in fact, keep pace with that expansion in British Columbia?

Hon. B. Lekstrom: I find it surprising with the question. Here we have a member and an opposition that are opposed to clean energy development. They're opposed to Site C. They're opposed to wind development. We're looking, and we're proud of the development of clean energy on this side of the House.

Interjections.

Mr. Speaker: Members.

Hon. B. Lekstrom: The reality is that we live in a world that requires the use of fossil fuels. I'm sure the member opposite, at some point, if he didn't drive here today, actually has been in a vehicle recently. The reality is that we're going to develop clean, green alternatives in this province, something we can be very proud of, something that all members of this province should be excited about, and we're going to ensure that we do it in an environmentally sustainable manner, one that protects the environment as well.

[1420]

[End of question period.]

Orders of the Day

Hon. M. de Jong: In Committee A, Committee of Supply — for the information of members, the estimates of the Ministry of Environment — and, in this chamber, continued committee stage debate on Bill 11.

Committee of the Whole House

BILL 11 — MISCELLANEOUS STATUTES AMENDMENT ACT (No. 2), 2010
(continued)

The House in Committee of the Whole (Section B) on Bill 11; L. Reid in the chair.

The committee met at 2:25 p.m.

The Chair: Minister, with your indulgence, we'll begin at section 166 and then return to 149, the section that we stood down prior to the recess.

On section 166.

A. Dix: I can't help but be delighted by the interest that the cabinet has in this particular debate.

The first question is to the minister with respect to the process. He will know that the Information and Privacy Commissioner has expressed — I think it's fair to say, by the standards of these communications — strong opposition to these provisions in this legislation. In particular,

he refers to the process in a letter that the minister, I know, has in his book, dated April 22, 2010.

He expressed concerns about the process and describes that "increasingly, expediency is consistently trumping privacy with respect to the protection, in particular, of health information. These proposed amendments continue that unfortunate trend and raise mounting concerns about the privacy of British Columbians."

He notes that in the first week of March ministry officials provided the commissioner with a draft of the amendment act. Subsequently the commissioner provided on March 29 his response. Rather than address the issues in the response, the government, while continuing — I gather, government staff — to propose that meetings would take place…. Their response is essentially to table the legislation without telling the commissioner.

Given that the commissioner and the government are working on some of these very issues — the designations of health information banks — can the minister comment on the commissioner's concerns about the process that was undertaken in developing these amendments?

Hon. K. Falcon: Our staff regularly consult with the commissioner over issues around privacy. But this is one of those areas where we are really making it very clear that while it is very important that we respect and understand the issues around the Freedom of Information and Protection of Privacy Act, increasingly the interpretations being utilized in that act actually prevent the Ministry of Health from responsibly and properly operating in its role as a steward of the health care system. I can tell you, as the Minister of Health, that is just not going to be appropriate.

What I would say to the member is that…. Perhaps in form of explanation I'll take some time on this, because I do think it is a very important point. It's actually central to why we're here discussing the statutory amendments which will provide clarity and certainty around the needs and the requirement of government to have access to appropriate secondary data information that allows us to be appropriate and responsible stewards of the system.

What is happening and what has increasingly been happening, Member, is that under FOIPPA — if I may refer to the Freedom of Information and Protection of Privacy Act by its acronym…. FOIPPA treats each health authority as a public body, each hospital as a separate public body, and increasingly has been essentially saying to those bodies that they are prohibiting them from sharing important information with the Ministry of Health that is necessary for the Ministry of Health to operate as its function as a steward of the health care system.

I can tell the member opposite that literally hundreds of hours of staff time, both in my ministry and the health authority–level ministry, have been spent over this issue and literally thousands of dollars on legal opinions, trying to determine who the health authorities should be listening to.

[1430]

On the one hand, you've got the Information and Privacy Commissioner suggesting that they shouldn't be sharing information with the Ministry of Health. By the way, it has been shared for decades, including while that member was in government — routinely shared with the Ministry of Health for decades and always has been.

So we are in a situation now where information that has routinely been shared with the Ministry of Health as the steward and organizer of the health care system — and, by the way, the ones held responsible for the system…. Now we are getting interpretations from the Privacy Commissioner that that kind of information, which is not the personal, detailed health information of individuals…. I heard the member on second reading try to suggest that that was the case.

We are talking about basic information like health care card numbers, information on hospital admittance information — when they were admitted — demographic information, income information, which allows us to actually operate the health care system in British Columbia for the benefit of the public of British Columbia.

Increasingly, what has been happening is we've got health authorities saying…. Well, their lawyers are saying that they are not allowed, under the interpretation of the Privacy Commissioner under the Freedom of Information Act, to be sharing information that has long been shared with the Ministry of Health, and they're not able to do so. So we have ironically been put in a strange position that….

I could solve this problem overnight by bringing back all the health authorities under government and making them not separate and independent as we have done to better provide delivery of that service. That would solve the problem overnight. But of course, that is just nonsensical.

We should not be required to have to take that extreme a step to demonstrate we are one system. We are one health care system. It is one integrated system that is responsible for delivering the best possible care we can for the public of British Columbia. The amendments will address the need to maintain that critical information flow so that we can manage our health care system and be held accountable.

Ironically enough, we've actually got two competing recommendations coming to us. On the one hand, we have the Auditor General, who regularly does reports in the health authorities. For example, the Auditor General completed a report on the home and community care programs, emphasizing that the ministry should work with the health authorities to finalize comprehensive information for system planning, identifying key priorities,

timelines, expectations, and improve the documentation of roles, responsibilities and processes for data quality.

In short, what they are saying is that they are expecting the Minister of Health and the ministry to be accountable to ensure that health authorities are responding accordingly. The member opposite would know this, because the member is always quick to say that we should be adopting the recommendations of the Auditor General in the various reviews that the Auditor General undertakes.

I would agree with that. But the only way that we can be held accountable is if we have access to information that allows us to measure within the system and be held accountable to the system.

So on the one hand, we've got an Auditor General saying that we need to improve and do a better job of making sure we work with the health authorities to have the appropriate information and be held appropriately accountable for ensuring that the health authorities deliver on that information in their role as public bodies responsible for delivering care.

On the other hand, we've got a Privacy Commissioner saying, "No, you can't have that information," because the health authorities or the hospitals are deemed to be a public body. Therefore, the sharing of that information, even with the Ministry of Health which is responsible for the stewardship of the entire system, is not appropriate.

So we are, by statute, clarifying and making it very clear that the Ministry of Health has that right, as it's always had that right in British Columbia, to make sure we can appropriately manage and be held responsible for the system.

I regret that we have a disagreement with the Information and Privacy Commissioner with respect to this issue. But I do think it is important to recognize that we do operate one system, and it is one system that we — and I in particular — are being held accountable for appropriately by the public and by other bodies and legislative officers.

The other issue that I think is important to mention here, as the member would well know, is that the Ministry of Health manages close to half of the provincial budget. Because we are responsible for almost half the budget, it is absolutely fundamental and critical….

[1435]

Interjection.

Hon. K. Falcon: The member points out it's closer to 40 percent. The member is correct on that, but the member knows that it grows every year.

It won't be long — in fact, a matter of years — before almost half the provincial budget is under the Ministry of Health. Obviously, that's something we're trying to deal with in some of the other debates I've had with the member opposite — the need to bring about change in the health system, to bend down that cost curve. But in the meantime, it is a very significant part of the entire budget, as the member would know.

It is absolutely, fundamentally critical that we have data necessary to ensure that the right services are being provided in a responsible manner and that we are able to oversee that that has taken place.

Back when I was operating my own businesses in the private sector, we used to have a saying that you cannot manage what you cannot measure, and it is absolutely true. It's particularly true in health care. You have to have information that allows you to measure how you're doing and whether you're actually improving or indeed not improving so that you can make necessary changes.

These amendments are about administrative and program data, as I mentioned — like personal health numbers, demographic information, income information. We are not talking about access to a person's hospital chart or the chart that they may have at their care facility.

The other thing I would mention is that these amendments work in concert, I would argue very strongly, with requirements under FOIPPA. There are no notwithstanding FOIPPA provisions in the statutory amendments we're talking about here today. It is entirely consistent. We need to have clarity and certainty for the health authorities and for the ministry and the public at large to know that the ministry has the right to have access to that data, that kind of secondary data information, so that we can properly be stewards of the health care system and properly manage the health care system.

That's where we have a respectful but fundamental disagreement with the Privacy Commissioner. These statutory amendments will make it very clear that we do have the right to that information.

A. Dix: That is hopeful.

The minister's position, if I understand it, is that he is stuck with two options: (1) that the Ministry of Health just throws it all away and gives up and not be a steward of the system — right? — or (2) to blow up the health authorities. There isn't a third option.

But let me suggest because it's plain on paper. We had this debate two years ago. We sort of had the debate. We didn't have a debate at committee stage because that particular bill was passed with closure, but we sort of had the debate two years ago on this question. We passed the E-Health Act, which the government doesn't want to follow, two years ago — not a hundred years ago, not 200 years ago. Two years ago we passed that bill.

The third option — and this is astonishing — is for the government to follow the bill it passed two years ago. That's the third option that the minister seems to have a difficult time with.

I ask the minister just very precisely, because in that time they haven't designated…. I'll even quote from the

Privacy Commissioner, because the Privacy Commissioner has said it well here. He says that since the passage of the e-health bill:

> "Since that time…the ministry has not designated existing databases as health information banks where the opportunity and need are in fact clear. Instead, the ministry is…resorting to a piecemeal approach that avoids the transparency and privacy protections offered through the E-Health Act. It may be argued that designation of health information banks is complex, but no evidence" — no evidence, hon. Speaker — "to support such a claim has ever been offered. The tools are there under the E-Health Act and…should be used, rather than the expedient of piecemeal amendments to other statutes."

Surely the minister, when he frames the issue as, "We'll have to bring all the health authorities in or else we won't act as stewards of the system," is ignoring the option of using not the NDP's legislation, not the Social Credit legislation, but his own legislation.

So can the minister explain here in this House under what conditions he will use that legislation, under what conditions he would designate a health information bank, as recommended by the Information and Privacy Commissioner not only in his letter to the minister but in his investigation report, which found the Vancouver Coastal Health Authority had not acted consistent with the law, in the PARIS review?

[1440]

Will he tell the House under what conditions he would designate, say, PARIS or anything else a health information bank and whether he thinks that process is too complex? Since that process was adopted in a government bill in 2008 in the Legislature, that's a very surprising conclusion.

Hon. K. Falcon: First of all, the member is wrong. Actually, we have designated. The lab system, for example, was designated one year ago. We currently have a working group committee made up with a representative from the freedom-of-information office that is currently working on other new e-health databases to register.

The reason we are working on the new e-health databases is because these are the databases that have the intensely private personal information that requires the highest level of security, very appropriately. These are things like lab tests, diagnostic imaging results and prescription information. They do warrant that high standard of security. That includes the potential of even having our old legacy systems come under the E-Health Act. The chronic disease management database, for example, would be a likely candidate for that.

That's why we have the working group. That's why the working group will make recommendations. When those recommendations are made, those databases will come under the E-Health Act.

But even if the E-Health Act covers all of our databases, we still have the fundamental issue where secondary information needs to be provided to the Ministry of Health so that the Ministry of Health can do its job as an appropriate steward of the health care system. It is my responsibility and my role to defend and make sure that that is not going to be compromised.

I can tell the member right now that what is happening today is that information is not being shared by health authorities to the Ministry of Health, which we need in order to properly manage the system. I wish that we could have sorted all this out. We have been unable to do so. We are clarifying, by legislation, making it very clear that that kind of secondary information is information that is valuable in the need to be a responsible steward of the health care system, and we are ensuring that we can do exactly that.

A. Dix: The minister is saying it's too onerous for the Ministry of Health to follow its own law in this case. It's too onerous for them designate the relevant ministry database under the E-Health Act as health information banks. Is that right?

Hon. K. Falcon: No, and the member likes to do this. The member likes to put words in my mouth. That's not what I said at all, so the member should listen carefully.

Actually, what I said is that there is a working group that has been put together, made up of representatives of the freedom-of-information office. That working group is looking at the databases, with the priority being the electronic health record databases. Those are the ones where the privacy information is very succinct and very specific, and those are the areas that require the highest levels of privacy protection.

That's why lab tests have already been designated. That's why diagnostic imaging results and prescription information are the kinds of things that that working group is looking at. Once that working group has made those designations, they will look at legacy systems too, and they will make some decisions around that. As I mentioned, the chronic disease management database might be one example that might be appropriate.

In spite of that, even with the E-Health Act having coverage, we still need to make it clear by legislation that information necessary for a responsible and proper stewardship of the system is not going to be denied to the Ministry of Health so that we are able to do our job properly on behalf of patients and the public in British Columbia. That is what we are making clear through this statute amendment.

A. Dix: So is the minister saying that this act is an interim step before he declares the databanks in the Ministry of Health, health information banks? Is he saying this is simply an interim step to get him through that process, or is this actually an end run of that process? Is it his plan to designate the relevant Ministry of Health databases as health information banks under the E-Health Act?

[1445]

Hon. K. Falcon: What this is doing is ensuring that the information that has flowed to the Ministry of Health…. This is what I would call longstanding, legacy information that flowed during the years that the NDP was in power, during the years that the Social Credit Party was in power and, of course, during the years that we are in power. That kind of information will clearly, through this legislation, continue to be able to flow — secondary information, granted, but important information for the management of the system.

Whether a database is designated under E-Health Act or not does not take away from the fact that we will have clarity and certainty with this legislation. That kind of longstanding, legacy information will be able to continue to flow to the Ministry of Health so that we can be proper stewards of the health care system.

A. Dix: Just a question on the definition of "stewardship purpose." The commissioner has argued and, I think, argued well that the definition of stewardship purpose — and I'm going to quote from him — "should be exhaustive so that the purposes for collection are explicitly stated. For reasons of certainty, clarity and transparency, there should not be the ability to expand the definitions by prescribing other enactments or purposes in regulations."

So why not follow the commissioner in this regard? While the commissioner has called on the minister to withdraw the legislation; while he sees the legislation as, I think, negative and overriding privacy considerations; while he has criticized the government for doing exactly what I was suggesting it had been doing, which is avoiding its own e-health legislation, he did also make a series of very specific criticisms and suggestions to the government.

So my question to the minister is: why have such a broad definition of stewardship purpose? Why not actually define what you mean by stewardship purpose in the act? Make it exhaustive, so that, as the commissioner says, the purposes for collection are explicitly stated.

[1450]

Hon. K. Falcon: The definition of stewardship purpose speaks to the key responsibilities and obligations of the minister and ministry and is consistent with the Auditor General's report in 2008 on public sector governance. It conveys the need for the ministry to manage personal information that is essential to conducting its business.

The definition is flexible enough so that further stewardship purposes may be defined at a later date. But if those are to be defined, they must be done through a decision of cabinet and the appropriate regulatory change, if it was necessary to meet future stewardship purposes that we're not contemplating today.

A. Dix: What stewardship purposes are we talking about here? Is there something beyond this already broad definition of stewardship purpose that the minister can envision? What is he talking…?

Hon. K. Falcon: No. Of course, if we knew what it was today, obviously it would have been included. We believe that this stewardship purpose explanation is certainly sufficient, but all we are doing is responsibly saying that if in the future, down the road, there was some other stewardship purpose that needed to be included in the definition, then that would have to go to cabinet. Cabinet would have to make a decision and a regulatory change based on that.

A. Dix: We're talking about fundamental issues of privacy here, I think, and isn't it reasonable…? Given the exhaustive nature of (a) to (e) under "stewardship purpose," isn't it reasonable, if the ministry is going to go beyond its already wide definition of stewardship purpose, that it would come back to this Legislature?

Hon. K. Falcon: Look, I think that what this does is very clearly state what the stewardship purpose is. What is the responsibility of the Ministry of Health as a steward of the health care system? We believe that this definition is adequate in defining exactly what that is and will allow us to properly manage the system as has been managed for decades in British Columbia.

I think that the member needs to know that this isn't a theoretical debate. I mean, this is a real, on-the-ground challenge that we are having in the ministry to properly manage the system as a result of interpretations and legal interpretations of orders of the Privacy Commissioner about what can and what cannot be released to the government. We are one system after all.

The Auditor General continually, even when doing investigations of health authorities and their different practices, quite appropriately almost always comes back and says to the government: "You need to learn from whatever recommendations I've made here, and you need to be accountable for ensuring that that is applied equally across the system."

Well, applying it equally across the system and appropriately being stewards of the system mean that we have to have at least enough information to be able to responsibly undertake that role. That is exactly what we are doing here — clarifying what stewardship purpose is. I think this is absolutely appropriate.

If at some point in the future government decides that they need to further clarify what stewardship purpose is, then the minister must take that to cabinet. Cabinet must consider that in its fulsomeness. Cabinet must make a recommendation, and that recommendation would be in the form of a regulation that would be out

for discussion in all the usual approaches that we have with respect to regulatory change.

A. Dix: I'm guessing, then, that if we made a friendly amendment to drop section (f) from this bill as unnecessary.... What we're talking about here.... The minister isn't talking about clarifying. He's talking about expanding here. That's the purpose of (f) — to expand the definition of stewardship purpose. It seems to me in this case that it requires no expansion and that if it did require expansion in the future, the minister could and should — whoever that minister might be — come back to the Legislature and provide reasons to the people of B.C. why that purpose would be expanded.

[1455]

A further question just on the definition section here — the "personal information" definition. Again, this is a suggestion, and I wanted the minister to explain an inconsistency with the E-Health Act, which refers to personal health information. In this case, the definition is of personal information, which seems broader.

Can the minister explain the difference and why he has chosen to refer to personal information — or the government, in this legislation — rather than personal health information?

Hon. K. Falcon: For the purposes of simplicity and not to make my answers too long for the member, I'll answer the first part of his question now and then take a minute to review the second part.

In terms of stewardship purpose, I really want to be clear. This is not expanding what the Ministry of Health has access to. I want to be very clear about that. This is clarifying what has always been the practice.

That is the fundamental issue for us as the Ministry of Health: that what has always been the practice is running into roadblocks because the definition of a health authority as a public body is having the Privacy Commissioner then say, "Well, any information you're sharing with the Ministry of Health" — or much of the information you're sharing — "is inappropriate to be sharing with the Ministry of Health," even though that has been a decades-long practice for appropriately being stewards of the health care system.

This is actually clarifying that to make sure there is no misunderstanding or doubt about what has always been the practice. That's all this does. I'll just take a moment and then respond to the second point of the member's question.

The reason why it's defined as personal information and not health information — this is a very important point — is that, for example, Member, even your personal health number is considered personal information. That's not considered health information. So personal health numbers are, for example, a fundamental aspect of information that we need to be responsible stewards of the system.

The other reason is that personal information includes other non-health information that we reasonably require to be stewards of the system. So for example, demographic information — how old people are, for example, to determine their eligibility for services like residential care; for example, what their income information is, to determine whether or not they are qualified for subsidies under our system.

That is considered personal information, but that is the kind of information that, again, the Health Ministry has always relied on for decades in British Columbia, and we need to have certainty around that so that we can continue to have access to that information so that we can appropriately be managers and stewards of the system.

A. Dix: The minister will be familiar with the investigation into the primary access regional information system at Vancouver Coastal Health. This is a little bit of what he's talking about, I think, in the bill — the results of that investigation. The recommendation specifically about that database was that it be designated a health information bank under the E-Health Act.

Now, can the minister explain to the House why they have chosen — at least, not chosen to date, because the third answer, I guess, is that they're working on it — not to do that?

[1500]

Hon. K. Falcon: I am advised that Vancouver Coastal is considering that, but their priority right now is to deal with priorities around security system issues that were raised by the Auditor General and make sure that they deal with those forthwith. I think that's entirely appropriate, but I understand they have not ruled out the designation of the PARIS system as part of the health data banks.

A. Dix: I know that this saga of the PARIS system has many elements. I do remember when it was being adopted by the Ministry of Children and Families. I asked why, and the minister of the day said it was because it was working so well at Vancouver Coastal Health. I think we've seen that's not the case, and these successive investigations certainly show that.

The minister, in that case, is suggesting that perhaps that designation would occur and would be appropriate. Presumably the sharing of the information with the ministry would then be incorporated into that question, and it would fall under the E-Health Act, as in section 10(4)(a) here.

I guess the next question I have is further to section 10(1) and in general through this section. The minister is essentially saying here that there's an obligation on public

bodies to provide — and I think the commissioner raised these questions as well — and disclose information in their custody and control whenever the Minister of Health Services is satisfied that personal information is reasonably needed to fulfil a stewardship purpose as defined in the act or potentially defined in other ways in future.

Here's what the commissioner says: "The implication is that the minister is usurping the discretion of the heads of all 2,900 public bodies under FIPPA to disclose personal information."

I want to ask the minister just in a general sense to respond to that. I think he dealt with it a little bit previous to it, but what the legislation says…. It's actually section 11 that we're referring to. I apologize to the minister. We'll come back to section 10 in a minute, but section 11.

Basically, if the minister determines that this is the case, information from all 2,900 public bodies would come to him, and they would enter into information-sharing agreements to do that. Is that the purpose of that section?

Perhaps the minister can respond to the statement of the commissioner where he says: "This begs the question as to why have separate public bodies under FIPPA if the Minister of Health Services can simply request personal information from any public body for vaguely defined stewardship purposes. When one considers the breadth of the social determinants of health, the extent of the minister's authority would potentially be sweeping."

I think those are strong statements from the commissioner with respect to section 11 of the new legislation contained in section 166 here. I wanted to give the minister an opportunity to respond to those strong criticisms of this section by the commissioner.

[1505]

Hon. K. Falcon: The bottom line is that it's just simply not true, just simply not the case. The amendments actually limit what information could be captured to those public bodies that have information necessary for a health stewardship purpose and only if the ministry has a reasonable need for the information in order to carry out a stewardship purpose.

