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**DEBATES OF THE
LEGISLATIVE ASSEMBLY**

(HANSARD)

Thursday, April 26, 2012

Afternoon Sitting

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THE HONOURABLE BILL BARISOFF, SPEAKER

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

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

FOURTH SESSION, 39TH PARLIAMENT

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Honourable Bill Barisoff

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THURSDAY, APRIL 26, 2012

The House met at 1:33 p.m.

[Mr. Speaker in the chair.]

Routine Business

Tributes

B.C. LIONS — GREY CUP CHAMPIONS

Mr. Speaker: Hon. Members, we have some very special guests who are in the precincts today. At this point in time I'd like to ask the Sergeant-at-Arms to open the doors of the chamber and allow our guests to be presented at the Bar of the House.

From the Grey Cup champions, the B.C. Lions football team, I'm pleased to welcome president and chief executive officer Dennis Skulsky; director of communications and relations Jamie Taras; No. 14, quarterback Travis Lulay, CFL outstanding player for 2011; and centre Angus Reid, CFL west division all-star for 2011. [Applause.]

At this time I'd like to ask the Government House Leader to say a few words.

[1335]

Hon. R. Coleman: On behalf of the Premier and the Leader of the Opposition and the members of the Legislature, I'd like to welcome the Grey Cup champion B.C. Lions and the Grey Cup to our chamber here today.

You know, this is the first team in Canadian history of the Grey Cup that has taken the cup around the small communities and large communities across the province of British Columbia. This cup, since they've won it, has been in 165 schools across B.C., showing what this team is really about.

This team is really a British Columbia gem. It's British Columbia's team. Their community outreach work is incredible. Their leadership and outreach in mental health and youth programs that they do and participation in some programs with government and others with the communities themselves are touching lives every day.

It's not just about the cup. It's about a group of individuals who actually believe in British Columbia, in the communities that they come from and actually bring value back to our communities and show leadership and give our youth leadership as an example.

In particular, though, today I want to thank Sen. David Braley, the owner of the B.C. Lions. Frankly, if it wasn't for Senator Braley, there probably wouldn't be a CFL today. His belief in the CFL and his community outreach have rebuilt the league into what it should be — a league that actually represents provinces and communities across Canada in the work that it does.

I know he's not here today, but I know Wally Buono,

and I wanted to pass on that we all know he's the winningest coach in CFL history. He's a friend, a really valued guy to our community as well.

This group of athletes are community leaders. The team is a big piece of British Columbia's culture and our history. What they give back to British Columbia is far more than just winning the Grey Cup. It's what you do for the whole province of British Columbia.

So on behalf of all of us, I'd like to thank you.

J. Horgan: On behalf of the Leader of the Opposition and all my colleagues on this side of the House, I want to extend our gratitude and warm wishes to the representatives of the B.C. Lions who have joined us here at the Bar of the Legislature today.

It's not the Vancouver Lions, as my colleague on the opposite side said. It's the B.C. Lions, the British Columbia Lions. In every corner of this province these representatives and their colleagues have criss-crossed, talking to young people, talking to seniors, talking to people who have dreamed about the Grey Cup.

I shared an anecdote with the Lions at lunch today about being a young boy in the 1960s and crying myself to sleep after they lost time after time after time against the Edmonton Eskimos — the dreaded, awful, vile Edmonton Eskimos.

So it's an absolute delight. I can't stop smiling. It's a delight to be able to recognize them here today in the Legislature — not just as champions, not just as a group of individuals that went from 0 and 5, 1 and 6, to holding aloft the oldest trophy in professional sports in North America.

True champions and true community leaders, setting an example and letting kids and young people know — I don't want the B.C. Liberals to take too much out of this — that even on dark days, if you work hard and you persevere, success will follow. That doesn't often happen in politics, but these gentlemen and their teammates are examples of what happens in sport when people work together. They dig down, they help each other out, and the result is there before you — the shining, glorious Grey Cup.

So on behalf of the opposition, welcome to the Legislature of British Columbia, and thank you very much for the community work that you do.

Mr. Speaker: At this time I'd like to ask the two House Leaders, who could probably also be linebackers for the B.C. Lions, to join me up front.

Now we'll move on to introduction of guests.

[1340]

Introductions by Members

L. Krog: I note in the gallery today, and I'm delighted to ask the House to welcome to it, Richard Goode, the

president of the B.C. Ferry and Marine Workers Union.

Hon. T. Lake: On September 6, 2011, the first new law school in Canada in 33 years was opened at Thompson Rivers University in Kamloops. Today in the gallery we're very pleased to have the founding dean and founding assistant dean of the TRU law school.

Chris Axworthy is no stranger to parliamentary procedures. In 1988 he was MP for Saskatoon-Clark's Crossing, re-elected twice, in 1993 and 1997. In 1999 he was elected MLA for Saskatoon-Fairview and served as Minister of Justice and AG for the province of Saskatchewan, later adding Aboriginal Affairs and Intergovernmental Affairs to his portfolio. So we're very pleased to have Chris Axworthy as the founding dean at TRU.

With him today is the founding assistant dean, Anne Pappas, who we stole from the University of Victoria law school, where she did some great work and helped to establish the Law Centre and the environmental law clinic.

I would wish the House to join me in making Chris and Anne very welcome in the buildings today.

L. Popham: I had the pleasure of having lunch with former MLA and cabinet minister Joan Sawicki at the Legislature today. She is also joining us on the floor of the chamber this afternoon.

Joan served as MLA for the Burnaby-Willingdon riding from 1991 to 2001 as a member of the B.C. NDP. She served as Speaker of the Legislative Assembly from 1992 to 1994 and as Minister of Environment, Lands and Parks from 1999 to 2000. In this role, she introduced the first climate action plan for Canada.

Joan is a great resource for me as I navigate my way through my first term as MLA. Please welcome Joan Sawicki.

R. Cantelon: Joining us today are some young visitors from the Comox Valley, from Huband Park Elementary School. Their teacher Mrs. Debbie Nelson brings 36 grade 5 children and four adults. These children will observe the realities of how government behaves. We hope we behave well today. Let's please make them welcome.

K. Corrigan: It's my great pleasure to make a number of introductions today. The first introductions are of Bill Magri and Gerry Cunningham. Bill is the president of CUPE Local 7000. Gerry was the longtime president, past-president, of CUPE Local 7000. Local 7000 are the SkyTrain and Southern Rail workers who work so hard on your behalf in public transportation. I hope the House will please make them very welcome.

Hon. N. Yamamoto: I'd like the House to join me today in welcoming members from the Technology Education and Careers Council. The members that

are here with us today are the chair, Sid Siddiqui, with Stantec; Tracy Armatage, with B.C. Hydro; Harry Diemer, ASTTBC; Oksana Exell, the Asia Pacific Gateway Skills Table; Andrew Hay, Okanagan College; Reid Johnson, the Health Sciences Association; John Leech, the executive director of ASTTBC; Janine North, Northern Trust; Catherine Roome, the B.C. Safety Authority; Bryan Tisdall, Science World; M.J. Whitemarsh, the Canadian Home Builders Association; and Lesley Wilson, Concost Consultants. Would the House please make them welcome.

[1345]

R. Austin: It gives me great pleasure today to introduce Gord Lechner to the House. I first got to know Gord when he was working with the CAW Local 2301 up in Kitimat. That's the union that represents the Alcan or Rio Tinto workers. He now is on secondment to the B.C. fed. I would like the House to join me in giving him a warm welcome.

Hon. M. de Jong: Setting a trend that would be repeated quite frequently, it was, I think, just over 18 years ago on my first day in this chamber that Speaker Sawicki called me out of order. She has recovered from the trauma. I have not. It is good to see the former Speaker in the chamber again.

R. Chouhan: It gives me great pleasure to welcome my friends Marcel Marsolais and Cherene Groundwater. Marcel is my current president of my constituency association, and Cherene Groundwater was my previous president. Please join me to welcome both of them to this chamber.

D. Routley: I would like to welcome one of my constituents, president of the ferry workers, Richard Goode, who is in fact a resident of Gabriola and very ferry-dependent himself, so he certainly lives his trade. Welcome to the House, Richard, on behalf of the Legislature.

N. Macdonald: I'd like to introduce Mrs. Agnes Macdonald and Mr. Murdo Macdonald. They're my parents. They're visiting from Manitoba, which is special. It seems Manitobans have to come to British Columbia if they're going to see the Grey Cup. We're going to change that next year. I'm just telling you now. Please join me in making them welcome.

K. Corrigan: Well, I have a number more introductions to do today, so I guess I'll go through them all before I sit down. It gives me a great deal of pleasure to introduce a previous colleague of mine, Rob Jandric. Rob has recently, as of yesterday, been elected the CSU president.

Rob is here today visiting Victoria with his family: his wife, Leslie Jansen, and two children, Katelyn Jandric, 11,

and Matthew Jandric, 9. Katelyn and Matthew were telling me that they're going to go back and tell their teachers about their trip to Victoria, so I hope the House will make them very welcome.

In addition, it also gives me a great deal of pleasure to welcome into the House the new assistant regional director of CUPE BC, Rob Hewitt. Rob, again, a longtime colleague of mine, so I hope that the House will make him feel very welcome as well.

I want to also thank CUPE so much. They're here having their annual convention, and I thank them so much for the warm welcome they gave all of us last night at their wonderful reception.

My final introduction is for a longtime friend of mine, Gordie Larkin, who is also the president of the Burnaby Citizens Association. I hope you'll make him feel welcome as well.

Introduction and First Reading of Bills

BILL 36 — SCHOOL AMENDMENT ACT, 2012

Hon. G. Abbott presented a message from His Honour the Lieutenant-Governor: a bill intituled School Amendment Act, 2012.

Hon. G. Abbott: I'm pleased to introduce the School Amendment Act, which will support B.C.'s education plan by removing barriers to personalized learning and providing students and parents with greater flexibility and choice.

First, the legislation will eliminate the standard school calendar as of the 2013-2014 school year to enable school districts to offer more creative scheduling options that would better meet the need of their students.

[1350]

Second, the legislation will increase choice by allowing kindergarten-to-grade-9 students to enrol in a mix of bricks-and-mortar and distance learning courses. Third, the legislation will clarify that boards of education can charge fees to offset the extra costs associated with international baccalaureate programs.

Furthermore, the legislation requires districts to establish financial hardship policies for students who might otherwise be excluded from these programs.

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

Mr. Speaker: Hon. Member, we first have to move first reading.

Hon. G. Abbott: So moved, Mr. Speaker.

Motion approved.

Hon. G. Abbott: I move it be placed on the orders of the day for consideration at the next sitting of the House after today.

Motion approved.

Bill 36, School Amendment Act, 2012, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

Statements (Standing Order 25B)

DAY OF MOURNING FOR WORKERS

R. Chouhan: This coming Saturday, on April 28, Canadians from coast to coast will be remembering hundreds and thousands of those people who died at the job. Many were seriously injured as well. We are remembering these workers who, when they left home in the morning, hoped that they'd be back home in the evening. In some of their cases, it didn't happen. They lost their lives, and many who were injured are still impacted.

In 1991 the Parliament of Canada adopted April 28 as a National Day of Mourning. Since 2000 we have lost over 10,000 Canadian workers who were killed or seriously injured at work. It impacts all industries — public sector, private sector, agriculture, mining, forestry, construction, everywhere.

To bring home the horror of how this impacts us all, only this week we have seen the terrible tragedy at the Lakeland lumber mill in Prince George. Twenty-three workers were seriously injured, and two are dead. We also have seen a similar tragedy in Burns Lake a few months ago.

On April 28 thousands of Canadians will be getting together with their thoughts and prayers for those who lost their lives and their thoughts and prayers for those who are left behind. I urge all British Columbians, all of us, wherever they can to participate in those ceremonies and remember those workers who laid down their lives for all of us.

CANCER SOCIETY DAFFODIL DAY AND SUPPORT FOR CANCER PATIENTS

C. Hansen: I remember the day vividly from 1975 when I got a phone call from my mother informing me that she had been diagnosed with cancer. It was lymphoma, for which at that time the survival rates were not very good at all. She endured months of radiation and chemotherapy, and I have no doubt she got the best medical treatment that medical science could offer at the time.

While the doctors and the other health professionals gave her excellent medical care, what was missing was the

emotional support and the advice that could come from others who had travelled the same journey before her.

When she got well enough to do something about it, she started a cancer survivor self-help group in the Comox Valley which later affiliated with the Canadian Cancer Society.

For decades the Canadian Cancer Society has been supporting cancer patients and their families with support that reaches into every community in British Columbia. They support research, provide counselling services, assist with travel for patients to get to treatment and even support for camps for kids with cancer.

I was thrilled four weeks ago to be asked to represent the Premier and the Minister of Health for the kickoff of Daffodil Month. Tomorrow is officially proclaimed as Daffodil Day in British Columbia. When you wear a daffodil and you make a donation to the Canadian Cancer Society, you are supporting the excellent programs that they provide.

My mother passed away just over a year ago at the age of 85. Near her bed was something that she was very proud of. It was a framed certificate acknowledging her 30 years of volunteer service to the Canadian Cancer Society.

[1355]

Tomorrow I will be wearing my daffodil with pride. It will recognize the tremendous support that the Canadian Cancer Society gave my mother and the thousands of other British Columbians who battle cancer every year.

I urge every member of the House to wear their daffodil tomorrow, to remember those that were close to them that have succumbed to cancer and to celebrate cancer survivors and to celebrate the great work of the Canadian Cancer Society.

C. James: I want to thank the member, and I want to emphasize Daffodil Month and Daffodil Day. Every three minutes another Canadian hears the words: "You have cancer." Those are difficult words to hear, and I know that from personal experience.

With help from the best medical professionals and love and care from my family and friends, I fought cancer and won, and so too have hundreds of thousands of Canadians. The support I received was such an important part of my fight. The Canadian Cancer Society wants those battling the disease to know that they aren't alone, so it is important on April 27 to wear your daffodil. By wearing a bright yellow daffodil pin, Canadians honour those who have been lost to the disease, and they also show their support for people who are fighting cancer.

This month special events and activities are taking place in communities all across this country. The dollars raised go to prevent cancer, to pay for research, to support people living with cancer and to stand up for policies that improve the health of all Canadians.

The Canadian Cancer Society is encouraging us to do

something special on Daffodil Day for those living with cancer or to contribute towards the fight. That might be making a small difference for someone you know who has cancer. It might be volunteering with the Canadian Cancer Society. It could mean joining up for a Relay for Life team.

I had the honour of speaking this month at the Lakes District Daffodil Extravaganza, which was an evening of fun and celebration that recognized the extraordinary efforts of those volunteers all year round, many of them survivors themselves, who work every single day to support people. The daffodil pins are symbols of determination, hope and resiliency. They're a reminder each year that the search for the cure is ongoing, and we won't give up until all forms of this disease are defeated.

SURREY CANADIAN BASEBALL ASSOCIATION

D. Hayer: One of the best little league baseball associations in Canada, the Surrey Canadian Baseball Association, threw its first pitch of the season this month. I attended the opening event, as I have for over a decade.

I appreciate the importance that this sport has in developing sportsmanship, skills and healthy lifestyles among our youth. The Surrey Canadian Baseball Association, just like the Whalley Little League, is a non-profit, volunteer-based organization that provides an exceptional athletic experience for all its players, along with rewarding entertainment and good sportsmanship.

The association maintains all the parks and baseball diamonds it plays on and operates its own concessions to support the teams and players. Parents and other volunteers also contribute time and energy to ensure Surrey's parks are the best possible. This dedication is reflected in the results on the field.

For the first time in the association's history the Surrey Canadian peewee double-A Cardinals won the western Canadian baseball championships held in Saskatchewan. They also won the B.C. championships last year, as did the Surrey mosquito double-A Angels in their division.

For their efforts in developing baseball skills and teaching sportsmanship and fair play and developing community spirit and mutual respect, I want to congratulate the president, Steven Cramer, along with the executives, directors, managers, umpires, commissioners, coordinators and all volunteers, including Rob Masson, Kevin Phelan, Brian Davis, T.J. Jagpal, Silvana Dodd, Frank Love, Trevor Haqq, Bruce Lawson, Don Schwartz, Allan Padgham, Karen Parker, Rick Hunter, Vito Mussio, Julie Love, Alex Pezzolesi, Loretta Deveau, Diane Natino, Mike Roberts, Pat McHugh, Al Taylor, Bob Peterson, David Breen, Minerva Padgham and Stuart Ludwar.

Can we all thank them for the awesome work they're doing to develop the game and their team.

POWER TO BE ADVENTURE THERAPY SOCIETY

L. Popham: It's a privilege to rise in this House today and speak to a dynamic and life-changing program called Power To Be.

[1400]

The driving force of Power To Be is Tim Cormode. His hard work has brought together hundreds of not-for-profit organizations and businesses. Everyone who has had the chance to experience the wild places of our beautiful province knows that nature is awe-inspiring, and our experience of it can be emotional and profound. Power To Be taps into that power of nature. It uses that natural energy to nurture youth.

Power To Be provides two comprehensive programs for the community: adaptive recreation and the wilderness school program. Adaptive recreation uses nature-based recreation activities to help people living with a barrier or disability to deepen their sense of security in themselves. Facing nature builds people up, and when they return to their homes, they are better able to overcome day-to-day challenges.

The wilderness school program helps youth with life skills. There are weekend programs every month and multiday expeditions in the summer. They offer structured activities to develop leadership, teach outdoor skills and improve confidence, discipline and focus. My son, Kye, is a new member of the wilderness school program, and as a family, we have been amazed by this program in just two short months.

According to one recent participant:

"There is so much I thought I would never be able to do. I never thought of myself as a kayaker, a rock climber, a canoer, a snowboarder or any of those adventurous things.

"I was always told that there's so much I couldn't do, but with Power To Be, I've learned that people told me wrong. With Power To Be, they told me I can do these things if I set my mind to it, even though I have autism 24-7. They respect autism and also teach that I can set my mind to do anything."

Power To Be has recently won a B.C. Community Achievement Award and a business excellence award from the Saanich Peninsula Chamber of Commerce. I wish them continued success in the valuable work of harnessing the power of nature to nurture youth and families in B.C., as Power To Be....

Mr. Speaker: Thank you, Member.

PARKSVILLE CHAMBER OF COMMERCE AWARDS

R. Cantelon: Parksville is not one of the biggest towns on Vancouver Island. Its 12,000 residents rank it 15th in size, but it has one of the most energetic and vigorous chambers of commerce. Its membership topped 500. These are job creators, full of ideas and initiative. It oper-

ates like one big networking group, and the enthusiasm is infectious.

One of the ways they support one another is recognition of outstanding achievements. They call it the Glassies Awards. Volunteer of the year was awarded to Ginny Brucker. Ginny is a founding member of the Nanoose Community Services, which supports the Nanoose community through its food bank, Christmas elf project and many other services. She has inspired many to get involved and get out and help.

Community builder of the year was presented to Building Learning Together. BLT is driven by Deb Davenport of school district 69. Creative approaches make early learning easy and fun, like Words on Wheels and Munchkin Land. Families are pulled into this imagination-inspiring vortex that stimulates young minds.

Entrepreneur of the year was presented to Alexis Jennings and Shirra Wall of Wilde and Sparrow. They made social media a vehicle to connect their customers to their flashy fashion lines.

Outstanding customer service of the year went to Dan LaRocque of Up Your Media. An Apple-certified support professional, Dan not only repairs and maintains computers with his mobile service but helps customers maximize the response they get from their websites.

Mikayla Canning was recognized as Youth of the Year for leadership at Ballenas Secondary School, organizing such things as the annual 24-hour famine.

Business of the Year went to Horne Lake caves and campground, a premiere Island attraction that saw 160,000 visitors guided on an unforgettable spelunking experience.

Citizen of the Year recognized Carrie Powell-Davidson for her tireless efforts in promoting Parksville. A consummate collaborator, her passion for Parksville is infectious. A Parksville city councillor, Carrie is one of those people you can count on to make it happen.

Let's celebrate these Parksville leaders.

Oral Questions

GOVERNMENT SETTLEMENT WITH BOSS POWER CORP.

J. Horgan: Over the past number of days the B.C. Liberals have found new ways to cover up their mendacity and incompetence on the Boss Power boondoggle. Let's just review, if we could, so those watching at home have a sense of what's been going on here.

[1405]

A few years ago the B.C. Liberals introduced a moratorium on uranium mining in British Columbia, but they neglected to follow their legal obligations and instead felt that a press release was sufficient. Following that, the senior public servants were directed by someone — we still don't know who — to advise the chief inspector of mines

to ignore his statutory obligation.

This information came forward in the courts as misfeasance on behalf of the government. The B.C. Liberals then settled out of court for \$21 million more than the independent evaluation provided for, presented to the courts.

My question is to the Minister of Energy. If he is so confident that the fair compensation that he argues — that \$30 million — is correct, will he join with the opposition and send this matter to the Auditor General so that we can have a real, genuine, impartial assessment of what happened to that \$21 million, so all members of this House can have confidence?

Hon. R. Coleman: What I'll try to do today is speak a little slower for the members opposite so they can get the information that I have in buckets with regards to their ability to do things when they were in government — which, by the way, actually even today....

The NDP were in the habit in the 1990s of giving out loan guarantees. They gave out loan guarantees to all kinds of businesses. They gave out a loan guaranteeing a live event. The loan has had to be written off. They gave a loan guarantee out to Apex Mountain. The loan had to be written off.

Millions and millions and millions of dollars had to be written off because you gave out loan guarantees to companies — "you" being the NDP, hon. Speaker, because I wouldn't want anyone to think that I was being personal with any member across the House and have to be interrupted today.

I think what I'll do is this. I'll repeat to the member that we had legal counsel look at this, come back with an assessment and tell us, the Attorney General and the Ministry of Finance, where we should settle. We did that.

Now, we didn't do as the NDP did on the Carrier Lumber case in the 1990s, where the judge said this.... I'll read it slowly so you hear it today. Mr. Justice Parrett said that the provincial government, that being the NDP government of the day, "chose to cover its own failings..."

Interjections.

Mr. Speaker: Continue, Minister.

Hon. R. Coleman: Thank you, Mr. Speaker.
"...and to orchestrate matters to conceal their own breach. Through a series of manoeuvres and self-serving documents, they sought to frustrate Carrier's harvesting activities and then to proceed with the suspension and eventual cancellation of their licence."

Mr. Speaker: The member has a supplemental.

J. Horgan: I genuinely appreciate that the Government House Leader likes to take walks down memory lane,

but we would really like him and, I believe, the people of British Columbia would like him to perhaps focus on the here and the now. The here and the now is the responsibility of the B.C. Liberal Party.

I can appreciate the member's reticence to put faith in the Auditor General. The last time that the Auditor General reviewed his work, it had to do with a tree farm licence in my constituency. The findings were that hundreds of millions of dollars of benefit went to shareholders; zero came to the public. I'm hopeful we won't find that with the Boss Power case as well.

Again, quite simply, my question is to the minister. Will he join with the opposition and allow the Auditor General to review the documents? The Auditor General is reviewing the Basi-Virk giveaway, although having difficulty getting all of the information.

Perhaps this is an opportunity to make amends and make good with the Auditor. Allow him to take a look at the reviews and the assessments that the minister refers to, which were withheld from us through FOI, and let the public know what's going on. Let the sun shine in, Minister. Let's have a look.

Hon. R. Coleman: Just to make something clear in the comments of the member just now. A snowball will melt in hell before I'll ever join the opposition.

I know that the member opposite doesn't like the fact that we actually followed the legal process and took the legal advice that we had, through the Attorney General and through the Minister of Finance, and came to a settlement on the Boss Power case, which is what happened.

The reason he doesn't like going down memory lane is because it's embarrassing to him, and I'll tell you why. Here's another thing that Mr. Justice Parrett said, and I'm going to say it slowly and quietly so they all get it. Mr. Justice Parrett also stated....

Interjection.

[1410]

Hon. R. Coleman: Well, if you keep asking the same question, you're going to get the same answer. You keep asking for....

Interjections.

Mr. Speaker: Continue, Minister.

Hon. R. Coleman: "It is difficult to conceive of a more compelling and cynical example of duplicity and bad faith. The words 'managing perception' may have a gloss which seems to carry with it some high purpose. The reality is, at least in this case, little more than a process of altering reality by concealing the truth and presenting a fabricated cover story."

That cost government \$30 million, two parcels of land and 1.5 million cubic metres of wood.

Mr. Speaker: The member has a further supplemental.

J. Horgan: Regardless of the minister's reference to snowballs and where they may melt, they're certainly going to be melting from the hot air coming out of that side of the House.

Now, again, I appreciate that...

Interjections.

Mr. Speaker: Members.

J. Horgan: ...the Government House Leader wants to try to keep as many people on that side of the House as he possibly can, but I know there have got to be one or two people over there that are hearing from their constituents about why \$21 million was given to a uranium mining company when \$7.8 million appeared to be fair.

I want to quote the minister's former Liberal riding association president, the now head of the taxpayers federation, Jordan Bateman, who decried the minister's incompetence and said the following. "Taxpayers were taken behind the woodshed, and paid dearly — three times what was necessary." With friends like that, who needs enemies?

Why don't you put aside the partisanship, put the public interest first, join with us and allow the Auditor General to get to the bottom of this? What have you got to hide? And please, before you start on the 1990s, Minister, let's take that as read and move on.

Hon. R. Coleman: To the member opposite: you know, you had ten years to decide what to do with uranium mining and didn't, and this claim goes back even beyond those days.

The fact of the matter is that the member opposite who's asking the questions already said, when he was asked about the NDP's support for uranium mining: "We do not." The member for Kootenay West said: "I am well aware of the political firestorm that was brewing over the uranium mine. The residents of the area did not want it." The people in and around Kelowna and in the Okanagan were very concerned about uranium mining.

So we did something you would never do, members opposite. We actually made a decision to get out of uranium mining. We did it for the environment. We did it for the people who wanted us to do it. That came with a cost because there were claims on the land base. We negotiated. We took the advice of our legal counsel, through the Attorney General and the Minister of Finance, and settled the claim.

WORKER SAFETY AND REPORT ON BURNS LAKE MILL EXPLOSION

R. Chouhan: There were 179 reported deaths in 2010 and 186 reported deaths in 2011. The deaths of British Columbia workers continue to rise. It has been over 100 days since the Burns Lake Babine mill disaster. We know the WCB has been investigating. This was a very urgent matter.

I understand that there's an interim report. Why, when workers' lives were at risk, hasn't the interim report been released?

Hon. M. MacDiarmid: Certainly, I know that everyone on both sides of this House believes that the death of even one worker is something that should.... It horrifies us all. We're all concerned about worker safety, and we share that.

The member is mistaken, however, with respect to WorkSafe having an interim report at this time. I met with WorkSafe yesterday. I met with WorkSafe along with partners from industry, partners from the Steelworkers union, from the Safety Authority. We sat down together.

WorkSafe understands very clearly how much people want to know any details that can be shared about the Burns Lake investigation. They understand that very clearly. There is not an interim report at this time.

[1415]

However, what WorkSafe has committed to do is if there are any details that can be shared — even so much as ruling out things that have been ruled out — they've made a commitment to do that.

Mr. Speaker: The member has a supplemental.

R. Chouhan: We have had numerous investigations into workers' deaths in this province, but this Liberal government has dragged its feet, doing very little to respond to those investigations.

Grant De Patie's death resulted in new laws for workers in gas stations. These are now being rolled back by this government. The coroner had made recommendations in the tragic deaths of three farmworkers who had been transported in unsafe vehicles, but very little was done. Further, the families of the mushroom farmworkers are still waiting for action on the deaths of their family members.

We have had delay after delay in WCB investigations and in the implementation of recommendations of the WCB's and the coroner's reports in these cases. We had the blast and fire in Burns Lake three months ago, and now in Prince George. When is this government going to take workers' deaths seriously and immediately require stronger protections for them?

Hon. M. MacDiarmid: I respect the member opposite, that he is passionate about workers' safety and that he has devoted himself to this issue. At the same time, I cannot say how deeply I regret that anyone on the other side of this House would politicize this issue. I'm lost for words, which isn't actually a good thing at this time.

Mr. Speaker, many of us on this side of the House will attend Day of Mourning ceremonies tomorrow. It is not a partisan issue; it is not a political issue. It's something that affects us, and it affects our constituents. It's people's lives that we're talking about, and as I said, I just don't see a place for partisanship here.

Let me talk just very briefly about what has happened in this province. The members opposite know that workplace safety is a priority for this government, and it's a priority for every government.

What has happened over the last number of years is that WorkSafe is investing more in safety. They have more investigations officers than they've ever had in our history. The injury rate in British Columbia is down by 45 percent — a result of hard work by WorkSafe, by unionized workers, by their representatives and by employers, and it's something that we should all be very proud of.

GOVERNMENT ACTION ON MILLWORKER SAFETY

B. Routley: Workers from both Burns Lake and Prince George have said that they heard the awful sound of "Boom! Boom!" as the blast happened, in both mills.

Mill safety reps know that boom, boom — and exactly what it means. It means there has been an initial ignition. The second boom means that the dust accumulation has been ignited — very serious and tragic circumstances for millworkers and their families. We know that the burned workers in Burns Lake told investigators about hearing the boom, boom.

In the mushroom farmworkers tragedy, the WCB immediately ordered inspections of all similar operations, to be completed within four weeks. Yes, proper time must be taken on a full and complete investigation. However, could the Minister of Labour tell us: why wasn't an alert issued about mill safety immediately after the Burns Lake fire, just as it has been done in Prince George?

Hon. M. MacDiarmid: What I can tell the member is that after the tragedy in Burns Lake, WorkSafe did increase their inspections. Not only that, but a number of mills around the province took the initiative. Workers came forward, and operators of mills came forward and said, "What can we do to prevent a tragedy like this from happening again?" in spite of the fact that we do not know what caused that tragedy.

[1420]

I think that Steve Hunt, from the Steelworkers, yesterday at our meeting put it best when he said: "Many

of us thought that what happened in Burns Lake was a perfect storm: weather conditions, freezing cold and various other things that were thought to be unique at the time."

Tragically, that was not the case. Since that first terrible tragedy happened, WorkSafe did increase their inspections, and increased safety precautions were being taken around the province.

Now that we've had this second extraordinary and tragic event, WorkSafe has again.... They are taking action. As of today, they will begin. Every single mill in this province, over 340, will be visited and will be inspected. As of today, the order has gone out that steps should be taken to address risk analysis and safety precautions, and everyone is partnering in that initiative.

Mr. Speaker: The member has a supplemental.

B. Routley: Three months have passed since the Burns Lake tragedy, and no finding has been publicly released. No warnings, no orders to set up safety inspections after the Burns Lake fire. Now we have the awful blast and fire at Prince George mill.

Will this government commit to an expedited report on both the Burns Lake and Prince George mill fires, and will this government commit to long-term improved safety for millworkers?

Hon. M. MacDiarmid: Here is WorkSafe B.C., an organization that is an independent statutory authority. Those words may be familiar to the members opposite. We, in fact, will not be interfering or intervening. They are doing their work.

When I met yesterday, at what was an extraordinarily constructive meeting.... I asked people to join me at this meeting with far less than 24 hours' notice. Members of the union were present, representatives from the union, from industry, from the safety authority and WorkSafe. We joined together, and we were able to find common ground very quickly, and that is workers' safety.

People are forming partnerships — people who realize that this is absolutely not a partisan issue but one where we all need to work together. There was a great deal of collective wisdom in that room.

One thing that WorkSafe understands very clearly is that any information, any knowledge that might help with workers' safety in this terrible time, must be shared immediately. It's very clear they understood that before we had the meeting, but it was clearly articulated, and they've made a firm commitment that if there's any information that can be shared, it will be shared.

What's very important is that we not speculate. This is not a time for speculation, and this is not a time for anyone to try to assign blame to anyone. This is a time for full steam ahead on the investigation, and as soon as any details can be responsibly shared, they abso-

lutely will be.

SAFETY OF VANCOUVER FLOATPLANE TERMINAL

M. Elmore: The Liberals' deal with the Clarke Group to build the \$21 million floatplane terminal has been a mess from the beginning. While the Liberal minister for Jobs, Tourism and Innovation suggested that operators would be moved in by last summer, Harbour Air and others have refused due to a ridiculous pricing scheme, leaving the docks operating at a meagre 5 percent capacity. This is despite millions of dollars in subsidies floated by the B.C. Pavilion Corporation.

Now the government is saying that the flight centre has never been safe or functional for floatplane operations, and that the government-commissioned docks may cause property damage and personal injury.

To the minister: how did the Liberal government allow this to become such a mess, and how do you plan to fix it?

Hon. P. Bell: The member opposite knows that this issue is the subject of a lawsuit and a countersuit at this time, and it would be inappropriate for me to comment on that suit in this House.

Mr. Speaker: The member has a supplemental.

M. Elmore: "Never been safe or functional for floatplane operations," says PavCo, and "may cause property damage and personal injury." Yet this Liberal government pulled out all the stops to try to pressure the majority of travellers to use this terminal. A mediator and millions in subsidies were used to try and pressure Harbour Air to use a facility that the government now claims is unsafe.

[1425]

Can the minister responsible for Jobs, Tourism and Innovation explain why the Liberal government was trying to pressure floatplane operators and passengers to pay more so that they can dock at a terminal they now claim is unsafe?

Hon. P. Bell: This issue has been canvassed thoroughly, not just in this House in various question periods prior to the lawsuit being filed but also in the estimates process.

This has always been about safety. The member opposite knows that this has always been about safety. That is the subject of the claim and counterclaim that is out there today. The member opposite can read the claim, and she can read the counterclaim. I'd encourage her to do that if she doesn't understand what it is.

RCMP CONTRACT AND PUBLIC CONSULTATION ON POLICE SERVICES

K. Corrigan: Late yesterday morning the B.C. Liberals launched an engagement process that will ask British Columbians for input as "part of the Premier's commitment to develop a policing strategy." Well, I think that the obvious question for the Minister of Justice is: wouldn't it have made more sense to engage in this process before the province locked itself into a 20-year contract with the RCMP?

Hon. S. Bond: As we engaged with municipalities across the province in the most inclusive process that has been held in British Columbia regarding policing, they made it clear to us, as the negotiations were undertaken, that the vast majority, if not all, of those communities wanted to retain the RCMP. In fact, I'm sure the member opposite, if she had done her homework, would know that that process has been underway for almost four years in British Columbia.

We actually think that it is perfect timing to have a conversation as we talk about looking at the justice system in its totality, making sure that we can find a way to increase the confidence that British Columbians have in the justice system. You bet we're going to go out and talk to British Columbians. We think it's a pretty important thing to do.

Mr. Speaker: The member has a supplemental.

K. Corrigan: I can't believe that the minister is saying that we've had four years to negotiate and is just figuring out now that it's time to start talking to people about policing. With every day we learn more and more about how poorly the Liberals have managed the negotiations for the new 20-year contract for the RCMP.

First, the government didn't even bother to cost out an alternative to the RCMP, and that narrowed the province's ability to position itself. Then talks broke down, and the federal government had to issue an ultimatum to the Liberals to get back to the negotiating table.

Then the Liberals signed a contract and tried to strong-arm municipalities into signing just days before local governments and the Liberals themselves were surprised to learn of cost increases. It's a mess.

Again, to the minister: why didn't you engage the public for input on the future of policing before locking into a 20-year contract?

Hon. S. Bond: One of the things that we did engage in was a consistent and in-depth discussion with municipalities across the province. The member opposite could probably have just chatted with the mayor of Burnaby to know that, in fact, we have had webinars. We have had conference calls. We have actually had a member of the

Union of B.C. Municipalities sit on our negotiating team. We've made public presentations. We've asked for input and dialogue.

I can tell you this. The contract gives new tools to British Columbians to manage the RCMP contract, and that was done in partnership with the Union of B.C. Municipalities.

[1430]

GOVERNMENT SPENDING ON COMMUNICATIONS AND TENDERING OF CONTRACTS

D. Routley: Communications positions in this government's spin shops have increased from about 190 people back up to around 220. The U.S. White House has 38 people in communications. The B.C. Liberal government has 220. Apparently that's not good enough. We now learn, through freedom of information, that nearly \$400,000 worth...

Interjections.

Mr. Speaker: Members.

D. Routley: ...of additional direct-award contracts have been handed out for more communications support.

To the Minister of Open Government: how does she justify adding secret communications contracts to the 220 people already spinning for the B.C. Liberals?

Interjections.

Mr. Speaker: Members.

Hon. M. MacDiarmid: I am being heckled by my own side here.

It's not often that you get a gift like this in the House, so I do have a smile on my face, I must admit. Yesterday there was a story run by one of the media outlets. In spite of them being provided with information, which I have in writing in my possession and which was accurate, unfortunately, that information was not reported accurately. I am pleased to tell the member opposite that he is mistaken on many counts.

First of all, the contracted-out dollars that the member mentions were within the budget of this department. Mr. Speaker, let's talk about government communications. Back earlier in this decade, the government communications department...

Interjections.

Mr. Speaker: Continue, Minister.

Hon. M. MacDiarmid: The government communi-

cations was affectionately known, back in 2001-2002, as Cupcakes. The government of the day was spending, at that time, \$39 million a year on Cupcakes. The budget this year for us is \$26 million — significantly lower.

Interjections.

Mr. Speaker: Members. Members.
The member has a supplemental.

D. Routley: Well, the spin doctors are earning their keep right here — aren't they?

The fact is that most of the direct-award contracts were untendered because they were for less than \$25,000, except several contracts went to the same people or companies. One individual received four contracts totalling \$65,000. One company received three contracts totalling \$41,000. It is clear that the B.C. Liberals, once again, are manipulating process to avoid public tendering of these contracts.

Would the Minister of Open Government explain how awarding multiple secret contracts to hide from the public the tendering process even resembles open government?

Hon. M. MacDiarmid: Of course this information is not secret. This information, in fact, is on our website, part of open government.

Within the budget of GCPE, our communications area, the budget is \$26 million, as opposed to the \$39 million Cupcake budget, a place where we have 199 people working, where back in 2001-2002 there were 322.

[1435]

Interjections.

Mr. Speaker: Continue, Minister.

Hon. M. MacDiarmid: On our side of the House, Mr. Speaker, it is true that there were a number of direct-award contracts that were within the budget of GCPE. The largest contract, in fact, went to someone who is actually a former NDP press secretary and a friend of the New Democrats. These contracts are being awarded when the work is necessary and when we are not hiring new people, and it is being done within the budget.

E. Foster: Leave to make an introduction.

Leave granted.

Introductions by Members

E. Foster: Joining us in the House are a group of young children. Grade 5 students from the Vernon Christian

School are here with their teacher and parents to see the Legislature and visit Victoria. I wish the House to make them very welcome.

Orders of the Day

Hon. R. Coleman: This afternoon in this House we will continue committee stage of Bill 26, intituled the Forests, Lands and Natural Resource Operations Statutes Amendment Act. Should we finish that, we would then move to committee stage of Bill 24, intituled the Prevention of Cruelty to Animals Amendment Act, 2012. In the Douglas Fir Committee Room, in Section A, we will be doing the estimates of the Minister of Transportation and Infrastructure, continued. Should that complete, we would then move to the Ministry of Education.

[1440]

Committee of the Whole House

BILL 26 — FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS STATUTES AMENDMENT ACT, 2012

The House in Committee of the Whole (Section B) on Bill 26; L. Reid in the chair.

The committee met at 2:41 p.m.

On section 1.

N. Macdonald: To begin with, as I think we commonly do, just to thank the minister for the briefings and to thank the staff that has performed the briefings as well. We understand that there will be an amendment that will be tabled. Again, just to thank the minister for very quickly arranging briefings so that we come into this part of the debate on Bill 26 properly informed.

We're looking at section 1, which repeals sections 105.1 and 105.2 of the Forest Act and replaces them with sections 105.1 and 105.2 as laid out in this bill.

Now, I understand that the changes that are made here are a result of a court case. Could the minister give us the court case or in a simple way explain the legal process that led to these changes being made in Bill 26?

Hon. S. Thomson: To the members opposite, I look forward to the discussion, and thanks for the fact that we had the opportunity to brief the members opposite on the parts of this bill. Many parts of this bill are technical amendments, so I think it was useful to be able to provide those briefings.

Just before I start, I want to introduce the staff who are here helping: Richard Grieve, the director of legislation; Marg Shamlock, our senior adviser for legislation and

policy; John Harkema, behind me, the senior compliance and enforcement forester; and Murray Stech, who's our director of the timber pricing branch. I appreciate their support.

Just to say, in terms of the reason for this amendment and the linkage to the court case that was referenced, which is through an appeal, there is not a direct linkage between that court case. I think the member opposite knows the case. It's the Canfor case, where there was a retroactive application of changed circumstances under the appraisal manual.

During that process some of the limitations of the current legislation were pointed out. That's why we brought these amendments forward, simply to strengthen the requirements to make sure that as we find circumstances where there is not complete or not accurate information, we're able to have the strength of the legislation to be able to ensure that we can clearly take the action required.

This has been a process where we've been monitoring it. Suggestions have been made by legal counsel to strengthen the wording in the legislation to make sure we have all the tools available for us to ensure that we protect government revenues when we have those circumstances.

[1445]

N. Macdonald: Just to understand, when was the existing section 105.1? What exists presently in the bill that this section is replacing? When was that first put in as legislation? What period of time does that particular section come from?

Hon. S. Thomson: I'm advised that they were put forward as part of the forestry revitalization plan in 2003.

N. Macdonald: Okay, so this is legislation, then, that comes from that period. I guess when you look at this.... To a layman, especially, some of the language, such as making sure that information that is provided to government is complete and accurate.... To the layman, it just seems incredibly self-evident that that would be the expectation.

Can the minister explain why it has to be laid out in such a clear way and why it wouldn't be completely self-evident? If you're asked to provide information to set stumpage, why would it not be the expectation that the information be completely concise and accurate in every way?

Hon. S. Thomson: This section and the amendments are about the ability with respect to compliance and enforcement. Really, it is ensuring that when you go through that, you have wording that provides you the strongest legal position in order to be able to do that compliance enforcement. This is really not about....

I'll just use a bit of an analogy here to say the speed limit is not about 30 miles an hour; the speed limit is 30

miles an hour. What we want to do is to make sure that we have that strength, that the information must be complete and accurate. As the member opposite points, it may seem a bit self-evident, but what we want to make sure is that the wording provides us all that capability that we have to do the appropriate compliance and enforcement.

N. Macdonald: Just to be clear. The minister had said that it doesn't relate specifically to a particular case, but has the Crown been denied revenue because of either a specific case or because the Crown or the minister responsible didn't feel it was a strong enough case, given the language, to properly go back and set stumpage and, perhaps, ask for other revenues that were due to the Crown? Is this something that over the past ten years the Crown has lost money on because it was worded in a way different from what we're proposing to word it?

[1450]

Hon. S. Thomson: Just to confirm, we've had a number of determinations that go through under the appeal. I'm advised that of 21, 18 of those were successful. Three were not, based on the determination. In the majority of cases, any redeterminations are successful, but in limited circumstances there have been some unsuccessful determinations. As a result, the strengthened wording is being proposed in this amendment.

N. Macdonald: Just to understand.... With those three cases, do we have an idea of the amount of money that we're talking about? Is this something where we're talking about hundreds of thousands, or is it millions of dollars? Or does the minister have a clear idea of what sort of sums we're talking about? Three cases were lost by the Crown because of the existing language.

Hon. S. Thomson: The section we're talking about here, 105.1, just to make it clear.... Those are determinations where you can move to the penalty process. So it's not about lost revenue, in a sense. It's about whether or not penalties can be applied for not providing the appropriate information.

When you move to.... Then there are other circumstances for being able to make the stumpage redetermination under changed circumstances. So 105.1 is about the.... When you're going through the process of not having provided the complete and accurate information, then sanctions can be provided. So the loss of stumpage revenue is not the determinant in those cases. It's whether or not complete and accurate information was provided.

N. Macdonald: I apologize. I mean, this is technical. I had a briefing, but I didn't fully understand.

My understanding was, then, that this would simply be looking at the stumpage that was paid, finding out that not all the information was accurate or presented in a way

that the Crown felt was fair, and therefore there would be an adjustment in the stumpage and that amount would be paid. But there's a punitive nature.

So can the minister explain? There are about 18 cases where a company was found not following the rules and providing information that was found to be incorrect. What are the penalties that we're talking about? What are the sums that are used to penalize the company that does not provide proper information to the Crown?

[1455]

Hon. S. Thomson: Again, I want to draw back to the intent of 105.1, which is where there are situations where it's believed that there is lack of complete or accurate information provided and whether or not penalties or sanctions should be provided. On those ones where that action is taken, where it has been successful, those penalties range from small amounts to up to \$5,000 or so — in those ranges.

The important point there is once that step is taken, this is where we feel that that is where you take the step where you feel that that lack of provision of that complete or inaccurate information was egregious or deliberate, in that sense.

Then, if that is the case, you move towards the next section, which is doing the stumpage redetermination. That is when the additional stumpage revenue is gained through changed circumstances by getting the additional stumpage revenue through that process.

So 105.1 doesn't gain you the additional stumpage revenue; it simply provides whether there are penalties to be applied against the licensee or the permit holder, in this case.

B. Routley: I, too, would like to thank the minister and the staff for the opportunity to ask some questions today and for the information that they've given us in the past, although we are hearing some new things that do beg a number of questions. For example, we have gone from what used to be the word "accurate" and added "complete and accurate," as I understand it.