The Blueberry Council is a public body, but there is no good reason why we would have a health stewardship purpose with respect to the Blueberry Council, to give one example. The vast majority of public bodies do not have or disclose health care information, nor do they have a mandate to partner with the Ministry of Health Services on programs necessitating that kind of information exchange.

I think, with the greatest of respect, that is a total…. I would never try and characterize something that way. It's simply not the case. It's not even practical or realistic, by any reasonable person looking at the legislation.

Hon. I. Chong: I seek leave to make an introduction.

Leave granted.

Introductions by Members

Hon. I. Chong: I note in the gallery a visitor who I have not seen for a while, David Hoff, who used to work with Bell Canada and who I got to know a number of years ago as someone who was very supportive of the…. It used to be called the Bell Walk for Kids. Because this weekend I was just at the Walk for Kids phone line walk, I remembered him fondly. When I saw him in the gallery today, I just wanted to take this opportunity to thank him for visiting. I'm not sure what brings him to Victoria, but I would ask the House to please make him welcome.

Debate Continued

A. Dix: I was anticipating a healthy defence of the health properties of blueberries from the Minister of Healthy Living. It wasn't there, but I think it's possible, I say to the Minister of Health Services.

Just to be clear, then, the minister has, on the question of stewardship purposes…. He feels that he has defined stewardship purposes appropriately. He's leaving himself the option of expanding that, and he feels that the concerns pretty eloquently expressed by the Privacy Commissioner are not relevant.

In fact, of course, what this says is that he can seek out that information from public bodies if, given this very broad definition of stewardship, the ministry thinks so. That seems like a reasonable concern by the commissioner, but the minister has assured us…. Essentially, his position on that question is: "Well, just trust me."

What I wanted to ask the minister a little bit about now is the issue of designation orders. Again, I think some of these issues…. Because they've been raised so eloquently by the commissioner, his statements are worthy of a response. I think the minister will agree that's the case, so I would ask him to respond to this comment from the commissioner.

The commissioner says:

> "A designation order made under section 3(2) of the E-Health Act must clearly spell out, in a clear, comprehensive and transparent manner, what personal information may be collected, used and disclosed from, by, to whom and for what purposes. Through a properly drafted designation order, the indirect collection and use of personal information by the ministry would be explicitly authorized. All designation orders are available to the public and in fact must be included in the personal information directly published by the Ministry of Citizens' Services, thus providing transparency."

He goes on further:

> "We understand that information is needed in order to support evaluating and planning" — so he understands the purpose that the minister has — "but we are concerned that this proposed legislation would compel disclosure of personally identifiable health

information without the protections offered by the E-Health Act.

"We strongly believe the E-Health Act" — not the Ministry of Health amendment act, 2010 — "should be used to acquire personal health information for planning and evaluation uses."

I think these issues are of significant importance. I think the minister would agree that the confidence in the system and the confidence in the privacy of the system are no small matters in terms of the overall effectiveness of the e-health initiative. If people feel that confident — and that includes health care professionals and patients — then the system will work effectively and help improve the health care system.

How does the minister respond to the concerns with respect to designation orders and the provision on designation orders in the act?

[1510]

Hon. K. Falcon: We are absolutely committed to following the directives under the E-Health Act for those declared databases. No question about it. But as I said in response to an earlier question, the priority databases for the Ministry of Health to move forward on are those databases that do have very sensitive, detailed personal health information of British Columbians.

That's why we were talking about things like lab tests and diagnostic imaging results and prescription information. Those are the kinds of things that most reasonable British Columbians would agree are highly sensitive information that should come under the auspices of the E-Health Act. But you know, we're going back to the original debate and discussion we had.

What we are talking about is clarifying that this ministry has a right to secondary data information that is currently being restricted as a result of increasingly narrow interpretations by the Privacy Commissioner — information that has always been made available to the Ministry of Health, information that is critical to the Ministry of Health in order to carry out its responsible stewardship of the system.

That is personal information. I acknowledge that. But it is personal health numbers, demographic information and income information, which is information that is absolutely essential for this ministry to be able to continue in its role as responsible stewards of the system and to be held accountable. As another independent officer of the Legislature, the Auditor General, occasionally points out quite rightly, we ought to be held accountable for that.

Without the appropriate information, we cannot be held accountable. This is bringing clarity to that. It is saying that the information that we have historically collected in British Columbia under multiple different jurisdictions is information that is continuing to be allowed to be collected so that we can enjoy our role as a steward of the health care system.

As I said with the E-Health Act, that's why we have a working group in place with representation from the freedom-of-information office to go through the process of designating which databases should come under the E-Health Act.

The priority, as I have mentioned, is those databases that have detailed personal health information. That is the most important priority, I am certain, for British Columbians but certainly for the ministry and the Minister of Health.

A. Dix: The minister said repeatedly that this is really just about secondary data. So we're only talking about secondary data. Where does that limitation exist in the act?

Hon. K. Falcon: Again, that clarity is provided through the definition of "stewardship purpose" and also through the definition of "personal information." I just went through explaining to the member at some length that even a personal health number is considered personal information. Income data is certainly considered personal information. Demographic data is considered personal information.

[1515]

That is information that is required for the proper stewardship of the Health Ministry. The definition of stewardship purpose is laid out very, very clearly, as I mentioned earlier on, in section 166.

A. Dix: Would the minister, for example, describe the information in the PARIS system, which had been shared with the ministry, as what he calls secondary health information?

Hon. K. Falcon: The distinction is that the information that wouldn't be shared, of course, is information that would be captured by freedom of information. That would be information that's not necessary for the proper stewardship of the health care system.

The information we require for the proper stewardship of the health care system, of course, is things like the personal health number and the home and community care, for example. Under PARIS, that would be shared. It would be information like income information, like demographic information and health care number information that provides the appropriate stewardship information to allow the ministry to appropriately undertake and operate the program.

A. Dix: My only point is that the minister's statement about "secondary" is not contained in the act. I mean, that's an assurance, but it is not in fact a protection in the act. This is the difference. Certainly the information contained in the PARIS system is actually fairly broad.

In any event, I appear not to be convincing the minister on this point, which disappoints me but doesn't surprise me.

Interjection.

A. Dix: The member for Cariboo North thinks if I'm more scintillating, I'll convince the minister somehow. I worry about that, but there you go. If that were the case, I will certainly try.

Just a question about information-sharing agreements. The minister will know that under the E-Health Act…. He'll know this because, of course, we debated the E-Health Act two years ago. Even though the government has chosen essentially administrative convenience over following the act, nonetheless that act contained minimum requirements for information-sharing agreements.

I guess the question is: in this case, why for information-sharing agreements in this Ministry of Health act has the minister not simply replicated those minimum requirements for information-sharing agreements?

[1520]

Hon. K. Falcon: Section 11 recognizes and does not change the minister's section 3 right to enter into any agreement with any person. It is adding clarity again to what has been practice. It does not actually make any changes. It just recognizes that reality.

A. Dix: Let me just read section 11. "Without limiting section 3, if the minister is satisfied that the collection, use or disclosure of personal information is reasonably needed to fulfill a stewardship purpose, the minister may enter into an information-sharing agreement with any person." There are similar provisions elsewhere in the legislation.

The question just is…. There are minimum conditions in the E-Health Act for what those information-sharing agreements will contain. I'm asking the minister why he doesn't think those provisions should be replicated in this bill.

Hon. K. Falcon: That's because, as we discussed earlier, the E-Health Act has much higher requirements that we've talked about. The reason it has much higher requirements is because the data involved is much more detailed personal health data, and appropriately, it should have higher standards.

Again, the kind of information we're talking about here is the standard information that has been collected for many, many decades that is necessary for stewardship purposes.

A. Dix: It is the minister's view, therefore, that the requirements of an information-sharing agreement under the E-Health Act are too onerous for the Ministry of Health?

Hon. K. Falcon: In a nutshell, I think, if I heard the member's question correctly, I would fundamentally agree with him in the sense that, yes, the E-Health Act is there to protect the most important personal health information that you can imagine the public would want to make sure is protected. But you don't necessarily want to apply that same standard to basic what I call secondary data, but data nonetheless, like personal health numbers or demographic information or income information that's necessary for stewardship purposes.

We do believe that the priority absolutely ought to be those health banks or data banks that contain the kind of personal information that the public would be very concerned about — their prescription information, diagnostic information, lab information. Those are the kinds of things that are the priority for this government to get dealt with first under the E-Health Act.

A. Dix: The minister is leading into my next question. He's helping me here, I think, and I know the minister always is here to help.

If it's the case that the minister is choosing this end run around the E-Health Act because it's just taking time, that they've only been able to designate one health information bank in two years since they passed the legislation and it's just a very onerous process, why wouldn't he put a sunset clause on these provisions?

[1525]

Hon. K. Falcon: First of all, I would disagree entirely. It is not an end run, as the member talks about. It's an entirely appropriate use of the E-Health Act for those databases that have highly sensitive personal information that ought to be covered by the E-Health Act.

The member says: "Well, you haven't designated all these other ones. You've only done lab systems." That's because as we're doing system implementation under the electronic health record and as those systems are being put into place and are coming into place, then the designations will follow. That is entirely appropriate.

We haven't got the electronic systems up and running on all of those programs yet, but as they come into force, so will the designations come into force. That's why we have a working group, as I mentioned before, with representation from the freedom-of-information office to make those designations as those systems are implemented.

A. Dix: The minister is saying two things. He's saying that it takes a while, on the one hand, and on the other hand, he's saying that the data that the Ministry of Health holds — and some of that data is exceedingly personal information; I know we call it personal information here, very personal information — should be held to a lower standard. I mean, that's what he's saying.

[C. Trevena in the chair.]

All I'm asking the minister is: is it the case that he thinks that a lower standard should be applied to the Ministry of Health with respect to privacy, which he's argued for? Or is it the case that it just takes time for the government to comply with its own legislation? If it's the latter — that it takes a while to conform to its own information — the government should consider this to be temporary legislation. But it's not, of course. This is the plan for the government. This is the legislative framework they're going to go forward to, which is essentially outside of the E-Health Act. They don't want to use the E-Health Act for Ministry of Health data banks. That's pretty clear.

I guess what I'm asking the minister is — and he seems to be answering this question: is it the case that he just thinks that the Ministry of Health should have a permanently lower standard with respect to privacy? If he does think that, then clearly we can understand why the Privacy Commissioner is so adamantly opposed to this legislation.

Hon. K. Falcon: Of course, that's just utter nonsense. I have to state that on the record. The member talks about a lower standard. Apparently, it was a standard perfectly acceptable for the ten years that you were in power as a government, Member. You were the chief of staff….

The Chair: Through the Chair, Minister.

Hon. K. Falcon: Through the Chair, if this was such a big issue to the member while he was the chief of staff in the government of the day, he didn't view it as a lower standard. It's just a nonsensical argument.

The fact of the matter is that what I need to hear from this member…. He apparently thinks that it's okay today for information not to be shared with the Ministry of Health because these are considered public bodies, and that that information, which includes basic information necessary for being proper and responsible stewards of the system, is not okay to share with the Ministry of Health as it has been for decades.

That's what's happening in the real world, Member. That's what's happening in the real world, where hundreds of hours of staff time at both the health authority and the Ministry of Health level and literally thousands of dollars in legal fees are being spent because of a very narrow interpretation being applied by the Privacy Commissioner that these, as public health bodies, should not be sharing that information, which is information that is absolutely critical and crucial for the Ministry of Health to be responsible and held accountable for the stewardship and the operation of the health care system.

Now, the member calls it a lower standard. No. It is just the standard that has been in place for decades in British Columbia.

What we are saying is that we want clarity. We want clarity that does not in any way take away from any provisions of the Freedom of Information and Protection of Privacy Act, but clarity that defines what stewardship purpose is — which is in fact what has been done for decades in British Columbia — so that we do not spend hundreds of hours of staff time both at the health authority and the provincial government level and tens of thousands of dollars in legal fees having lawyers look at rulings of the Privacy Commissioner to determine whether information that has been shared for decades with the Ministry of Health is now appropriate to be shared or not.

The fact of the matter is that the E-Health Act is there to deal with the personal, highly sensitive private information that most members of the public would absolutely accept is very, very sensitive information and is appropriately governed by a higher standard than what is governed by personal health numbers and demographic and income information utilized by the Ministry of Health to properly oversee the system.

[1530]

Now, the member may not think that is an issue and something that doesn't need to be addressed. This minister certainly does. This minister knows, as other legislative officers of the House require, that for me to be held accountable, I have to have the information necessary so that we can be held accountable. That is why we are bringing clarity with this legislation, to make it very clear that, for the purposes of stewardship of the health care system, that basic information that has been provided for decades to the Ministry of Health — not an expansion of the information; the same information….

We are bringing real clarity to that to be certain that there is no misunderstanding between public bodies, whether they be hospitals or health authorities, that they can share that information with the Ministry of Health — after all, we are one system, and I am responsible, as Minister of Health, for that system — to ensure that we can operate that system appropriately. That's what these sections do.

A. Dix: I fear that I haven't convinced the minister yet, but there's always hope. There's always hope. And there are so many ministers here that it's…. I just say in a joyful way, not in an inciting way, that they're clearly fascinated by this debate. One almost wants to continue indefinitely this discussion of privacy.

When the minister says…. I forget what word he uses. He uses a sort of revolving door of ridiculous, absurd and so on. He is, of course, referring to the learned opinion of the Privacy Commissioner, who is also working every day on the health information bank, so I guess that relationship is going well.

What the minister is saying — and there's just a disagreement on this, fundamentally, between not just the

minister and the opposition but the minister and the Privacy Commissioner — is that his administrative convenience trumps personal privacy. That's his position.

He talks about how the health care system has functioned for a long time. One of the reasons that we increased…. The minister has acknowledged that this is a lower standard than in the E-Health Act. We increased the privacy protection in the E-Health Act. That wasn't the initial intent of the government, but the Privacy Commissioner intervened, the government listened, and there was an increase in the protection of privacy in that act when it was finally passed in the Legislature.

It was, of course, that the personal privacy and personal health information is, if anything, more vulnerable today than it has ever been. I think that's a fair point. I think that's why the government proceeded the way it did. For the minister to say that there aren't risks to privacy is…. What's his word? Ridiculous? Absurd? Whatever that word was that he used.

In any event, since the minister's view is that a lower standard is acceptable, since the minister's view is that the Privacy Commissioner's legitimate request to defer this legislation so that he could work through it in the government in the processes that the ministry itself has set up is rejected, then really all we have left is to express our difference on this vote and to have a vote on this section.

[1535]

Section 166 approved on the following division:

YEAS — 45

Horne	Letnick	McRae
Stewart	I. Black	Coell
McNeil	Chong	Polak
Yamamoto	Bell	Krueger
Bennett	Hawes	Hogg
Thornthwaite	Hayer	Lee
Barnett	Bloy	Reid
Thomson	Falcon	Penner
de Jong	Hansen	Bond
MacDiarmid	Abbott	Lekstrom
Coleman	Yap	Heed
Les	Sultan	McIntyre
Rustad	Cadieux	van Dongen
Howard	Lake	Foster
Slater	Dalton	Pimm

NAYS — 30

S. Simpson	D. Black	Fleming
Farnworth	Kwan	B. Simpson
Austin	Karagianis	Brar
Hammell	Lali	Thorne
D. Routley	Horgan	Bains
Dix	Mungall	Chouhan
Macdonald	Corrigan	Chandra Herbert
Simons	Gentner	Elmore
Donaldson	Fraser	B. Routley
Huntington	Coons	Sather

[1540]

Section 167 approved on division.

Section 168 approved.

A. Dix: We still have to pass, on division, section 149.

Section 149 approved on division.

Sections 169 and 170 approved.

On section 171.

H. Bains: If I could ask the minister about "(a) by repealing subsection (1) and substituting the following." Can the minister explain whether this applies to the owner of a vehicle, or is this to deal with a facility where the inspection takes place?

Hon. S. Bond: I appreciate the patience of the member opposite. Would you mind rephrasing that question for us now that my deputy is here? I appreciate it.

H. Bains: This new language that is being substituted by repealing subsection (1) — does this apply to the owner of a motor vehicle, or does this apply to the facility where the inspection takes place?

[1545]

Hon. S. Bond: It actually applies to the facility and to the inspector in the facility.

H. Bains: Can the minister advise this House how this language would help to better maintain those facilities where the inspection takes place for the safety of the vehicles?

Hon. S. Bond: In fact, what it allows for is a broader scope of data collection. It also allows the flexibility to actually make the determination to cancel a particular designation.

H. Bains: I think my question was: how is it different than the previous language? I mean, the director had the authorization and the rights to cancel those designations previously. How does this enhance that ability?

Hon. S. Bond: In the current situation, in fact, there is a very narrow scope under which a cancellation can be determined. There are very specific criteria, and it's a very narrow scope. This actually allows a broader look at general activities and a number of other additional features within a designated inspection facility. So it actually broadens the opportunity, and it creates more flexibility.

H. Bains: Perhaps the minister could explain specifically: how does this add to the rights that the director already had? What other areas are we including that the director now will be able to expand the scope? How does it do that? What are the specifics around it?

Hon. S. Bond: Perhaps the best way to describe it is that currently there are specific criteria under which you can actually cancel a designation. With the new language, for example, if a facility is processing an extraordinarily or unusually large number of vehicles, we would now have the opportunity to look at that and base a cancellation on those kinds of circumstances.

Another example would be that if there was a very high number of vehicles coming out of that shop that on further inspection were found and taken out of service, we would be able to look at that as well. So it's a much broader base of information that would allow us to determine whether or not we would consider removing a designation.

[1550]

H. Bains: I guess in order to do that, if we're expanding the scope of inspections of these facilities, it means that we must have additional resources available to the director in order to conduct these additional inspections of these facilities. So does this require directors to have certain minimum inspectors or staff in order to carry this out?

Or we could make the changes, but if the director does not have the staff to conduct all those inspections, all changes could be just the paper changes. How do you actually physically go out there and inspect, if the resources aren't available to the director? So what resources would be added on to conduct these inspections of these facilities?

Hon. S. Bond: I think what's critical is that it's actually coupled with an additional enhancement — that, in fact, we will be creating a database on which we can regularly monitor and track information. So what will happen is we will see a far more streamlined approach. Our inspectors will be able to do less paperwork and focus more appropriately on the actual on-site inspections.

You know, we do hundreds of inspections today, and obviously, that will continue. What we will do is do it differently. So the database will certainly streamline the process and allow us to concentrate on the most important work, which is the on-site inspections.

H. Bains: Thank you to the minister for leading me to my next question on the database. Who is required to keep this data? What are the minimum requirements or guidelines under which the database must be collected and maintained and stored, and who has access to this data?

Hon. S. Bond: The system is an on-line system, and it will be a government-secured database. So an inspector will come into a facility, gather the data, sit down and do the data entry, and it will be kept in a centralized government database which will be fully secured. The information…. A paper copy of the inspection is left at the designated inspection facility, but the rest of the data is transferred to a centralized government-secured database.

[1555]

H. Bains: As I understand it from the answers from the minister, the inspector will be going to the facility and entering the data at that facility by collecting it from the inspector who is the designated inspector of the facility. Then, from thereon, that data will be moved on to the central location?

Hon. S. Bond: We have a lot of inspectors in this process, and I think the member opposite and I may be on two different topics here. In the facility there are actually inspectors who inspect the vehicles. Those are the people who input the data as they do the inspections and as they go through the inspection process.

Our CVSE team then looks at the data that's inputted into the system. So there are two separate sets of inspections. One is the actual person inspecting the vehicle. Our CVSE team audits or monitors that data.

H. Bains: That does clarify it much more clearly, because now I think we are staying with the facility, and the designated inspector in that facility is responsible for collecting the data, entering the data and transferring to the central location.

Can the minister advise us: how often are they required to do that? On a daily basis? On a weekly basis? Or as they go through the inspections, do they enter as the inspection is completed?

Hon. S. Bond: The information has to be inputted within ten days of the inspection.

H. Bains: Isn't that a bit long a period of time — ten days? If the vehicle has gone through the inspection today, for example…. And I'm sure that some of them will have a number of vehicles going through those facilities,

so I guess it depends on if there's one inspector or two inspectors. Is there more than one inspector in a facility, or can it be worked under one inspector with other people simply doing the inspection?

Perhaps the minister would advise us: who actually does the inspection? Is it the designated inspector of that facility or other people who may not be designated but working under the supervision of this inspector, doing the actual inspection?

Hon. S. Bond: We certainly expect that authorized inspectors would be people that are actually doing the inspections of vehicles. One of the reasons we're bringing these amendments into the Legislature today is we want to ensure that we have as many tools as necessary, to be clear, to ensure that we have designated inspectors in inspection facilities that obey the laws. We're bringing in some additional tools for us to manage that.

[1600]

An authorized inspector is the person who should be doing the vehicle inspection. They might have a clerk that would help with the data entry, but it's important to point out to the member that, in fact, after an inspection is done, a paper copy of the inspection is provided to the person whose vehicle has been inspected, along with a decal. There is a written record of the inspection from the moment it is done.

Certainly, it's our understanding and practice that the data would be entered much more quickly than ten days, but that is the maximum that's permitted.

H. Bains: Is there any language in the proposed legislation that requires the designated inspector to do the inspection?

Hon. S. Bond: Well, certainly we would, in regulation…. For example, there is a regulation that says a person must not issue an inspection certificate for a vehicle unless he or she is an authorized person for that class of vehicle and the vehicle has been inspected by him or her at a designated inspection facility for that class of vehicle.

I think there are very clear expectations that if you're going to inspect a vehicle, you had better be an authorized person. Again, one of the reasons we want to bring these amendments to the floor is to make sure that we have as many tools as possible to accomplish just that — that we have only authorized inspectors in appropriate designated inspection facilities.

H. Bains: As I understand the minister's explanation of these changes, the amendments to the current act, when the minister talked about expanding the scope of inspection, one of the examples she used was if there is a heavy volume of vehicles coming out of that facility. Other than that, is there anything in this language that would explain that we are actually expanding the scope — other than just the number of vehicles coming out of that facility?