It does beg the question, if there were three cases that were involved, whether there were any other cases that may have been dropped as a result of a finding in one of those cases. Were there other cases that were in the hopper, so to speak, or being lined up to come forward, or are the three cases that you are talking about the only reason for this change? Should there be other reasons that we're alarmed today?

[1500]

Hon. S. Thomson: I just want to go back to the process here. It is a bit of an iterative process in terms of what is being added to this amendment in the section. While those specific.... A number of cases have sort of been identified, where we took the process through and

weren't successful in a couple of those cases. This is really about....

What happens is that the application is made. The information may all be accurate. Something's later found to be missing, so there's something not quite complete in it. That's why this is really just a step to provide accurate information, but all the necessary information. It has to be complete.

It's something that has just developed over time, not referenced to any very specific case. As we've been working through the process, we've realized — and legal advice has said — that it is in order to ensure that when you're looking at whether you may be taking enforcement action.... To have the wording that it is accurate and complete strengthens our ability to ensure that, from the front end, people are giving us all the information. If we find something afterwards where it wasn't complete, all the information we have had previously was accurate.

We just want to be sure that we've got that strength and capacity. It's really about protecting and ensuring government revenues.

B. Routley: Obviously, we're talking about stumpage here. And the fact that the revenue to the Crown is in any way affected by acts or omissions by the parties involved, in giving what used to be required, accurate information, and to find that we now have three occasions where someone didn't give complete information — at least, that's my assumption — we're now adding the word "complete."

That leads me to the conclusion that there may have been misleading, either intentional or otherwise, information provided that was accurate but not fulsome or the complete story. The government is now asking for the complete story. But on at least three occasions we know that they weren't provided with the complete story. That's my assumption.

The Chair: Member, I'll caution you on your use of parliamentary language.

B. Routley: Thank you.

So the question is: has the minister done a thorough review, given what we've heard today, based on the fact that we have concerns about the need for adding additional words like the word "complete"?

[1505]

Hon. S. Thomson: I'm working at getting the more specific response, but I want to go back, just to make clear the provision that we're changing, that we're amending here in terms of 105.1. That's the section we're talking about in terms of "complete and accurate" information.

What we've really done here — because there's always been a little bit of ambiguity in this section — is to say that the applicant who is required under this act to sub-

mit information must ensure, at the time the information is submitted, that it's complete and accurate. There's always been some ambiguity as to whether, if new information comes later....

It means that at the time it's submitted, it has to be complete and accurate and also that it's required, under this agreement, "to submit information to the government (a) for use in determining...or varying a stumpage rate, or (b) for any other purpose under this Act."

It relates to two things. One is taking the sanctioned process, if it's viewed to not be accurate or complete, and also to ensure that as we find that new information, then we go through the redetermination process for the stumpage.

Sometimes that's to the benefit of the Crown; sometimes that's actually to the benefit of the licensee. There may have been changed circumstances where there may have been, as part of the process, a culvert to be put in, and then it turned out it needed more, in terms of more extensive works or something like that.

This can go both ways, sometimes, in the cases of applicants. But again, it's to clear up the ambiguity around provision of complete and accurate information and at the time of submission.

Section 1 approved.

On section 2.

N. Macdonald: Section 2 is a fairly minor change, as I understand it. It was fairly well laid out during the briefing, but essentially, the minister will from time to time order the closure of roads, or those that are responsible to him.

Just to put it on the record, can the minister explain what is going to change? If you look back at the Forest Act, it talks about the *Gazette*. It talks about the newspaper. The changes that are contemplated here should be put on the record. Basically, I guess, the question is: what are the practices in choosing methods of informing the public that the minister anticipates?

Hon. S. Thomson: The change that's being brought through with this amendment.... The previous legislation only gave two options — either in the *Gazette* or the newspaper — and said that if you were to discontinue or close a right-of-way of a Forest Service road, which does require notification, you had to do it in the newspaper or the *Gazette*.

It is felt that in today's modern communication world there may be many other ways to more appropriately notify user groups and the communities and things with respect to road closures. It would envision being able to use social media communication for it, to communicate it by e-mail distribution lists to user groups, by publishing or putting in a notice within the community.

[1510]

It may be, in many cases, particularly in local communities, that the newspaper notice would still be the most appropriate way to do it. But what it really does is provides us the flexibility to notify in the appropriate way, depending on the nature of the road and the nature of the area or the community, as opposed to being restricted. It was our view that not too many people read the *Gazette* regularly, so it was to give ourselves more flexibility. We would then design the communication notification appropriate to the circumstances.

N. Macdonald: One more question on this, if the minister could just lay out.... He has used the term "appropriate" — just to clarify with a few examples of what would be appropriate. For instance, if this is deep in the woods, hardly ever used, at that point, you might use the Internet or might go to a particular group, as you said, using social media. In other cases, if it's a road that's more commonly used, you might feel it's appropriate to use the newspaper.

Can the minister just explain a bit more what the government's view of appropriate is, give a few examples, and then we can move on to the next section?

Hon. S. Thomson: I think the member opposite is correct. It will really depend on the circumstances.

So if this is just a very remote spur road that has very limited access and very limited potential use, that could simply be a notice on the ministry website and maybe signage on the road. If it's one that has much more back-country access, then we would look at saying that that may include radio, may include the local newspaper, may include a distribution through appropriate user groups and stakeholder groups in the community.

It would all really hinge on the nature of the road. High use and high interest would obviously have a lot more notification requirements associated with them. For a remote spur road, we would probably use a more minimal and less costly approach.

This section really does provide us the flexibility to design the circumstances, as opposed to having to say that it's the newspaper or the *Gazette*, which is very limiting in the current legislation.

B. Routley: I just have a question about this. Section 105.2 also adds the concern about incomplete information. In section (6) of 105.2, it talks about what would happen if the stumpage was redetermined or varied and that at that time....

Given that there have been occasions — at least, occasions — where incomplete information was provided, now we're going to get the complete information because we're adding the words about incomplete or complete information in this amendment. It talks about a penalty, in (a), taking effect "the day after the date on which the earlier determined, redetermined or varied stumpage

rate" took place.

My question to the minister is.... It sounds to me like the minister has said that there is a penalty somewhere between, I think you said, \$500 and \$5,000 that could be assessed. But if people are not paying their correct stumpage, in effect, it's a loan from the Crown. They're borrowing money. They're taking money from the Crown, and then they're going to pay it back. This is talking about it being paid back, and if it's redetermined or varied stumpage.

[1515]

Do I have this correct, that that's really the only penalty that someone has to pay: a \$5,000 fine? If they've not provided complete information, and for a period of time they've been paying a lower stumpage, when they are found to be not providing the complete information so that the Crown can collect the revenue that we're entitled to collect, is that really the only penalty that you have to pay: a maximum \$5,000? I've heard of stumpage plays before where companies in the past have had people specifically working on what were called stumpage plays.

I guess what I'm trying to get at.... Is the minister telling us today that this change really doesn't add any other penalty? It could be viewed as almost a green light. You are signalling to people that in the past people were getting away with lower stumpage based on incomplete information. At least, that is my concern.

The Chair: Member, can you return to a canvass of section 1?

The minister may choose to respond.

B. Routley: It talks about incomplete or inaccurate information, and prior it only required accurate information.

Hon. S. Thomson: I'm not quite sure of the protocol, since this section has already been voted on and passed.

The Chair: The advice from the Chair was that it was your decision to respond.

Hon. S. Thomson: Sorry?

The Chair: You may choose to respond if you wish.

Hon. S. Thomson: Okay, I'll respond.

Just to be clear, this section, 105.2....

I'll respond once and then hopefully that will be it. If we do need to do a follow-up discussion with the member opposite, we can certainly do that.

The first section, 105.1, was about the penalties and sanctions, and 105.2 is about the redetermination of stumpage. What this section does is provide that when that redetermination takes place, it goes back to the day after the information that was deemed to be the changed

circumstances or the new information resulted in re-determination.

It takes us back to that point of submission of the original information so that we can ensure we can collect the additional stumpage. Or if it is to the credit of the other way, then it would make sure it covers that full time period. That's what the amendments to this section cover.

Section 2 approved.

On section 3.

N. Macdonald: This seems pretty straightforward, but just a quick explanation on the purpose for section 3.

Hon. S. Thomson: This section is simply a very minor amendment to reflect the language that was amended in 105.1. It is accurate to simply say that it reflects the same language, which is to add in "was incomplete or inaccurate" to mirror the amendments that we made previously.

Sections 3 and 4 approved.

On section 5.

N. Macdonald: At this point.... The minister can indicate if I have the wrong place here, but the minister did say in his second reading wrap-up that he would explain the funding provisions for the lien act protection fund. If this is the appropriate place, if the minister could just lay out how that works.

The minister will remember that the protection fund was something that was talked about by the Premier. There was a need to top up that protection fund, and it was unclear at the time where the funding would come from.

[1520]

If the minister could lay that out for us at this time, if it's appropriate, and if not, we can get it at the appropriate place.

Hon. S. Thomson: Just to clarify, this section here is dealing with the process around the registration of the liens and a number of other factors. It's made to assist with making the ability to have the fund fully operational and ensuring follow-through on those commitments.

I'm quite happy to respond to the member opposite's question in terms of where we're at currently with the fund. The fund was created by regulation on March 30. There was an initial seeding of Crown funding into the fund. So \$5 million has been provided to the fund. This is regarded as seed funding to establish the fund.

We have appointed an administrative authority for the fund for a one-year time period, guided by an administrative agreement. That is with Eric van Soeren, who is the trustee for the forestry revitalization fund. We estab-

lished the fund by regulation, provided some initial seed funding, and now we are continuing to work with the industry associations, the Truck Loggers Association, the licensees, to work out the mechanics for the additional moneys into the fund, how the fund will operate.

That work is still to be done, and that is ongoing. So I think there's significant progress in terms of getting the fund established by regulation, having the fund in place, but still work to do with the industry in terms of all of the mechanics. That process is underway, and a working group is working very actively on that within our stakeholder groups.

N. Macdonald: So the language, then, is part of the process that allows you to set up this fund.

Just to get more details on how this fund would work. First, what is the size of the fund that the minister anticipates would be needed? And, in terms of future funding, the Premier did say that the contractor community would not have to participate. Was that in initial outlays of money, or does that mean that they wouldn't have to participate in ongoing funding? Exactly what does that mean? As well, maybe the minister could also talk about the licensees. What's anticipated with their participation?

Hon. S. Thomson: Just to confirm again, the discussion we're having currently does not relate at all to the amendments here in terms of what's been provided in the legislation here. This is solely about being able to register the liens and that process.

[1525]

Again, just to advise the member that the fund has initially been established, initial seeding into the fund. There is lots of work to do with that stakeholder group in terms of the mechanics of it — target levels. There are various ranges people talk about as to what might be needed to be a target level, how the initial funding would be brought into the fund to move to it to whatever target level may be appropriate over whatever time period may be appropriate.

All of that work still has to be done, but I think what is important is that we've made a very important start to it in terms of getting the fund established, initial funding. That has provided the impetus to ensure that we have the focus with the working group on developing those mechanics and those mechanisms as opposed to worrying about whether the fund is actually going to be established or not.

Section 5 approved.

On section 6.

N. Macdonald: I just appreciate the minister's indulgence on something that was somewhat off topic. Nevertheless, it was good information. I appreciate it.

Maybe with section 6, the minister could simply explain the purpose of the section and the amendment, and then we can go from there.

Hon. S. Thomson: Currently under the act, it relies on a definition of "registrar" and "registration" to enable the liens and charges to be registered in the personal property registry. This section amendment adds a new section to the act that specifies that sections of the Personal Property Security Act apply to the Forestry Service Providers Protection Act. These sections that are referenced relate to the registration of security interests under the act in the registry.

This proposed amendment ensures that the Forestry Service Providers Protection Act expressly provides for the application of registration provisions of the Personal Property Security Act for liens and charges under the Forestry Service Providers Protection Act.

Sections 6 to 9 inclusive approved.

On section 10.

N. Macdonald: Again, if the minister could give an explanation for section 10 please.

Hon. S. Thomson: Two bases to this section. As I think was pointed out in second reading, the reason that this is needing to be dealt with here is the decision previously not to repeal the Woodworker Lien Act. This is all consequential to that decision, since we're maintaining that provision.

This provision is to establish the priority. What it does is it sets up the fact that any lien under the Woodworker Lien Act and any other statute respecting navigation and shipping and any lien or charge under the Forestry Service Providers Protection Act trump the tugboat lien, because that's specific to logs.

[1530]

Section 10 approved.

On section 11.

N. Macdonald: Just again for the record, what is this section intended to accomplish?

Hon. S. Thomson: This is a technical amendment again. What this does is ensures that there's continuity of the fire hazard abatement provisions when there's a new tenure being awarded which relates particularly to bioenergy tenure.

Currently when a licensee harvests it, he maintains those fire abatement obligations under the act. When new tenure comes in, the way it's currently set up means that those fire abatement obligations don't take over

until the new tenure holder starts activity. There could be a gap in between. What this does is make the provisions.... When we issue the new bioenergy tenure, the abatement obligations take place on issuing that tenure and not on the time when you actually start the activity so that there's no gap in the protection or the obligations.

N. Macdonald: Okay. This is something that the government has been working on for quite a while, to figure out how to make these overlapping tenures work. Just for a bit more clarity on the handover, is this something that as soon as the new tenure is signed off to the bioenergy company, that's when the obligations are taken over, or is there a period where they are both responsible? How exactly does it work? Does it begin with the signing of the taking on of the new tenure? Is that how it works?

Hon. S. Thomson: The clock starts for the new tenure holder as soon as the agreement is issued. It's not a phased process or anything. That obligation takes over on the issuing of the new tenure.

N. Macdonald: If for some reason the bioenergy company.... Perhaps these are newer companies; perhaps they don't have the certainty of a licensee. If for some reason the bioenergy company takes over the obligations and in some way fails, does the obligation go back to the original licensee, or does it stay, then, with the government? How does that work?

Hon. S. Thomson: The situation would be that if they don't fulfil those obligations, they would be issued an order to abate those obligations. We would treat them exactly the same as we would any other licensee if the obligations aren't met. It doesn't revert back to the previous licensee. It would only apply to the area to which the bioenergy tenure applied.

[1535]

N. Macdonald: Just to be clear, the area that's anticipated to be included in the bioenergy tenure, this sort of new tenure, would be close to the roads and close to the landing. It's restricted in area in that way, generally. Is that the anticipation?

Hon. S. Thomson: Yes.

N. Macdonald: In terms of the responsibilities that are here to "abate a fire hazard of which the person is aware or ought reasonably to be aware," is that the same sort of language that would apply to a licensee? Is that common language and very familiar to any sort of a process that would have to adjudicate whether responsibilities to the new tenure holder would be met or not met?

Hon. S. Thomson: Yes. There's no change here. This

is the same language that has always been applied. If you look up into the.... You may not have the red-line section, the deleted section from the previous section. It's the same wording. There's no change. It would carry on the previous policy.

B. Routley: Just for the record, I think we're very supportive of seeing a licence within a licence and the concept of better utilizing the waste wood that's out there in the forest.

I guess the question I have is this. Are we convinced now that we've got it right with this new language? Do we have people ready to sign licences under this new language as it's been rewritten?

Hon. S. Thomson: This amendment here is one of the pieces that needed to be completed in order to be able to complete the other processes with respect to receiving licences and fibre supply licences to cut, which are the tenure forms that we've had previous legislation through to be able to do. Once we moved through this, we have this piece. It was one of the constraints that would prevent some of that from taking place, but we will be in a position now to complete the processes around the regulations for both of those forms.

We're in final consultation with the industry on that. That'll provide those opportunities. Our preferred approach, which takes place now, is the business-to-business relationship, and that's the approach that we encourage and continue to encourage. But the new tools will be available shortly, and this is the final piece.

N. Macdonald: This goes back throughout my time here in the Legislature, where the bioenergy sector was put forward. I think probably we all didn't realize how complex some of these issues would be, going forward. This is one part of it, as the minister has said, with this piece.

Surely the minister has consulted heavily with all of the people, all of the companies, that will be impacted. Is the minister satisfied that there's been full consultation and that this complication for the bioenergy sector moving forward is properly taken care of — that there's been full consultation and that the minister is completely confident that this is something that all parties agree will be workable?

[1540]

Hon. S. Thomson: Yes, this section, in terms of the fire abatement provision, is part of that suite that was needed, was with consultation and supported by industry. As the member opposite pointed out, the provisions around the fibre supply licence to cut, receiving licences.... He rightly pointed out some of the complexity of it. But just to say that the consultation process has been extensive on it. It continues, and as I've pointed out, we're now with

this piece being completed, wherein we'll be in the stages now where we can finalize that process with industry. We hope to have the regulations to be able to utilize those new forms of tenure very shortly.

B. Routley: I just want to be certain that I have this right. The new licence within a licence, while it creates the possibility, there is no new requirement for tenure holders to permit a second licensee. There still has to be some kind of cooperation with the original licensee. Is that correct?

Hon. S. Thomson: Just to again reiterate, our preferred approach is the business-to-business approach and cooperation. That's the way we'll continue to encourage it, because I think that ultimately gets the best arrangements in place. But as you know with the previous legislation, if you look back to what we've taken through and what we will be bringing the regulations for....

In those circumstances where you don't have that and there is availability, it would require the licensee to declare the area abandoned, and we can then issue the fibre supply licence to cut or a receiving licence for that area. That's the regulatory approach. So we can compel that to happen if we don't have the cooperative arrangements that we're encouraging in a business-to-business relationship.

[1545]

B. Routley: Just for greater clarity and certainty, will this allow these business-to-business relationships to sign on to longer-term licences? Like, what exactly...? Maybe you could give us some examples of the kinds of relationships that could be possible as a result of this change. Can people have 20-year licences or ongoing licences in the sense that's intended by this change?

Hon. S. Thomson: Again, in the business-to-business relationship approach, there are no restrictions in terms of the amount of time that that could be provided for. You could have a relationship between a licensee and a bioenergy producer that could extend for any number of years that they would want to work out in terms of the licence that the licensee has, in terms of his length of term. Again, that's the preferred approach, and that's what we're encouraging.

On the fibre supply licence to cut, those could be offered for up to five years. The key piece of this legislation — and, in fact, one of the reasons for having that fire abatement issue dealt with — is really, in many respects, to encourage the business-to-business relationship. It was one of the constraints of getting those new arrangements, because there were concerns about that gap. By being able to have fire abatement provisions taken on from the time of the agreement — when a fibre supply licence to cut, for example, was issued — that actually

promotes that. It will also promote the business-to-business relationship.

B. Routley: Again, for greater clarity, is there any process whereby the second licensee...? You've got the second licensee. There's an obligation, clearly, for the second licensee to work with the main licensee and work out some details or arrangement.

I had a situation where a salvage contractor who had a business arrangement was able to sell whatever product that he came up with out of his salvaged material. Then that came to the attention of the licensee, and they essentially said, "Now you're going to have to sell all of your product to me" — to the licensee. If such a thing were to happen....

I assume we're trying to support individual businesses or new businesses to get into, for example, bioenergy or even something like firewood. Any kind of new business opportunity could be developed with a second licence.

Has the minister contemplated any rights for the second licensee should there be any problems?

Hon. S. Thomson: We're straying a little bit beyond the specifics of the fire abatement provisions here. Just to confirm that on a fibre supply licence to cut, the holder of that fibre supply licence to cut has the rights to that. Those are his rights. He can do what he wants with that product.

[1550]

There would be no compelling that he would have to sell it to a specific licensee or to.... It's his licence and his rights, if he has that fibre supply licence to cut.

Sections 11 and 12 approved.

On section 13.

Hon. S. Thomson: With respect to section 13, hon. Chair, I move the amendment to section 13 standing in my name in the orders of the day.

[SECTION 13, by adding the text shown as underlined and deleting the text shown as struck out:

13 Section 1 of the Occupiers Liability Act, R.S.B.C. 1996, c. 337, is amended by adding the following definitions:

"limited liability entity", in relation to a resource road, means either each of the following; ~~including any employees and contractors:~~

- (a) the maintainer, if any, of the resource road;
- (b) the government;

"maintainer", in relation to a resource road, means the person, including, without limitation, the government, that is obligated or authorized under an enactment to maintain the resource road, but does not include a prescribed person or a person within a prescribed class of persons;

"motor vehicle" means a vehicle that is

- (a) intended to be self-propelled, and
- (b) designed primarily for travel on land on surfaces other than rails;

"resource road" means any road or portion of a road that is

- (a) on Crown land, and
- (b) used or intended for use by motor vehicles, but does not include a municipal highway or a provincial public highway as those terms are defined in the *Transportation Act*;.]

On the amendment.

The Chair: Did you wish to speak to it?

Hon. S. Thomson: Thank you for the opportunity. With these amendments in the next sections, we did have a chance to review these amendments with the members opposite.

The proposed amendment to section 13 in this definition of a "limited liability entity" replaces the term "either" with "each," to clarify that for a resource road, a limited liability entity could be the maintainer and government. It removes the references to employees and contractors in the definition and makes a housekeeping change to the definition of "maintainer," to make it clear that the government can also be a maintainer.

N. Macdonald: Again, thank you for the briefing. That was hugely helpful. Elements of this are very technical.

Essentially, the Occupiers Liability Act is being amended in such a way that it's intended as a precursor to the natural resource road act, which will be introduced at some point in the future. The minister in his second reading debate described this as part of an open roads policy.

Now, in terms of the definition of "resource road," does it include roads on woodlots? Is that considered a resource road, or is that something that would be defined in a different way?

Hon. S. Thomson: I'm advised that it would apply to the roads on the Crown portion of a woodlot but not to the private portion of a woodlot.

N. Macdonald: Okay. The next question is: do these amendments limit liability for government as well? There are descriptions of a "limited liability entity." Just a question: does that limit for government in the same way as it does for individuals that would possibly take on these roads?

Hon. S. Thomson: To the member opposite: the answer is yes. It limits government liability to the resource road in the same way, if the government is the maintainer of that road.

B. Routley: I think it would be appropriate for the minister to talk a little bit more about this section, because it's really a good-news day for, I think, a lot of British Columbians. I know there has been a lot of work go into talking to a number of groups that are interested in having access to resource roads.

[1555]

Maybe you could describe the purpose of this change and some of the work that has gone on to consult with stakeholders and what the benefits to British Columbians at large are going to be as a result of what I see as a proactive amendment that's going to be helpful for various recreation uses.

The Chair: Hon. Members, the member for Kootenay West seeks the floor to make an introduction. Shall leave be granted?

Leave granted.

Introductions by Members

K. Conroy: It gives me a great deal of pleasure to introduce a group of students from the Lucerne Elementary Secondary School. There are 18 students from grades 5, 6 and 7, their teacher Ms. Katrina Sumrall, and a number of chaperones, including Barb Marks, whose son Tony went to school with my son Ben, and Anita Dumas, one of my favourite potters. I think of her every time I make a pot of tea out of my favourite teapot.

The students have fundraised all year to travel here, including spaghetti dinners and even performed a play called *Law and Order*.

Just to give the members an idea of how far this group has come, Lucerne is situated in New Denver on the shores of the beautiful Slokan Lake. It was a five-hour drive to Kelowna, and then a flight down here. I understand that it was the first flight for some of the students, so they were quite excited.

They'll spend three days here in Victoria and three in Vancouver before heading back home. So would the members please join me in welcoming them all to the Legislature.

Debate Continued

Hon. S. Thomson: Thank you to the member opposite for the comments.

Yes, this is in our view a very positive and proactive step today with this change. It is a step because, as was pointed out, there is an ongoing process of active consultation with stakeholder groups all across the province around natural resource roads legislation overall. But this is an important first step.

Essentially, it is something that user groups, industry, have been asking for as part of the recommendations that come out of the UBCM — to be able to reduce the liability and essentially move towards that limited liability entity, to define that, which reduces that level of duty of care so that you move towards the process where it is more "use it at your own risk," recognizing that there is still the provision that you can't do anything that would wilful-

ly create a safety hazard or any of those kinds of things.

What it does, because it has that reduced duty of care and provision of care, is create a disincentive to close a road strictly because of the liability issues. We would still see closures of those roads if there were significant environmental issues for which those roads needed to be closed, but if it was simply just because of concerns around liability that resulted in the decision to close, because this provides for a reduced duty of care, it's hoped that that will be an incentive to keep the roads open and to have less closures, which I think is a benefit to all.

V. Huntington: In section 13 you're mentioning the resource road and the definition of resource road. I note that just recently the Ministry of Transportation has issued a notice that involves a discussion of "industrial road," which it describes as a road on which any natural resource is transported. They also refer to the specifics of their changes in safety on.... Well, for this matter it was anti-lock brake systems. But they also talk about it as being a forest practices road or an industrial road on Crown or private land.

[1600]

Is there going to be any difference in the interpretations of resource roads versus industrial roads for these purposes?

[D. Black in the chair.]

Hon. S. Thomson: I was just getting some instructions, and now I have to gather my thoughts again. Hopefully, I'll get this correct.

Industrial roads are a subset of resource roads, so this reduced liability, which has been provided for with this amendment to the Occupiers Liability Act, would apply to those industrial roads. But recognizing there's also an Industrial Roads Act that covers all of the safety provisions, this is simply about the liability side of it. It doesn't apply to.... What I'm advised is all the safety provisions under the Industrial Roads Act would continue to apply.

B. Routley: I know that there are a number of sections that follow that have this same theme, so if the minister wants to go by this section and wants me to ask this question in 14, I could do that.

But my question is.... I think it's related. I know that the minister and his staff consulted broadly. For the purposes of informing the public, could you give us a description of the number of groups and the timeline under which you underwent consultations broadly throughout the province of British Columbia?

Hon. S. Thomson: There has been a very extensive consultation process on the resource road framework. We've received over 90 direct submissions from organizations and groups and over 4,000 individual comments

into the consultation process. The team that is working on it has been to around ten communities in the province. Average attendance at those sessions was about 40 members from those communities — so another 400 people engaged in those consultation processes. We had web-based submission to it.

So we've had a very extensive consultation process, and just to say, that process continues. There were some concerns about how long people had to input, but we've taken all of that initial submission and are now continuing to consult with organizations and groups on the overall framework.

Amendment approved.

The Chair: The minister, I understand, has a second amendment.

Hon. S. Thomson: Yeah, there are a couple more yet. I move the amendment adding section 13.1 standing in my name on the orders of the day.

[SECTION 13.1, *by adding the following section:*

13.1 Section 2 is amended

- (a) *by renumbering section 2 as section 2 (1),*
 - (b) *in subsection (1) by striking out "sections 4 and 9," and substituting "sections 4 and 9 and subsection (2) of this section," and*
 - (c) *by adding the following subsection:*
- (2) This Act establishes the duty of care to which a limited liability entity is subject in relation to a resource road in all circumstances other than those referred to in section 3.1 (2).]

On the amendment.

[1605]

B. Routley: So does this amendment limit liability...? Liability for government as well?

Hon. S. Thomson: This section is about limiting liability for both government and maintainers, so the answer is yes.

Amendment approved.

Section 13.1 approved.

Section 13 as amended approved.

On section 14.

Hon. S. Thomson: I move the amendment to section 14 standing in my name on the orders of the day.

[SECTION 14, *in proposed section 3.1 (1), by adding the text shown as underlined:*

- 3.1 (1) Subject to subsection (2), a person who enters onto or otherwise uses a resource road is deemed to have willingly assumed all risks, and a person who is, in relation to the resource road, a limited liability entity is, in relation to that

resource road, subject only to the duty of care set out in section 3 (3) and, for that purpose, a reference in section 3 (3) to an occupier is deemed to include a reference to a limited liability entity.]

Amendment approved.

Hon. S. Thomson: Madam Chair, maybe I haven't done this quite correctly, because there were two amendments to section 14. So I move.... Maybe I should have done both amendments the first time.

The Chair: No, please proceed with second amendment.

Hon. S. Thomson: I move the amendment to section 14 standing in my name in the orders of the day.

[SECTION 14, *by deleting proposed section 3.1 (2) and substituting the following:*

- (2) Subsection (1) does not apply in relation to the duty of care to which a limited liability entity is subject in relation to a resource road
 - (a) in prescribed circumstances,
 - (b) if the person in relation to whom the duty of care is owed is a prescribed person or a person within a prescribed class of persons, or
 - (c) if under another enactment or at law a limited liability entity is subject to a more limited duty of care than the duty of care to which the limited liability entity is subject under subsection (1).
- (2.1) In the situation referred to in subsection (2) (c), the limited liability entity is subject to the more limited duty of care.]

Amendment approved.

On section 14 as amended.

B. Routley: Section 14 makes it so that resource roads are used at the user's own risk, as I understand it. Presumably, the level of risk being considered is well known for government. Could the minister very specifically lay out what level of liability, with examples if appropriate...?

For example, if you're an employee or someone that's taking that road, what will their level of risk be? For example, maybe I could use myself. I've gone out on resource roads in a 4-by-4 where there was no road. In some cases, the road was washed out, and you're driving through areas where there have been washouts and very difficult terrain. What are the new liabilities that are taken on by the public?

Hon. S. Thomson: If you look at section (3.3) of the legislation, essentially, when the public goes onto the roads, they're assuming the risk and the liability unless the occupier or the maintainer creates "a danger with intent to do harm to the person or damage to the person's property," or acts "with reckless disregard to the safety of the person or the integrity of the person's property."

So the public, in utilization of these roads, assumes the risk unless there are actions by the maintainer or the occupier or government that create that danger or act with reckless disregard.

[1610]

These are the same kinds of provisions that are in place now for many recreation cases. I'm advised that in the majority of cases, through the court processes, the common law process determines that level of risk, but the onus would be on the person using the road to prove that the maintainer or the occupier had taken any of those specific actions that would create a danger or was acting with reckless disregard.

B. Routley: With these changes, if an employee is directed to use a road and is injured, is the employer still responsible?

Hon. S. Thomson: The answer is yes. Under workers compensation regulations that would be the case. This provision of a limited liability or lowered duty of care has not changed that relationship at all.

Section 14 as amended approved.

On section 15.

B. Routley: Just for greater clarity. If the government maintains control of the road, is there any reduced liability?

Hon. S. Thomson: The answer is yes. If the government is a maintainer of the road, it's defined as the limited liability entity. It has the same reduced liability that a non-government maintainer would have.

Sections 15 to 18 inclusive approved.

Title approved.

Hon. S. Thomson: Madam Chair, I move the bill complete as amended.

Motion approved.

The committee rose at 4:13 p.m.

The House resumed; Mr. Speaker in the chair.

Reporting of Bills

BILL 26 — FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS STATUTES AMENDMENT ACT, 2012

Bill 26, Forests, Lands and Natural Resource

Operations Statutes Amendment Act, 2012, reported complete with amendments.

Mr. Speaker: When shall the bill be reported as read?

Hon. S. Thomson: By leave, now, Mr. Speaker.

Leave granted.

Third Reading of Bills

BILL 26 — FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS STATUTES AMENDMENT ACT, 2012

Bill 26, Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2012, read a third time and passed.

Hon. T. Lake: I now call continued debate on third stage of Bill 24, intituled Prevention of Cruelty to Animals Amendment Act, 2012.

[1615]

Committee of the Whole House

BILL 24 — PREVENTION OF CRUELTY TO ANIMALS AMENDMENT ACT, 2012 (continued)

The House in Committee of the Whole (Section B) on Bill 24; D. Black in the chair.

The committee met at 4:18 p.m.

On the amendment (continued).

L. Popham: I would like to submit my support for the amendment that the government is putting forward.

Amendment approved.

On section 7 as amended.

L. Popham: Can I confirm with the minister that this section would define what the Farm Industry Review Board would do?

Hon. T. Lake: Yes, it does. This section sets out the review by the society, followed by the appeal that's available through the FIRB.

L. Popham: We may have covered this yesterday, but can the minister explain why the Farm Industry Review Board was chosen to be part of the appeal process?

[1620]

Hon. T. Lake: This board was determined to have the administrative capabilities and expertise to consider this type of appeal. We are very confident in this board's expertise to handle the types of appeals that we would expect to be put to it under this act.

L. Popham: Does the minister know if the FIRB appeal board would be mobile across the province?

Hon. T. Lake: Yes, BCFIRB does go to different communities around the province to hear different appeals — you know, historically — and it certainly could do that in this situation as well.

L. Popham: Can the minister confirm that if an appeal is made, FIRB would travel to the place that the appeal originated from?

Hon. T. Lake: Generally speaking, the FIRB would travel to the origin from which the appeal was filed.

L. Popham: Can the minister explain the makeup of the FIRB board and the appeal process?

Hon. T. Lake: To the member: the FIRB is made up of four members, from which a panel is developed for each of the separate appeals. The panel may be anywhere from one to three members.

The makeup of the board is typically varied in terms of their background. Currently, for instance, you have someone with a background in agriculture and agrifoods, a lawyer who has experience with administrative tribunals — a variety of different expertise.

With this new responsibility, FIRB is going to be looking for someone with some background in animal health. It could be a veterinarian. It could be someone in animal welfare — someone with some expertise in the types of issues that would be encountered with this new duty under the changes to the act.

L. Popham: Thank you for that answer. Will FIRB be able to bring the board to site visits of the place where the animal was seized? Would all of the members of that board that were brought on for each specific case be brought to the site?

[1625]

Hon. T. Lake: In the section 7, under sub 20.5(2)(b), the board may, through the panel, "inspect the premises and any equipment or other thing on the premises that are relevant to the determination of the appeal." So the panel would have the option of going to the site, doing a site visit, whether it's a farm or a home, to inspect the premises and the conditions under which the animals may have been kept.

L. Popham: Given that these would not be permanent members, can the minister foresee any time delays in bringing that panel together for something like that?

Hon. T. Lake: The flexibility is there to ensure a rapid response to an appeal. A panel doesn't have to be three members, because that may be problematic — getting those three members together to do the appeal and investigation, if you like. So it could be a one-person panel that would be able to attend the appeal and the investigation more quickly.

L. Popham: Would the board have the ability to sit for consecutive days if there was potential for a lengthy appeal?

Hon. T. Lake: Yes, they have the flexibility to take the necessary time to conduct the appeal. And that may be consecutive days.

L. Popham: Does the minister foresee any conflict with FIRB, given that it's the Farm Industry Review Board, when hearing issues of conflicts around animal husbandry or different philosophies of animal husbandry?

Hon. T. Lake: Well, the board isn't legally allowed to be in a conflict, but the need to have someone from the veterinary profession or the animal welfare world would certainly, I think, provide that input and that expertise. The board has had multiple responsibilities for a number of years, and it has never had a situation where there was a conflict. Of course, there is always recourse to the Ombudsperson, for instance, if there is a perceived conflict.

I think what the member is getting at, perhaps, is: this is a board that deals with agriculture, and there may be some that view certain animal husbandry procedures as not being humane, because they have a different view of the world than the producer might. But the board — particularly with the veterinary expertise or the animal welfare expertise that would be added to the board, I think — would be well equipped to sort of separate out those.

[1630]

There are standards of practice, either codes of practice or societally accepted practices, which I think are fairly widely accepted. So I don't think it would be a conflict. Certainly, in my experience professionally and personally, I haven't seen that occur.

L. Popham: The current mandate of FIRB, as I understand it to be, is to promote farming. Would the mandate be changing for FIRB?

Hon. T. Lake: Under the Natural Products Marketing Act, FIRB would have a particular mandate. Under this

act, the mandate would be different and separate, even though, obviously, it's the same board. But the mandates are quite different.

L. Popham: Within this legislation is that new mandate defined?

Hon. T. Lake: Well, this act gives FIRB the mandate, the power, to enforce this part of the act, which is to conduct an appeal. The hearings, as outlined under section 20.5, outline how the board shall respond to an appeal. That is the mandate given to the board.

L. Popham: If the board was made up of the same members from both mandates, would there not be a conflict there? I'm just not sure how two different mandates could be followed at the same time.

Hon. T. Lake: Well, the board has a mandate under one act and has a mandate under a different act. In this case it's hearing an appeal from an animal owner who has exhausted a review through the society and now is making an appeal of that decision to FIRB.

FIRB, under this act, has the power to adjudicate the situation that caused the animal seizure to arise, whatever the conditions were. It has the ability to ask questions of the society and ask questions of the owner or the owner's agent. It has the ability to inspect premises and the ability to mediate as well.

That mandate is fairly clear, so I don't really perceive a conflict. It's like many of us have different aspects of our job. They don't necessarily come into conflict. We clearly recognize that this is what we're trying to accomplish, and under this act, we're trying to accomplish a hearing of an appeal of an animal owner that feels the society has not made the right decision under their review process.

L. Popham: I'm just wondering: was a separate tribunal considered when looking at weighing things out? Why did the minister choose the Farm Industry Review Board over a different tribunal board?

[1635]

Hon. T. Lake: A number of reasons for selecting FIRB for this process. Number 1 and, I think, most importantly, to have the experience of being part of a tribunal is a pretty steep learning curve. Here we have a board that is experienced, that has the expertise and the support necessary to conduct administrative tribunals. Also, obviously, the ministry is responsible for both acts under which FIRB has a mandate. So it, again, makes it more efficient in terms of support to the organization.

A separate tribunal was considered, but when factored in against the experience, the support that's available to this already present board and the additional costs of putting a brand-new board together — in terms of training,

support services and all of the things that would have to come together for a new, separate tribunal body — the decision was made to use FIRB for this purpose.

L. Popham: Is there a maximum number of people that could be invited to sit on the board for certain appeals?

Hon. T. Lake: The maximum number of people that can sit on FIRB is ten.

L. Popham: With that maximum — and if that maximum was used in the majority of appeals, if there were complex appeals.... We still, at this point, don't really know how this is going to work.

We have moved into this system. I think the intent was to make it easier for people to appeal decisions that they didn't feel comfortable with. If that increases the workload and the complexity of cases, I'm wondering what financial commitments there are to support FIRB.

Hon. T. Lake: A number of things come to mind to answer the member's question. First of all, while there can be ten people that sit on the board, I think the flexibility we talked about earlier, where panels are set up from the board.... Those panels can be anywhere from one to three people. We don't expect more than ten to 15 appeals per year, so we don't expect that the maximum capacity of the board would be exhausted in that time period.

Also, because the animal owner has gone through a review process with the SPCA already, you've got a process in place that can be quickly reviewed. So it's not like you're starting something from the very beginning. You've got something that can be reviewed, and I think that will add to the conciseness of the appeal.

This is meant to be something that turns around very quickly so that we've got administrative fairness to both the owner and the society.

L. Popham: The speedy process has been mentioned quite a bit, so I'm wondering if there's a definition of the time that the ministry considers speedy.

[1640]

Hon. T. Lake: Well, the intent is for FIRB to consult with the SPCA to kind of determine the process and procedures that would be followed for these appeals to make sure that they are done in an expeditious manner.

Certainly, we know that judicial appeals can be very.... Well, the concern is that they're not timely enough. So our goal here, obviously, is to reduce the amount of time versus a judicial review. We would set up protocols and procedures for the FIRB that is hearing these types of appeals, very conscious of the fact that they need to be turned around in a certain amount of time.

Now, I can't tell the member what that time is. Probably,

some that are fairly straightforward would be a matter of maybe a week. Some may require more work in terms of visiting a site, getting more information, talking to a veterinarian. Those could take longer. I think that all of that would be worked out when the group turns its mind to the process and protocols that would be put in place to guide them.

L. Popham: I understand that the average length of time it would take it go through a judicial review is about 75 days, given each case that has happened, I think, since 2003. I'm assuming, then, that the goal of the FIRB review board would be to make sure that it was less than that.

Given that, is there a time at some point where we would review the cases that FIRB has handled to see if that has actually gone down?

Hon. T. Lake: Through the making of the protocol, if you like, FIRB will set out some goals in terms of timeliness and also will set out a process to review the effectiveness and efficiency of the system.

I don't want to set out what those protocols are for FIRB, because obviously it's an independent body that will make these itself. But the commitment is to do a review after a certain period of time to see if FIRB is meeting the goals of being more timely than the judicial review. Of course, government always has the ability to mandate timelines through the legislation, if government found that to be necessary.

L. Popham: I understand that FIRB would be independent, but I'm wondering: would the minister be implementing a review at some point — say, within a 12-month period — so that we can be assured that the system is working?

It would be unfortunate if the system wasn't working and we didn't find out for some time and the judicial review process was actually more effective. In the case that it wasn't more effective, would the ministry be looking at going back to the judicial review process?

Hon. T. Lake: Well, anything is possible, of course, but I don't want to commit the government to a timeline for a review at this point. I think we need to give FIRB a chance to demonstrate that they are the appropriate body to do the work, which we believe they are.

[1645]

I share the member's view that we should always be looking and continuously improving things if we don't think they are achieving the goals for which they are set up, but I don't want to commit the government to a certain timeline to do that. I think that would become self-evident if we were hearing from animal owners that the process was in fact not timely, not efficient, not effective and not fair.

L. Popham: So is it fair to say that the measurement tool for success would be feedback from the people within the system?

Hon. T. Lake: I think it's much like we do with many things in government. If laws that we create are causing concerns, MLAs, as representatives of their constituents, will hear about them. The Ombudsperson may hear about administrative fairness, and of course, the society, in this case, may hear about some concerns.

So there are many avenues for concerns to be raised, and we would respond accordingly as a government to those concerns if that were to be the case.

L. Popham: My next line of questioning will be around the review of decisions and appeals.

There has been some confusion around the timeline that animal owners would have to participate in the appeal process. It's my understanding that if an animal is seized, they go into a 14-day period with the BCSPCA. At that point they are informed that their animal may not be coming back to them, and then they would have a chance to appeal that decision.

How is the person informed that the animal is not coming back to them? How would they initiate the appeal process? And how many days would they have in order to start the appeal process?

Hon. T. Lake: There are two stages, as the member will know from the bill. There is a review stage conducted by the society and then a potential appeal that is conducted by FIRB.

So if an animal considered under distress is seized, then the owner has 14 days to request a review by the society. Once that request is made, the society must conduct a review within 28 days. Once that review decision is delivered to the owner, the owner has four days in which to ask for an appeal through FIRB.

L. Popham: How is the owner notified of those four days?

Hon. T. Lake: In our consultations with the SPCA we learned that their current procedure for notifying people of these types of decisions is to deliver the decision in person, followed by registered letter.

As I think the member is alluding, it's really critically important that the owner knows what the decision is and has adequate time to file an appeal with FIRB. So the notification by the SPCA currently is in person, followed by registered letter.

[1650]

L. Popham: In that case, if the animal owner decides that they would like to begin an appeal process, how would they start that appeal process?

Hon. T. Lake: The owner just has to notify the FIRB. That can be through a phone call. It can be through e-mail. It can be through fax. They also have to notify the society. Once the society is notified, then they cannot dispose of the animal — once they know an appeal has been filed with FIRB.

L. Popham: So once that appeal process has started.... I'm understanding that that can start with a simple phone call to FIRB or the SPCA. Can I get confirmation that a phone call would stop the four days from coming to a conclusion?

Hon. T. Lake: I must correct the record. A phone call would not be adequate. It would have to be in a written form. Either e-mail or fax would be the two most common ways of notifying the board.

L. Krog: I just have a few questions in reference to section 7 and the portion, 20.2. It says in sub (2): "A request for a review may be made to the society (a) in the form required by the society, and (b) within, (i) if section 17 (b) applies, 4 days after notice is given as required by that section."

Now, section 17(b), as amended, says that if an animal is taken into custody under section 10.1 and "(b) the owner is known, the society (i) must give to the owner notice, in accordance with section 19, that the society may destroy, sell or otherwise dispose of the animal and that a review of the decision may be requested under section 20.2, and (ii) may, no earlier than 4 days after giving notice, destroy, sell or otherwise dispose of the animal." So that's the new section.

In sub 20.2(2) it says that the request for a review may be given to the society in the form — blah, blah, blah — "4 days after notice is given as required by that section." Well, notice refers to being given under section 19.

Now, section 19 says: "The notice referred to in sections 17 (b) and 18...." So it makes no difference, because the existing section 19 is going to continue in effect. Under the existing act, it says:

"The notice referred to in sections 17 (b) and 18 must be in writing and (a) mailed to or served personally on the owner, or (b) if it cannot be mailed to or served personally on the owner, (i) published at least 3 times at 2 day intervals in a newspaper circulating in the area in which the animal was taken into custody, or (ii) posted in a conspicuous place at either the owner's last known address or the location at which the animal was taken into custody."

My problem, if I'm reading these sections correctly — the existing notice section and the new section 17 — is that if the notice has been given as required by section 19, all you have to do is mail it. It doesn't say registered mail. With great respect — and I have enormous confidence in the postal service — what that means is that the animal could be destroyed after the four days. The notice is mailed, and unless I'm mistakenly reading this, I don't see anything in section 19 — which is the form of notice

and how it's to be mailed — that says that it's deemed to be received four days after mailing or something like that.

The reality is that it can be mailed. It might take four days to get there, and if you haven't given your request for the review and the four days have expired, my reading of this — and I'm sure the minister or the staff will help me — means that the animal could be destroyed, potentially. [1655]

Hon. T. Lake: The changes that we're making here are essentially adding the appeal function onto the existing review function that is under the act. So the wording of the review process and notification is unchanged from past legislation. The current practice of the SPCA, regardless of the wording of the legislation, is to notify the person in person, followed by a registered letter.