Hon. S. Bond: We certainly don't have an exhaustive list, but I think the intent of the language is to allow for people who are experts in monitoring the inspection process to be able to recognize when there's an anomaly. We'd like to be able to follow up on that. Currently we can't do that because the requirements are very specific.

For example, as I mentioned to the member opposite, if there's a heavy volume of vehicles coming out of one inspection facility, if their out-of-service rates are higher than one should expect from a facility…. Another important one that…. Let's say, for example, a vehicle is inspected, and five days later it's stopped in a roadside inspection, and in fact we find that there are significant issues with that vehicle. We'd like to be able to go back and ask some very important questions about why that's the case.

The language has been included to allow us that type of leverage so that we can ensure that vehicles are being inspected appropriately.

[1605]

H. Bains: Perhaps, on this one, can the minister explain: do we have any recording measures that actually can be used to track whether these amendments that we are talking about today are working in getting the unsafe vehicles off the road? Is there going to be some mechanism of recording what is going on, on the roads today in comparison to the experiences prior to these amendments?

Hon. S. Bond: We certainly do have an ongoing audit system. What this would allow us to do is to compare future audits to past audits, and that would be one of the measurables. We'd obviously want to see a trend of improvement in the designated inspection facility results.

We also have baseline data from our roadside checks. We do random checks, and this database would allow us to compare the past to future outcomes. In the last year we shut down 11 designated inspection facilities, and of course, that's another outcome that we can measure as we move forward.

Our goal is to ensure that owner-operators can feel safe that when they leave a designated inspection facility, they can be confident their vehicle has been properly inspected. The database gives us, partly, the tools. It enhances our ability to monitor these facilities over time and compare them to past results.

H. Bains: I think one of the issues is the facilities themselves and how the director can actually use these

additional powers to follow up on and, if necessary, lift their licences. But I think, on the other hand, we have vehicles on the road that come from different facilities in the province that are conducting these inspections. My question was more to do with those roadside inspections.

Will those roadside inspections be used to compare and analyze where the inspections of those particular vehicles were conducted? And then, through that, somehow, there will be different criteria to judge those licensing or inspection facilities — whether their licences should be kept up. Is there any baseline? Are there any criteria that they must cross over that line before the inspectors start to go and move into those facilities? Or will it be at the discretion of the director?

Hon. S. Bond: It would be the decal that the vehicle actually is given once the inspection is done, and then we would do a random roadside check, and the decal would allow us to trace exactly what the member opposite has pointed out.

There should be consistency between a random roadside check and what happens in the designated inspection facility. If we find that that's not the case, then obviously it would trigger further action. Certainly, if we see that there is a lot of inconsistency between vehicles caught in random inspections and particular designated inspection facilities, that's exactly what we'd be able to do. We'd be able to track that back to a facility, wherever it is in British Columbia, and ensure that it is brought into compliance.

[1610]

Sections 171 and 172 approved.

On section 173.

H. Bains: My question on this one…. It seems to me the only changes I see between the current language and this language is the addition: "…while they are inside or outside British Columbia…." The "inside" part is added on; "outside" was already in. Can the minister explain: how does this help gather the information, plus how does this help us to make sure that those vehicles are maintained safely?

Hon. S. Bond: The member opposite is correct. It's actually just a housekeeping correction that needed to be made with the regulation, so it doesn't change anything significantly. It's housekeeping.

H. Bains: So this is the requirement of the operators. It's not the facility that we are talking about here. The operators of the motor vehicle are required to maintain the information that is actually listed in here — the records and safety records. Is that correct?

Hon. S. Bond: This actually refers to the carriers and operators, and it's a requirement of the national safety code. It just means they have to maintain records both inside and outside of the province. As we were reviewing the legislation, it was an area that we needed to clarify, so we decided to make the housekeeping correction at this time.

H. Bains: Whose responsibility is it? Is it the responsibility of the owner-operator, for example? Or is it the responsibility of the company that the owner-operator is actually employed with, who happens to provide them with the work?

Hon. S. Bond: Well, it is the carrier, and obviously, some are owner-operators.

H. Bains: I guess, in order to further clarify…. There may be a company, say the ABC company, that employs ten owner-operators. My question is: whose responsibility is it to maintain these records as they are required in this language? Is it that individual owner-operator employed by this company, ABC, or is it the responsibility of the company?

Hon. S. Bond: Ultimately, it's ABC company, or whatever the name of the carrier might be. Obviously, there's mutual responsibility because owner-operators or drivers also have to provide certain documentation to the carrier. But ultimately, it is the ABC company that would be responsible.

Section 173 approved.

On section 174.

H. Bains: Hon. Chair, are we going to go through the subsections or the entire section itself?

The Chair: We'll do the entire section, and the members can break down subsections as they go through.

[1615]

H. Bains: Then in that case, my question is on 174(f). It says: "for the purpose of assisting the director to carry out the director's duties and exercise the director's powers under this section, requiring persons authorized or designated under section 217 (1) (i) to keep prescribed records in the prescribed manner…."

My question here is: how is this conducted? Is this different than 171, which we talked about? What's the difference — that we are trying to ask for the requirement and different powers for the directors in here?

Hon. S. Bond: This was very specifically crafted so that in fact it requires the records to be kept where

you do the inspection. We have had challenges in the past with an inability to practically access records, dependent upon where they were kept. This requires that where you do the inspection…. If you do that inspection in Prince George or if you do it in Surrey, the records would need to be kept in those places, where the inspections are done.

H. Bains: Perhaps the minister could advise this House: are we talking about the same facilities that we talked about under 171? We talked at great length about their responsibility for maintaining records, entering the data and transferring it over to the central location. Now we're talking again about maintaining those records and where those records are kept.

Hon. S. Bond: In fact, it is the paper copy that we're talking about in terms of the actual inspection form. It carries a broader range of information than one would input into the database. It's essential that we have that complete record in the place that the inspection takes place, so we have access to that paper copy. Not all of the data on that form is inputted into the central database.

H. Bains: That is a bit confusing. Perhaps the minister is going to help me. I thought that earlier we talked, under 171, about how, once the inspection is conducted by the designated and authorized inspector, they're required to enter all of that data within ten days. That data is then transferred over to a central location.

Now we're talking about paper copies. I thought the paper copies were given to the owner of the vehicle, whose vehicle has gone through the inspection. Is it a copy of the inspection that is kept at that particular facility?

Maybe the minister could explain: why that additional requirement of having a paper copy when you already have data that is transferred over to the central location? Isn't this supposed to be the same data that they're entering from the paper copy to the central location?

[1620]

Hon. S. Bond: I don't think it's as confusing as the member opposite might think. Basically, there is a paper copy created, one which is given to the driver when they leave the inspection site and one which remains. This would require a copy to remain in the physical place where the inspection is done.

The data that's collected is the important data that would be the basis for an audit, so there is information that does go into the central database. There are additional, very specific data and other records that remain in the physical place where the inspection is done. We collect enough data to create a meaningful database to allow for future action, but of course, there's a paper copy. The person who brings in the vehicle gets one, and the inspection facility keeps another.

H. Bains: Let's make this a little more clear. When the minister said earlier that the data will be entered once the inspection is conducted, within ten days, is that data any different than the data on a paper copy, or is it exactly the same? They must enter everything that is on the paper copy to help the central location do their job, to make sure that everything is being conducted according to the rules. Or is it only a portion of the data that comes from the paper copy that is sent to the central location?

Hon. S. Bond: The most important and relevant data is collected consistently, and it is a subset of the information that would be contained in a complete inspection record. All of that information is consistent. It is entered into the database, but not every piece of information during an inspection is entered. It's a subset of that information.

H. Bains: Wouldn't it be much more efficient that the designated inspector is required to enter all the pertinent information on the paper copy that is available at the central location rather than duplicating this and having the inspector physically go into that facility and look at the paper copy, when they could sit in their office, as the minister said earlier, look at that data, find all the information and make a judgment call on whether there is something not being conducted according to the rules? Do we need to make some changes — or the facility may be given a warning?

Hon. S. Bond: All pertinent data that is relevant to triggering further action is entered into the database, but there is obviously an official record of the inspection kept on file. That is the inspection document. It is also the signed document.

It's important that we maintain the paper copy. It's also a backup to the on-line system. Certainly, all of the relevant and pertinent information is entered into the database, and the official record is kept. This now requires that the official document is kept in the actual facility where the inspection took place.

H. Bains: I want to move down to the next subsection, (j)(i). It talks about "empowering the director in circumstances or for purposes set out in the regulation to (i) exempt unconditionally or on conditions the director considers desirable, a vehicle or a person authorized or designated under section 217 (1), from a requirement of this Act." Can the minister explain: what are the circumstances where this exemption is provided?

[1625]

Hon. S. Bond: Obviously, it would permit very unique circumstances, and I can actually give the member opposite an example of that. We have a fire truck on the Gulf Islands. We don't want to have to take the fire truck out of service and take it to a designated inspection facility. What we actually would like to be able to do — and this would permit — is allow the inspector to go to the fire truck.

H. Bains: That is a very interesting example the minister used. If the fire truck is unsafe to drive, what does that say about our fire department and their ability to do the work in case there's an emergency?

There is a requirement that within a certain period of time your vehicle must be inspected and a permit be issued. Is it once a year? Is it more than once a year? If that is the situation, how does this example that the minister used about the fire truck that is used in fighting fires fit into these criteria?

Hon. S. Bond: I think this amendment actually fixes the concern that the member has. Obviously, we don't want an unsafe fire truck on the road. The only option we'd have at the moment is to exempt the fire truck from an inspection. We'd rather be much more practical and bring the inspector to the fire truck. The frequency for commercial vehicles is a six-month inspection.

H. Bains: If I compare the language that is under 217(1) now, basically what 217(1) talks about is: "For the purposes of section 216, the director may (a) authorize persons to inspect vehicles, (b) designate facilities operated by the government or a municipality or other person as facilities for different classes of inspections, and (c) on conditions the Lieutenant Governor in Council requires, exempt a vehicle from inspection."

It seems to me that some vehicles could be exempted, according to the current language. Now we're giving authorization to the director to exempt vehicles unconditionally or on conditions.

[1630]

Would it not be that other people can use this language? For example, a school bus driver says: "Look, you know…." Maybe that's not a good example. Maybe another example where someone says, "Look, it's absolutely necessary to move these folks from point A to point B. Can I get an exemption for one day, two days, three days until I have time to put my vehicle through the inspection?" or "The inspection period has expired, but I need two additional days because of reasons A, B and C."

Is it going to be on a case-by-case basis, or is there a set designation — the type of vehicles that actually can get the exemption?

Hon. S. Bond: The reason we're here in the House today is because we're going to focus on road safety in British Columbia, and what we want to do is tighten up the exemptions, tighten up the regulations and provide more tools for ensuring that designated inspection facilities do their jobs properly. This is just the legislative piece, and obviously, regulations will be built underneath this.

I can assure the member opposite that as we put the regulations in place, we're going to be narrowing the exemptions and making sure that we have as few exemptions as possible. But the key principle here is that instead of exempting the fire truck that needs its inspection, what we're going to do is allow for the inspector to go to the truck. That makes a lot of practical sense, and we think it will actually reduce the number of exemptions.

H. Bains: I fail to understand, Minister, and perhaps you could help me. Right now under the current language, in order to get exempt, it requires an order-in-council, as I read it. Now we're giving powers to the director. At the discretion of the director, these exemptions can be afforded. How is that tightening the rules?

Perhaps the minister could also explain to me: is there a designation of vehicles or some conditions, the criteria under which the director may provide exemption? For example, is it only the ambulance vehicles? Is it only the fire truck vehicles or police vehicles, or does this apply to public vehicles as well?

[1635]

Hon. S. Bond: As I pointed out in the earlier answer, this gives us the legislative framework to build the regulatory requirements below it. We would be very clear that there would be a very specific and very narrow focus of vehicles that would be exempt.

In fact, it happens extremely rarely today, and the person responsible for making a decision about that exemption is the director of the CVSE unit. So it is an experienced person. We expect there to be very few exemptions.

Our number one priority both as a ministry and as a safety vehicle inspection team is the safety of British Columbians, so we don't intend for there to be very many exemptions.

The issue that this language deals with is the exemption in very specific circumstances. The best example that we could provide was emergency vehicles on islands where there is no ferry service able to actually move…. We'd have to barge the fire truck to get the inspection. We need language in place that allows us to take the inspector to the vehicle.

H. Bains: If that was the case, then the language would say that the director will have the authority to allow the inspector to go to the facility, but this thing

talked about "exempt unconditionally." That's the worry — unconditionally or on conditions?

If it was only on conditions, then I could understand the argument the minister is putting forth. But when I compare this language to the existing language in the act under 217(1), I think 217(1), to me, looks much stronger as far as the safety of the vehicles on the road is concerned and the safety of the public who drive around those vehicles, or are around those vehicles, is concerned.

Now there's a higher standard to be met. It has to be order-in-council. So somebody has to go higher up and convince the cabinet minister or ministers and say, "Look, these are the vehicles that should be exempted" or "These are the circumstances where we need some exemption," and they are listed.

Here it simply gives the director the authority, without having to go to any higher authority, to provide the exemption unconditionally or on conditions. If it was only a matter of allowing an inspector to go from the facility to the vehicle, then I could understand that language could be in here. But that language isn't here.

[1640]

That's a serious concern. On the one hand the minister is saying that we're tightening up these rules, but on the other hand, it seems to be that these rules are now much looser than the existing language that we have.

Hon. S. Bond: I think one of the things that has to be done is the member opposite has to look in totality at the amendments that are being tabled here today. In fact, the amendments allow us to physically go to inspection facilities to actually monitor more effectively with the collection of data, to remove the ability for inspectors to inspect and inspection facilities to be shut down.

It is the intent to create by regulation a series of specific circumstances that would minimize exemptions. In fact, it is necessary to provide some degree of flexibility related to the examples that I provided the member opposite — for example, emergency vehicles on islands. The intent is to have a very narrow scope of exemption. The person that is authorized to make those exemptions is the director of CVSE.

In fact, we expect there to be minimal exemptions. That's why we're looking at a package of amendments to allow us to be more diligent and more aggressive about monitoring our inspectors and our facilities.

H. Bains: Yes, I am looking at the totality of the changes. When I come to this one particular section, it worries me. Perhaps the minister could explain what the criteria are today that must be met when exemptions are approved, and whether those criteria will be changed and if they will be expanded upon from what those criteria are today.

[1645]

Hon. S. Bond: The current reg actually says: "The director may exempt a class of persons or vehicles from subsection (2) unconditionally, or on conditions the director considers desirable, and may substitute other requirements if the director considers it desirable for the purpose of promoting and securing road safety." That's the current regulation.

We would expect that the regulation that would be created under this legislation will be tightened up. As the member opposite can see, there is a significant degree of latitude under the current regulation. We expect to tighten it up, make it more specific.

Our goal is to minimize the number of exemptions and ensure…. The purpose of making the amendment that we have here is the ability to have the flexibility to bring the inspector to the vehicle rather than circumstances which preclude the vehicle being moved to the inspection facility.

H. Bains: But I think those were the regulations, and now we are putting that language in the act, as I understand. The legislation is being changed, and the language that I'm looking at is the language that is going into the act. If that's the case…. You know, regulations, as I understand, can be changed, but the act has to be through the legislation process here.

My question is to the minister. Now that the language will be in the act, the question still remains: how does that prevent us from issuing further exemptions than the current language that exists under the regulation?

Hon. S. Bond: It was the member that actually pointed out (j) under 216(j). In fact, what it says there is that we empower the director "in circumstances or for purposes set out in the regulation…." Previously I read the regulation which, as the member opposite could tell, had very few specific details in it. This language allows us to build regulations that are very specific.

The other thing I think the member has to recognize is that the exemptions will actually be minimized because we now have the ability to send a person to the vehicle. Previously there were vehicles we could not get to a designated facility. What this does is actually limit the number of exemptions or even the necessity to ask for exemptions. If we can send a designated inspector to that fire truck in the Gulf Islands, we don't need to worry about an exemption for that vehicle.

H. Bains: So under the new language or compared to the old language, are the exemptions available to private companies, private vehicles? If the answer is yes, under what circumstances?

[1650]

Hon. S. Bond: The intent of this flexibility in terms of providing an inspector means that there should be very

few exemptions. We should be able, in the vast majority of cases, to send an inspector to a place where previously we would have expected the vehicle to go to the inspection facility. So we expect there to be very few exemptions, and certainly, that's the way the regulations will be created. Our number one goal is safety in British Columbia.

To the member's other point, this requirement mostly impacts commercial vehicles.

H. Bains: The minister said mostly government vehicles. Can the minister explain what are some of the circumstances…? Do we have exemptions under the current language? Will they be available under the future language to those privately owned vehicles or private companies?

Hon. S. Bond: There's absolutely no intent to exempt imported passenger vehicles. In fact, in order to drive one in British Columbia, you have to have an inspection in order to get insurance.

H. Bains: The minister is not answering the question. My question is very simple and straightforward. Under this language, the language that we are proposing and debating in this bill, will the privately owned vehicles and private companies qualify for exemptions?

[1655]

Hon. S. Bond: The issue isn't whether it's privately owned or not. The issue is what the regulation will set out in terms of the criteria where an exemption will be permitted. As I've said, in fact, we expect this to minimize exemptions because now we will have the flexibility to provide the inspector in the circumstances where there wasn't an ability to take the vehicle to an inspection facility.

Certainly, there is no expectation that it would differentiate between private vehicles or other vehicles. The most important thing that this language will do is allow us to move inspectors to vehicles that require inspection.

H. Bains: The next section that I would like to ask some questions is on: "(l) setting out training, qualification, testing and other requirements that must be met by (i) a person before the person is eligible to be authorized by the director to inspect vehicles under 217(1)(a)."

My question is: is this something new, a new set of guidelines we are creating that didn't exist before, or does this now require those inspectors who will be authorized by the director to go through formal training which they didn't go through before?

Hon. S. Bond: Well, in fact, what this does is tighten up our ability to require that certain training standards are met. It was previously a policy circumstance, and we're moving this, obviously, to the place where it would be determined in regulation. It's incredibly important that we ensure that there are appropriate standards in place, and it would allow for ongoing upgrading and testing requirements as well.

H. Bains: I'm moving on to the next section, which is (g)(3). "The minister may enter into agreements and arrangements with other governments in or outside Canada on matters respecting vehicle inspection and persons authorized or designated under section 217 (1), including agreements and arrangements providing for cooperation…" and so on.

My question is: what are we trying to achieve here by trying to get the minister to get into agreement or arrangement with governments outside of Canada? How is that going to help us to make sure that our vehicles on the roads are safe?

Hon. S. Bond: This is an important point. We believe that there are no borders when it comes to making sure we have safe vehicles. What this allows us to do is if there is a bad operator in Washington or Manitoba, it would give us the ability to actually share that information so that we preclude that person from setting up shop or working in British Columbia.

[1700]

H. Bains: It also talks here about "refusing to authorize or designate a person…." It seems to me that what we're talking about under (3)(a) is the qualification of these inspectors in a designated facility. If that's the situation, under what circumstances do you need agreement from other jurisdictions?

Hon. S. Bond: Because we want to be able to consider the work they've done in other jurisdictions before we actually cancel or suspend or do any of those other things. You know, I think what we need to do is just step back and look at what the point of amendments like this allows and why they're important.

We want to ensure that vehicles inspected in British Columbia are safe. If there is practice, or individuals, occurring in other jurisdictions that influence how those inspections and those individuals are operating in British Columbia, we want as much information as possible so that we can ensure that work that is appropriate is being done in this province.

H. Bains: Since we're talking about the individuals who will be conducting inspections…. Through these agreements, the minister will use these agreements or arrangements for the purpose of refusing to authorize or designate a person under this section, 217(1).

Is the minister saying, then, that now we allow a person who is qualified in Alabama to come here and

inspect vehicles in British Columbia because you have that arrangement with the government of the United States or the government of Alabama?

Hon. S. Bond: To pursue the member opposite's example, if someone came from Alabama, we would expect them to show equivalency to the standards and expectations that are in place in British Columbia. But we also believe that sharing information is critical. If that person has had a bad record as an inspector, we want to know that so that we would actually contemplate that before designating them as an inspector in British Columbia.

[1705]

Section 174 approved.

On section 175.

H. Bains: I'd like to ask a question or two on 175(c), where we talk about: "For the purposes of section 216, the minister may, by regulation, do one or more of the following: (a) establish standards of, and criteria and guidelines for, inspections relating to safety and repair for different classes of vehicles."

Can the minister explain how this language is going to provide better circumstances for the safety inspections and provide guidelines and criteria?

Hon. S. Bond: I think what we want to do here is to ensure that we have a more accurate reflection of an inspection. What we will be doing is, through regulation, providing specific and tighter standards. For example, we will be able to look at issues as to whether or not something is cracked or whether it's loose or if it is functioning or not.

Those are not words or that isn't a process that you can use when you are prescribing something, so this is a matter of setting standards or guidelines, putting those in regulation and ensuring that there is a set of guidelines that reflect what we expect to take place in an inspection.

Sections 175 and 176 approved.

On section 177.

H. Bains: Under the Passenger Transportation Act. It seems to me this section deals with temporary operating permits.

My question to the minister is on (a). It talks about: "…'inter-city bus' and substituting the following: (a) on a set time schedule (i) between a prescribed municipality and another location outside the municipality, whether in British Columbia or not…." Can the minister explain how this section is going to better protect the passengers and the people on the road than what we have in the current language?

[1710]

Hon. S. Bond: In fact, this is a housekeeping amendment. Actually, what we wanted to do was clarify the definition of "inter-city bus." The definition of "inter-city bus" might be misinterpreted to mean that an intercity bus operating between two locations within the same regional district need not be licensed as an intercity bus. We needed to clarify the original intent of the legislation, so we needed to make an amendment.

H. Bains: The question still remains. It clarifies, as the minister says, by removing the words "inter-city bus." How does that now tighten the rules in order to make sure that the person driving the vehicle is properly monitored and that the person is licensed appropriately?

[L. Reid in the chair.]

Hon. S. Bond: All this does is actually clarify and tighten up the fact that if you are operating an intercity bus between two locations within the same regional district, you need to be licensed as an intercity bus. All it does is clarify a potential misinterpretation around the definition of intercity bus.

We're still going to have a definition of intercity bus. It's just a matter of how you define that. The concern was that it may have been misinterpreted to mean that an intercity bus operating between two locations within the same regional district need not be licensed as an intercity bus. We wanted to have that clarified.

Sections 177 to 182 inclusive approved.

On section 183.

H. Bains: This is something that is quite a concern to me. This would allow the registrar of passenger transportation to "consider whether an applicant for renewal of a licence is a fit and proper person to provide the service and to refuse to renew the licence of an applicant who is not, and extends the currency of the licence for the purpose of the consideration."

My question is: how is it determined whether this person is, as it says in the language here, "fit and proper"? What's the definition?

[1715]

Hon. S. Bond: This is not a new term, and it is currently reflected throughout a number of places. This would be a consistent application of the utilization of fit and proper. Some examples of where it is already in place would be liquor licensees, B.C. Transit, special authorization passenger transportation applicants — it

already exists there — gaming licences, teachers and school bus operators.

The words "fit and proper" are not new in this amendment and certainly are utilized, as I said, across a number of other areas.

When you look at what fit and proper means, it reflects the notion that a licence is a privilege, and a licensee has the responsibility to exercise the powers given to him or her responsibly and with regard to proper standards of conduct. So the criteria used to determine licensee fitness could include things like inappropriate business practices, financial instability, convictions relating to fraud or other items such as that.

The key point to the member opposite is that it is not a new definition and is in fact utilized in a number of other licensing situations.

H. Bains: I get that there is a definition for other jurisdictions and other areas, but we're talking about passenger transportation vehicles and the person who will be operating these vehicles. What is the definition of "fit and proper" under these circumstances for the job that this person is to be hired on or judged on?

[1720]

Hon. S. Bond: This practice is currently in place today. In fact, with special authorization licence applications, it's exactly what happens today.

The Passenger Transportation Board looks at whether or not an applicant for a licence is fit and proper. That covers taxis, intercity buses, limousines. So in fact, the practice is in place.

Some of the considerations that would be given in determining the fitness of that licence applicant would be conduct and character, including reputation; whether there's been sound business practices — those kinds of things. So it is not a new practice. It is not a new definition, and what this will do is capture a group of vehicles that is currently not under this umbrella. That would include tour buses, shuttle buses, for example, where this practice is not in place.

It would allow for this to take place on an ongoing basis in terms of it could be done at any time. It also means that the registrar, as well as the board, would be able to deal with this.

So the most important point, I think, is that it is not a new practice. It currently is in place for a particular class of vehicles. This simply makes the process consistent for a class of vehicles that currently is not under this practice.

Sections 183 to 188 inclusive approved.

On section 189.

H. Bains: Would the changes in this section that are recommended by the minister…? Currently B.C. Transportation Financing Authority is required to obtain approval of the Lieutenant-Governor-in-Council before entering into an agreement with the government of another jurisdiction or with any agency, department or official of such a government.

Now, under this section, they're not required to do that. They can do it on their own. So my question to the minister is: why remove the accountability that is built in under the current language, under the current legislation? Now we're saying that the B.C. Transportation Financing Authority can go ahead and commit whatever on behalf of B.C. taxpayers. How does the minister justify that move — that it is improving accountability?

[1725]

Hon. S. Bond: There was a similar requirement in the Transportation Act. That was removed in 2004, but the most prudent reason is that, in fact, the minister is actually the chair of the B.C. Transportation Financing Authority, and ultimately, the minister is responsible to cabinet. So one could imagine that the minister, being the chair, is responsible directly to cabinet. This is a matter of streamlining and efficiency, and that's the main reason.

H. Bains: What the minister is saying is: "Trust me. I will do the right thing. I don't need to go even talk to my own colleagues. I don't need to convince those folks at the cabinet table why I need this set of money in order to take on that project, in order to get into an agreement with another government or with another agency or department or some other officials of the government."

My question to the minister is: how is that more accountable to the taxpayers of this province when the minister is simply saying: "Trust me. I will do the right thing"? Knowing and judging the work of the ministers here before, I think that isn't the direction that the taxpayers of this province want to go, and that certainly isn't the direction that the people on this side of the House want to go. We want more accountability, not less. More accountability, not less; more transparency, not less.

I think what basically the minister is saying here is that I don't need to go through that accountability process that was in place before this language. My question to the minister is: why don't you trust your own colleagues — that you will be able to convince them in order to come up with an agreement with another government in order to spend taxpayers' dollars?

Hon. S. Bond: Well, I think it's very interesting — the member opposite discussing it with such passion. The reality of what this allows us to do is…. This is about agreeing to bring more money to British Columbia from other jurisdictions, including Canada and other jurisdictions. It really allows us to move forward with agreements with other provinces, jurisdictions, and to

be able to do that without actually having to duplicate the visits to the cabinet table.

The minister is the chair of the BCTFA, and this allows us, in essence, to move forward, particularly in making agreements which usually result in billions of dollars coming to British Columbia. So that's what this allows us to do.

H. Bains: If it was only a one-way direction that the money is coming in and the minister is going out and making those arrangements and agreements with other jurisdictions to bring money in, I could see that. But it could be the other way around as well — that actually BCTFA will be spending taxpayers' money.

Those circumstances…. I'm asking the minister: how is it more prudent and more accountable when you are removing yourself from the responsibility of going to the cabinet table, convincing your colleagues and justifying the expenditure on behalf of the taxpayers?

[1730]

In this particular case the minister simply is saying: "I will go out there and expend your money on behalf of the taxpayers without going to the cabinet, without going to my colleagues, without justifying why we need to take on that project."

Hon. S. Bond: All expenditures of the BCTFA are actually approved by cabinet. We are given debt room, and we work to manage within those parameters.

The purpose of making this change is actually to allow us to very quickly and efficiently work in partnership with other jurisdictions to reach agreements to bring literally — and our success would demonstrate — millions of dollars to British Columbia. So this is about our ability to reach agreements with other jurisdictions and to avoid the duplication and time it takes to go back through the cabinet to do that.

It is about bringing into legislation the practice that exists today, and all of the expenditures of the BCTFA are actually approved by cabinet.

H. Bains: Is the minister then saying that the expenditure of the BCTFA will continue to be approved by the cabinet under this language?

Hon. S. Bond: The member is correct. This does not change the relationship when it comes to approval of expenditures with cabinet. This allows the minister and the BCTFA to enter into agreements with other jurisdictions, and that's the particular concern we have. We want that to be able to be as expeditious as possible.

When we're negotiating to bring shared dollars to British Columbia, we want to be able to do that without duplicating a process. This is about the ability to make agreements with Canada and other jurisdictions in order to bring dollars to British Columbia.

H. Bains: I just want to make sure. The language here, the way it is described, says: "...is amended by striking out 'with the approval of the Lieutenant Governor in Council.'"

Is the minister now saying that this language is only applicable if the BCTFA is negotiating with other jurisdictions, other governments, where it is generating revenue? Or is it, as the minister said earlier, that in order for BCTFA to spend money on the taxpayers' behalf by entering into some agreements with the other government and other agencies, that part still will be approved by the cabinet, not by the minister alone?

Hon. S. Bond: If the member opposite would look in (3)(f), the only thing that is changing is our ability to enter into agreements with the government of Canada, the government of a province or territory or a jurisdiction or agency. All of the other practices that currently exist remain in place.

Section 189 approved.

On section 190.

A. Dix: I just want to make a point of our opposition to one aspect of section 190. The sections that we debated in this House earlier with respect to the Ministry of Health and protection of privacy — the effort by the government in this bill to exempt itself, essentially, from the provisions of its own legislation in the E-Health Act…. Those are the sections that we divided on at that time.

Those sections, as you can see in section 190, are being brought into force retroactively on April 1, 2009. As we oppose the provisions in debate here in committee stage, we certainly oppose them being brought into force retroactively.

[1735]

I know the minister isn't here, and I think that's fair. I just wanted to ask the Attorney General whether he would endeavour to give us an explanation as to what specific reason the government has for bringing in these provisions retroactively, and to express our opposition to that process in this case. Essentially, what the government is doing is dealing, presumably, with past violations of the privacy restrictions on the government and then trying to in fact make them right retroactively in this case.

I'd like to ask the minister — and I know he doesn't have the answer here — if he would endeavour to get that information back to us as soon as possible.

Hon. M. de Jong: The particular interest, I believe, relates to sections 165 through 167 and 149. I will put it on the record so that those who track these discussions with keen interest will understand that I have assured

the member that I will endeavour to obtain for him the rationale behind the application of the retroactive provisions dating back to, I think, 2009 in the cases we've mentioned.

Section 190 approved on division.

Schedules 1 to 8 inclusive approved.

Title approved.

Hon. M. de Jong: I move the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 5:37 p.m.

The House resumed; Mr. Speaker in the chair.

Report and Third Reading of Bills

BILL 11 — MISCELLANEOUS STATUTES AMENDMENT ACT (No. 2), 2010

Bill 11, Miscellaneous Statutes Amendment Act (No. 2), 2010, reported complete without amendment, read a third time and passed.

Hon. M. de Jong: I call committee stage of Bill 12.

Committee of the Whole House

BILL 12 — GUNSHOT AND STAB WOUND DISCLOSURE ACT

The House in Committee of the Whole (Section B) on Bill 12; L. Reid in the chair.

The committee met at 5:40 p.m.

On section 1.

M. Farnworth: We're on definitions in this section, and I'd just like to go through a couple of the definitions. They seem fairly straightforward. However, I know there were some questions.

"'Emergency medical assistant' means an emergency medical assistant as defined in the Emergency and Health Services Act." Could the minister just outline generally — it doesn't have be too specific — what that covers and if there are any categories of physicians? Here's where I'm thinking of a physician who may be at home or outside operating. Would it include an individual like that?

Hon. M. de Jong: Roughly speaking, it's paramedics and technicians, and we can get more specific. I think, practically speaking, the inclusion of paramedics in the definition is probably the most significant.

M. Farnworth: Do the definitions capture, for example — and I think this came up a little bit in second reading debate — the issue of a physician or medical practitioner who is outside a medical facility? I'm thinking of the case just over a year ago where the conversation was intercepted. Part of the evidence was that the individual involved was trying to obtain the services of a physician outside of a hospital. I'm just wondering: would anywhere in the definitions capture that type of situation?

Hon. M. de Jong: I think the first part of the question related to whether it captures "physician." It does not. It is, as it appears here, a defined term within the meaning of who has a responsibility to report.

The second part of the question, which — the member is correct — came up in the second reading debate, relates to a situation where someone arrives at a doctor's house, and that relates to the second definition, which is "health care facility." Health care facility, as I understand it, would not cover the physician's home.

M. Farnworth: I thank the Attorney General for that clarification, because I think it's important that we recognize what the legislation does cover and what it does not cover, so we're clear that what we're talking about are specific medical facilities as opposed to, in this particular circumstance, a physician's home.

Under the definition of "stab wound," a wound "caused by a knife or other sharp or pointed instrument, or (b) a prescribed wound." What exactly is a prescribed wound? When you read it, it could be like a prescription. If the minister could just explain what a prescribed wound is.

[1745]

Hon. M. de Jong: I can't think of one.

M. Farnworth: It begs the obvious question, then. What is it in there for, and what does it mean?

Interjection.

M. Farnworth: Following it up, I actually take the former Minister of Health's comment there as constructive, even though he may not think it was constructive when he made it.

So (b): "a prescribed wound, but does not include a wound that is reasonably believed to be self-inflicted or unintentionally inflicted." Who will decide whether it is self-inflicted or unintentionally inflicted? Will it be the treating physician? Okay. I'm satisfied with that answer.

I'm still fascinated by the idea of a prescribed wound. If it occurs, or the logic of what that is, I would appreciate if the minister's office could inform me. It doesn't have to be in writing, but my curiosity is certainly piqued right now.

I think, with that, we can move on to section 2.

Section 1 approved.

On section 2.

M. Farnworth: I recognize the member for Kamloops–North Thompson. We've got a few minutes but not too long on this, so we'll be able to move on.

This section deals with mandatory disclosure.

> "A health care facility or emergency medical assistant who treats a person for a gunshot or stab wound must disclose the following information to the local police authority: (a) the injured person's name, if known; (b) the fact that the injured person is being treated or has been treated for a gunshot or stab wound; (c) in the case of a health care facility, the name and location of the health care facility; (d) in the case of an emergency medical assistant, the location where the treatment occurs; (e) any other information required by the regulations."

It does not apply to "an emergency medical assistant who delivers the injured person to a health care facility." So by that, I assume we're talking about the paramedics. Would that be correct?

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

M. Farnworth: Then subsection 2(e): "any other information required by the regulations." Is the minister able to tell us what other information is being considered by the regulations, or is that still to be determined?

Hon. M. de Jong: I think the member pointed out in his second reading remarks…. It is basic information, and the obligation that accrues to the health care facility is fairly basic. By the drafting and the inclusion of subsection (e), we are certainly holding open the possibility that some additional information might be sought, and the ability to obtain that or prescribe that by regulation is included.

[1750]

M. Farnworth: Dealing with that section — I thank the minister for his answer — one of the issues that has been raised has been questions around privacy. Some concerns have been expressed on those issues as well as some of the civil liberty questions.

I think the way this section is laid out is straightforward in terms of what's to be reported. I don't think there's any argument, certainly from us, about that. But in terms of developing new regulations as additional information, I'm wondering: will the Attorney General commit to running those by the Privacy Commissioner to ensure that any privacy concerns that come out of additional information that would be requested are in fact checked with the Privacy Commissioner?

I think what's outlined here is straightforward and is what the public would expect in terms of the name, the situation, what's occurred — whether it's a gunshot wound or a stab wound that fits within the act. But once you start saying "any other information" determined by regulation, then I think it's important from a privacy concern that we at least ensure that for any additional information we are checking with the Privacy Commissioner and not getting the legislation into any potential problems by not doing that.

Hon. M. de Jong: We have worked with the commissioner. We'll continue to do so, so I can provide that assurance. The other thing I think I can emphasize is that these provisions that we are dealing with — whilst they present the obligation to inform police authorities in the case of the two types of injuries described — do not provide the police with access to individual medical histories.

Section 2 approved.

On section 3.

M. Farnworth: "Subject to the regulations, the disclosure required by section 2 must be made (a) orally, and (b) as soon as is reasonably practicable to do so without interfering with the injured person's treatment or disrupting the regular activities of the health care facility or the emergency medical assistant."

Is there any reason why it specifies "orally" only as opposed to "orally or written"?

Hon. M. de Jong: I think the hon. member identifies the significance. It's done by design to facilitate the speedy transference of basic information, which might not be a lot more complicated than: "Constable, I have Mr. Smith here. He is being treated for a gunshot wound."

M. Farnworth: I fully understand that and appreciate that. Given that it's not the physician but the facility that will be making the reporting, it may also be, from time to time for some reason, that you find you don't get someone on the end of the phone.

Is there then an ability in this section to electronically — for example, by e-mail — notify…? Let's say there's an arrangement between a health care facility and the police in these types of situations on whom to phone. If for some reason you're not able to phone or connect by oral communication, is there the ability to make an electronic e-mail communication?

Hon. M. de Jong: I think the short answer is that there is nothing to prevent a health care facility from

attempting to communicate in that way, if they're frustrated in the oral communication of the information.

What goes further, from a practical point of view, is if at the end of the day it was determined that someone had tried to phone the local police authority and was unable to establish contact for whatever reason and then chose the next best option, which was the electronic transfer of the information, then I don't think anyone is going to be critical of the health care facility for having adopted that approach.

[1755]

M. Farnworth: I thank the minister for that explanation. Is there anything additional that is considered, in terms of the regulations that may be considered, that will be applied to this section, similar to the other section that we've already gone through?

Hon. M. de Jong: There is under the regulatory regulation enabling section 7(e) a mechanism by which additional prescriptive means of communication could be provided for.

K. Corrigan: I had a question about the timing aspect of this section, and maybe it will be better dealt with under section 7. But the concern I have is that I could see in the case of a gunshot or a stabbing, there are all sorts of criminal implications involved here.

I'm wondering if the minister, in the drafting of this legislation, had thought about the situation where somebody comes in with a gunshot wound, and there is perhaps a sense that somehow the police, whatever the police authority, needs to be brought in — whether there's going to be a sense of pressure that somebody should be held longer than they need to be for the medical attention — and that bringing in this legislation in this particular section in terms of the timing will in some way impact how they deal with that person and whether or not there'll be an added pressure on them to hold somebody until they can get the reporting done, as required under this act.

Hon. M. de Jong: I think actually it's an important question because it gives me an opportunity to briefly articulate what we are hoping and what is intended by virtue of this section. We are not creating a mechanism here that imposes any obligation whatsoever on the part of a health care facility or a health care professional to hold anyone. Their obligation is to administer care. That is their first priority and remains their first priority.

They acquire a secondary obligation, though. That is in instances where someone appears in search of and seeking treatment with injuries that fit into one of the two categories. They have an additional obligation to notify the local policing authority, but they are under no obligation. Nothing in this legislation nor its regulations purports to impose any obligation on them beyond that or to deal with the patient in any different manner.

K. Corrigan: I appreciate the answer that the minister has. I think that's an important point to be made, and that's why I asked the question. It was originally stimulated by having read the bill and looking forward to section 5 in recognizing that the bill particularly put in place personal liability protection. That is what made me wonder about whether or not there could end up being some legal ramifications from this that could be really problematic.

So while I recognize that is not the intention, I think that by putting into place a formal reporting mechanism, it perhaps is going to overall add some pressure onto health facilities to report. There could be some legal questions that come out of that. But I'll take what the minister says on faith and maybe will ask some more questions on the next.

[1800]

Section 3 approved.

On section 4.

K. Corrigan: Section 4 says: "Nothing in this Act prevents a health care facility or an emergency medical assistant from disclosing to a local police authority information that the health care facility or emergency medical assistant is otherwise by law permitted or authorized to disclose."

I wonder if we could get some clarification on what some of those other requirements to disclose or ability to disclose are, what kinds of situations we're talking about. I'm trying to get a sense of what the various disclosure laws are that might be dovetailing together as a result of this act.

Hon. M. de Jong: Broadly speaking, they relate to some of the other statutory duties, reporting duties that exist for health care facilities and health care workers — child abuse, neglect, elder abuse, health care fraud. Those are some that come immediately to mind. Nothing in this act is intended to alter in any way the obligations that those facilities or the professionals located within them have, with respect to those other areas.

K. Corrigan: I'm just trying to think of perhaps an example, say, child abuse. The minister is saying that there will not be any kind of impact whatsoever. Will the standard become higher? I guess the load to the facility could perhaps become higher in terms of reporting responsibilities in a complex case where more than one type of situation comes together. I'm wondering if the minister has thought about whether or not the whole reporting mechanism could get unduly complex as a result of this.

Hon. M. de Jong: The added complexity in this case is measured by the additional phone call that the facility must make.

Section 4 approved.

On section 5.

K. Corrigan: This section is the one I was referring to earlier, where there was personal liability protection for the health care facility, the director, officer or employee of a health care facility, an emergency medical assistant or any other person acting under the authority of this act, unless, of course, it is done in bad faith.

My question to the minister on this one is: could you give me an example of what you mean, of a situation where you think that there could be a situation of bad faith?

Hon. M. de Jong: I think the short answer is that bad faith in these circumstances, to the extent it ever happened…. I would like to think that it wouldn't or that it would be very rare. But the bad faith that immediately comes to mind is if someone made a report alleging a particular type of wound when they knew that was not so. That would be the most basic example of a bad-faith report.

K. Corrigan: It goes back to the earlier question that I had. I'm wondering if the ministry and the minister, in putting this bill together, foresaw that there could be some troubling legal circumstances where, in fact…. I'm trying to think of a scenario. Somebody comes into a health facility, and they've been shot. The doctor decides that this, in fact, fits within the act and is required to report, but the person has received their medical treatment, and they're able to go before that report is made.

[1805]

Then that person goes out, and there's some ensuing incident — for example, another shooting, a retaliation shooting. Let's say it's a gangland type of thing.

My guess is that probably what the minister had in mind, in putting this bill together, was that there could be some complexities. I guess my question is: is the minister confident that this is truly going to protect facilities in this situation? Or are there going to be situations where there could end up being lawsuits as a result of this obligation to report?

Hon. M. de Jong: Again, to the member, I appreciate the question, because it gives me an opportunity to highlight really the two key features of the bill. One is to impose and create the legal obligation on the part of the health care facilities to provide that basic report. Someone is here in the facility, and we are treating them. They have suffered a gunshot wound or a stab wound — in the case of stab wounds, some exceptions, but broadly speaking, gunshot wounds and stab wounds.

The reason health care professionals were anxious and supportive of the legislation is that they wanted to clear up the ambiguity that existed around the very issue that the member has raised.

The second part of the act says that in fulfilling that statutory obligation, you are protected from anyone that might come along later. I think, in fairness to the member, the more appropriate example might be a case where someone has come in for treatment. The report has been made, and that person finds themselves as a result involved in some serious legal consequences of their own involving the police and would then purport to place the blame for that on the facility or the health care worker and say: "But for you making this phone call, I would not find myself in this difficulty."

This section makes clear that in fulfilling their statutory obligation, that facility and that health care professional need not worry about that kind of claim.

K. Corrigan: Well, I thank you very much for that explanation. I'm wondering if there are concerns in this section and throughout about privacy issues. And probably more than that, but related to that, is the minister concerned about whether or not people might be less willing to seek medical care?

For example, a woman has been abused, is fleeing domestic violence and is stabbed in that situation. Is there any concern about whether or not somebody might be less likely to seek medical care because they know this report is going to be made and they're concerned about the consequences of this report being made?