We did not go back and change the existing notification portions of this act. We are simply adding on the appeal process. So if we did not add the appeal process on, the member's concern would still be there today, with only the judicial review process as an opportunity to appeal the review of the SPCA. So whereas the notification provisions in the act are unchanged, the practice of the SPCA is to notify in person, followed by a registered letter.

L. Krog: Well, with great respect to the minister's response, my mother taught me that good practice was to brush my teeth every morning and in the late evening as well, at least twice a day. But the practice and what was required might have been two different things.

My concern is that the legislation is not being changed. The fact is — and I appreciate that the SPCA's practice may be....

I think I might have to disclose that I'm a donor to the SPCA, for the purposes of the Conflict of Interest Commissioner here today, although I have no personal interest in the success of the society but am a strong supporter.

The reality is that they are entitled to rely upon the legislation, and the legislation is pretty clear. It says:

"The notice referred to in sections 17 (b) and 18" — and that applies under the new sections, which are modestly changed — "must be in writing" — it's mandatory — "and (a) mailed to or served personally on the owner, or (b) if it cannot be mailed to or served personally on the owner, (i) published at least 3 times at 2 day intervals in a newspaper circulating in the area in which the animal was taken into custody, or (ii) posted in a conspicuous place at either the owner's last known address or the location at which the animal was taken into custody."

[1700]

Again, I come back to my concern that when you come to the new section and it says very clearly that the "request for a review may be made to the society...4 days after notice is given," you've essentially got a four-day limit, as I understand the legislation, after which the animal.... After four days it can "destroy, sell or otherwise dispose...."

It's really a very short period of time. I appreciate the expense of maintaining an animal. I understand all of those things and the issues surrounding them, but the fact is that the legal requirement is that it only has to be in writing or mailed, and that is a choice that the society will have.

I appreciate that their practice may be such. Candidly, it would make more sense to provide for a longer period, potentially, in which to give notice, in order to ensure — I appreciate the circumstances would probably be quite rare — that an animal is not destroyed unnecessarily that might otherwise have survived. Again, you're stuck with a section.... The act is very clear. My understanding is.... The minister is going to correct me if I'm wrong. My premise about the notice and the time involved, I believe, is correct, and I need to hear from the minister that he agrees.

He says what the practice is, and that's his response, but does he acknowledge that, in fact, the legal requirement on which the SPCA is entitled to rely completely at law is, as I've stated, as is set out in the act?

Hon. T. Lake: This was discussed a little bit yesterday, and we have had an opportunity to talk to the SPCA about this particular concern. The member is referring to an animal that is taken into custody, where it is abandoned and the owner is often unknown.

Often these animals are in a state where their health may be severely impacted. It may be extremely difficult to find the owner, and to impose the cost of veterinary care, boarding and housing the animal for an extended period of time could be an extremely costly responsibility on behalf of the SPCA.

The current provisions are this. We are not changing that. That is in the act already, so even if we were not to have amended this act today, that would still be the case — that the SPCA would have those notification principles laid out in the act.

[1705]

In our discussions with the society — which I support probably as much, if not more, as the member opposite, through a number of different ways — we believe that this strikes a balance between the monetary responsibility on behalf of the society and the responsibility to try to notify an owner of an abandoned animal. It's obviously different for an animal that's taken in under the distress provisions, in which there's a 14-day period.

L. Krog: I appreciate the minister's answer. I appreciate that there are many, many circumstances in which animals are taken which may constitute, on the face of it, abandonment. For instance, you've made arrangements with someone to provide care for your animal. You're on holiday. That person turns out to be irresponsible. You were, in fact, an otherwise excellent custodian when it comes to animals.

There are a number of circumstances, and I think the minister's imagination is certainly equal to and probably better than mine and the staff around him. You can imagine a number of circumstances where, in fact, it wouldn't constitute the kind of awful situation that we associate with someone who truly is being cruel to animals and not worthy of having an animal in their care.

I appreciate the minister saying what the practice is, but you know, you can imagine if the minister was bringing forward, in another portfolio, legislation that said the government has the power to expropriate without compensation. "Oh, but the practice is that we never actually do that, so just take comfort, members of the opposition, that that's the practice. We never actually expropriate without compensation, even though the legislation says that."

That's really what the minister is saying here today. The minister is saying: "Look, even though the statute says — and we're not proposing to change that, from the government side — it has to be in writing and mailed, the practice is something that you could, arguably, say is better." The society either serves personally or they make real efforts to do so, but either way, it doesn't get past the reality of the statute, on which the SPCA is entitled to rely, and the law is the law is the law.

That's the position here, and I haven't heard the minister acknowledge yet that in fact, quite clearly, what the statute says governs. The practice is different, but that's not what the law is. So I need the minister to tell this House why in these circumstances, if that's the position the government is taking, they aren't changing section 19 to follow the existing practice of the SPCA.

If the minister is telling this House that the practice of the SPCA is one thing.... Obviously, notwithstanding that at law they have the right to govern their actions by the statute itself, they have chosen, presumably for good reason, to do something different in practice.

It begs the question: if they don't think the statute is fair, and their practice is different, why isn't the legislation being changed to accord with the practice of the SPCA so that the few owners who may be in this awful circumstance get the protection that the minister tells this House is in fact the practice of the SPCA?

Hon. T. Lake: Section 19 of the current act says, "The notice referred to in sections 17 (b) and 18 must be in writing and (a) mailed to or served personally on the owner..." which is consistent with their current practice.

L. Krog: But my point is, to the minister, when you read it in conjunction with subsection 20.2(2): "A request for a review may be made to the society... 4 days after notice is given as required by that section...." When you go back to section 17(b), the new section which applies — if the owner is known, the society must give notice, etc. — refers to section 19, which doesn't change things.

[1710]

We're still stuck with this situation where you've got a four-day window and you can be notified in writing. Essentially, you have this completely compressed period of time. Now, maybe I'm reading this completely wrong, but I don't think so. If you've got four days after notice is given.... To give notice, all you have to do is mail it. It has to be in writing. That's what section 19 says.

Hon. T. Lake: I presume, then, that the member is suggesting that section 19 be changed to reflect the current practice of the SPCA — which is essentially what is written there, except for the words "registered mail."

L. Krog: What I'm suggesting as a practice is that you either allow for a greater number of days — as opposed to the four days now, perhaps it's ten days or 14 days so that sections 17(b) and 18 are the same, because section 18, if it applies, is 14 days after notice is given — or alternatively, state that if it's mailed and you have an address, you allow for some greater period of time and that it be deemed to be received, if you will, that notice is effectively given perhaps six days after mailing or something like that.

All I'm saying is that the period of time, it strikes me, is extremely short, when you read these sections in conjunction. If you are mailing it, it might take four or five days to get there, and you've got four days after notice is required.

You get the letter — for instance, on the fifth day after it has been mailed — and the animal is destroyed. It's not going to be terribly useful to ask for a review in those circumstances, because the animal is gone. The statute says four days after notice has been given. Well, if you don't get it until the fifth day and the animal is gone, the review is meaningless.

Hon. T. Lake: I think we just need a little bit of clarity, perhaps, on the four days versus the 14 days. The four days is the time period from notification to disposition of the animal, for those animals that are abandoned. In some cases the owner is known. In many cases, because they're abandoned, they're not known.

The 14 days refers to animals that are taken by the SPCA and that are considered under distress. The owner is, in most cases, known in those situations, so there's a longer period of time there because you've got an owner. It behooves the society, I think, to keep that animal for a longer period of time, to give the owner an opportunity to intervene and ask for a review. With the abandoned animal, it is rare that an owner is going to come forward.

In our discussions with the SPCA, they have not indicated that they have had concerns on the part of owners whose animals were considered abandoned and who subsequently found out that the animal was euthanized without them having an opportunity to ask for a review.

That simply does not seem to be a concern that has been raised with the SPCA.

The member's request, if you like — to extend the period of time for abandoned animals to be held — would put a financial obligation onto the SPCA which they would consider onerous.

[1715]

L. Krog: If I can just come back to it, section 10.1 of the act describes abandoned animals. Section 10.1(1) says: "In this section, 'abandoned animal' includes an animal that (a) is apparently ownerless, (b) is found straying, (c) is found in a rental unit after expiry of the tenancy agreement in respect of the rental unit, or (d) if a person agreed to care for the animal, is not retrieved from that person within 4 days following the end of that agreement."

One of things you always consider when you're applying a statute is to look at some of the most ridiculous fact patterns you can imagine.

Having grown up in a rural area, it wouldn't be the first animal that has wandered around and visited various houses for more than a few days and that you might consider as apparently ownerless, unless someone actually recognizes that it's Tom's cat or Sally's dog. To be found straying in a rural area is not exactly uncommon when it comes to some six-year-old's precious pet.

In terms of an agreement, if a person has agreed to care for the animal, it wouldn't be the first case where a neighbour has been asked to look after the dog for seven days, and you know, Jim's pickup broke down in the country, and he's still out hunting in the outback for six or seven days longer than he anticipated.

All of those fact patterns fall within the section on abandoned animals. Now, it's not an abandoned animal in the way most of us would think of it — you know, some deliberate, nasty, cruel, untoward owner who has abandoned the poor creature, truly, or doesn't care about it. But those are abandoned animals.

My point is that under the existing section, these animals face destruction in the circumstance where an owner may be known. So if we discover whose dog is straying, or we discover whose cat is straying, or whatever the case may be, my concern is the days. The four-day period is pretty slim.

It is pretty slim, I argue, because the SPCA, in its own practice, when employing the benefit of section 19, generally speaking, is serving personally, which they're entitled to do. But they're also entitled to simply mail and put it in writing. I just wonder if the minister would perhaps consider an amendment that allows for a somewhat longer period of time, rather than simply the four days. Because that's the concern.

If you're going to rely on section 19, as it exists, then in the mailing situation, that period may well, depending on the postal service, cross over with the four-day period

which one is given to request a review. It may be simply too late. You come home, you get the letter or you pick it up in the postbox, it's the fifth day, and the animal is destroyed.

Hon. T. Lake: I think when we look at section 10.1 of the existing act: "In this section, 'abandoned animal' includes an animal that (a) is apparently ownerless...." I can tell the member — I probably don't need to tell the member; he's an animal lover — and he will know that an animal that appears to be ownerless will have certain characteristics versus an animal that apparently has an owner: presence of a collar, presence of being neutered or spayed, the cleanliness of the animal, the hygiene of the animal, the condition of the animal.

The SPCA would take all of these things into account. If they had an animal that was found as a stray but didn't appear to be ownerless, they would, with their current practice, ensure that they made every opportunity to contact the apparent owner.

I think we both want to accomplish the same things, but the SPCA, in our conversations with them, were adamant that if this section were amended to extend to 14 days the period of time that they had to hold that animal, it would tax their financial abilities as well as — and this is important — their ability to look after other animals.

[1720]

As the member well knows, many SPCA shelters are overcrowded. To hold animals longer than that four-day period, when, in the opinion of the SPCA, there is very little chance that they will be rehomed with an owner, would put other animals at risk through the overcrowding and inability to hold that many animals for that period of time.

It's a balance, Member, that I think we have to consider. These are abandoned animals that are apparently ownerless. The SPCA — because of the great work they do, the experience they have and the training they receive — are very good arbiters of whether an animal is apparently ownerless or not.

L. Popham: I think that there is some question around this legislation, and my colleague did bring up some very good points. But I'm sensing maybe that the minister would be interested in changing the legislation and amending it to reflect the current practice of the SPCA — which would be to serve notice, the four-day period, in person, followed by a registered letter. As the minister has stated himself, those are current SPCA practices. Is that something that the minister would be interested in amending?

Hon. T. Lake: The current section says by mail or in person. The current practice is in person, followed by registered mail. To make an amendment of this nature without, I think, proper consultation with the organiza-

tion which is going to be impacted by that would not be prudent. So no, I would not consider an amendment to reflect that.

L. Popham: Well, I have a hard time understanding that, because that is the current practice of the institution that we're talking about. So I'm not sure why that wouldn't be of interest to the minister.

Hon. T. Lake: It's not that it's not of interest to the minister. It's that to do that would require consultation with the organization which is going to be impacted. To simply arbitrarily do that.... There may be other reasons that we're not considering at the moment that the organization may object to such an amendment.

I would not like to make an amendment like that on the fly when we haven't had adequate opportunity to consult with the SPCA on how that amendment may affect their ability to perform their duties.

L. Popham: I understand that, but I guess I will ask the minister how he feels we can solve this problem, then, because the current legislation does not reflect the current practices. The current legislation has some problems with it. I think that my colleague explained the negative implications of the current legislation. The BCSPCA does not follow the current legislation, so how can we solve this problem?

Hon. T. Lake: Well, in fact, they do follow the legislation, but they go above and beyond the legislation. To the member, I don't have a suggestion for how we could change this other than to say that government is a continually evolving organism.

If this were a particular concern for animal owners, if this was a particular concern for the organization, or if this turned out to be a concern that was uncovered through the appeal process that we are now putting in place, then I think government would turn their mind to that. But we're not prepared today to make an amendment which may have unintended consequences that we are not aware of at the moment.

L. Popham: Can the minister explain the major change that was made and the intent? Why did we change this section of the legislation?

[1725]

Hon. T. Lake: These sections are added to indicate to the SPCA that a review of the decision may be requested under section 20.2. But the notification period has not changed from the existing legislation.

L. Popham: Can the minister explain how the process of the appeal will happen? For example, will the Farm Industry Review Board be allowing a third-party-

intervener status?

Hon. T. Lake: No, third-party interveners are not contemplated under the appeal process.

L. Popham: As I understand it, the review could happen for a person who has custody of the animal, and it's not limited to the owner of the animal. Can the minister explain that?

Hon. T. Lake: Perhaps I can illustrate with an example. If someone were to be on holiday and leave their animal at a kennel, for instance, and the kennel operator, who now has custody of the animal that belongs to me — the owner on holiday.... If the SPCA were to take my animal because someone complained or they had reason to believe that the kennel was not looking after my animal properly, and then I took a very long vacation so that the 28-day review process following the 14-day notice period was exhausted, and I still hadn't come back from holiday because I'd been working very hard on behalf of the people of British Columbia in the Legislative Assembly....

Interjections.

Hon. T. Lake: I know. It's terrible, isn't it?

Then the owner of the kennel, who has custody of my animal, may appeal to the FIRB.

L. Krog: I'm dealing in particular with section 20.2. It says that the society may review a decision of an authorized agent to take custody, etc., and that a request for a review may be made to the society and the society must review the decision and must not destroy the animal.

So what constitutes a review? How is it conducted?

[1730]

Hon. T. Lake: The review is a procedure undertaken by the society and as outlined in 20.2, the society conducts a review and, at the end of that review, "must return the animal to its owner or to the person from whom custody was taken" — that can be with no conditions, with the review, the owner or the custodian of the animal convincing the organization that they were capable of looking after the animal and the organization having agreed.

There may be conditions respecting things like "(i) the food, water, shelter, care or veterinary treatment to be provided to that animal, and (ii) any matter that the society considers necessary to maintain the well-being of that animal, or (b) affirm the notice that the animal will be destroyed, sold or otherwise disposed of."

So there are many opportunities for the organization in the review — and this is an internal review, an internal organizational process — many opportunities to work with the animal owner to rehome the animal, with or without conditions, to ensure that the animal is returned

under conditions that are optimal for its well-being.

What we're doing is adding an appeal. So if an owner feels that the review process was not adequate or was unfair or inappropriate, now the FIRB appeal is a mechanism whereby the owner or custodian has recourse to ensure — and what I think will happen, with this appeal process in place — and sharpen, if you like, the process by which the organization conducts their reviews.

L. Krog: What I'm getting at is that the section talks about "review a decision" and "if a review is requested," etc. What I'm asking, really, is the substance of that review. I have taken a quick look at the statute as it exists now. I don't find a definition of "review," and if there is, I'm sure the minister's staff will point it out to me.

In Bill 24, I don't find, unless again I'm mistaken, a definitions section that talks about what a review is. What constitutes a review? Is it a manager looking over a statement? Or is it a manager sitting down with the agent? Or what is a review, per se?

Hon. T. Lake: Well, the review is an internal process by the organization, typically conducted by a senior person that would look at the circumstances under which the animal was taken into custody. The bill does not outline what that review must look like. We are adding the appeal process simply to ensure that, if people do not feel the internal review — which we do not prescribe — is fair, they have this opportunity for appeal that they did not have before.

We also have a provision in here that the government may ask for reports from the society on how they enforce the act. That could potentially be a way of asking for an evaluation of the review process. It could be obtained through reports that the government now has the ability to ask of the organization.

We certainly, in these changes, have the ability to have the society create, or for us to help the society create, by-laws as well. Again, it could be contemplated under some of those future bylaws.

[1735]

L. Krog: I think the minister is getting my point. The existing act provides in section 26 the power to make regulations. I think what I hear the minister saying is that he can't tell me what a review looks like today, as proposed under the act. I take it, then, from the minister that there are no regulations prepared in contemplation of the passage of this section that set out what a review looks like.

[L. Reid in the chair.]

I mean, I would suspect that the SPCA would appreciate some guidance as to what constitutes a review, because then it would enable them, hopefully, to avoid the

appeal as outlined in section 20.3. I don't think anyone wants to have processes that go on forever and ever.

But right now, can the minister tell me...? Given that the SPCA makes a decision now, is that's what is contemplated? They'll simply be able to carry on and have the fallback position of an appeal if necessary? Or what constitutes a review, or has there been discussion with the SPCA? What does a review look like?

So, you know, I'm the lowest-level employee. I go out and seize the animal, and the owner requests a review under 20.2. What I'm really asking is: what does that review look like?

Are there any regulations in existence now under the statute? I suspect not, because this is a new section. Are there any regulations contemplated that will provide guidance to the SPCA as to what a review looks like? Or is there some regulation that defines what a review looks like in reference to another statute or the interpretation? In other words, what does a review look like?

The lowest person on the totem pole, so to speak, who makes the decision to seize — do they sit in the manager's office? Do they provide a written report? I mean, I'm simply asking: what is a review? What does it actually look like?

I mean, if I asked you to describe a Ford F-250 pickup to me, I'm sure the minister could go out, take a few pictures, come back and give me a description of what the Ford pickup looks like. I'm looking for a description of what the review in this section will look like. Or is it just something that will be determined by practice at some later date?

Hon. T. Lake: The objective we have with this amendment to the Prevention of Cruelty to Animals Act is not to prescribe a review process for the SPCA. It does not go on forever. It's 28 days. So that is prescriptive, if you like.

But what we've done is provide an appeal so that if the review is considered inadequate, there is an avenue of appeal for the animal owner. And of course, any past judicial reviews of the SPCA's review would obviously impact what that review looks like.

So it's not our intent to prescribe the review process. It's our intent to add an appeal if the review is considered inadequate by the animal's owner.

L. Popham: This question refers to "Hearings" — 20.5(4). This line refers to knowledgeable people instead of the word "expert." I'm just wondering why that was used?

Hon. T. Lake: Well, I think the intent is to find people that have expertise in a certain area that may be in discussion during the appeal process. Whether we say these people are knowledgeable about these matters or experts in this matter, I think is a matter of degree and interpretation. But I don't think it's material to the intent, which is to have advice from people who know the situation that

the appeal is considering.

L. Popham: Well, I think it's relevant because through these appeals, we're relying on expert advice. So who determines whether the expert advice is coming from knowledgeable people?

Hon. T. Lake: The panel would determine the suitability of the people from whom they seek advice.

[1740]

L. Popham: "Determination of appeal" — 20.6. If decisions by BCFIRB.... They're subject to appeal as well, and the appeal would then go to the Supreme Court of British Columbia, which.... That would have happened in the case of the.... It would have been going there before this legislation was changed.

It appears that we're adding another layer of process in. Can the minister explain...? Maybe I've got that wrong, but I don't see how that would speed it up. Also, how many appeals do they suspect would go on to the B.C. court system?

Hon. T. Lake: Well, the whole point of this is to try to provide an alternative to the judicial review process, which the minister described as sometimes being intimidating, costly and not very timely. We are providing an alternative which addresses all of those concerns.

In the 35 decisions of FIRB on farm practices, which are appealable in the same manner, only two have been appealed. So it happens occasionally that a decision by FIRB might be appealed, but it does appear in the current workings of FIRB to accomplish what we're hoping to do here, and that is to avoid a costly, lengthy, intimidating judicial process.

Section 7 as amended approved.

The Chair: By agreement, we're returning to consideration of section 4.

On section 4 (*continued*).

L. Popham: I think that on section 4, we were going back to that due to the question that was asked yesterday of the minister to report back on the idea of an amendment.

Hon. T. Lake: We canvassed this with the other member earlier. This is the four-day versus 14-day.... We did discuss with the SPCA the notion of going to a 14-day holding period, if you like, for abandoned animals. As mentioned earlier, the SPCA is not in favour of that for the reasons that we discussed earlier.

Section 4 approved.

On section 8.

Hon. T. Lake: I move an amendment to section 8 standing in Minister McRae's name under the orders of the day.

[SECTION 8, by renumbering the proposed section 22 as section 22 (1) and by adding the following subsection:

(2) The minister may, by order, require persons appointed under subsection (1) (b) to complete a specified training program or to hold specified qualifications.]

The Chair: Standing in the name of the Minister of Agriculture.

Hon. T. Lake: That's what I meant to say if it didn't come out that way.

On the amendment.

L. Popham: This side of the House supports the amendment. It was a suggestion that we put forward after consultation with the BCSPCA. We are very appreciative of the government taking this suggestion, as we feel that this is in the best interest of preventing cruelty to animals. Having someone who's designated as an authorized agent, with appropriate training and qualifications, really is in the best interest of animals in British Columbia.

Amendment approved.

Section 8 as amended approved.

On section 9.

L. Popham: Can the minister explain the intent of section 9?

Hon. T. Lake: Section 9 is to allow regulations to be developed respecting demands for payment of costs and for remuneration of persons referred to in section 20.5, the knowledgeable experts that we were discussing earlier.
[1745]

L. Popham: Can the minister give me an example of what this legislation would change?

Hon. T. Lake: This section would allow a regulation that would prescribe procedural details related to the demand for payment of costs. Essentially, that would provide guidance for determining when the clock starts to run for the four-day period to commence an appeal for costs and, as I mentioned, for payment for knowledgeable people that FIRB uses to help them in their appeal process.

L. Popham: This is the second significant amendment to the PCAA in the past year. During that time,

the government has seen fit to dramatically increase the enforcement provisions of the act and now create a comprehensive appeal process. There was \$100,000 given to the BCSPCA to assist with the Whistler sled dog case.

I guess I'm wondering. With these amendments coming in, the second set of amendments to this act, is there any commitment to assist the BCSPCA to implement these amendments with funding?

Hon. T. Lake: It is not our opinion that the changes we are making today to allow an appeal of the SPCA process will add significant costs to the organization.

L. Popham: If there were costs that were to be put on to the BCSPCA, would the government relook at that and re-evaluate the financial burden that the SPCA might have?

Hon. T. Lake: Well, as mentioned previously, I think government should always look at its actions and the impact it has on those that are affected by the legislation and determine whether or not there is a need to support those that are affected by the legislation. And that, of course, could refer to different organizations that carry out responsibilities throughout British Columbia.

So while I understand the member's point is to try to have the government make a commitment for increased funding to the SPCA, I cannot make that commitment at this time.

L. Popham: Well, I understand that that can't be made today, but I am hopeful that the government side of the House would understand that the good work that the BCSPCA does. The funding that would come to them would be quite important as far as being able to protect animals in British Columbia and making sure that their welfare is in the best interest.

So I guess, rather than request a commitment today, it's just that there's an understanding that this is an extremely important operation that happens in British Columbia.

Hon. T. Lake: I would agree with the member's sentiments in terms of the tremendous work that this organization does on behalf of animal owners and all residents of British Columbia. It's an organization that I know our Minister of Agriculture holds in high esteem, one that I certainly have a very positive relationship with, so I'm happy to receive the member's comments and would agree with them.

Sections 9 and 10 approved.

Title approved.

Hon. T. Lake: I move that the committee rise and re-

port the bill complete with amendments.

Motion approved.

The committee rose at 5:49 p.m.

The House resumed; Mr. Speaker in the chair.

Reporting of Bills

BILL 24 — PREVENTION OF CRUELTY TO ANIMALS AMENDMENT ACT, 2012

Bill 24, Prevention of Cruelty to Animals Amendment Act, 2012, reported complete with amendments.

Mr. Speaker: When shall the bill be reported as read?
[1750]

Hon. T. Lake: With leave, now, hon. Speaker.

Leave granted.

Third Reading of Bills

BILL 24 — PREVENTION OF CRUELTY TO ANIMALS AMENDMENT ACT, 2012

Bill 24, Prevention of Cruelty to Animals Amendment Act, 2012, read a third time and passed.

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

Hon. I. Chong moved adjournment of the House.

Motion approved.

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

The House adjourned at 5:51 p.m.

PROCEEDINGS IN THE DOUGLAS FIR ROOM

Committee of Supply

ESTIMATES: MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE (continued)

The House in Committee of Supply (Section A);
D. Horne in the chair.

The committee met at 2:45 p.m.

On Vote 43: ministry operations, \$806,921,000 (*continued*).

The Chair: I'll call the Committee of Supply, Section A, to order. We're resuming consideration of the budget estimates of the Ministry of Transportation and Infrastructure.

H. Bains: When we finished last night, we were talking about Port Mann. I think we talked about the completion dates. I think that was the last question, if I recall it.

I would like to ask some questions about any analysis that may exist or that the minister is aware of, if it was conducted to find out what the uses are of the Port Mann today so that we can compare it after the completion.

Maybe first we should start: what is the vehicle count? The historical vehicle count, I probably should ask. Right now, under construction, it may vary. What is the historical vehicle count?

[D. Hayer in the chair.]

Hon. B. Lekstrom: The average is about 120,000 vehicle movements per day on the bridge.

H. Bains: The Chair was asking whether we will be completing these estimates today. I said the way the minister is going, we may go into tomorrow.

Interjection.

H. Bains: We're not finishing tonight. It's an all-nighter.

My question is, then: what is the analysis for when the bridge is completed? What would be the usage level?

Hon. B. Lekstrom: I think, Member, that probably I'll be a little broader than the question you asked. When it opens, probably about the same, on average, at about 120,000.

[1450]

There's not a lot of fluctuation, give or take a few months, from the old bridge to the new bridge. Over time we expect to see about a 40 percent increase in traffic over that bridge, by 2021, through the work that we've done.

H. Bains: How will those numbers be reported? First, let me back up. There is an analysis that was conducted and that would show what the current numbers are and what the numbers would be after the completion date and then a year later and five years later. Do we have those numbers available?

[D. Horne in the chair.]

Hon. B. Lekstrom: That information is available, Member. We don't have it with us here today, but it is on the website presently. You can go there, if you'd like. I think it would be appropriate.

Today's counts are firm counts based on traffic counts of actual vehicles going over. As well, when we have put this together and you looked at the numbers, it was put together by an international forecasting firm that is dealing with issues like this around the globe.

H. Bains: Thank you for that answer. I hope it's not the same firm that did the numbers on the Golden Ears Bridge. Perhaps I should ask you: is it the same firm, or is it a different firm?

Hon. B. Lekstrom: Yes, it was the same organization, Member, that did this work. I think we want to be clear for the many people, as we've all often pointed out, watching us here today, that there is a difference.

The Golden Ears, for example, is obviously a new-market bridge. When you look at that, there is a distinct difference from what we're talking about here, being that the Port Mann is not a new market but an enhancement to allow the freer flow of traffic. Certainly, I think it will allow people to get home to their family or to their jobs much quicker and spend a little more quality time.

H. Bains: I was wondering why a simple question like whether it's the same firm or a different firm needed a 30-second huddle. Now I know why.

[1455]

I think there will be a lot of questions, Minister. As you know, the assumptions that were used to calculate funding and operation of the Golden Ears Bridge is costing tens of millions of dollars to taxpayers today. The vehicle volume that it was assumed would be there is not anywhere near. So are we going into a second phase of that same movie — that it is going to cost taxpayers tens of millions of dollars more?

I might add, though, that this is a larger project with much higher volumes, and any smaller mistake in those assumptions would have a much more significant negative effect on taxpayers and their pockets.

I want to ask the minister how confident the minister is that those numbers.... Knowing the history of this company's failure to come up with the proper assumptions for Golden Ears Bridge, we will be, you know, depending and basing our future on Port Mann bridge and its operation on the same company's ability.

Hon. B. Lekstrom: To the member, hopefully without having taken too much time in getting back to him: I am confident in our numbers, Member. We have just recently had our traffic projections updated and verified in 2011 by the international traffic modelling experts. I am more than confident, as the member said. No, this will not be

phase 2 of the movie that you've referred to.

H. Bains: Is there a plan to have those numbers listed on a website on a regular basis? If it is, how often will those updates be listed?

Hon. B. Lekstrom: Yes, those numbers will be updated and available. They will be part of TI Corp's service plan and annual report, as well as being posted on the Internet.

H. Bains: The second part of the question was how often they will be doing it.

Hon. B. Lekstrom: As an annual report is due every year, it would be every year.

H. Bains: Okay. Based on those numbers and the tolls that would be levied, can the minister tell us how many years it will take to have the Port Mann project paid off?

Hon. B. Lekstrom: Member, 35 to 40 years.

H. Bains: Can the minister be a bit more precise on 35 to 40? Is it 35, or is it 40? How long is that contract?
[1500]

Hon. B. Lekstrom: The reason there is some variability in my answer is because that will be based on traffic flows, as I said. That will have a determination. That's why if I tell you it's 36 years, and it will take an extra year because traffic volumes were slightly below, it could just as easily be 35 years because they were slightly ahead. The variability of my answer, when I say 35 to 40 years, is based on traffic flow.

H. Bains: Who would be managing the toll collection, and who will determine that the bridge is paid off? How will that determination be made? And when will the public know if it's going to take 40 years or 35 years?

Hon. B. Lekstrom: TI Corp is responsible for the fares and the fare collection. How will the public know? They will know as a result of annual audited statements. Obviously, you know, I would hope that I'm still sitting here as the Minister of Transportation, Member, so that I can tell the public when that bridge is paid for. I'm not sure, but if I am, I will let everybody know at that time.

H. Bains: What was the original forecast date to have the bridge paid off?

Hon. B. Lekstrom: There has been no change in that. It is in the time frame that I expressed in my previous answer: 35 to 40 years.

H. Bains: I want to talk about tolls now. I think we can-

vassed this last time around as well. The way the agreement reads, it shows that unless you have a transponder or you paid within 48 hours of crossing the bridge, your toll will go from \$2.85 plus \$2.30. So it comes to \$5.15. Is that still the case?

[1505]

Hon. B. Lekstrom: Well, the \$2.85, Member, in today's dollars is around three dollars, I think, when you read the information you're going through. The \$2.30, if you fail to pay within 48 hours.... Obviously, I think you heard — I heard, through discussions and interaction with the public — that numerous people said: "We think that has to be looked at." I can tell the member: we're looking at that and have heard the public loud and clear.

H. Bains: The minister said the same thing last year. About a year has gone by, and the bridge is opening next year, as the minister said this year and the minister said yesterday. So we still haven't made that decision.

As it stands today, the minister is telling us that the toll is about three dollars. It's gone up from \$2.85 as it was listed in the agreement in 2009 dollars, I must say, plus \$2.30 — they call it an administration fee — if you don't pay within 48 hours and if you don't have a transponder. We're talking about a bridge opening in a few months, and we still haven't made that decision.

Is the minister saying that the toll schedule, as it is listed now, is there — that, without a transponder, if you don't pay within 48 hours, your toll is going to be almost doubled? That isn't the case, I might advise the minister, with the Golden Ears Bridge. When you cross Golden Ears Bridge, you get a bill in the mail, and then you have a few days to pay. But that isn't the case here.

There are many folks who will be crossing the bridge occasionally — you know, seniors visiting their grandchildren. They don't need transponders because they're not crossing every day. How would they know where to go to pay? If they don't pay within 48 hours, which is not a reasonable time.... The minister agrees with that. People have advised the minister, and other people have said the same thing, but nothing has been done.

A year has gone by. The minister had the same answer last year, and he's giving the same answer today. But the bridge is opening in a few months, as the minister proudly said yesterday. The minister is telling us that nothing has changed since last year. Your toll will be almost doubled if, without a transponder, you don't pay within 48 hours.

Hon. B. Lekstrom: Member, as you are well aware, we have engaged, certainly, and we've heard different issues raised by the public from the initial issues that were out there. I think the member will be pleased to know that the tolling framework will be coming out this spring. I would encourage the member.... I know he'll eagerly wait

to see that. I think it will certainly meet the concerns that were expressed, that have been expressed and that continue for that. It will be addressed. Look forward to that release of the tolling framework.

[1510]

H. Bains: Will the minister advise this House what those changes might be?

Hon. B. Lekstrom: That would be like Santa Claus telling the children what their gifts are going to be, Member. It's just not going to.... We are working on that framework. I think it is certainly going to reflect the concerns that the public have expressed, and I think people will be very receptive to what they see.

H. Bains: Maybe I'll ask the minister this way: has the decision been made? Are you still exploring ideas?

Hon. B. Lekstrom: There is still ongoing work, if we would call that exploring, but we are in the final stages of finalizing this. As I indicated, I think, Member, it will be well received, not only by the public but by yourself.

H. Bains: Minister, if I knew that you had something to tell, I might have asked the media to come down here — maybe, you know, if it's a Hollywood photo op — but we will wait for that, Minister. Thank you very much for that answer.

My other questions are just a few questions about Golden Ears Bridge. As we know, the assumptions were way off as far as the vehicle counts are concerned, and it is costing tens of millions of dollars every year to TransLink, the entity that's always looking for new money to pay for new projects.

Will the minister tell us whether, because of a low count of vehicles, compared to the assumptions made and the calculations conducted, it will take longer now to pay for that bridge?

Hon. B. Lekstrom: That is a question directed at TransLink. It is their bridge — the Golden Ears.

H. Bains: But we are expending tax dollars from \$806 million to monitor TransLink. There are about 12 employees of the ministry staff that monitor TransLink and help manage that file. Obviously, it is directly linked to this vote, in my view, and therefore, I think we should get some answers.

Hon. B. Lekstrom: I think the member is referring.... We touched on the employees yesterday. Those are not 12 that look after TransLink. They look after transit across the province as well. But no, that would be.... The question you're referring to, although we will have a difference on this, is a question better directed to TransLink.

H. Bains: All right. Then we'll move on to another part of Port Mann, which is the free alternative, as was promised. The Premier, the previous ministers, have all said that this government's policy is that any time there is tolling, it must be on a new road or bridge and that there must be a free alternative.

I would ask the minister again today.... The answers that we've been getting for a free alternative to Port Mann bridge aren't very plausible or practical. Originally, when the Port Mann bridge was announced, when they asked which route was the free alternative, the minister at that time announced that Pattullo Bridge was the free alternative. Since that time, there is a back-and-forth discussion on whether that bridge is going to be a tolled bridge.

[1515]

Regardless of that, Minister, as you know, if you have travelled on Pattullo Bridge, it is old, very dangerous and narrow. It's a bridge that should have been replaced a long time ago. There are dozens of accidents on a monthly basis. Any more traffic on that isn't a free alternative to those folks. It will add to the agony of those people who are travelling or are forced to travel on the Pattullo Bridge today.

My question to the minister is, again: what is the free alternative for folks who live south of the Fraser who now are crossing the Port Mann Bridge? What is the free alternative for them?

Hon. B. Lekstrom: Member, I think we did canvass this last year as well. The free alternative is the Pattullo. As has been pointed out, the South Fraser perimeter road, the first section, will open as well as the bridge when it opens in December this year.

I don't maybe share the same vision as the member does on all of the traffic going over there. With the amount of benefit that will be realized for the travelling public, with the Port Mann and the Highway 1 project all coming together, the time savings that we're going to see, I think that the diversion of traffic may not be as great as what the member thinks.

Right now, the direct question you asked is the free alternative. It is the Pattullo. I do understand that there are discussions going on about that bridge. I won't speculate on what the future holds for that bridge, but presently, that's the free alternative.

H. Bains: Perhaps the minister could then tell us: what are those assumptions about a traffic diversion? Those folks who would not want to pay a toll and would like to go and use the free alternative.... What are the numbers that would show us who would be using the free alternative, who would otherwise use Port Mann if the tolls weren't there?

Hon. B. Lekstrom: The work that's been done by SDG, the analysis, indicates that from their experience the di-

version, the traffic that is diverted.... The people that presently use the Port Mann and will look for the free alternative will be offset by the people that actually presently use the Pattullo and are looking to gain the efficiencies that the new Port Mann and Highway 1 project will have. So they're looking at it as a wash.

H. Bains: Very interesting. If the minister has been in that area and seen the distance between the two routes.... For those who live in Whalley, for example, for them to come around on Port Mann and pay the extra toll, and if they are coming from New Westminster....

[1520]

I don't think they'll see this as a free alternative or as a better route. It's going to take almost the same amount of time, but they'll burn more gas, and it will cost them a lot more. Same thing for those who are trying to avoid paying tolls at Port Mann. If they are to go Pattullo or further down to Alex Fraser and then travel back to Delta and New Westminster and back to Coquitlam, I think that is not a free alternative.

The minister will have to be realistic and practical about this. Look, we are talking about seven or eight miles travelling one way to avoid tolls, driving through three different municipalities and coming back. I think the amount of fuel you will be using, the carbon footprint you're leaving behind.... I don't think that should be considered a free alternative. For those people, it's not a free alternative.

Plus, the minister last time said South Fraser perimeter road is another route to use to go to Alex Fraser Bridge or Pattullo. But as the minister knows, South Fraser perimeter road isn't connected to Highway 1 until 176th Street, which is about three or four miles east of Port Mann Bridge. So if the minister is suggesting to them to travel to 176th in order to get on the South Fraser perimeter road so that they can avoid tolls and then come drive seven or eight miles the other way.... I don't think that is a free alternative.

My question to the minister is this. I think it's about time to admit that the government has failed to provide a free alternative and that folks do not have a free alternative, despite the spinning that goes on by the government side. I think that's the reality.

It's a sad reality. People south of the Fraser, no matter which way they go, will have to pay a toll — whether it's Golden Ears Bridge, then it'll be Port Mann Bridge and, I think, soon to be Pattullo Bridge. They are saying that if we can't find money, that will also be a toll bridge.

In the absence of having a comprehensive, detailed tolling policy, I think people south of the Fraser are suffering as a result of these policies.

Now my question would be also.... We only concentrate on south of the Fraser side. What about north of the Fraser? What is their free alternative? If the minister says it's the same bridge, coming through Pattullo Bridge,

what roads are they going to use to come to the Pattullo Bridge? The roads over there — if you're talking about Barnett, which means Coquitlam and Pattullo, and Port Mann and Pattullo — are already packed. There's hardly any more room left there.

My question to the minister is: is there a practical and reasonable free alternative that the minister is offering to people south of the Fraser and north of the Fraser?

[1525]

Hon. B. Lekstrom: The free alternative answer has not changed, Member. It is as I said. When the Port Mann opens, the South Fraser perimeter, phase 1, will open. The Pattullo has always been stated as the free alternative, whether you're coming from the north or from the south. I can't determine what routes people will use. People will make their own decisions that way.

You indicated that the people south of the Fraser, until there's a comprehensive tolling policy.... Again, I want to not only inform the member. We've just talked about that. That will be coming this spring. I think it will be received very well.

If it is two miles, three miles.... I smiled a bit when the member was asking. He knows I live in the north. A two- or three-mile difference or deviation is not much in most parts of this province, and I think we've got a pretty good road network, even though we need to continue to enhance it. We're pretty fortunate in this part of the world.

H. Bains: I will leave this for the minister's consumption. In Seattle when they put tolls on highway 520 — highway 520 is the one that crosses Lake Washington — it was reported that initially, after the tolls were applied, there was a 44 percent reduction in traffic on that bridge. The traffic on non-toll highways north and south of Lake Washington increased as drivers sought to avoid tolls, even though the alternatives were far less direct.

After 2½ months the diversion was still at 34 percent. After five years they project the diversion will be in the 30 percent range. So I think this is something very serious that we need to think about.

The assumptions made by the same company that made Golden Ears Bridge, coupling with the information that I'm bringing forward to you about this project here, clearly show that we should revisit those numbers and make sure that.... If it is going to be a 30 percent diversion for people to avoid tolls, I think it will be chaos at Pattullo and Alex Fraser Bridge.

I just want to leave this.... I'm worried that the people south of the Fraser, in North Delta and Surrey, would suffer as a result of that. Those would be my questions about Port Mann bridge.

I do want to move on now, because of the time, to handyDART issues. My question on handyDART is.... We have heard story after story — I'm sure the minister heard stories — that people are asked to wait an un-

reasonable amount of time in order to get a ride. Now, these are the people that, as we know, are elderly; they're sick; and they are, many of them, on disability.

The difference between providing taxis and handyDART is, they tell me, that drivers on handyDART are trained. All of them get extensive training before they are put in the driver's seat. The taxi drivers, of course, do a good job, but they do not have that training.

I think there are some very serious complaints coming from those folks that service, they feel, is deteriorating to a point where they feel that they are not able to move around as they want to or should be and as they deserve. They may want to go to a movie; they may want to go watch a show; they want to go visit someone. They're guaranteed a one-way ride, and then, in many cases, they're asked to make their own arrangement back.

I want to ask the minister why the service has deteriorated to a point where people are saying that this service does not serve the need of people who are disabled.

[1530]

Hon. B. Lekstrom: Maybe I'll give you two sides of an answer. I'm not sure if you're referring to handyDART provincewide or if it's TransLink.

Interjection.

Hon. B. Lekstrom: Thank you. I hear the member saying it is TransLink.

I believe the loads have increased by about 4.4 percent since 2008. I've spoken to the chair of the board at TransLink. I, too, have had some concerns expressed to me about that. It's obviously a TransLink operation, but I spoke with the chair.

As you indicated, I say a great deal of thanks to the men and women that work with handyDART, that make all of the trips that they do. I think it was over 1.2 million last year alone.

There are some challenges. They're doing everything they can, and on occasion taxis are utilized. It certainly beats the alternative of no ride whatsoever. I think people would concur with that. But I think we've got a good system. I think there are some things that have to be enhanced, and the chair and TransLink are continuing to work towards those solutions.

H. Bains: I think if you listen to some of the complaints that were brought to the management's attention.... This is what one driver had to say about what they are experiencing: "People are being made to wait an unreasonable amount of time. When they come out of dialysis, they are very tired, and they're being made to wait a long time. In some cases the person's oxygen has run out. Others have not been able to control their bodily functions. This is not right." I agree with this driver who has described that situation. It may not happen every day, but

this is what they're describing that they have witnessed.

Other people are saying that some of the policies that are in place.... They have to book seven days in advance, and even then they cannot get a ride. The other policy is that if you cancel, you're required to cancel within two hours, but there are many occasions when you cannot. Like this person said: "When I get up in the morning, I go to whatever function I need to go to. If I get up sick, there are not two hours left for me to cancel. So if I do that three times, I'm actually penalized" — put on a list where your service is threatened. So those are some of the cases.

I will bring to the minister's attention that, as the minister noted, the agreement was extended between South Coast British Columbia Transportation Authority and MVT Canadian Bus, Inc. and MV Transportation, California. It was extended by two years.

[1535]

The extension document shows that from January 1, 2010, to December 31, 2010, there were 656,000 hours of service. That's what was predicted or what was projected. That is going down from January 1, 2011, to December 31, 2011, to 598,000. There is another area here that shows it may even go further down, to 585,000 hours.

I think there is a serious concern from that community, probably the most vulnerable in our society. They have needs to move around, and I think that is good for us as a society. Some of them go to pools. Some of them go for medication. Some of them just go out there and do some exercise and a social gathering. This is in most cases the only source of transportation for them.

If the increase in ridership is there or the demand is there and we are not able to provide that service, I want to ask the minister: what action are you going to take to make sure that those people will get the service they need when they need it?

Hon. B. Lekstrom: In the discussions that we're having, as I indicated earlier, I have been in contact with the chair, who has certainly recognized and is looking into this.

It's interesting to note that MVT Canadian Bus, who operates the service.... Their vice-president, Don Johnson, has indicated this is the first he's heard of these. He's obviously very concerned. I think they're proud of their system. He has committed to looking into these issues and solving them very quickly, because it just does not make sense.

I think the member would agree that people become dependent on this, and it is part of their lifeline, per se, to get out to do the things they need to do. Although I think there has been a great deal of good service presented, we are hearing about recent events that have led to concerns being expressed that not only TransLink but the operator of the system has vowed to get to the bottom of and correct.

H. Bains: I appreciate the minister's commitment to make sure that the service is improved.

Here's another statistic that is not very good when it comes to the service to those members of our society. In 2011 there were 18,190 customers denied a ride. That's compared to 13,333 in 2010. That is almost a 50 percent increase. I think we need to go back to the chairperson and remind....

These are their numbers, their records. They should be following and looking at what the complaints are and what the denial rates are.

[1540]

I would ask the minister one more time how we will assure those members of our community that drivers who want to do a good job provide that service. Taxi drivers also come in to complement that service, especially for those members of our community who depend, for mobility, just on this handyDART service.

Will that service be improved, and what actions are you taking to make sure that it will be improved?