Hon. M. de Jong: Again, I'm obliged to the member for raising the issue, because we have heard those comments and that commentary.

A couple of things, by way of reply. First of all, it is important and significant, I would suggest, that the obligation here vests on the facility. The victim in this case, or the injured party, is not obligated and is not a party to the reporting process. It takes place independently and does not require the consent.

In fact, if I can take a step back, the impetus for the legislation is more specifically related to circumstances where gangsters were showing up in health care facilities with gunshot wounds and saying: "Patch me up, and send me on my way." The police investigation would be playing catch-up from the get-go. It is designed with that particularly in mind.

[1810]

But the member raises an ancillary issue that has arisen, and that is the impact this might have with respect to others. Firstly, the obligation does not accrue to the victim. Let's take an example of a domestic dispute. In the case of a gunshot wound, I'm thinking that whatever the circumstances are at home, that person is going to require immediate medical attention. It's prob-

ably, in the context of this legislation, more of an issue in the case of stab wounds, let us say, although they can be equally serious.

We've looked at what's happened in other jurisdictions, and we've consulted with some of the victims groups who, in fairness, are alive to the issue that the member has raised. On balance they believe, and have informed us, that to err on the side of having the report made by the facility is correct. Will there never be an example of someone reluctant to go to a treatment facility? I don't think I should say that, because I think that happens today. I think we are all aware of the phenomenon around domestic violence where people, victims, are reluctant to make reports.

On balance though, the risk that this legal obligation vesting in the institution or in the facility would amplify that reluctance I think is minimal, but I'm not prepared to dismiss it altogether.

K. Corrigan: I'm wondering, in contemplating this legislation, whether the minister considered what the legal impact and practical impact would be on court cases involving spouses.

Hon. M. de Jong: I'm not entirely sure I understood the question. There are evidentiary rules that govern the circumstances in which a spouse, for example, can be obliged to testify against the spouse or obliged not to, spousal violence not being one of those exclusions. They are compellable as witnesses. But I may have misunderstood the question the member was making.

K. Corrigan: I'm just thinking as I'm reading the section and hearing the answers. For example, in the case of spousal abuse — say a stab wound, because I agree that that would be a more likely scenario — would this mean, because there's a reporting mechanism, that the people that work in the health care facility would end up having to testify in a criminal case brought against the person who had committed the stab wound?

Hon. M. de Jong: I think the short answer is no more so than exists today.

Sections 5 and 6 approved.

On section 7.

M. Farnworth: This section deals with the regulations, and this is one of the areas that I think it is important we get some comments from the minister about, because what this does is it this allows cabinet to make, by order-in-council, regulations that can implement the legislation. In an earlier section we got a commitment from the minister that they would run regulations pertaining to information by the Privacy Commissioner.

[1815]

I see that the issue we weren't able to get an answer to in the beginning, which is prescribed wound, again pops up here under 7(a): "prescribing a wound for the purposes of paragraph (b) of the definition of 'stab wound' in section 1."

Now, it seems to be a little more definitive here in that it deals strictly with a stab wound. But the question that came to mind on that is: would this then allow the government, once, let's say, they get an understanding of how this legislation is working…. Gunshot wound is pretty self-explanatory. Stab wound — would it be allowed to expand to include wounds by other types of weapons?

I had my colleague from Surrey-Newton state a weapon that doesn't produce a stab wound but has a similar effect or, you know, bludgeoning, something that's pretty obvious it came from a particular type of weapon…. Is that what's being contemplated in here, or is it just specifically the stab wound and the gunshot wound?

Hon. M. de Jong: At the risk of being gruesome — and I don't wish to do so…. It is, for example, if a health care facility started to see wounds that they believed were being caused by a saw, for example. It's a little disturbing to have to turn our minds to the possibilities, but it does leave that possibility open.

M. Farnworth: I thank the minister for that explanation, because as we have seen in gangland violence in British Columbia and in jurisdictions, it can be of an extreme nature and outside what people normally would envisage as typical violent activity. So the legislation has the ability to cover those sorts of extremes that one sees in gangland culture. I see the minister nodding affirmative.

The only other question I have on this section around the regulations — or two questions — is that in prescribing the person or class of persons responsible for making disclosure on behalf of a health care facility, again, there seems to be an anticipation in that that there may be a broadening of the people who could be making the disclosure, as opposed to just at the health care facility. Could the minister give me some sense of what the thinking is around that and whether any decisions have or have not been made?

Hon. M. de Jong: The preference and the intention is to allow health care facilities to make their own determination and designation. If we encounter difficulties with that or problems…. An example that was just provided to me that makes a degree of sense is that it would be possible, for example, to prescribe the security service that operates within a hospital as the designated official.

[1820]

That's not the intention today. There seems to be genuine interest and support within the community of interest that support this that that shouldn't be necessary,

but if in individual circumstances it becomes necessary, the mechanism exists.

M. Farnworth: We're almost done, and I am mindful of the time. Just a few more questions.

Then a second would be, again, under subsection 7(h), where it's "exempting facilities or classes of facilities from the requirements of this Act." Is there any thinking what the logic around that would be, particularly if in the definitions we're talking about health care facilities as they exist under the current existing legislation?

What is envisaged by this particular section where we've established that health care facilities as they exist under the existing legislation are covered? What would be, then, the purpose under exemptions being considered from these types of facilities, of the potential exemption?

Hon. M. de Jong: I can't imagine this being widely used, but one that I thought of is imposing the obligation on an infirmary at a prison. It might be a bit redundant. Although having said that, I can't imagine going to the trouble of providing a formal exemption either. It seems fairly self-evident in that case.

M. Farnworth: What about a situation involving, let's say, a private clinic — Cambie Street clinic, for example? Would that be something that is envisaged under this section?

Hon. M. de Jong: The example he uses — that clinic is covered by the obligation imposed here. It's not mine or the government's intention to exempt them from that obligation.

Sections 7 and 8 approved.

Title approved.

Hon. M. de Jong: I move the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 6:23 p.m.

The House resumed; Mr. Speaker in the chair.

Report and Third Reading of Bills

BILL 12 — GUNSHOT AND STAB WOUND DISCLOSURE ACT

Bill 12, Gunshot and Stab Wound Disclosure Act, reported complete without amendment, read a third time and passed.

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

Hon. M. de Jong 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.

PROCEEDINGS IN THE DOUGLAS FIR ROOM

Committee of Supply

ESTIMATES: MINISTRY OF ENVIRONMENT *(continued)*

The House in Committee of Supply (Section A); H. Bloy in the chair.

The committee met at 2:30 p.m.

On Vote 30: ministry operations, $135,104,000 *(continued).*

The Chair: Good afternoon, everybody, and welcome to the Douglas Fir Room.

Hon. B. Penner: I feel a little bit like Bill Murray in *Groundhog Day,* but I'll say it again. I move Vote 30.

V. Huntington: I don't feel like *Groundhog Day*. I was just telling my colleague that I feel more like that game at the PNE where you're hitting them on the head, seeing who gets to stand.

In an effort to coordinate with the official opposition, I often find myself not standing at the right time and, therefore, miss my chance at a particular time when they're dealing with a specific issue for your staff or for the ministry staff. I've said that perhaps I'm going to ask a series of questions on different topics so that I can complete my questions for the minister.

First, there's a short one on the Water Act modernization process. It's on behalf of one of the very well-known organizations that have been participating in the consultation process. In the Living Water Smart document a number of commitments are made. Two of them are, on page 67, that "wetland and waterway function will be protected and rehabilitated" and, on page 45, that "legislation will recognize water flow requirements for ecosystems and species."

Could I ask whether the ministry intends to uphold those commitments within the Water Act as it com-

pletes its consultations and the eventual tabling of the act itself?

Hon. B. Penner: Just to clarify, Member, I think you were referring to page 45. Was that it?

Interjection.

Hon. B. Penner: Okay. Yes, the Living Water Smart plan, which is also available on our website, does state on page 45: "By 2012 water laws will improve the protection of ecological values, provide for more community involvement and provide incentives to be water-efficient. Legislation will recognize water flow requirements for ecosystems and species."

Some of that is done today through policy, but the member is correct that in the water plan we have made a commitment to do a number of things through the Water Act modernization process. We have talked about that this morning — that we're out consulting with British Columbians for their ideas about other things we can do through the Water Act modernization process as well. The issues identified on page 45 are things that the government has already determined as something that we believe should be done through legislation.

[1435]

As for the comments on page 67 around wetlands and restoration of streams, etc., some of that could be done, perhaps, through Water Act modernization but not necessarily. There may be other ways to accomplish that objective.

I'll take this opportunity to remark and comment on an event that I attended last night. I don't believe the member was able to attend, but I know that quite a number of government MLAs and some from the opposition were present for a dinner hosted by Ducks Unlimited, where they gave a very good video presentation on a number of the projects that they have been working on in partnership with the Ministry of Environment and other stakeholders in British Columbia to improve the health of wetlands.

Ducks Unlimited is a remarkable organization founded in 1938. The first project came a few decades later in British Columbia, but they were founded in 1938 outside of B.C. Since that time they have played a very important role in partnering with a number of agencies — including government, but not just government — to secure and improve wetland habitat for waterfowl in British Columbia.

That part of my answer is related to the next thing I'm going to say, which is that there are ways we can lever other actions through partners in the private sector or other non-governmental organizations, as well, to accomplish some of the objectives listed in the Living Water Smart plan.

V. Huntington: Yes, I was unable to attend last night, but I did attend their fundraiser in Vancouver a week or ten days ago. I was supposed to speak at it, but it got changed to their head scientist instead — probably better.

It is, actually, on behalf of Ducks Unlimited that I ask this question. They are concerned that these commitments might not be showing up within the Water Act. You mentioned 2012. I think they're worried about the state of a lot of wetlands at the moment and are hoping that the ministry will see its way to protecting those as quickly as possible. Through the consultation process, certainly on the Water Act, these issues have been brought up time and again, and they're very concerned that they be reflected in the Water Act itself.

Hon. B. Penner: As I noted in my previous answer, there are a number of tools that government can utilize to accomplish objectives as listed in the Living Water Smart plan or ideas that come forward through the Water Act modernization public consultation process. Some of them could include, as noted, amendments to the Water Act. Others could involve voluntary programs working with private landowners and stakeholders, etc., as I already discussed.

There are other legislative tools in the government's toolkit, as well, that allow us to take steps to protect wetlands. For example, last night there was discussion at the Ducks Unlimited dinner of two areas that we gave legislative protection to last year by way of a designation to make those areas wildlife management areas. The Serpentine River, I believe, is 71 hectares in the Surrey or Delta area. That was designated last year, as was a significantly larger area near Chilliwack on the Fraser River known as the McGillivray Slough, now named after the late Dr. Bert Brink.

Those were steps that have the benefit of protecting areas that are frequented by waterfowl. It was, again, something that we were pleased to work on in cooperation with the Ducks Unlimited organization but a number of other non-profits as well.

V. Huntington: One last question on the Water Act. How is the ministry intending to be accountable to those stakeholders that are participating within the consultations?

[1440]

Hon. B. Penner: As I talked about this morning, we will be putting out a document through our website summarizing the input and the various ideas and suggestions that have been brought forward to government through the Water Act modernization consultation process.

There were a total of 12 public meetings around the province, and those attracted something like 600 individuals, but many more responses came through our water

blog hosted on our Ministry of Environment website, I think in the order of 5,000 comments or thereabouts. I forget the exact number, but thousands of people responded that way.

V. Huntington: Just as a comment before I move on to another section, I think what participants in the consultation process are more interested in is some sort of account on whether their recommendations have shown up within the act and the regulations themselves. I do hope that the ministry is able to assure them that those are being taken into consideration.

I'd like to move on to a quick question on climate action. In my reading recently I've noticed that cap-and-trade is now being seriously questioned in the United States and that a number of states and the federal government are considering moving to a series of options rather than just the cap-and-trade system that has been so much discussed in British Columbia.

I'm wondering how the province is responding to these new discussions and to the new thinking. Is the ministry on top of this? Are they moving to a series of issues rather than simply looking at cap-and-trade to really establish how we approach the climate action problem?

Hon. B. Penner: The member is correct. There were some articles today — I know there's one in the *National Post* — talking about the vicissitudes of interest among certain policy-makers in North America for cap-and-trade legislation.

Our interest has not waned. We have passed legislation in this House, notwithstanding the NDP voting against it. We actually introduced cap-and-trade legislation two years ago and passed it and have been involved in discussions ever since — and actually just before that — with a number of U.S. states and some other Canadian provinces through an organization known as the Western Climate Initiative.

The WCI, or Western Climate Initiative, includes California, Oregon, Washington, British Columbia and, more recently, Quebec and Ontario and, I believe, Manitoba. Other Canadian provinces have joined as observers, and there are a number of other U.S. states.

[1445]

It's true that there has been some discussion at the U.S. federal government level about the likelihood of national cap-and-trade legislation. It appeared just a week ago that a modified bill was going to be introduced, and then at the eleventh hour, for some unrelated policy reason involving a different issue altogether, the bill that was expected to hit the floor of the Senate did not.

While that kind of political machination takes place in Washington, D.C., British Columbia remains engaged with our partners in the Western Climate Initiative. We continue to work on the details of how a regional cap-and-trade system would operate. But we haven't put all our eggs into the cap-and-trade basket.

The member will also be familiar with something known as the carbon tax, something the official opposition also voted against and campaigned against last year. This is intended to put a price on carbon emissions and send a price signal to the economy, over time, to start shifting to less carbon-intense forms of energy.

To support that, just last week my colleague the Minister of Energy introduced the new Clean Energy Act, and even before then we had been moving to acquire new sources of renewable energy in British Columbia.

Many people think that someday our vehicles will operate on electricity, and many people hope that day is not far off. But if that's going to be the case, we're going to need significantly increased amounts of electricity generated to operate our transportation system on electricity. It's going to have to come from somewhere.

Those are a number of the initiatives that our government has launched in an effort to reduce our carbon emissions.

V. Huntington: I appreciate both the carbon tax and cap-and-trade initiatives. Will the province also be moving in the direction of regulatory fines and limits? Will you be putting in regulation to ensure that limits are met?

Hon. B. Penner: We have introduced a number of regulations already under some of our legislation that we've passed in the last couple of years. I'm not sure if that's the type of regulation, though, that the member's question refers to. We have been working on regulations around carbon content of fuel under our low-carbon fuel legislation.

We've worked on regulations for reporting requirements for large industry — that they have to remit their emissions if they are above 10,000 tonnes per year of CO_2 equivalent. A number of other things are under consideration. But I can say this: that our government believes that setting a price signal and then letting industry respond to that price signal is the more efficient method most of the time.

Therefore, cap-and-trade is often looked to as a way of setting a price within the marketplace for carbon emissions because it rations the amount of carbon emissions any particular industry sector is allowed to emit. As soon as you start to limit or ration something, it attracts a price. So that's one method.

[1450]

Another method which we've also introduced and put into place here is a direct form of carbon pricing through the carbon tax, which is revenue-neutral. The revenue from that goes back to people through income tax reductions or other tax reductions, but it puts a price on the emissions associated with the combustion of fossil fuels.

V. Huntington: I'll leave climate action for the experts, and I'll move to a quick question on the environmental assessment office. I wonder if the minister could tell me whether the reciprocal arrangement and the equivalency agreement that have been signed between the environmental assessment office and the northwest transmission line can be made public. Are they on the EAO website?

I should say that it's the equivalency agreement and the reciprocal arrangement with the federal EAO in relation to the northwest transmission line. I would like to know if those are available on the website, and if not, can they be made public?

Hon. B. Penner: I think what the member is asking about is what's actually referred to as a delegation agreement as opposed to an equivalency agreement. The delegation agreement, which was entered into not that long ago, November 2009, is posted on the EAO website.

V. Huntington: I'm just using the language out of the service plan. I was assuming that there might be something in addition to the delegation agreement that we aren't aware of at this point.

As the minister will recall, I asked a couple of questions a number of months ago now, I guess, on gravel extraction in the Upper Fraser. My concern at that time was that they were proceeding with a gravel extraction agreement prior to the Cohen Inquiry. I thought that that showed a lack of respect for the purpose of the inquiry.

I also asked whether the minister or the office of the Solicitor General, the emergency measures office, would provide the scientific documents that sustained and showed that gravel extraction was helpful in flood control. I haven't received those documents. I was wondering whether the minister and his staff could see fit to provide me with the science they have that says extraction is good and does help with flood control.

Hon. B. Penner: I'll check with our counterparts in emergency management B.C. in the Ministry of Solicitor General.

But it's self-evident that when you have 300,000 cubic metres of gravel deposited within a confined area every year — that fluctuates, but on average, 280,000 or more tonnes per year are deposited within a confined space, and it's confined because of the dikes there — you know that the river bottom has to rise. I know that it doesn't rise equally and that it doesn't rise in every location all the time, but over time we know that as you deposit something in a confined space, that area will start to fill up.

[1455]

We have spent considerable dollars over the last number of years, tens of millions of dollars, on dike improvement projects around the province, including along the Fraser River. But you can't continue to simply build the dikes higher and higher without risking a more severe flood if those dikes should breach as the river gets higher in relation to the adjoining land.

There's also the issue of seepage, which farmers in my community are very familiar with. Even if the dikes are not overtopped, as that water level gets higher relative to the adjoining land, the water starts to get pushed up through some kind of hydrometric pressure scenario that I don't fully understand. But the water does come up through farmers' fields, even if it doesn't come right over the top of the dike itself.

We will check with our counterparts in emergency management B.C. about what kinds of reports they have, but we have been committed to an environmentally responsible and regular process of gravel removal in an effort to try and maintain or improve the leeway between the top of the water and the top of the dikes.

Just before I sit down, I remember, too, that last fall the member herself expressed interest in having material removed from the part of the Fraser River near where she lives, and I guess that's indicative of other comments you get around the province, whether it's from Golden or elsewhere. Flood mitigation management is an issue of particular interest wherever people live close to rivers, and that's why our government is committed to continue to try to manage for that.

V. Huntington: I think, first of all, I'd like to say that I, too, live behind a dike, and I'm as equally concerned about flood control measures in the province and on the lower Fraser as anybody else. Yes, we do have a sedimentation problem, and I'm deeply in discussion with the Ministry of Transport at the moment with regard to their head lease negotiations with the Port of Vancouver, because all of their leaseholders are along the lower Fraser, and yes, we do sit on the river bottom.

My concern with gravel extraction versus sediment removal is primarily a concern for what it does to the downstream siltation of spawning beds. There's a great deal of science that shows that it is extremely hard on those beds. I am looking forward to the information about the scientific documents, because the documents I read….

One, for instance, is the spring 2009 *Report of the Commissioner of the Environment and Sustainable Development*. It's federal. "Engineering and scientific studies at different sites, some commissioned by the department" — of Fisheries and Oceans — "concluded that there was no reduction in the flood profile after gravel removal." And this is on the lower Fraser in the gravel reaches. "These studies stated that changes in the flood profile were minimal in the removal area and were local only to that removal site." The report concludes that "gravel removal would not significantly affect the potential for flooding."

Similarly, a document by the Pacific Fisheries Resource Conservation Council states that the gravel extraction appeared to have "provided little benefit for flood control." It adds that according to the hydraulic models, "the water surface flood profile changes have been trivial as a fraction of these removals — generally less than 15 centimetres for up to 4.2 million cubic metres of gravel removed." The document concludes that the gravel removal agreement has been largely ineffective from an engineering standpoint.

So I truly am interested in receiving the science that the province is relying upon, because I think the spawning beds are in jeopardy, and I see no science that is indicating the gravel removal is anything but of benefit to the extraction companies and perhaps, too, the large-scale projects that are being undertaken in the province today.

Hon. B. Penner: I appreciate that the member thinks there's some kind of conspiracy, but let me tell you that people living in the Fraser Valley, I think, have every right to expect flood protection, just like the member says she's interested in. She says that she wants sediment that's deposited in the river behind the dike where she lives to be removed to afford her flood protection, and so do people in the Fraser Valley where I live.

[1500]

The principle's the same. Material gets deposited, and it erodes the freeboard — that is the difference between the high-water mark of the river and the dike — and reduces the amount of protection.

It's true that any one year's worth of work in terms of gravel removal is not going to dramatically reduce the profile. That's why you have to do it on an ongoing basis, and that's why a number of years ago the federal government signed an agreement with the province for a five-year plan.

In virtually every one of those five years the total amount of material removed did not reach the amount that had been indicated in that agreement. The amounts were often dramatically less than what that agreement had contemplated, for a variety of complicated permitting reasons. That's because permitting is required, and a lot of work has to go into it before the work is allowed to proceed. That is because we want to make sure that we're also balancing public safety with making sure that the environment is protected — in particular, fish habitat.

Just as Rome wasn't built in a day, you're not going to see a dramatic reduction in the flood levels or the water profile of the river through one year's or one season's worth of work.

I should note that the work isn't allowed to take place at any particular time of the year or throughout the year. It's restricted to what's known as the fisheries window, when fisheries biologists indicate that it is the best time of the year to do work in and around the river.

That typically, where I come from, is between January and mid-March, before the Fraser River starts to rise due to the melting of the accumulated winter snowpack around the southern half of the province. Sometimes also in August or September, after the spring freshet and before the fall rains come, there can be fisheries windows, but that's left up to DFO to determine.

V. Huntington: Just before I take my seat, I want to say that all I'm interested in receiving from both the Solicitor General and from the Ministry of Environment are the scientific documents that show that the annual gravel extraction does in fact aid flood control and does not hinder downstream spawning beds by the siltation or the removal of the hard sediment that holds those beds together. All I want is the documentation that reinforces the minister's position. I'm sure the department must have it, and I'd love to see it myself.

To the official opposition: they can take over here.

N. Simons: Hon. Chair, I appreciate you giving us more than 0.38 seconds to stand up after the previous questioning. It's in the interests of democracy and a fulsome debate on issues of importance to our constituents.