Hon. B. Lekstrom: As I said, obviously there are, I think, things that can be done. When I look at TransLink — and this is a TransLink operational issue — and the efficiency audit that we're going to do and begin working on — hopefully, we'll find efficiencies, any new service costs dollars. I mean, I think that's fair to say.

Now, whether those dollars are found through savings in other areas.... It has become clear. The Mayors Council is concerned about raising additional dollars, without question, whether it be for the Moving Forward supplement, whether it be for enhanced handyDART.

This is in the context. We have had a 4.4 percent increase in ridership since 2008 on handyDART. I think they do a good job. I am certainly looking forward to the work that the chair and the vice-president of the organization that delivers it is going to find in looking into the issues that have been raised.

One of the significant challenges, though, Member.... This is one that is not easy to say, but it is a reality. We have one of the highest customer-at-the-door cancellation rates in North America for that service. That has repercussions in the system. So we do.... I say "we" in the sense of society.

Somehow an impact like that, at that high rate of cancellation at the door, affects others. I think that maybe through the work that's ongoing right now, part of that will be the solution. But I'm confident. We're going to take a good system, and we're going to enhance it and make sure that it meets the needs of the people that we're talking about here this afternoon.

H. Bains: The minister will agree that when MVT signed on that dotted line, they made some commitments. They made some commitments based on the assumptions, based on the number of customers who will

be using that service and the future customer need. I don't think these are an immature group of people who just came in, signed on the dotted line and did not know next year where our ridership will be, or five years down the road where our ridership would be.

[1545]

These are prudent business people. They signed on that dotted line, and they made a commitment that the service would be maintained at that level, the level that they promised. Now, just because there is a higher demand, all of a sudden they're going to say no to them? That wasn't the commitment that they made in that agreement. If that was the case, then maybe the minister should tell us.

I think this is a signed contract. They are to deliver service at a certain rate, at certain standards. Those are typical, standard agreements. I looked at it. There are some requirements for them to fulfil as far as the service is concerned.

I think what we need to do.... Perhaps your staff could follow it through and get on the phone line and ask the people who make those decisions: "You signed to a commitment to provide the service at certain standards to be met. Why are those standards not being met?" They cannot come up with excuses now that "because of this we cannot provide service or because something else happened we cannot provide service."

The service has to be there. They made that commitment. I think that's the commitment that this community needs and deserves from the minister — that they will eventually get their service and, hopefully, sooner if the minister could make that commitment and perhaps inquire a little further into it. Why are they not meeting their basic commitment that they made in that contract?

Hon. B. Lekstrom: Member, we have talked about this. We are over into TransLink operational issues, really, but let me share with the member. If it came across that when I talked about a 4.4 percent increase in ridership was the challenge and that's the reason, I want to clear that up. No. Those are numbers I want people to be aware of — to see that ridership is increasing.

This is not a commitment I'm about to make. I have already spoken to the chair of the board. They're aware of this. They're working on it. Obviously, as I have just told you, the vice-president of the operation is looking into it, taking these very seriously. This will be dealt with.

If there are contractual obligations, Member, that are there, and they're not meeting them, I concur with you. They shall be met. I don't believe that's the case now, but again, having said that, I have spoken to the chair already. That is all being dealt with. Like you, and I think like most people, live up to the contract you signed, and I'm okay with that. I believe the operator is doing that today, and that's what's being looked after.

H. Bains: Thank you for that answer, Minister.

Hopefully we will see improvement in the service delivery from what we have today.

Now we want to move on to B.C. Transit issues. I would ask some questions, but there are a number of members here, my colleagues from the lower Island, and they will have some questions on B.C. Transit in their area.

I would ask the member from.... What's the member? Metchosin.

M. Karagianis: I would like to ask the minister a couple of questions here with regards to transportation issues here on the south Island.

[1550]

I think the minister is fairly familiar with some of these, but just to outline that, on behalf of the opposition members here — the member for Saanich South, for Juan de Fuca, for Victoria–Swan Lake and Victoria–Beacon Hill, as well as my own riding — we are facing a number of on-going transportation challenges here in the south Island. They are relatively complex for our area. Perhaps not in comparison to the Lower Mainland, but certainly, we do have growing concerns around transportation infrastructure here on the south Island.

It's no secret for anyone who sits in the gridlock both morning and night from the Western Communities into greater Victoria, or on the way out every afternoon, that we do have to come to some terms with the number of cars that we have right now driving in and out of communities that are continuing to grow, that have been earmarked for dramatic growth in the future and that are expected to see most of the growth in the south Island occur in communities like Langford and Colwood.

Certainly, up over the Malahat as well we're seeing extreme growth and continue to see that traffic problem impact the growing concern around gridlock.

We also have been very vocal in the south Island about our expectations and encouragement for better and more effective use of the existing rail corridor, the E&N rail corridor.

We do know that we have growing demand in my community of Esquimalt with the very successful new ship-building contract that's come to that community. We are expecting — even pre-contracts, those federal contracts — hundreds of jobs to come on line. Some of them are happening even now, but certainly an expectation of perhaps another thousand coming on line over the next number of years. That's going to only add to the growing concern around our transportation infrastructure.

We as a group of MLAs have met frequently with our local governments. We've talked with them about the on-going issues, the challenges that they have faced around how we create solutions that are more immediate and that are reasonable and give us expectation for solutions well into the future. That could include anything from better use of the E&N rail line to HOV lanes to the oft-debated rapid transit or other solutions that the com-

munities, our local municipalities have put forward.

My first question is that knowing.... I would expect the government, knowing all this, the minister knowing all this.... I think the place we need to start to come to some working point with is governance.

Until we find a central place for some of these decisions to be made and for those discussions to even take place in a more concerted and effective way, we need to look at creating something like a transportation authority here on the south Island or finding one central place for those discussions to take place.

Right now it's a group of disparate communities having conversations and making hypothetical plans into the future that are not delivering solutions that commuters or transit riders or community leaders can point to and say: "Yeah, this is a solution that we're going to see deliver results now, and in two years and in five years and as all these other pressures come on board."

I would like to hear from the minister exactly what the government's plans might be for trying to help put in place a governance structure for us to use as the conduit for good ideas and for moving forward with intermediate solutions and long-term solutions.

[1555]

Hon. B. Lekstrom: Member, certainly in recognizing.... You touched on a number of things. The E&N rail line, of which we put in \$7.5 million — I was happy to see the federal government come to the table as well. I think there's great opportunity there to do some work with the Island Corridor Foundation, as you said. You mentioned the shipbuilding contract — something very good, I think, not just for the south Island but for our province. I think we all appreciate that.

On the question you asked, I'm happy to tell you we have initiated a B.C. Transit review. I think it is all-encompassing. I think it will deal with the issue without question. I have had the opportunity to speak with local government officials from the south Island here, and I'm looking forward to the results of that. As we move forward, I think that's going to address the very question that you have just asked, Member.

M. Karagianis: On the issue of the E&N rail, we may ask some questions on that shortly, either myself or perhaps the member for Juan de Fuca.

In the meantime, the minister has really just touched on the fact that there are some discussions going on right now. But I didn't really hear whether or not a governance model is something that is anticipated, or whether or not the government is going to assist communities in finding a way to at least centralize the discussion in one place.

Having the government sort of do reviews or have those discussions doesn't necessarily offer something for the community to coalesce around. I think that is one of the things that's needed right now. Many of the com-

munities are enthusiastic about ideas that are long-range, but we do know there need to be some interim measures. Whatever may occur in the future that requires large, multi-billion-dollar investments is not going to give us immediate solutions.

We have got a couple of thousand cars going to come on line here in the next little while into my community, into a gridlock that already is a serious concern. There are thousands and thousands of cars on the road every single day that are certainly contributing to greenhouse gases. The gridlock itself is an ongoing concern that affects the economy and the business well-being of many of the areas up and down that corridor.

When you have communities complain that they cannot get in and out of their neighbourhoods, that they cannot get in and out of shopping areas, that people know better than to try and go get their groceries at Admirals Walk between four and six o'clock on a weekday, that has an adverse effect on those communities. So my question really is about what government's intention is here in encouraging some kind of governance model that will give us a place to start?

I believe, as do many members in my community, that until we have the equivalent of a SkyTrain type of system here, which could be so far in the future as to make it just unbelievable for people to accept that that would be a solution, HOV lanes and other things like that that could be done. There is no place to start that discussion. There is no one area to focus on. We have many communities involved in this very specific problem without even getting into the issues of our transit needs and the growth needs in the Western Communities.

So where is the starting point for communities? A review doesn't give a lot of comfort to anyone who is, at this hour of the day, beginning to sit in gridlock and will do so for an hour before they can go a very short distance into their community.

[1600]

Hon. B. Lekstrom: If I could just take a moment to make a couple of introductions that I should have done at the beginning, when we began on B.C. Transit. Joining me is Mr. Mike Davis, who is the vice-president of operations and the chief operating officer for B.C. Transit, as well as Michael Kohl, who's the vice-president of finance and chief financial officer for B.C. Transit. [Applause.]

I'd like to thank the members for their recognition of that introduction.

A couple things, Member. I think there's opportunity today. Certainly, B.C. Transit engages with the public and local governments on an ongoing basis. One of the issues, I think just recently.... I'm not sure if the member is aware, but the Victoria regional transit commission approved an enhancement of 7,000 additional hours for their transit — I think a very important note.

The other one is.... I will read the terms of reference

on the review of B.C. Transit. I met with numerous local government officials, certainly south Island and further up the Island as well. "The capital regional district has requested that they perform the functions of the Victoria regional transit commission." That is going to be looked at in this review.

C. James: Just continuing on. We've talked a little bit about the governance, and the minister just mentioned the additional resources put in — the focus on hours. I wonder if the minister could talk a little bit about how those resources are going to be used and hours are going to be used.

Certainly, in all of our communities on the south Island, it's kind of chicken-or-egg. We want to increase the amount of transit users. We want to make sure we're doing everything we can to be able to do that, yet there are struggles with pass-bys, particularly for high-use areas — university, college, etc. It's tough to get people to switch out of their cars and get on to using transit when they say: "Well, if I'm going to miss three buses, there's no point in doing it."

I'll just include a couple of things, if I may, Minister. I also hear a lot from people who are working shift work — the challenges of buses not being early enough to be able to get from the outskirts, the Saanich and south Island area, to downtown for employment. There are some real challenges around early buses and late buses on that issue.

I wondered if the minister could talk a little bit about those extra resources, where they might be used and if there are priorities that are being set to address some of those challenges.

Hon. B. Lekstrom: I think the answer lies in something I said earlier, as well a combined part of this answer. The Victoria regional transit commission has directed B.C. Transit to look at those 7,000 additional hours that they have brought on to deal with the issue that you've raised — on the pass-ups, on the high-use issues. I certainly have received e-mails on that very issue. I'm sure the member has. I've spoken with many members about this issue. I do believe that is going to go a long way to resolving the issue that you've just raised on that.

C. James: I wonder if the minister could tell me.... B.C. Transit, then, is going to look at the additional hours. What kind of discussion or what kind of involvement is there...? I know we don't have, obviously, a local transit authority to be able to involve in those discussions. But what kind of discussion will occur with people — the municipalities, the communities and, certainly, the student society — on those additional hours?

[1605]

Hon. B. Lekstrom: There is the ability for.... The student society, I believe, was at the meeting when the hours

were even enhanced.

To be clear, the Victoria regional transit commission is made up of local government. So the engagement is there. They've actually heard from people, I'm sure, across at their local government as well as at the VRTC. The direction that was given to B.C. Transit was to address those.

R. Fleming: I wanted to ask the minister — just following up on my colleagues' questions about pass-ups, as well — if he's familiar with some of the numbers that are officially recorded by the service on pass-ups.

It is from the date of September 1, 2011, to January 31, 2012. The total reported pass-ups were nearly 30,000 — 29,296 — passengers left stranded. When one breaks down where pass-ups are occurring, they're overwhelmingly occurring on routes that service the University of Victoria and Camosun College. Of those nearly 30,000 stranded passengers, 20,000 of them are on those major routes serving those institutions.

The numbers are also seen as low by those that work for the company. The suggestion is that they're underestimated by 20 percent or more, because many of the supervisors or transit operators do not have the time or have a sense of frustration and futility so that they don't even phone them in. That's the recorded numbers. It could be much higher.

Again, I would want to ask the minister how he thinks that these 7,000 additional hours, which just replaced the hours that were cut in the previous service year, are going to help the system manage this problem. If it goes unaddressed, as I'm sure he's aware, you risk losing ridership on your system. You're literally pushing them into cars or other modes of transportation and away from the bus service, because its reputation as a reliable and timely way to get from point A to point B suffers immeasurably.

What's the plan to help reduce these tens of thousands of stranded passengers for the next year so that we get it right?

Hon. B. Lekstrom: I think it will go back to the answer I gave the previous member. You mentioned the 7,000 hours that were cut. We want to be very clear. It wasn't B.C. Transit that cut those hours. That was from the Victoria regional transit commission. So I don't want anybody.... I know you're joining us now, but there will be hundreds of thousands of people watching this with great anticipation for the answers.

I do expect, though, that with the changes on the original that you talked about — the 7,000 hours that were cut.... I think there was a recognition by the commission that they had to reinvest and put those hours back. I think it will address the issue the member has raised here. I'm certainly confident that it will. It will meet the needs so that people....

I would agree 100 percent. If we provide a transit system.... I think we have a tremendous transit system in

our province. The intent is to put in a system that allows people, if they so choose, to get out of their vehicle and use transit. If we're going to give them that opportunity, making it hard for them to get on a bus is not going to solve that problem. So I do think the new 7,000 hours that the commission has just reinstated are going to go a tremendous length to solve the issue you've just raised. [1610]

R. Fleming: I wish I could have the confidence that the minister does that it will go a long way, because 7,000 hours, statistically, is insignificant to the annual service hours that are on the road in the B.C. Transit system. He knows that.

I think people are looking for legitimate solutions to stop a growing problem from becoming an even greater problem that starts to create negative ridership numbers for the system, which then makes transit less efficient in terms of the subsidy costs per ride. That's the risk here.

There are organizations that have been doing public opinion polling, trying to engage capital regional district residents who are aware of some of the problems and the challenges that the transit provider has in our region and how they might make service better.

One of the problems is that there are some inefficiencies regarding congestion in greater Victoria that are getting worse, particularly around the addition of the Uptown shopping centre. We have buses — and cars — that are sitting in traffic. Therefore, we have to add service simply to, really, move the same amount of passengers.

There has been some polling done about what options might be the most cost-effective and provide some immediate benefits. One of the ones that residents thought deserved some merit for further investigation was bus-only lanes during morning and evening peak hours along the major corridors. I'm speaking mainly of the No. 1, but there might be other lane opportunities, too, on a limited-hours basis.

I'm just wondering if B.C. Transit will be assisting the transit commission to take a harder look at some of the rider and resident preferences around improvements like that, fund further investigations as to whether it would be a good investment to make and, if that is the case, when we might hear more about it.

We're here in June. September is a critically important part if there are going to be investments made and solutions to hit that window and get things done right.

Hon. B. Lekstrom: We've touched on the 7,000 new hours, and certainly, I hear the member saying we're not sure if that will meet the needs of what's taking place right now.

B.C. Transit will be at the table for additional service enhancements if the Victoria regional transit commission wishes to come to the table. You know it is a shared mission that we do, when it comes to B.C. Transit, with

local governments. But I will commit today that B.C. Transit will be there. Should they come and ask for additional hours and bring their dollars to the table as well, we will do that immediately.

C. James: Just a question now around cycling and the connection to transit, because if we're looking at alternatives, to getting people out of their cars, I think there's a real strength.... We have, obviously, a huge cycling community on the south Island, and we've had good infrastructure put in place, much of it by municipal governments, around bike lanes, etc.

[1615]

But we also know there are some real challenges for matching that up with the bicyclists who do part of the ride on a bus and then part of the ride on their bicycle. We all have stories, as I'm sure the minister has heard, of a bus that's only able to take two cyclists, two bicycles — that's it. The third person who comes along is in trouble.

So I wonder if the minister could tell me if B.C. Transit is exploring any kinds of technologies or any kinds of opportunities to be able to increase the capacity on existing buses — to be able to match up what would be the right transportation mix, which is being able to link up the cyclists with the buses as well.

Hon. B. Lekstrom: B.C. Transit has very close connections with the cycling community for the very reason.... They have brought and had discussions with them. We have had, obviously, some very passionate cycling advocates from local government and on the VRTC as well.

Safety has to be the primary issue. That's what they look at on anything they're doing. They've piloted a couple of new things over the years and tried.... They will do what they can. There may be a point when you may not be able to accommodate all the cyclists, as you've indicated. As long as we can find solutions that are safe and will maintain that safety, we will continue to pursue those though.

J. Horgan: Just to finish off the answer to that question, we're accommodating two cyclists now on routes. That's insufficient. We need to work hard on that, and I know that B.C. Transit is doing that.

It is a pleasure to enter the debate on B.C. Transit and transportation issues with my colleagues from Esquimalt–Royal Roads, Victoria–Beacon Hill, Saanich South, as well as my colleague from Saanich North on the other side, who has the same concerns as we do about growth in the region and our ability to get people out of cars and into alternate transportation.

I'm going to talk about a few timetable issues that would be relevant, certainly, to the member for Saanich North and the Islands and, also, to my former constituency. That is: how do we coordinate timetable schedules with B.C. Ferries?

In the case of the Swartz Bay terminal, we have double-decker buses going hourly in the winter to a terminus that has boats leaving on the odd hours or the even hours, so it strikes me that that's a lot of capacity going to an end point that may not necessarily be desirable. I welcome the minister's comments on that.

Similarly, transportation over the Malahat. By utilizing the Mill Bay ferry, foot passengers will arrive in Brentwood Bay minutes after the Brentwood Bay bus leaves for town.

So I'm wondering if you could give me a bit of an answer or some thoughts on how we can coordinate these multi-modal systems so that we can have our buses arriving at our ferry terminals at the same time, so that it's useful to transportation.

I wanted to talk about the 7,000 new hours with respect to community buses in my constituency, particularly in the Sooke area — East Sooke, west of Sooke to Otter Point — and no current service to Shirley. It's something that I think the minister would enjoy — a trip out to Shirley.

[1620]

I have to say I use the No. 61 bus for town hall meetings once a month. For \$2.75, I can meet with my constituents and engage in questions and answers. It's a lot cheaper than renting a hall, and it's a lot more fun as well. I welcome the minister, perhaps, to come with me one month and hear what we have to say on the No. 61.

With respect to community buses, with respect to how we get more people in the rural parts of the capital regional district engaged in public transportation, it seems to me that if we can divert some of these hours that are going deadheading, in essence, to the Swartz Bay terminal, with respect to my colleague from Saanich North, perhaps we could divert some of those hours to community services in the more rural parts of the capital region that would be beneficial to the whole travelling public.

Hon. B. Lekstrom: The last time we had the opportunity to discuss estimates, I think it was Energy and Mines questions we were going through, Member.

The timetable for bus scheduling to the ferry.... As I indicated, it's not just specific to the ferry terminal. These will go to Sidney as well. I think there are other ferries that are leaving, so that is one that has not been a real challenge for us.

The Brentwood Bay ferry arrives just after the bus leaves. We will commit to look into that, Member. Certainly that doesn't seem to fit with the way it should be working, and we will endeavour to get you an answer on that.

The rural community involvement in transit — certainly not just on the Island but virtually right across the province — can be a challenge at times. The VRTC sets the priorities and service levels. We've just talked briefly prior to this about the 7,000 new hours that were put for-

ward — certainly a clear focus on the pass up to the university. I would encourage the member on that. I think it's going to be the best that they can do when they set their service levels, based on that.

I'm not sure if the member was aware of a previous answer I gave — if the VRTC is receptive to additional service, even. B.C. Transit is willing to work with them on that. That would mean they would have to bring additional dollars to the table as well as B.C. Transit, but it is a balance.

J. Horgan: I appreciate the minister's answer. My friend from Saanich North and the Islands gave two thumbs up to both of the answers on the ferry terminal at Swartz Bay, so that's good. You were being tested there.

Just as an aside to the response — this is actually speaking, really, past the minister to the able member from B.C. Transit — to the issue around community bus services in my constituency in and around Sooke is that a lot of people use the 61. We've invested a lot of money in park-and-rides to encourage people to do that, but there are those that just are too far out to make that practical, and so any investment in community busing in Esquimalt.... My colleague from Esquimalt-Royal Roads formerly represented that area and advocated very strongly for more community buses into those rural parts of the west of Victoria. I think the more effort we can put into that, the better off we'll be.

[1625]

I agree with the minister that this is largely a governance question. One of the challenges we have in the region with governance is that the way the current structure is configured, not all of the component parts.... As the minister will know as a former Municipal Affairs Minister, there are multiple parts in this region. To get them all working together is often a challenge.

That's why the five of us on this side of the House, when we can, work with the two government members that represent this region and, I think, speak with one voice about how do we try and coordinate all of that activity. So I leave that with you but more with Mike, actually, who will be doing the front line on these matters. But the minister will maybe want to take a stab at that.

The last two points I want to make. One is a comment. Highway 14. I know this isn't transit-based, but I want to thank the minister for finally moving on fixing the Sombrio stretch from Jordan River to Port Renfrew. That's going to be a big improvement in the Circle Route. I didn't get a chance to say that, so on behalf of the critic, I'll give you credit for that and a condemnation for the challenges at the Highway 14 repairs at the WestCoast Tire.

Big problems. You got lots of mail on that. I got a lot of phone calls on that. We have to do a better job, I think, in the future of trying to do as much work as we possibly can. When we only have one ribbon of road, try and get

the work done at night rather in the travelling day. The minister will know that. I just want to put that on the record because my constituents would demand it. There it is.

The last points — two questions. I'll start with one. It's around the Esquimalt and Nanaimo Railway corridor. Of course, we were gratified — my colleague from Esquimalt, particularly. She and I had an announcement of the federal government matching provincial funding to start upgrades on the railbed. But I am concerned of rumours I'm hearing, and I hope you can help me out on this, if we've got the appropriate people. I see a person with a binder making their way to the gallery.

It's the \$500,000 that was dedicated to structural testing of the bridges and trestles along the corridor. I've heard that, although passable, there were significant issues there. I was wondering if the minister could put a cost on that.

Hon. B. Lekstrom: Certainly, I was very happy to see the federal government come as well with \$7½ million, along with our government doing that. The study indicated that \$1.6 million was needed immediately to be invested in those trestles, for passenger transportation. Then over the longer term, and this number will include the upgrades as well as maintenance, \$5.4 million by 2021. Then if enhanced freight service was to be entertained, \$6 million further.

[P. Pimm in the chair.]