My questions to the hon. Minister of Environment have to do with an independent power project on the Sunshine Coast referred to as Tyson Creek project, which has recently been subject, I believe, to an order from the water stewardship division. I'm just wondering if the minister can provide a brief outline as to what occurred from January 22 up to the current time now.

To all the people who are watching at home, the Tyson Creek project is a power project that uses a glacial lake to feed the power sources, and what happened, according to information I've already received, is that there was a major silt deposit that went through from the lake bottom into the Tzoonie River, which may or may not have had a major impact on fish habitat.

My concern is about the Tyson Creek project. They're concerned about trying to become operational again, and I'm just wondering what the status of that project is.

[1505]

Hon. B. Penner: Sorry for the delay. I'm just trying to get the latest information, because this is an active file.

[1510]

I believe that the member has been in contact with someone who works in my office and that we've been, through my office, providing the member with some information on this issue.

My understanding is that the Tyson Creek hydro project is a ten-megawatt facility and commenced operations on January 22, 2010. A number of weeks later there were reports of sediment being seen in the water downstream of the power plant, I believe. This led

a number of government officials to visit the site and conduct an inspection. Following that inspection, the Ministry of Environment issued an order to have the operator stop producing power at that plant, and that order, as I understand it, remains in effect.

There is ongoing work taking place between Ministry of Environment and the Department of Fisheries and Oceans. According to the most recent report that I had — from the end of April, so I guess last week — DFO was not recommending any charges at this point. It appears that when water was drawn down from the lake in the manner that the member described, some sediment was exposed that was of glacial origin. It's believed that that's what got into the water system. There's still some additional work to be done before that project is going to be deemed to be suitable for operation.

N. Simons: I wonder if it would be possible to get a copy of that order from the stewardship division — if, in fact, there was an order from that division. Obviously this leads to questions about environmental assessment of glacial lakes being used as head ponds for power projects.

Will the government be initiating any further rigorous assessments in order to address this? Quite clearly this could potentially be an issue for other similar projects in the area that are using lakes as their storage facility.

What happened, apparently, was that the water carrying the silt went right into the Tzoonie River. I should point out it's a significant…. It was once famous for cutthroat trout. The only large run left is the chum run. There are still a few coho, pinks and steelhead. It's just a concern about fish and the viability of the fish population there. It's an important place for the Sechelt people.

I'm wondering if, in fact, this has perhaps uncovered a potential flaw in the assessment process. Could the minister explain how this could possibly have been missed?

Hon. B. Penner: Most of the small hydro projects do not attach themselves directly to a lake, so Tyson Creek is somewhat unusual in that regard. In particular, it's a glacier-fed lake, as the member mentioned, so that makes it somewhat unique in terms of other run-of-river type of projects.

I am familiar with one other project that does have a lake at the top where there's a weir structure, and that's on the west coast of Vancouver Island, near Gold River. It's a bit smaller than the Tyson Creek in terms of its nameplate capacity.

Obviously, what happened here has attracted the attention of the Ministry of Environment staff. I've just talked with people in the water stewardship division, and we will be closely reviewing what took place and incorporating any information into further permitting applications.

[1515]

N. Simons: Apparently the environmental assessment for the project didn't require a geophysical assessment of potential sediment mobilization. I'm just wondering if that could be on record. That could be something that would give the public confidence that the assessment process is going to meet the needs of communities' interests.

There apparently was a second siltation event in March. I'm just wondering if the ministry is aware of that and if, in fact, that was related to the requirement that the company continue to allow water from the lake to go downstream and ultimately into the Tzoonie River, due to the fact that they need to prevent the freezing of the infrastructure and to maintain the minimal flows in the stream.

Hon. B. Penner: Just to respond to the member's question. He is correct. The Ministry of Environment did become aware of a second complaint or incident involving sedimentation in the river. Prior to that, the ministry did indicate to the plant operator that they could continue to run some water — I don't believe for power generation purposes but just flow some water through — to prevent freeze-up during February and, I guess, March, when it was still cold enough at times for that to happen.

I believe we've now acquired all the data in terms of stream flows and what took place in that facility. The matter is under review, and I can advise the member that the plant may not start up operations again without prior approval from the ministry, which will only be granted if satisfactory revisions are made to operational and monitoring procedures.

I can also indicate that based on what I've just been advised, DFO doesn't believe that there was any mortality for fish downstream. Nevertheless, this is something that the Ministry of Environment is taking seriously.

[1520]

N. Simons: I'm wondering if it's possible, to put people's minds at ease in the community, that information regarding potential impact on fish could be publicly available. I also understand that the requirement for action, I guess, is not whether or not harm was actually inflicted on fish but whether or not a deleterious substance was allowed to enter the creek.

I'm not suggesting in any way that action of that nature is required. In fact, part of my concern has to do with the proponents, who happen to be constituents and who are interested in ensuring that the compliance and enforcement process recognizes that there is a significant investment in this project. From both sides — from the community's side as well as from the proponent's side — I think that there's a desire for some openness and perhaps some speed with which this can be assessed and resolved.

Again, my hope would be that the order from the water stewardship division would be released, as well as any information with respect to impact on the natural environment. I'm just wondering if I can confirm that that will be made available.

Hon. B. Penner: I can't make commitments on behalf of the Department of Fisheries and Oceans, but I can tell the member that I'd be happy to keep him informed, through my office, of developments here.

This issue is also of significant interest to myself, as I was quite disappointed to learn about the sediment problems. I'm also mindful of the fact that this would be an investor who has put up significant dollars to build this project and now can't operate after shelling out a lot of money and no doubt incurring various interest charges and now doesn't have any cash flow. But our priority is to make sure that that plant only operates when it is prudent and environmentally safe to do so.

I will check back with the ministry staff and keep the member apprised, through my office, of any developments. But at this point my understanding is that the order is still in place, that the plant is not to recommence operations without first coming to us. I'm not aware that the ministry has advised them that they can resume operations.

N. Simons: I just want to make sure that I get confirmation that I'll actually get that. I don't think it's necessarily an FOIable document, but I'm just hoping that any order from the ministry can be made available.

To restate, yes, in fact, the Renewable Power Corp. adhered to the environmental assessment process as much as they could and within the boundaries of the guidelines, regulations and legislation laid out by the ministry. Yet they're still stuck in this position because, apparently, the requirements of the environmental assessment did not anticipate the potential of glacial silt entering into that water.

They're in an unfortunate position, and I'm glad that the minister recognizes that, and I'm glad that he's given a commitment to ensure that the interests of the operator as well as the interests of the community and the wildlife — and the fish, obviously — are adequately protected.

Hon. B. Penner: I'm sorry. I did forget to address the member's question about the order. My understanding is that the order would be a public document. We do put out, in addition, a quarterly compliance and enforcement summary that lists all of the administrative orders and things that the ministry issues in a given period of time, along with convictions and ticket offences. But instead of waiting for that, I'll see if we can get a copy of that order sooner.

R. Fleming: I want to ask the minister about an issue that I hope has been brought to his attention. It's a live issue that is very timely in terms of steps that could be taken, that residents are concerned about on Gambier Island. It has to do with a class A provincial park, the Halkett Bay Marine Provincial Park.

[1525]

It services the Lower Mainland. It's only 15 minutes from Horseshoe Bay. It has been a class A park since 1988, which gives the minister a high degree of control over what are allowable uses in that park. It also has a somewhat overlapping jurisdiction with the federal government because it's a marine park. The Islands Trust also has governance responsibility for the park — over all the coastal islands, of course — and they have designated Halkett Bay as an environmentally sensitive area.

I don't know if I'm ringing any bells here with the minister, but there's a proposal to sink a large naval destroyer right in the bay. This is controversial. The seabed jurisdiction, once a ship is sunk like this, gives the Ministry of Environment a right to approve it. This issue was first brought to the ministry's attention at least seven months ago, and it was brought to them in a variety of forms.

There have been 650 local residents that have signed a petition opposed to this action, and there have been a number of spokespeople that have written to the minister's office or to the ministry. Then there's been correspondence with a significant private property owner in the area. This is the United Church of Canada, the owner of Camp Fircom, which has been a camp for urban youth since 1923.

So there's a bit of the background. The minister will know that there is some history with his office on this issue, and I wanted to ask him some questions because it's not clear yet how the minister proposes to deal with the marine park and whether a permit will be given to the reef society to sink this ship there. There has been a preliminary environmental assessment by the federal government. They have outlined some risks to the seabed and to the marine ecosystem there. They apparently agree with the Islands Trust that this is a sensitive marine ecosystem, and the preliminary assessment recommends against it.

I wanted to ask the minister — since they haven't to my knowledge responded in writing, to the United Church of Canada or to the residents that are concerned with this proposal — if he has given any direction, if he has weighed the issues at stake here and what action he may be in the process of taking.

[1530]

[D. Horne in the chair.]

Hon. B. Penner: I was just checking with staff to see if we've heard anything since a newspaper account on April 21 in the *Globe and Mail*. The headline was something to the effect of:

"The Department of Fisheries and Oceans appears to have sunk a controversial plan to send a decommissioned warship to the bottom of Howe Sound to create a diving attraction.

"In a letter to the Artificial Reef Society of British Columbia the DFO said the proposed site in Halkett Bay at Gambier Island, 20 kilometres north of Vancouver, is unacceptable because the wreck of the HMCS *Annapolis* would 'cover and destroy' valuable fish habitat."

The Ministry of Environment has not received specific information on this proposal yet from the federal agencies. I'm told that legally, they have the authority to make the decision, but we would normally add comment after we had sufficient information from them to make that comment.

In light of the member's question and this newspaper account to which I just referred, we will be following up with DFO to confirm the status of this matter, and if it's not parked or sunk, we will attempt to extract information as quickly as possible from DFO about what the proposal's all about.

[The bells were rung.]

The Chair: This committee will stand in recess pending the vote in the other chamber.

The committee recessed from 3:33 p.m. to 3:42 p.m.

[D. Horne in the chair.]

R. Fleming: The minister, before the bells were rung, was answering a question on the Halkett Bay Marine Park and the correspondence between the federal government and his ministry. He seemed to state that he wasn't exactly sure where it's at. I hope that he might have a better idea now, because the information that I have is very current, by people who are concerned about the proposal and haven't received, in their minds, a definitive answer from DFO that the proposal to sink the naval ship has been turned down.

I know that the Ministry of Attorney General had corresponded only a few months ago, in December 2009, with Halkett Bay residents, suggesting that the Ministry of Environment was seeking legal direction on the jurisdictional issues. So if he has any information on that….

At the time the Attorney General basically told the residents that they weren't in a position to disclose any of their advice to the Ministry of Environment. It would be interesting to know what that advice was and where and at what point the minister was in the decision tree here, because this is very clearly a Ministry of Environment issue.

I think what we're looking for here this afternoon is some evidence or some opinion from the minister as to whether it's appropriate for the vessel to be sunk at this location. DFO's preliminary analysis found that this would not be a suitable location.

I'm very sympathetic to people who participate in diving activities. There are, obviously, a lot of values to the tourism industry and for residents who are interested in those activities. The Porteau marine park not too far away is a very well-subscribed diving area. I'm certain that if the ministry and the feds were to work with the reef society, they could find an alternate location.

This one is still in the works, as I understand, and it is very much within the jurisdiction of the province to have an opinion on it and to be able to intervene and to state very clearly whether or not they will issue a permit for this use in the marine park. So if the minister could outline that to committee now, I would be pleased to get the information so I can pass it on to these residents.

[1545]

Hon. B. Penner: I'm told that we were advised by the Ministry of Attorney General that the federal government has authority over proposals to sink ships under the Canadian Environmental Protection Act, the Fisheries Act and the Navigable Waters Protection Act.

Normally, we would be consulted before any decision was made. We have not yet been contacted in terms of a referral by DFO or others. The last I had heard was reported through the media on April 21, and that was the article I was referring to just before the bells rang. That was in the *Globe and Mail* on April 21, just reporting that DFO was apparently recommending against this proposal. So it appears that that proposal has got some significant challenges ahead of it.

As I said before the break to go and vote in the other chamber, our ministry will be contacting DFO to get more information from them about the status of this matter.

N. Simons: Yesterday in this House the minister said that the province gets involved or consulted when it may be in the area of a provincial marine park — the sinking of an artificial reef — and I trust that to be true. I'm wondering if it concerns the minister that a project may have gone this far only to find out through the media that the project may be a temporary suspension.

It should be noted that the particular area in question is a sensitive fish habitat, uncommon in the Howe Sound area. The proposed sinking would go against the Islands Trust bylaws. It would be contrary to the official community plan, and it would be contrary to the Gambier Island land use bylaws.

I'm just wondering. If community members feel that they haven't been consulted on a project that they anticipate to be nearing some sort of a completion, what assurance can the minister provide the people of Gambier and the people of the lower Sunshine Coast — in fact, residents throughout that area — that nothing will happen without the fulsome review and consideration of the evidence before the ministry goes ahead with any sort of decisions on this?

Hon. B. Penner: Just to respond to the member's comment that this project is nearing completion — in fact, it hasn't even started. The detailed environmental assessment work, as far as I can understand it, hasn't officially started, because the Ministry of Environment hasn't been officially contacted to provide our comments as yet.

That indicates to us that this proposal is still in the relatively early stages, albeit it's been talked about for months. But that's an indication of just how long the approval process is: when something can be talked about in the public realm for seven months or more, but it still hasn't officially started a formal environmental assessment review, at least not one that's involving the province of British Columbia.

Our ministry does get contacted for these types of projects or proposals before any decision is made, particularly where we have a marine park. That's why my officials tell me they believe that this proposal is a long way off from a decision: because they have not received official notification from DFO or the Canadian Coast Guard about this proposal.

Nevertheless, I have directed staff to proactively contact DFO and/or the Canadian Coast Guard to find out the status of this matter and, in particular, what DFO's stated concerns are about. If DFO is expressing the concerns that I'm reading about in the *Globe and Mail* from April 21, then certainly, that gives me concern as well.

We are going to seek further information and clarification on the process and timelines, but from our perspective and from what my ministry staff are telling me, they expect that this project has a long way to go before it would ever be approved.

[1550]

R. Fleming: Just to clarify, I mean, there are some puzzling elements to the issue just in terms of when the ministry was contacted, why they haven't responded. In this case, the United Church actually exercised a right it had potentially — or served notice that it may exercise a right — to withdraw its parcel from the marine park if the project was going ahead. That was in writing to the Minister of Environment. Presumably, that would have got some attention and been brought to the proper political attention in this case. I haven't heard the minister demonstrate that he was aware of it in that way.

Then secondly, as recently as March of this year DFO told the proponents, the Artificial Reef Society, that as a next step for them to proceed, they had to demonstrate and give evidence that the province supported this project before the feds would even consider granting any kind of tenure over the site.

From what I'm hearing and the documentation that I've seen, the ball has been very squarely put in the province's court. This thing is dead if there's a clear communication that a park permit will not be issued, and that has been the written opinion of DFO.

If the minister could clarify. There certainly is a jurisdictional interest and a jurisdictional authority for the province. I would like to know in this committee here what the minister's opinion is and what action he's considering taking to resolve this issue.

Hon. B. Penner: Just to correct something that the member stated, I think he was indicating that there had been no response by the Ministry of Environment to the people at the United Church who were expressing concern about this. In fact, I wrote to them on December 11, 2009.

Just for the benefit of members, if they'll oblige me, I'll read it into the record. I apologize; I only have it on a personal hand-held electronic device. If it's okay, I'll quote from this in an effort to reduce the amount of paper to reproduce and consume.

> "Thank you for your e-mail of November 4, 2009, addressed to Mr. Matt Gordon, communications director for the public affairs bureau, in which you outline the concerns of the United Church in regards to the proposal to sink the HMCS *Annapolis* in Halkett Bay Marine Provincial Park in British Columbia.
>
> "To date we have not received a referral from Environment Canada to review this proposal. It is, therefore, premature for any parties, including the United Church, to assume B.C. Parks is either supporting or objecting to this proposal.
>
> "Once a referral is received, B.C. Parks will participate in the federal review and assessment process to ensure that any potential impacts to the recreational environmental values of Halkett Bay Marine Provincial Park are considered. The authority to approve or reject the proposal rests with the federal government.
>
> "Thank you again for writing.
>
> "Sincerely,
>
> "Yours truly"

N. Simons: I appreciate that we had not seen that response. It still remains a little unclear, because that's referring to the federal Ministry of Environment. We're talking about the DFO and the Ministry of Environment provincially.

I think we could probably save a bit of time by saying to the people of Gambier Island that, ultimately, if the Ministry of Environment determines that sinking this *Annapolis* in Halkett Bay within the marine park boundaries…. That is, if the United Church does not, in fact, exercise their right to remove that from the park, will the people of the Sunshine Coast or Gambier Island have adequate opportunity for consultation and adequate opportunity to express their concerns one way or the other on this project?

[1555]

Hon. B. Penner: As noted, I have directed ministry staff to proactively contact DFO and/or the Canadian Coast Guard to obtain more information about this proposal. To date we have not been contacted by them about this proposal, which indicates to us that it is still,

as far as reviews go, in fairly early stages if they haven't yet contacted us for our input.

While I am obviously concerned about this proposal, given the comments attributed to DFO in the April 21, 2010, article in the *Globe and Mail*, where DFO is said to be concerned about this proposal because it would "cover and destroy" valuable fish habitat, nevertheless, I would like to seek additional information from DFO about this proposal. We have not received that information through formal channels, to the best of my knowledge.

S. Fraser: Greetings to the minister and his staff. Thanks for being here for this wonderful process called budget estimates. It's timely. It's spring now, so there's a spring bear hunt on. It is a time — you might need other staff; I'm not sure — when we see an increase in orphaned bear cubs. Unfortunately, that's a reality of the situation.

I'm just going to quote from the Christopher Parker report that was done in March 2008 and that was commissioned through Habitat Conservation Trust by the ministry. One of its key recommendations I'll just quote here:

> "B.C. policy for orphaned or at-risk cubs-of-year should be that once captured, they are transported to a rehabilitation centre for assessment for rehabilitation. The first action should be field assessment, followed by capture and removal of the cubs, followed by assessment for rehabilitation, not euthanasia by gunshot in the field. Field destruction of the cubs should not occur unless the field assessment determines that it is an appropriate response."

I guess I just want the minister.... Does he agree with that key recommendation of the very well-respected Christopher Parker?

[1600]

Hon. B. Penner: Sorry for the delay. We're trying to track down some staff on this matter. It is the practice that conservation officers do a field assessment. We're just trying to find the particulars around the policy guidance that they're given.

There was, as the member may know, a major review done by the provincial government sometime in the late 1990s due to public concern around the number of orphan bears that were being put down or euthanized. That led to a change in the practice that was implemented, we think, in about 2002. We're just trying to confirm that.

[1605]

In any event, it is a matter of practice that conservation officers do a field assessment about what the best situation is. I know that it's one of the challenging things that COs have to do. It's not their favourite part of the job, but sometimes they do have to put animals down, including bears and sometimes including bear cubs, either out of interest for public safety or, in the long run, what's actually the most humane thing to do for the animal.

S. Fraser: So the times when the conservation officers, after the field assessment, do not put the orphan bear cub down, obviously again, the only option then is rehabilitation, which according to Kip Parker should be the preferred option. I'm sure that we all want to see that as the preferred option.

Can the minister explain how much funding goes to bear rehab? Does the ministry have a rehab facility? If not, how much funding is provided to the four accredited rehab facilities in the province?

Hon. B. Penner: The Ministry of Environment has not traditionally funded bear rehabilitation facilities. There are four licensed, as the member mentioned, in a number of different places in the province — one on Vancouver Island, at least one in the Lower Mainland. I know there's one near Smithers. I think there might be two in the Lower Mainland, but I stand to be corrected on that.

Last year we had worked, as the member knows, to try and fund a new type of bear rehabilitation facility on Fromme Mountain near Grouse Mountain. That effort was not successful. The local government voted against that proposal. Therefore, it did not go ahead.

S. Fraser: I know that, but I won't rehash what happened last year in estimates. The minister accused me of hating baby bears — I think was what he was suggesting — because I was trying to ensure that the funds should go where recommended by the minister's own report and by his own staff — stuff that we saw through freedom of information.

[1610]

I would note that the Kip Parker report, Christopher Parker's report, recommends that the funds be shared amongst licensed bear rehabilitators according to future activities and commitments. At the same time, in the author's opinion, the Grouse Mountain centre for endangered wildlife is not the right vehicle or partner to deliver this care.

This report cost the taxpayers $40,000. I know the minister knows that. Hopefully, he will have learned from that and that we all learn from that. But the fact is that the recommendations were that the best impact for the bears would be to provide some funding for that.

The funding didn't go to this discredited project. It should have gone.... According to Christopher Parker, the respected expert who did the report, the best outcomes for the bears for rehabilitation would be to go to the accredited and licensed bear rehab facilities that are in the province already.

He further said that the value of the service that rehabilitation provides is out of proportion to levels of government funding and support. This was two years ago. "Wildlife rehabilitation has enjoyed little concrete support from government in B.C. However, given the small

number of active bear rehabilitators" — four, as the minister pointed out again — "the Ministry of Environment has an opportunity to support and oversee an effective bear rehabilitation program for the province."

This report is still germane today, so why were the recommendations not heeded? They do not appear to be. As a matter of fact, the last of the gaming funds that went to any of these centres was stripped, pulled away this year in this budget, as gaming funds were pulled back into general revenue from non-profits that do some of these valuable jobs that the ministry, I think, wants done.

So if the ministry is not funding any bear rehab facilities, and now gaming funds are no longer going to any licensed, accredited bear rehab facilities, and the government's own reports say that there should be funding to do this work, is the policy then de facto by this government that all baby orphan bears should be euthanized, should be destroyed?

Hon. B. Penner: We've canvassed the issue around gaming grants a couple of times already in these estimates. This will be the third time. The first time was Monday afternoon. The second time was this morning. I'll repeat it for the member's benefit here. The government chose to reprioritize how those gaming grants were awarded to focus on issues of public safety and child and youth sports, for example. It does mean that when there are limited dollars available to government, you can't do all the things that you would like to do.

[1615]

Frankly — as I said yesterday, I think it was, or maybe it was this morning — I was surprised to learn that a number of the facilities that the member refers to were previously receiving gaming grants from government, because a number of those very organizations proclaimed to me and on their websites that they don't receive and never have received any government funding. But in fact, it turns out that some of them have previously been getting gaming grants. I was not aware of that.

This year, as I've already mentioned and as has been widely discussed — due to the economic downturn globally and the reduction in revenues to the provincial government that are very significant, combined with our efforts to continue to increase health care spending by $2 billion over the next three years while also trying to minimize the budget deficit, which this year is $1.7 billion and get back to a balanced budget — government has had to refocus its spending. That's what families do when they're facing a shortage of funds, and that's what most people expect government to do. That's unfortunately what the government has had to do as revenues evaporated during the global economic recession.

In terms of what is the best thing to do, the best thing is to avoid human-bear conflicts and to avoid, as much as we can, bear cubs becoming orphaned. That is where the majority of the ministry's effort has been directed over the last number of years.

I note that the Ministry of Environment did not fund these rehabilitation facilities during the 1990s, when the NDP was in office, because the priority then, as it is now, was to focus on the health of particular species. Rather than spending inordinate sums trying to protect a single animal, the ministry's overall objective is to maintain healthy populations of species generally.

In British Columbia the black bear population is very healthy. Estimates range from 120,000 or more black bears in British Columbia. We have a very large and, some say, growing black bear population in British Columbia. It's not an endangered species. Nevertheless, as I indicated earlier, the practice of the conservation officer service has changed from what it was in the 1990s in terms of doing a field assessment when orphaned cubs are encountered. It isn't simply a single remedy that none of us like that is adopted. Rather, they do look for alternatives, and that's the work that takes place today out in the field.

G. Coons: Thank you, Minister and staff, for being here. I just have a couple of issues. The first one, as the minister knows, because we're both getting copies of the concerns in the Bella Coola Valley about the three issues, is the legislation dealing with problem bears and whether or not it's strong enough to deter people from having the concern with problem bears in the Bella Coola Valley.

Along with that comes a conservation officer. That has not been posted in the Bella Coola Valley for over two years.

The other one was the Bear Aware program, for which Bella Coola now does have the funding. It was in the last announcements with the Bear Aware program, I believe.

I just wanted to ask the minister about the two other ones. Whether or not, due to the campaign of letter writing that we're both getting…. Originally, it was just to me, I think. I ended up getting hundreds of them, thinking that I could override the minister and perhaps do something. Perhaps in a few more years we can do that, but I had to tell people: "You know, perhaps you should e-mail the minister."

I'm just wondering about your comments. Are there any plans or strategies to look at revamping legislation to deal with problem bears and stricter regulations — and about the conservation officer in Bella Coola and the lack thereof?

[1620]

Hon. B. Penner: I believe the member referenced the fact that some funding was made available for Bella Coola for a Bear Aware program this year. Other communities funded in 2010-2011 by the Habitat Conservation Trust

Fund, I believe…. They're the actual funding agency for Bear Aware.

I'll stand corrected, perhaps, although I believe that it's the HCTF, but maybe it's the B.C. Conservation Foundation funding the programs in Kamloops, Kimberley, Squamish, North Vancouver, Castlegar, Fernie, Revelstoke, Rossland, Golden, Elk Valley, Kaslo, Whistler and Bella Coola. Rural areas between Nelson, Creston and Cranbrook also get a program, as will the upper and lower Slocan Valley–north Arrow Lakes area.

What I recall from previous briefings on this topic is that one of the criteria is whether there's a willing and active participant in the form of a local government or local authority. We find that the program works better if there's local buy-in at the outset, rather than people perceiving this to be something that's being imposed on them.

If there's a local engagement, we find that the program is more successful. We believe that it has been quite successful in a number of communities in raising people's awareness about the changes they can make to their own habits or activities to reduce the attractants, the things that tempt bears to get into harm's way by coming too close to people and their homes.

G. Coons: Thank you, Minister, for the update on the Bear Aware program. The two questions I asked were dealing with the conservation officer position in Bella Coola and the realm of that being…. The regional district had a motion saying that due to the high rate of human-wildlife interaction and there being no full-time CO for over two years, they are requesting that one be based out of Bella Coola. That was the first question that I requested an answer to.

The other was dealing with any legislation coming out dealing with a stricter response to problem bears and to people that are not meeting the legislation as far as leaving out products or garbage or whatever that would attract bears and result in problem bears being killed. I think in the last year and a half there were over 18 grizzly bears killed in the Bella Coola Valley.

[1625]

[J. Thornthwaite in the chair.]

Hon. B. Penner: I was just trying to go back in the numbers that we have here for the number of grizzly bears that had to be dispatched by virtue of running afoul of humans in the Bella Coola Valley.

I couldn't find it in the numbers that we have, but if my memory serves correctly, and that's maybe a dangerous thing to rely on, I remember a project near Bella Coola to put an electric fence around the local landfill — I think that was the community where that was done — and that it had a very significant beneficial effect in reducing the number of grizzly bears and perhaps black bears that were killed in any given year after becoming garbage bears. I think that is one of the things that took place there, but I'd have to double-check.

The member believes also that that's the community where they put in the electric fence. So there are a variety of different strategies we can employ.

The member was asking about the conservation officer position. I'm sorry. I didn't answer that in the first question. I forgot to touch on that. There is a conservation officer assigned to patrol the area but based in Williams Lake, so regular patrols will be scheduled for the CO, who will also be responding to calls or to investigations that are required. That's the information that I have here.

G. Coons: Yes, and as the minister knows, Bella Coola is about 500 kilometres away from Williams Lake, so it's pretty hard to have regular patrols along Highway 20, the winding road. The concern in Bella Coola is that a lot of people in the valley don't even let people know of the concerns or issues with problem bears because they know they're not going to be addressed.

Again, I would at least request the minister…. I did get a letter from the conservation service, who said that they'd been unable to fill it due to it being a remote community, but that it hasn't even been posted for over a year. I would hope the position would be posted, at least. If we're crying that it can't be filled because of certain requirements, at least have the position posted so that people can see some sort of movement towards at least trying to fill the position. I'll end on that note right there and get to my other questions.

[1630]

I do have a question about bears again, basically in the Great Bear rain forest. We did question this to some degree when the minister's staff did a helicopter survey of the Kimsquit drainage, which showed that the number of mother grizzly bears with cubs is down 65 percent, and the number of bears overall is down by 55 percent. I'm specifically talking about the Great Bear rain forest, so we can just deal with that.

Doug Neasloss from Klemtu, who I met with for a few hours to talk about this situation on the ground, says: "In 2008 we had a very bad run of salmon, the first time in 12 years I'd ever seen hungry bears, but there are still lots of them. In 2009 a huge decline, in some cases up to 80 percent. We only saw one cub. Usually we see ten to 15. Our most productive rivers went from 27 grizzly in 2008 to about seven in 2009, and most of our black and white bear rivers were empty."

He's kept journals for seven years. The noticeable impact of less bears is significant on the ground. I'm wondering: what is the minister doing to ensure the survival of the bears, and is there an accurate number of grizzly bears in the Great Bear rain forest?

[1635]

Hon. B. Penner: We were just cross-referencing a number of statistics here. Just to give the member a bit of historical perspective, it's true that there's been a decline observed in the last two years in the number of grizzly bears spotted in the Kimsquit–Dean River areas.

Every year the Ministry of Environment conducts, I believe, an aerial observation survey to count the number of grizzly bears and the various age groups. The number for 2009 was 23. The number for 2008 was also 23, and that's a decrease from the years before that. But we have seen, historically, some fluctuation in that area. For example, in 1998 there were 29 that were spotted in that year.

It's true that in the most recent survey our staff identified fewer subadults. It is thought that a decrease in the food supply could be one explanation for why females are not having as many offspring.

That's a possible explanation, but the senior bear biologist in the Ministry of Environment does not believe that there is "starvation" taking place for grizzly bears. He does not believe that's a likely thing that would occur, given that grizzly bears are omnivores and are able to eat a wide variety of different food items as part of their diet.

M. Sather: Continuing on the theme of bears, 139 grizzlies were killed in parks and protected areas in B.C. between 2004 and 2008, which I understand is when the better data is available. The allowable annual human-caused mortality, which is mostly hunting, was exceeded at least once in 18 of the 23 grizzly bear population units.

My question to the minister is: what is the government doing about this overkill?

[1640]

Hon. B. Penner: I believe the member is referencing a report that was released about a month ago by the Suzuki Foundation. That report seemed to overlook the fact that one of the cornerstones of B.C.'s grizzly bear harvest procedure is the use of five-year allocation periods.

> "The objective of the allocation period is to provide for flexibility on annual harvest to achieve target sustainable harvest rates.
>
> "Annual allowable mortality is multiplied by five to obtain the allowable mortality for the allocation period. The objective of the ministry is not to exceed the allowable mortality for the allocation period. If the number is exceeded in a given year, then reduction in mortality over the following years is expected."

That's the gist of it.

If there are, as the member says, a number of bears that exceed the number identified as sustainable in a given year by the ministry, then there's a reduction in following years.

M. Sather: Well, this is a five-year period, 2004 to 2008, so my question is: does the minister agree, first of all, that there has been an overkill? Yes, I am referring to the report that was put out about a month ago. If he agrees, then what is the government going to do about it?

Hon. B. Penner: Similarly, if there was an exceedance in one five-year period, then a reduction in the following five-year period is implemented.

M. Sather: Is the minister saying, then, that they have reduced the hunting season since 2008 — the bag limit, the total amount taken? If so, by how much?

[1645]

Hon. B. Penner: One of the challenges is that the period which the Suzuki authors relied on is a different period than we used for our allocation procedure. They reference a period from '04 to '08. We used a different period of time. So we probably have a difference of opinion on the number of grizzly bear management units that were exceeded because of the difference in the period measured. But my director of fish and wildlife informs me that where the five-year period is exceeded, there will be reductions in the following allocation period.

M. Sather: What five-year period, then, is the ministry using, and for the period that the ministry is using, how many of these grizzly bear population units have had excess kill?

[1650]

Hon. B. Penner: The current allocation period that we're in is 2007 to 2012. There are 57 grizzly bear management units across the province. Of those, I believe 14 are closed due to concerns around the numbers of grizzly bears, where our staff don't believe that those grizzly bear population units could safely and sustainably sustain a hunt.

Of the 43 units that are open, we believe that there are one or two that may be trending towards exceeding the five-year allocation number, and therefore this year we will be taking steps to reduce the number of authorizations in those one or two grizzly bear management units.

In the past we have closed grizzly bear units when the numbers were insufficient to safely sustain a hunt, and a number of those have reopened once the populations were higher again, such as in the Kootenays.

M. Sather: How many grizzlies were killed in parks and protected areas, then, in '07-08?

Hon. B. Penner: I don't have the numbers the way the member is asking them to be presented, but I do have the totals for '07, '08 and '09 in terms of the number of bears that have died from human-related causes.

They are as follows: 436 grizzly bears died from human-related causes in 2007, of which 366 were hunted and 70 were killed via conflict kills, motor vehicle accidents, rail accidents or illegal kills.

In 2008 the number dropped to 392 grizzly bears dying from human-related causes. Three hundred and nineteen were hunted, and 73 were killed via conflict kills, motor vehicle accidents, rail accidents or illegal kills. In 2009 the number dropped again, to 345 grizzly bears dying from human-related causes. Two hundred and ninety-nine were hunter-related kills, and 46 were killed via conflict kills, motor vehicle accidents, rail accidents and illegal kills.

Taking a look back, then, at the numbers, human-caused grizzly mortality decreased by 21 percent between 2007 and 2009. Of that, hunter harvest of grizzly bears decreased by 18 percent between 2007 and 2009. The number of grizzly bears killed in human conflicts remains a concern, and that's something that we continue to address through programs such as Bear Aware.

A few moments ago I was asked some questions by the member from Port Alberni, and I just came across this information now. I'll just read it into the record for his benefit.

[1655]

The number of black bears that have been euthanized by conservation officers over the last three years has been an average of approximately 600, compared to almost double that amount in the years from 2008 to 2001. So we have made some progress by reducing by about 50 percent the number of black bears that have had to be killed by the conservation officer service over the last ten or 12 years or so. But it remains a work in progress.

M. Sather: I have other questions for the minister regarding grizzly bears, but I won't be able to get to that, in the interests of time. I'm going to pass the mike over, as it were, to one of my colleagues.

D. Donaldson: Thank you to the critic for providing some time for me in these budget estimates and to the minister and his staff for being here. I have a question on hunting allocations. It's around a specific issue, but I think it has implications more broadly throughout the province. I'll describe the specific topic, and then, for the sake of time, I'll ask a double-barrelled question. I'll ask two at once.

It's hunting allocations in reference to the Stikine country advisory committee and the Skeena hunter advisory committee, which are two advisory committees in my constituency. It relates, in this Vote 26, to "Environmental Stewardship" and "Parks and Protected Areas." It concerns an increase to 746 in the total allocations in Spatsizi Park for a variety of animals: sheep, goat, moose, caribou. That's almost a 100 percent increase in the allocations compared to the previous year.

What people — regardless of the perspective they have on these advisory committees — are wondering about is the rationale.

I know the rationale that the Ministry of Environment used in making these allocation decisions. I know that in a meeting that the Stikine country advisory committee had with the ministry staff November 24 and 25 of last year, there were charts provided as options. In fact, some of the numbers were printed in red, and it was said that these are options. But when it came down to the decision, now, those in fact became the allocations.

For transparency and so that people with various perspectives on this issue can have a better understanding of the science and the reasoning, would the minister commit to releasing to these two advisory committees the actual rationale about how the allocation numbers came about, so that there can be a better discussion and understanding of that? That's the first question, so I'll let you keep track of that one.

The second one is more in regards to a perspective on this, and it is: will park management plans take precedence over the allocation policy on management direction? That's more or less in reference to the Stikine park management plan, which says: "Hunting is managed within parks and protected areas for quality outdoor recreation opportunities rather than to maximize harvest."

That's a second question, a different perspective on it — maximizing harvest versus what is actually said in the park management plan.

[1700]

Hon. B. Penner: I'll attempt to give the member a double-barrelled answer as well, but in the most polite fashion possible.

On the first question about the allocation, I'm advised that ministry staff felt that there had been an under-harvest for a number of years in terms of the LEH in that region and therefore felt it was appropriate to increase the number of LEH draws that were made available.

[1705]

The results will be monitored closely to determine whether there's an increase in hunter success that is reported. There hadn't been a whole lot of hunter success reported previously, and that's one of the reasons why the change was made to the allocation there.

I just was checking with my director of fish and wildlife. We'd be pleased to follow up with a written rationale for the change, and we can provide that for the member.

On the second question, which had to do with wildlife allocation policies and setting of harvest levels, versus park management plans. The park management plans are informed by the science of the fish and wildlife branch of the Ministry of Environment. The fish and wildlife branch also can set their harvest levels — depending, again, on what the science indicates is sustainable — whereas the

park management plans tend to be higher level but will indicate, for example, whether there's any hunting at all that is permitted in a park. If there is, then the fish and wildlife branch will determine the precise numbers.

D. Donaldson: Thank you for that answer and the staff's consideration of those questions. I'll pass that along to the advisory committees that I mentioned. I look forward to the written rationale being provided as well.

I have another question on an unrelated theme around allocation. It's different, but it relates to Vote 26, on environmental stewardship, and Vote 28, on environmental assessment office.

Again, I'm going to describe a situation. I think it has implications, broader implications than just this specific example. I'll ask two questions at once. I won't use the word double-barrelled in this instance, but two questions at once.

It relates to the routing of the northern transmission line. There have been concerns raised by the Gitanyow First Nation around the Hanna-Tintina watershed, which is in their traditional territories. It's also smack in the middle of the route proposed by the northern transmission line.

The Hanna-Tintina is the spawning grounds of 80 percent of the Nass River sockeye and is also considered a critical grizzly bear habitat and a culturally significant area for the Gitanyow. This has been worked on — the Hanna-Tintina — by government agencies in conjunction with the Gitanyow. In fact, the description I just read out there was from the Nass South sustainable resource management plan. So government agencies, on-the-ground agencies, have been involved in that plan.

My question relates back to the Gitanyow. They wrote a letter, March 22, to Kathy Eichenberger, with the environmental assessment office, and they've laid out what they say are proposed terms of reference for a technical working group around the northern transmission line. They laid out those criteria back on January 13, but the letter that I'm discussing here is from March 22. They feel that getting at the issue of the Hanna-Tintina is best and most expeditiously addressed through what they're describing as a technical working group.

As you may know, Minister, the northern transmission line proponent, BCTC, submitted only a single route in their submission to the EAO, the environmental assessment office, that actually impacts the Hanna-Tintina watershed, where the bulk of the Nass River sockeye spawn. The Gitanyow had proposed to BCTC two alternate routes, but BCTC decided that they wanted to submit just the route that goes through the Hanna-Tintina watershed.

On this technical working group that's been proposed by the Gitanyow back in January and that was written to Kathy Eichenberger in March, the Ministry of Environment was a member, a proposed member as the technical representative. Has the ministry responded to that — taken up the offer of being a member of the technical working group and said that's a good idea to get to the nub of the matter around the Hanna-Tintina, considering the government has recognized this as a significant habitat, not just for salmon but for grizzlies?

[1710]

Here's the second part of the question. Has the Ministry of Environment taken a position on the routing issue, on the routing of the northern transmission line — that is, considering that the current proposed routing goes directly through a sensitive habitat for those two species?

Hon. B. Penner: I'm advised that the Ministry of Environment is a member of the working group, as is the Gitanyow and, of course, BCTC. There may be other organizations represented there as well. I'm told that the application, which was formally filed on April 15, 2010, does contain an alternate route and that the members of the working group will be meeting later in May to discuss what I'm told is a promising alternative route.

R. Fleming: I wanted to ask the minister a little bit about some solid waste issues that he and his ministry are dealing with. The first is around a commitment that is spelled out in the climate action plan around diversion of organic waste from landfills, from the solid waste stream. The plan reads that new strategies will be introduced to use organic waste and get it out of the waste stream. The minister knows that organic materials can be up to 40 percent of material found in landfills.

[1715]

I wanted to ask him what his ministry has underway in terms of looking at organic diversion and whether one of the options he's weighing is the one that was enacted by Nova Scotia 12 years ago, in 1998, when they banned organic material from landfills — period — just as we do in British Columbia for things like steel and glass.

Is that an option that the province not only would endorse but provide resources to regional districts to be able to manage? Obviously, this has a tremendous benefit, potentially, for lowering our greenhouse gas inventory in B.C., given the methane production and the concentration of that in these types of facilities.

Hon. B. Penner: Following the release of the climate action report and plan, there was a waste working group — say that three times fast — that was appointed to bring recommendations to government. They've just reported out in the last couple of weeks, and ministry staff are now going through those further recommendations about how we can reduce greenhouse gas emissions by reducing waste. I expect we'll hear more from the ministry staff on that in the next little while.

R. Fleming: I think the potential and the opportunity for British Columbia to be a leader in technology development really depends on the ministry, the minister, giving political leadership on regulations that will give the feedstock, quite frankly, and give the business community confidence that they have an investment climate that would support capital investments to introduce technologies that are advanced and that can shred and produce compostable material and produce it efficiently.

I would hope that he's seriously considering the recommendations, whatever they may be. I would ask that as a favour…. I would ask him, actually, if the working group's recommendations and their report are internal documents or whether that's something that could be available.

[1720]

I think this has a tremendous amount of interest literally in every corner of the province. We have regional districts that are looking at landfills that are reaching their end of life. They're tremendously expensive facilities to operate. It ought to be very difficult to permit the opening of new landfills, given the undesirability of that option. I think the province can send a real signal and work with local government if they're prepared to look at regulations like we see in Nova Scotia.

I wanted to ask the minister about waste-to-energy proposals that may be before him, before his eyes as we speak, and ask him if he could give this committee a copy of a document, a letter that he wrote to the chief administrative officer of Metro Vancouver, Mr. Carline, that I haven't seen — but I'm aware of its existence — and that gives some kind of ministerial direction on waste-to-energy incineration.

As the minister knows, Metro Vancouver is having a process about how to manage solid waste. They're looking at every feasible option. I'm not commenting here on technologies at this point in time, but he's aware that that process is open, that it's a public process. It's consulting with anyone and everyone who wishes to participate in it.

I'm just wondering if there has been some political direction that is now shaping the scope of recommendations that are possible by Metro Vancouver, and if he has a copy of that letter — that, I think, is from October 2009 to Mr. Carline — if he'd make it available to the committee.

Hon. B. Penner: It's not my practice to release letters that I've written to other people without their consent. If Metro Vancouver would like to release that letter to the member, that's their choice, but the letter was addressed to Metro Vancouver.

R. Fleming: Well, maybe we could just address the contents of the letter, then, here in the form of some questions. I'm not sure whether the letter was just for Mr. Carline's eyes or whether it was to political representatives who are accountable to other constituents.

I've heard the minister say no, that he won't give the letter, so maybe if the minister could at least indicate what parameters he was putting on the solid waste future planning process that's underway in Metro Vancouver. Has he rejected any ability for Metro Vancouver to pursue and look at in-region waste-to-energy projects?

[1725]

Hon. B. Penner: As the member would note from comments I've made frequently in the media with respect to the draft plan that Metro Vancouver is now consulting on, the options before Metro Vancouver are several. They're not limited to simply waste energy incineration. There are other options before them.

I recall that not that long ago the member asked me questions in question period about how we could dare propose to issue an air emissions permit, by professional employees in the Ministry of Environment, for a facility in Kamloops that was proposing to incinerate railway ties. The emissions from that proposal were estimated to amount to less than a single wood-burning stove, but nevertheless, the NDP official opposition took the view that that should not be allowed to happen in Kamloops and that professional Ministry of Environment staff should not have issued that permit.

That indicates to me that there's a certain level of public angst whenever someone is talking about burning or incinerating or in some other way transforming waste into a form of energy. I've observed a number of times that Metro Vancouver should not underestimate the challenges of permitting such a facility. If the NDP opposition is willing to oppose a facility like the Aboriginal Cogeneration facility in Kamloops, I strongly suspect they would come out and oppose something much greater in scope in the Lower Mainland.

There are other options, though, available to Metro Vancouver. On Vancouver Island the member for North Island has indicated her support for a proposal at Gold River, where a former pulp mill site has been identified as a potential place to generate electricity for Vancouver Island, operating as an independent power producer and utilizing some of the waste. So that's something that the member for North Island apparently supports.

There's also, of course, the longstanding Cache Creek landfill. In January of this year I signed an environmental certificate approving a proposal to expand the life of that project by anywhere from 17 to 25 years.

There are a couple of options on the table for Metro Vancouver, and I know that people who are following this debate publicly are aware of that.

R. Fleming: I'm not commenting on the technology, although I find it odd that the minister seems to favour

incineration options, even for contaminated substances like creosote in an airshed when it's in Kamloops, and issues a permit. He has, I believe, now issued an environmental assessment for an out-of-region waste incineration facility here on the Island. He can confirm whether that EA has been signed or not.

What I was asking him was whether he has inserted himself, in his opinion, into the consultation process in Metro Vancouver about how they deal with their solid waste. I'm not commenting on what decision Metro Vancouver may make or is considering. But it was left to them to come up with options, and I'm wondering if the minister has definitively closed the door to waste energy incineration facilities in Metro Vancouver.

Hon. B. Penner: Just to correct the member, as I did in question period numerous times when the issue of Kamloops came up, that was not a decision that was made at the political level. That was made by professional public servants who had master's degrees in chemical engineering and had experience in meteorology, including air dispersion modelling. Those are the individuals who reviewed the application in Kamloops and issued the air emissions permit. Then they were criticized by the NDP opposition for doing so for a small project that was proposed in Kamloops.

In terms of the project that's supported by the member for North Island, in Gold River, that was a project that was also permitted at the staff level — not the ministerial level, at the staff level. There is a difference.

[1730]

In terms of the environmental assessment process, the Cache Creek expansion did trigger a review by B.C.'s environmental assessment office. Recommendations were forwarded to me and another minister in December, and in January we made our decision and signed the certificate granting approval to that proposal. Whether or not that proposal goes forward remains to be seen, but clearly, it is an option that's available and before Metro Vancouver.

[J. McIntyre in the chair.]

I've also stated numerous times that I'm not going to prejudge Metro Vancouver's consultation process. They've just started now with their first meeting last night in Hope, which is a community in my constituency that I represent. I understand that perhaps about 50 people attended there last night for that first public consultation meeting on Metro's draft plan.

Again, I will wait to see what kind of recommendations Metro formally submits to me. At this point they have not submitted a formal plan for my consideration. They are out now consulting on their draft plan, and I look forward to getting their submission in due course.

R. Fleming: Just to be clear, is the minister telling the committee, then, that we have to submit a freedom-of-information request to get a copy of the letter that was written by the minister to Mr. Carline in Metro Vancouver?

Hon. B. Penner: The member may if he wants to, or he can contact officials at Metro Vancouver and see if they would like to release the letter. It's addressed to them.

R. Fleming: It's a letter from the minister on a public policy issue, on an issue under active consultation in a region that covers 2.2 million people in the province of B.C. It outlines the minister's own position on the issue, as I understand. I'm surprised that he wouldn't want that available for scrutiny and to be transparently viewed by anyone. So I would ask him again. If he would kindly give the letter to the committee, it'll help inform discussions that we're having here today.

The minister gave credit to the opposition, I think, for helping the residents of Kamloops, who spoke pretty clearly and almost unanimously on the Aboriginal Cogeneration plant and who simply demanded that the province of B.C. have standards as high as the European Union in terms of incinerating hazardous waste material, as it is classified in that jurisdiction.

Interjection.

R. Fleming: And it's an incineration and gasification plant, as the member from Kamloops is muttering over there. He should take some credit too, because I know he did some hermeneutics in the background and asked a number of questions and made a number of interventions to the minister. He's probably pretty happy that for the time being, the Aboriginal Cogeneration plant is not going to be sited in his airshed and that residents who wanted simply a process to have their voices heard, by happenstance and by their own persistence, finally got one and that that issue has for the time being, as I've said, been resolved.

I think the minister should give credit to even some of his own colleagues in his own caucus who had a view that was apparently different than the one he repeatedly defended in the House.

I want to ask the minister a question about Cache Creek. As he mentioned, an environmental assessment certificate was signed by him in early January. He had received that application on New Year's Eve, I think — December 31, 2009 — and was able to consider that application for up to 45 days, I believe. On January 6 the certificate was issued — over Christmas, over the winter holiday.

[1735]

I wanted to ask the minister about the Cache Creek extension and have him explain to me how a landfill facility

that was recommended and scheduled to be closed in this year, 2010, could suddenly, over the Christmas holidays, with six days' consideration — a facility that had reached its end-of-life cycle — be given a 17- to 25-year extension?

Hon. B. Penner: I just caution the member. He's repeating some of the false information that I've seen repeatedly in the media, for some reason. Some people keep saying that the Cache Creek landfill was about to close this year, even though an extension was granted by Ministry of Environment staff — again, not by the minister, by staff — at the regional level back in late summer 2009.

Now, I know certain advocates for waste energy are not necessarily mentioning that to people they're talking to — including, it appears, the critic. But it is a fact that the Ministry of Environment regional staff granted an extension of up to two years to the Cache Creek facility in late summer 2009. Prior to that the proponents for the Cache Creek expansion formally entered the environmental assessment process in August 2008, a year before that.

So this project and proposal and issues pertaining to Cache Creek have been very much front and centre for a very long time. In fact, practically since I became minister in June 2005, issues to do with what was then GVRD, now Metro Vancouver, waste disposal have been very much a major issue that's been before not just Metro Vancouver or GVRD but also the Ministry of Environment.

I have considerable familiarity with this entire topic, including this particular proposal, as it had been in the environmental assessment process for a considerable period of time, starting in August 2008, and I've had frequent briefings on this matter throughout.

[1740]

R. Fleming: The minister didn't comment on or dispute that signing the certificate took him six days over Christmas, that he first received the application on New Year's Eve and that just a few business days later it was signed. I find that odd. But the minister can comment on that — on whether that's normal, in his view, given his long history as the Environment Minister, for those sorts of things.

He has said that he is…. At least, he has hinted that he is opposed to waste energy incineration in Metro Vancouver. I have no quibble with that perspective. I think that a number of people have that perspective who are not only responsible for protecting air quality, as this minister is statutorily, but people who live in that region and who breathe that air would share that perspective. It's perfectly legitimate.

But he has also said that when it comes to Kamloops, he's in favour of waste energy incineration, and presumably, he's for it when it comes to the Covanta proposal for Gold River. I could be wrong, and I'd like to be wrong.

I'm wondering if the minister has an opinion about waste energy incineration in Burnaby, which has happened for a number of decades. It's currently in operation. I'd like to get his opinion on the existing waste energy incineration facility in Burnaby and then maybe follow up with a question after that.

[1745]

Hon. B. Penner: Just to go back to the issue of Cache Creek, I see that the member who represents that area is just sitting down. I know that he's been an advocate for the continued operation of the Cache Creek landfill on behalf of the NDP opposition.

Back on January 6, 2010, the decision was made by myself and another minister to approve the proposal that had been presented to the environmental assessment office after we were briefed by the staff and had a chance to go through the materials, including the following summation by the environmental assessment staff.

I'll quote from the information bulletin of January 6, 2010.

> "The environmental assessment report concluded the project is not likely to have significant adverse effects, based on the mitigation measures and commitments included as conditions in the EA certificate.
>
> "The provincial EA certificate contains a number of commitments the proponents must implement throughout the various stages of the project. Some of the key commitments include use of a double composite liner and leak detection system that exceeds regulatory requirements; an expanded groundwater monitoring program and a new water quality monitoring program for the Bonaparte River; and the proponents will increase the efficiency of the landfill gas collection system and explore conversion of captured landfill gas into liquefied natural gas that could be used to fuel tractor-trailers.
>
> "The Bonaparte Indian band, the Ashcroft Indian band and the villages of Cache Creek and Ashcroft all participated in the environmental assessment and expressed their support for the project. The B.C. government is satisfied that the Crown's duties to consult and accommodate First Nations interests have been discharged.
>
> "The 12- to 18-month construction phase is expected to generate employment for 40 persons — 60 person-years. The facility is also expected to provide continued employment for the 120 people — 2,040 to 3,000 person-years for the project lifespan — who are presently employed at the existing Cache Creek landfill.
>
> "It is anticipated that the landfill will contribute over $1 million a year in royalties to local communities and $2 million a year in provincial taxes.
>
> "More information on the environmental assessment certificate can be found at the EAO website."

Now, that was the advice that we, myself and a fellow minister, received following the environmental assessment review that formally started in August 2008 regarding this project. I believe that was received as happy news in the community of Cache Creek, which, as noted, is represented by the member for Fraser-Nicola.

With respect to the ministry's view of any form of industrial activity that can generate air emissions, our view

is always that each individual airshed has to be looked at individually. Different airsheds have different characteristics and have different challenges.

Clearly, in the Fraser Valley we have had challenges with air quality from time to time — one of the reasons that I was such a vocal opponent to the proposed Sumas 2 facility. That would have been located just south of Abbotsford on the U.S. side of the border. That's one of the reasons why my colleagues and I worked to oppose that project.

That said, the ministry's view is that each airshed has to be considered individually and that each proposal has to be scrutinized individually. That work is done by capable and competent staff in the Ministry of Environment.

[1750]

The member continues to try and perpetuate the notion that somehow the decision to issue an air emissions permit in Kamloops was done at the political level. That's not true. It was done by ministry staff in Kamloops, who take great umbrage at the suggestion that somehow their work was political. Their work was based on the science that they had before them, and they made their decision.

Now, it's true that there is a feeling in the community that there was inadequate public consultation. Certainly, the MLAs for Kamloops made that point very clear to the proponent — that he needed to get out and explain his proposal more fully to the members of the public. At the prodding of the MLAs for that area, there was further public consultation, and I think that after that the proponent announced that he had decided he would take his proposal elsewhere after hearing what the community had to say to him.

That, to me, again underscores just how sensitive people are about their airsheds. So that's advice for anybody who is willing to take it — that it is challenging when you're looking to site a new facility. As for the project on Vancouver Island, that was permitted some time ago, initially by the Ministry of Environment. I forget how many years ago. And I believe that it's been supported by the Deputy Speaker, the member for North Island.

R. Fleming: I asked the minister specifically about the Burnaby facility. One of the commitments that was part of the greenest-games list of initiatives — which would be taken to meet emission reductions, make the games carbon-neutral, display a number of environmental benefits and technologies that British Columbia can be justly proud of and to basically give a green veneer to hosting the Olympics — was a specific target on solid waste diversion from landfill.

On a good day Metro Vancouver diverts about 60 percent of its waste from landfill, but for the duration of the Olympics the target was increased very ambitiously to 85 percent, which is great. It begs the question how the infrastructure was created to be able to do that and why it would only be done for a four- to six-week duration and whether it was achieved.

The questions for the minister are specifically these. Was the 85 percent target achieved? If so, what attributable part of that achievement can be linked to the Burnaby waste-to-energy incineration facility? That was sort of the concern — that there wasn't a new set of programs or green bins or anything that were a part of hosting the Olympics.

None of those programs were unveiled or resourced as part of the hosting of the games. So where did the garbage go? Was it simply that the proportion of waste normally incinerated was increased for the duration of hosting the Olympic Games?

Hon. B. Penner: The member raises a good point. When it comes to waste, the first effort needs to be to reduce and then reuse and then recycle. There are perhaps one or two additional Rs that people are sometimes using nowadays, including recover and something to do with residuals. I'm sure that if we go on long enough, we can think of additional Rs that could be apropos.

[1755]

It does beg the question, though, as the member points out: if Metro were able to achieve that target during the games, could they achieve it longer term? I know that they're talking, in their draft plan they're now starting public consultation on moving to a 70 percent target, and that's desirable. I think that right now they put themselves at 50 to 55 percent. I'm going by memory, but they believe they're accomplishing about 50 to 55 percent waste diversion.

There are some other cities in North America — San Francisco comes to mind — that I think have established real stretch targets and have done remarkable things in working towards those targets.

That's something that we always need to keep focused on. But I'll have to check on the member's particular question, either with VANOC or Metro Vancouver, as to how they did in terms of that particular target.

R. Fleming: Thank you to the minister for the answer, in the anticipation of getting some of that information. I think it's one of those things that the public can be very interested in as a games legacy: whether it was able to be achieved, how it was achieved and whether it can be sustained. So I thank him for his commitment to provide that information as soon as he receives it. In fact, VANOC may already possess it.

I want to go back to the Cache Creek landfill issue, because the minister didn't give specifics on when the environmental assessment certificate application and the briefing that came subsequent to that were achieved. I don't know whether it was done on New Year's Eve,

New Year's Day or another day before January 6 when he signed the certificate.

I think that one of the things that surrounds the Cache Creek's extension is that previously, as the minister said, they had only contemplated perhaps up to a two-year extension, maybe looking at 2012 as a horizon. I think that was really to deal with the fact that Metro Vancouver was undertaking a consultation that would allow it to consider options and pursue them and implement them. All of a sudden, that became up to a 25-year extension just a few short months ago.

The minister says that he had been receiving information about Cache Creek and their desire to extend significantly and expand the landfill operation since at least August 2008, so it wasn't new to him. The environmental assessment certificate application was new to him on December 31, 2009, of course, but the issue wasn't new to him, and I appreciate that.

The company that has won the landfill extension, Belkorp, could…. The value of that contract could be up to $750 million, three-quarters of a billion dollars, over the life of the project.

One of the people who registered with the province, with the lobbyists registry, no stranger to this government, is Ken Dobell. He began lobbying in July 2009 through to January 2010, and I know that the decision was made on January 6, 2010. The vice-president of Belkorp, of course, is Gary Collins, the former Finance Minister — also close to the government.

Going back to what the minister said, he was first aware of Cache Creek's desire and pursuit of a long-term extension in 2008. I do note that beginning in 2008, of the $100,000 dollars that Belkorp's two companies have contributed to the B.C. Liberal Party, $75,000 of that amount has been received by his party since 2008.

That's all background chatter and noise, and the minister can comment on that. I hope he will.

I want to ask him, though, how the lobbying activities by Belkorp were conducted and if he could give dates and persons involved in formal lobby activities that were part of securing this three-quarters-of-a-billion-dollar contract that was, of course, dependent on an environmental certificate signed by his office.

[1800]

[H. Bloy in the chair.]

Hon. B. Penner: I understand that my calendar has been FOI'd, which is not uncommon. I'm not sure if the member was the person submitting that request, but if not, he's free to do so.

I'll just observe that if the member is now suggesting that the environmental assessment certificate should not have been granted for the Cache Creek proposal, he should say so. But if he does, he may upset and surprise his colleague the NDP MLA for Fraser-Nicola, who represents a community that very much looks forward to those ongoing jobs at Cache Creek. Certainly, the mayor of Cache Creek is on record indicating that. I don't know if the NDP Environment critic has had a chance to compare notes with the MLA for Fraser-Nicola and how he feels about the Cache Creek project.

I made my decision based on the work that was done by the environmental assessment office. As I noted a few minutes ago, their recommendation to me and to the other minister who signed the certificate was that the project should be approved for the reasons stated and summarized in the information bulletin that I read into the record a few minutes ago and that will now form part of the *Hansard* record.

R. Fleming: I'm not asking about Cache Creek or stating a view on it as an extended and expanded landfill. I'm asking questions and trying to understand how business maybe gets done in this province. It was an extremely expedited certificate, signed in a record six days.

[1805]

We know there was some expensive hired help and lobbying activities. This was a company that was a significant donor to the Liberal Party.

Also there seems to be a process that was a little bit different for Metro Vancouver, which went out and bought a site at Ashcroft and worked with the ministry for four years. Ultimately, it was not permitted by the ministry to pursue that as an alternate landfill site — possibly for totally legitimate environmental reasons, as it should be.

It's possible that Cache Creek was approved for totally legitimate environmental reasons, and that's good. What I want to know is: is the minister's record-time decision, and as it pertains to lobbying activities…?

It shouldn't take a freedom-of-information request to confirm this simple question with the minister. Did he meet with either Mr. Dobell personally or Mr. Collins? Did he have scheduled meetings with either of those individuals or representatives of Belkorp? Or did those representatives, those lobbyists that are on the registry, meet with other staff in the minister's office?

The registry discloses that those meetings did occur. It just doesn't say who with. So was he personally involved, or was it another member of his staff that met with them? And on how many occasions?

Hon. B. Penner: I'm advised by ministry staff that from time to time, they are approached by a variety of people on various sides of this and many other issues. That's not entirely surprising that they would be. They were provided information not just by Wastech but by people advocating for Rabanco, which is a facility in Washington State, as well as by officials representing the Aquilini Group, which is a proponent for waste energy incineration.

I suspect that the same people that have been contacting my staff have been feeding some of the questions that the Environment critic is reading from.

C. Trevena: I'd like to change the tack a bit, if I might. I think that the minister has been advised of some of the questions that I want to ask.

I wrote, along with my colleague the Environment critic, to the minister a few weeks ago about some private lands in Cape Scott Provincial Park that are up for sale, and whether the ministry would be able to find the funds to keep those lands within the park and keep the integrity of the park. I wonder if the minister had a response to that.

[1810]

Hon. B. Penner: Hon. Chair, I meant to do this when we resumed following question period. I may have given some incorrect information to the committee earlier around the Water Act modernization and the number of visits and so on that we've had to the blog.

I'm advised by my deputy that the number of blog visits recorded is 6,214. I think I had indicated that we'd received something like 5,000 comments or submissions through the blog. That's not correct. There have been 6,214 visits.

When you include the submissions through the blog, through e-mail, through regular mail — which is not very much — and through forms that I think were collected from the workshops, total submissions to date are 913.

I thank the member for raising the question here, writing to me and also talking to me about it in the House. Also, the opposition Environment critic has talked to me about this. I think it was last week that he was asking me questions in the hallway.

R. Fleming: Two weeks ago.

Hon. B. Penner: Two weeks, three? At some point I have a recollection of a conversation. I have gone back to B.C. Parks staff and asked about this particular issue, and here's what I'm told.

At Cape Scott Park there had been at one time 23, what we call, private landholdings, or inholdings, located kind of within the park boundaries but still pieces of private land as pockets inside the park. Over a number of years B.C. Parks has been able to acquire nine private parcels since 2000, totalling 716 hectares in size.

That leaves — this is what we were just talking about, our math skills here — 14 private inholdings remaining. These 14 remaining private inholdings have been identified on a ministry's regional acquisition list, but regrettably we're not in a position to pursue the purchase of these at this time due to a lack of availability of funds to complete the purchase. We would obviously like to acquire these at some point, but it doesn't appear that we'll be able to do that in the very near future.

[1815]

C. Trevena: Just one quick follow-up question to the minister. There are these 14 private parcels in Cape Scott. We've had discussions before about the Merrill and Ring lands on Quadra Island. It would make a contiguous park — of two provincial parks there.

There are a number of outstanding areas, and while I'm mindful of the cost implications, I'm wondering if the minister has any sort of priority list of how this works or any areas where there are definite areas for land exchanges. I know that for the Quadra one we've been talking about a land exchange. Really, a priority list and timeline, if the ministry has one, would be appreciated.

Hon. B. Penner: I appreciate the member's persistence on this file. I know she's come to talk to me several times about this and has been working hard to try and complete this, as has B.C. Parks staff.

Regrettably, I'm told that we have not been able to identify other suitable Crown land for a land swap. There are about 405 hectares of private land that we would be interested in acquiring, if we could arrange a suitable land exchange. That has not yet taken place.

The member asked about whether we keep a list of lands, generally, that we would be interested in acquiring. We certainly have in mind a number of properties, but I am reluctant to talk about that too publicly, lest we start to drive up the cost. Suffice it to say that we — my deputy suggested I use the term "opportunistically"; I was trying to find a synonym for that — do try to find the right moment to strike and acquire lands that are on our list of things that we think would be desirable to add to our protected areas network.

That's subject to a number of factors, not just financial but sometimes whether properties come available or if they're suitable land-swap lands that we can identify and that the other partners would accept as part of a trade.

With that — I notice that Mr. Chair is looking a little bit anxious at the time — I will move that the committee report continued progress on our estimates and seek leave to sit again.

Motion approved.

The committee rose at 6:19 p.m.

Hansard Services

Director
Jo-Anne Kern

Manager of Print Production
Robert Sutherland

Post-Production Team Leader
Christine Fedoruk

Editorial Team Leaders
Laurel Bernard, Janet Brazier, Robyn Swanson

Senior Editor — Galleys
Heather Bright

Technical Operations Officers
Pamela Holmes, Emily Jacques, Dan Kerr

Indexers
Shannon Ash, Julie McClung, Robin Rohrmoser

Researchers
Jaime Apolonio, Mike Beninger

Editors
Anton Baer, Aaron Ellingsen, Deirdre Gotto, Margaret Gracie,
Jane Grainger, Betsy Gray, Iris Gray, Linda Guy, Barb Horricks,
Bill Hrick, Paula Lee, Nicole Lindsay, 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
Toll-Free: 1-800-663-6105 Telephone: (250) 387-6409
Fax: (250) 387-1120 E-mail: crown@crownpub.bc.ca

Rates
Single issue, $2.85; per calendar year, mailed daily, $396. GST extra.

---

www.leg.bc.ca

Hansard Services publishes transcripts both in print and on the Internet.
Chamber debates are broadcast on television and webcast on the Internet.
Question Period podcasts are available on the Internet.