J. Horgan: I know we're stretched for time, so I will ask a question and then reaffirm a commitment.

On the E&N issue. I guess I'm leaning again over to the representatives from B.C. Transit, as we look at developing transportation alternatives in the capital region, managing growth, trying to shape densities around corridors. The E&N line is absolutely vital, particularly in my community of Langford — 30 percent growth from census to census, one of the fastest-growing communities, certainly on the Island if not in British Columbia. How we as a community envision growing in the future revolves around alternatives to the car. The E&N line is absolutely vital to that.

[1630]

Again, I'm grateful for the planning moneys that have been put forward and trying to revive what is a very old and decrepit railbed. But what we also need is some thinking around: how do we manage the growth of the rail system with HOV lanes on Highway 1 or some other rapid transit, rapid bus options, so that we can get to the places that B.C. Transit serves now?

I appreciate that whenever we ask, "Where do you want to put more services?" they say, "To the university." "Why do you want to do that?" "Because that's where all the people are." Well, if you put systems and services elsewhere, you'll get more riders. So it's a chicken-and-egg,

to a certain extent.

I know we could debate that for some considerable period of time, but in the interest of time, I'll just say: could the minister, perhaps, give us a comment on what he sees and his ministry sees as a vision for increasing the alternatives for transportation in this region?

The second point of my last intervention would be that I look forward to our ride on the Malahat so we can look at some of the safety issues, and I do, once again, invite you to comment on perhaps joining me for a town hall meeting on the No. 61 bus, from the member for Victoria-Beacon Hill's constituency out to the beautiful parts of Sooke and beyond.

Hon. B. Lekstrom: You indicated that it was just planning money. I think maybe that was somewhat.... There was just the \$500,000 on that, and the \$7½ million, along with the federal \$7½ million, is for capital improvements as well, on that line.

I do understand that as you move transit to areas, as you indicated.... If the transit takes you all here, that area will grow. I know the people in Dawson Creek are excited about the SkyTrain from Vancouver to Dawson Creek that would move people up there. That's in the long future.

But the planning — I think that is fair to commit to. I think it makes a great deal of sense that we will be committed to that to ensure — as the Island Corridor Foundation brings the line back on, the E&N rail line, enhances that service and moves it forward — that B.C. Transit would be looking to ensure that we can find efficiencies to work together with that.

J. Horgan: This evoked one last question, and I didn't get an answer — joining me on the road show. Minister and member go on the road. It would be fun. Bob and Bing — that would be you and I. You can decide which one you want to be.

Interjection.

J. Horgan: Thelma or Louise — that could work, too.

The last point. You raised the issue of how we integrate these modes. You will know that the city of Victoria is in the process of replacing the Blue Bridge — or the Johnson Street Bridge, as it was known when I was growing up — and in the process are not putting a rail component on that bridge because there is no rail service now. I don't fault the city of Victoria for that. In fact, that's a prudent way to proceed. It's prudent because there was no provincial money in what is a regional project.

I'm wondering if the minister could perhaps comment on why it is that the federal government came to the table. The city has been asked to bear the brunt of it. Regional governments have said they would help out if they saw some benefit beyond car traffic, and we can see

it from here, Minister. It would be a great investment for the province to make in assisting people in moving in and around the capital region.

Hon. B. Lekstrom: Member, I will endeavour to do my best to find the time to see what we can do. We talked about driving the Malahat. As I indicated, you're certainly on that road on a far more regular basis. We will endeavour to find the time on that and, if possible, on the 61 as well.

The other question you asked on the Blue Bridge. It really is about our ability to.... There are always far more requests than there is the ability to fund, and it was prioritizing.

[1635]

Had we made the decision to invest in the Blue Bridge, it would have meant no other projects virtually in the south Island, and we tried to do our best. All worthy projects. I'm not saying the Blue Bridge isn't, but the decision was made to try and get as many projects as we could with the funding available, and that's how that determination was made.

H. Bains: I just want to go back to handyDART for a few more minutes. On behalf of the workers and their union, there are some questions that they have asked me to put to you, Minister.

Question No. 1 is: in the government-ordered audit of TransLink, have you identified handyDART and its provision of quality professional train and transportation services for our disabled population as a core service to be protected?

Hon. B. Lekstrom: No, we haven't, Member. The internal audit is about finding efficiencies, obviously looking for cost savings and money that, if it is there — the \$30 million that is the focus of the discussion right now on the Moving Forward supplement.... The internal audit is going to look at efficiencies to see what they can find as far as money saving, if it is there.

H. Bains: Question No. 2: is this government committed to working with TransLink to ensure that our most vulnerable citizens continue to have specialized professional, efficient and timely access to door-to-door service to ensure that they are able to continue to function well in Lower Mainland communities?

Hon. B. Lekstrom: I think part of the internal audit that we talked about is to find efficiencies that will then allow and open up opportunities — if it is greater investment needed or so on.

I appreciate the question that the member brings on behalf of the people that give him those questions, the members of the union — I believe the drivers themselves. It goes far beyond.... As I said, I commend them for the

work they do. I did that earlier.

I would think it's incumbent on all of us — whether you're a government member, an opposition member, a member of our society — to do what we can to help those that are less fortunate. Certainly, I've made that commitment in my life, and I will continue to do it, as I know the member has himself.

H. Bains: Question No. 3. Prior to 2009, and for 30 years, handyDART service has been operated through societies and non-profit organizations. Will the auditor look at the cost of contracting this service to a for-profit provider and the alternative savings that may accrue from bringing the handyDART service in-house?

Hon. B. Lekstrom: The internal audit will look at all efficiencies. If a determination is made.... That may very well be one of them. I can't predetermine what they will find, but that internal audit is going in to find efficiencies, certainly.

H. Bains: Question No 4 is: will the auditor look at the increasing numbers who will require handyDART services in the coming years and ensure that the resources are in place to continue to retain the level of service and safety provided in the past?

Hon. B. Lekstrom: No, I would not envision the internal audit doing that. That would be more of an operational decision by TransLink themselves, as I indicated.

H. Bains: Question No. 5 is: will the auditor examine the economic impact of less efficient service levels in terms of the loss of income and deteriorating health which can result from a loss of timely, professional and efficient handyDART services to the disabled population?

Hon. B. Lekstrom: Very similar questions. The internal audit is going to go in and look for efficiencies. We are developing the terms of reference right now.

[1640]

I think that anytime you're able to go into an organization, there will be two scenarios. If efficiencies can be found and dollars freed up, they will be utilized — I believe, first and foremost, on the Moving Forward package. Depending on what is found, it will possibly allow for additional discussions to take place at TransLink as to how they would pursue what those dollars may mean for the future.

H. Bains: The last question, No. 6, is: will you, the minister, assure the citizens of the Lower Mainland that your government is committed to meeting the transportation needs of this vulnerable population through a specialized paratransit handyDART system with the service hours adjusted to meet increased need?

Hon. B. Lekstrom: As I indicated, I think all of us will do what we can, but I'm not speaking as government. This is an issue that TransLink will deal with. They will make those determinations. They make the issues on the service that they're going to provide based on the dollars they have and how they raise those dollars.

So I would encourage that question, if they so wish. Direct it directly to TransLink. But again, I think we have a good system. I think there are some challenges that have been raised on behalf of people by the member, which are being looked into not only by TransLink but by the vice-president of the organization that delivers it. I'm quite confident that we will see any of those concerns and problems addressed.

H. Bains: Thank you for those answers, Minister. They may not be all the answers that they were looking for.

They deal with this population on a daily basis. They see what's happening, and they see a lack of service that is needed to give them full range of movement within the communities. Many times it's hindered by lack of service.

I'm sure that they will get these answers. But previously I, as the minister, have committed to make sure that we will provide the service that that segment of our society needs and deserves. And we will continue to work, as the minister said, to make improvements in that area. So I appreciate that commitment.

I want to go back to B.C. Transit now. It is around the B.C. Transit executive compensation. If the minister could advise the House: does the minister think it is appropriate that the president and CEO of B.C. Transit was awarded a \$62,700 bonus in the fiscal year of 2010-11?

Hon. B. Lekstrom: Member, it is part of his remuneration on that. His total remuneration is \$327,000. Obviously, it's a contractual obligation, and I do support that.

[1645]

H. Bains: So I will ask this question. When the Premier and the minister — I don't want to quote them — said and took the position.... I will be paraphrasing. What was being said is that they don't believe the executives of Crown corporations and government agencies should be receiving bonuses. Is the minister still with that position?

Hon. B. Lekstrom: Again, I won't paraphrase a quote from the Premier. I think what you're referring to was the discussion around the TransLink issue, probably, on the bonus side. I certainly have been quoted when it comes to bonuses, and I wouldn't sidestep that question.

I personally — and I'll make that very clear — believe that if the position is worth \$327,000, then that should be the wage. I don't know if it's necessary to pay \$219,000 and then put a bonus on top of that to top it up. But again, I think what you're referring to are the Premier's

comments as well as mine on the TransLink bonuses at the time.

H. Bains: I guess it goes across the board of TransLink or B.C. Transit. We are talking about two entities, although set up differently, that are taxpayer-funded entities and run as a mandate of this ministry. In the years 2010 and '11 there was \$62,700 paid in bonuses on top of the salary of, I believe, \$219,239. Then there was other compensation, and it came to \$327,061.

I think the question still remains if the minister feels that the executives of B.C. Transit should be getting bonuses.

Hon. B. Lekstrom: If the member is asking if I support the employment contracts, yes, I do.

H. Bains: I don't think that was the question. The employment contracts are in force, yes. You agree with the employment contract. But if that was the contract this year — and I'm talking about going forward — is the minister agreeing that this practice is to continue?

What I mean by that is that we hire a CEO to run B.C. Transit, and we negotiate a salary in the contract. Then on top of that, there are incentive programs negotiated. Will the minister agree to continue on with that practice, or will that practice be renegotiated so that we have salaries listed in the contracts?

You would hope that with that salary.... Because we are talking about either Crown corporations or our government agencies, such as B.C. Transit, there is hardly any competition. They set their own targets. Then they meet those targets, and they get bonuses. You would think that when you hire someone, they come in with full commitment — that they would meet those targets regardless, under the salary structure.

So my question to the minister is this. This is, you know, quite a policy issue. I think people would like to know the position of this government. Going forward, would you continue on with the practice of salaries plus bonuses? Or you could call them incentive programs.

[1650]

Hon. B. Lekstrom: Member, the question you're asking.... I can't set government policy here today on behalf of our government. That is obviously a cabinet decision, a government decision, to look at that. If you're asking, "Where does Blair Lekstrom stand?" I will go back and reiterate what I said. If the job is worth \$327,000 per year, then pay \$327,000 per year, and that's the wage.

H. Bains: I appreciate that answer, but I think the question still remains. The minister and the Premier were very, very ready to comment and to make a policy decision on TransLink. I don't understand. Why are there two different standards? There's no policy about executives

of Crown corporations or about the government entities such as B.C. Transit. In fact, the government was all over it when it was in the media about TransLink's salaries and their bonuses. So why are there different standards?

Hon. B. Lekstrom: You seem to indicate there's a double standard. There's no double standard here. I don't think I can be any clearer as the minister standing here before you today giving you the answers. The issue you refer to is TransLink, for which we do not set their pay or their bonuses. What I'm telling you is that I will live up to contractual obligations that are in place.

If there is a broader policy discussion, I will not change the view that I have given you. Where that would land, should that be a discussion that's entertained in the future, I don't know. But my take is, and my preference has always been and always will be, that if a position is worth \$100,000 or is worth \$200,000 or \$300,000, then that should be the wage, not: "\$220,000 is the wage, and you can earn the extra bonus."

I believe that the men and women that serve in the public service and in our Crown corporations in executive levels do a tremendous job for us. I believe they earn their money. I think they earn it on behalf of all of us and provide services that we all enjoy.

I want to be very clear. There's no double standard here. I haven't wavered on this. For the people watching, I can't make it any clearer. I prefer — Blair Lekstrom's preference — that if a job is worth \$300,000, pay \$300,000. Don't pay \$250,000 and then \$50,000 as a bonus.

The Chair: Minister, you're not allowed to name names.

Member, go ahead.

H. Bains: The minister is breaking the House rules. [Laughter.]

I think the question to the minister is this. We are spending \$161.217 million on public transit, and this is taxpayers' money. It comes through this ministry, and the minister is suggesting that although quite a bit of that money goes to pay for B.C. Transit and those operations, the minister cannot set or send any directive of what the expectation is as far as the executives' salaries and their bonuses are concerned.

[1655]

My question is: are you prepared to send what the minister's personal preference is and what the personal position is — that that would become the policy or that you would take steps to make that into a policy when it comes to spending taxpayers' dollars on executives, their salaries and their bonuses?

Hon. B. Lekstrom: I will do this one more time. As I indicated, I'm not prepared to break employment contracts that are in place. I'm not. If the decision of gov-

ernment is that they would entertain or want to engage in that — as much as the member would like to believe that I can set whatever policy I would like and have it implemented immediately — that's not how government works. I know the member agrees with that. It is a collaborative effort with cabinet as the governing body.

If a policy discussion is engaged in, I can tell you that my position, as I pointed out here today, will not change and will be presented that way.

H. Bains: I think people watching, or who will be reading the *Hansard* transcript, will know what the minister's position is on this particular issue, so I will leave it at that. They may draw their own conclusions from the minister's answer.

I want to go into the audit that was touched on earlier by the minister, when other members from the Victoria area were asking some questions about the audit. Can the minister advise whether the audit will look into and review the financials and the performance of B.C. Transit?

Hon. B. Lekstrom: This is an independent review, not the audit, I think. Maybe I misunderstood. This is a public document, the terms of reference for the review of B.C. Transit.

The key factors will be looked at. Operations and performance will be looked at. Governance will be looked at, Member. The funding relationship will be looked at, and the consultation and communication process. Those are the key issues of that review.

H. Bains: Why was the financial performance not included?

[1700]

Hon. B. Lekstrom: These terms of reference were developed in consultation with, certainly, the elected officials I met with when they came to request this. We had UBCM representatives.

This is not about looking at more funding for communities. B.C. Transit funds, to a greater extent than any other jurisdiction in Canada, our local transit systems. The issues that were brought forward were.... It was clear in every meeting, Member. Again, I won't put words in your mouth, but I would have to believe that you would concur that we have an incredible transit system here. This is about trying to enhance that. It is about trying to take the issues that were raised, where there was some opportunity to improve on that.... That's what the terms of reference were built around.

H. Bains: I would ask a few questions about the hydrogen-powered buses that were put in operation in Whistler. The question is: are those hydrogen-powered buses still in operation in Whistler? Are the numbers the same as what originally was decided to put in operation?

Hon. B. Lekstrom: There were 20 hydrogen buses in operation in Whistler. They are still there operating. It is the world's largest hydrogen bus fleet as well, Member.

The Chair: At this point in time I'm going to call a five-minute recess.

The committee recessed from 5:03 p.m. to 5:08 p.m.

[P. Pimm in the chair.]

H. Bains: My next question. In the beginning the fuel was being shipped from Quebec every two weeks. Since that time the province announced — I believe it was in 2011 — \$870,000 in funding for the development of the world's first small-scale hydrogen liquefaction plant in North Vancouver. So my question is: is that in full operation now?

[1710]

Hon. B. Lekstrom: Member, it's our understanding that the fuel is still coming from Quebec. The issue you raised, though, on the investment and that.... I think that question would be best directed to the Minister of Energy and Mines. That's where that funding pot came from on the government side. I know our dollars are still there, but I do want to defer that question to the minister responsible for the issue you raise.

H. Bains: Has there been any plan to convert any of the hydrogen buses into conventional diesel buses?

Hon. B. Lekstrom: This was a five-year, funded project. It was a project to see how and what the results would be. That determination — "will these buses be repowered or changed to?" — is not made yet. That five-year program that we're under now expires in 2014, so no decision has been made on that yet.

H. Bains: What is the operation budget for hydrogen fuel buses — that program?

Hon. B. Lekstrom: The total budget for the capital and operations for that five-year program — \$89.5 million.

H. Bains: I have one last question, and then my colleague from Delta North will have a few questions.

In Budget 2012-13 it is listed here that the properties under consideration.... It talks about the profile of surplus properties and assets. This is the \$700 million that the budget talks about generating through the sale of what the government put as surplus property.

It says: "The properties under consideration include surplus land acquired for the development of transportation corridors, vacant parcels of Crown land and a number of longstanding provincial holdings that are more

appropriately developed by the private sector."

My question is: have any properties been identified? It does talk about land acquired for the development of transportation corridors. Have any parcels been identified? If they are, what are those parcels that would be considered for sale?

[1715]

Hon. B. Lekstrom: Member, we can continue to work on this, on identifying.... As you indicated, we do buy and sell land as projects are completed, as projects come on line.

You referred, I think, specifically to the broader \$700 million number. That project is being dealt with through the Ministry of Finance. I'll certainly encourage you to engage with the Minister of Finance during his estimates. I believe they're coming up very soon. I know that you'll be engaged in those as well.

G. Gentner: I was listening quite intently relative to the business of hydrogen buses. Having driven many, I can tell you that they certainly do not have the torque that I think is necessary to be competitive in the market today. Nevertheless, that's for the record.

Regarding, of course, the situation of selling off lands, can the minister confirm whether any lands, properties that are associated with B.C. Rail — what's left of it — are on the auction block?

[1720]

Hon. B. Lekstrom: There are about 150 surplus properties presently with B.C. Rail that will be disposed of — that are not needed for the ongoing operation. Those will be disposed of.

G. Gentner: How many of those surplus properties are located in Delta.

Hon. B. Lekstrom: Zero, Member.

G. Gentner: I want to talk briefly about the ministry's objectives that fit with the Pacific gateway strategy. The Pacific railway company is incorporated under the Railway Act and supports B.C.'s ports strategy and gateway strategy "by acquiring and holding railway corridor and strategic port lands."

Can the minister explain what these lands are, and what is the difference between acquiring railway corridor lands and the strategic port lands?

Hon. B. Lekstrom: Member, the last time that B.C. Rail purchased lands was in 2009. Currently there are no plans to see B.C. Rail purchase any land.

G. Gentner: According to the service plan of this year, goal no. 2 is to "secure, through purchase option or other

means, lands suitable for supporting Pacific gateway strategy objectives." Why is this in the plan if there's no intent to purchase lands?

Hon. B. Lekstrom: As I indicated, I think as you look to the opportunities when you read that plan.... My answer was that currently we have no plans for purchasing, but we want to make sure that as we look to the future, you know, we don't want to tie our hands. But currently, Member, I go back to what I said. There are no plans for B.C. Rail to be purchasing property currently.

G. Gentner: Again to page 32 of the service plan. It refers to the purchase option or other means for supporting the Pacific gateway strategy. Can the minister explain what the other means are, and what is meant by "lands suitable"?

[1725]

Hon. B. Lekstrom: Page 32, as the member has quoted: "Secure, through purchase option or other means, land suitable for supporting Pacific gateway...objectives." As I said, currently we have no plans for that, but it will be, as we look towards the future, a possibility that that need may be there.

G. Gentner: How much land is required to fulfil the need of completing the Gulf Rail Yard within Delta?

Hon. B. Lekstrom: The only plans are for the DTRRIP project. I think the member is referring to it, and that will utilize ten hectares.

G. Gentner: I want to talk about the ten hectares. Why has not the government, therefore, made an option to purchase those lands, if it's necessary for the completion?

Hon. B. Lekstrom: We already own those lands.

G. Gentner: So do I have it correct? The minister is saying there is no further needed land for the completion of the Gulf Rail Yard in Delta?

Hon. B. Lekstrom: That is correct.

G. Gentner: Yesterday in the House the minister made it clear.... When the member from Surrey-Newton brought to attention the \$50 million that was to be spent out of the \$300 million for the Deltaport terminal, road and rail improvement project, the minister said: "That is our asset. We will deal with that." This \$50 million is to be spent on the current asset, the railroad and yard expansion. Is that not correct?

Hon. B. Lekstrom: Yes, that money will be spent within the ten hectares we're talking about here.

G. Gentner: I just wanted to make it clear that none of this money goes to purchasing or acquiring more property. If there is money needed for more property, where does the ministry go? Does it go to the Transportation Financing Authority?

Hon. B. Lekstrom: Yes. None of the \$50 million, Member, is used for land acquisition at all.

G. Gentner: Again, in order to finance or, perhaps, find the money for land acquisition, the government, therefore, must go to Treasury Board. Is that correct?

[1730]

Hon. B. Lekstrom: If there were a requirement to purchase land, yes, we would have to go to Treasury Board. But I do want to be very clear. There is no intent to purchase additional lands.

G. Gentner: Of the \$300 million for rail and road improvements, \$50 million is, of course, from the province. Can the minister identify who or what agencies and/or companies front the rest of the money?

Hon. B. Lekstrom: At this time, Member, there are three groups involved: obviously, ourselves; TSI, the terminal operator; and Port Metro Vancouver. There are ongoing discussions on this. Those are the three at this time, but that may change.

G. Gentner: The minister said yesterday, accordingly, that the ministry is waiting for the port to finish its engineering in order to spend its \$50 million. My question is: does the ministry therefore support terminal 2?

Hon. B. Lekstrom: The original \$50 million we began talking about, Member, is part of the DTRRIP. That project is not part of T2, but it will enhance it and add capacity of 600,000 TEUs. But your question directly: do we support terminal 2? Yes, we do.

G. Gentner: Interesting. It's still before a public hearing, through consultation with Port Metro Vancouver.

[1735]

Now, according to the map supplied by Port Metro Vancouver, it shows the rail improvement project elements, the additional proposed Gulf Yard extending well beyond the lands that have been acquired by B.C. Rail. Can the minister just describe where the proposed Gulf Rail Yard begins and ends, west to east?

Hon. B. Lekstrom: Member, this design work that's ongoing is within the existing lands, but what I would offer, and I did to the independent member yesterday.... If you're interested, we can sit down with a full briefing for you on that and show you what we have — if you're

at all interested. I think that would certainly accommodate that question for you.

G. Gentner: Has CN or CP been in discussion and/or negotiating with the province relative to acquiring land for, perhaps, a partnering with the rail yard?

Hon. B. Lekstrom: The railways affected have had discussions with us on the design portion — not on the need or discussions on additional land whatsoever.

G. Gentner: The government of Canada, Transport Canada refers to the new 41B Street overpass, which the ministry has been involved with. It was built for a rail yard itself. According to the document that I have, it was to replace the existing at-grade crossing at 41B Street with a new two-lane overpass for over the future width of the expanded Gulf Rail Yard in Deltaport Way.

Can the minister explain why it has not secured enough land for a corridor to accommodate this much wider overpass that was built for the Gulf Rail Yard?

Hon. B. Lekstrom: We owned the land, actually, Member, for this overpass.

[1740]

G. Gentner: I know you owned a small little corridor, but the question I have is.... Farther west you've secured a much longer width than the small strip you have now acquired south of the existing railroad under the 41B overpass.

So my next question is: why is it that you'd only secure a small strip, where farther west you've secured quite a larger parcel of land, and what is that land going to be used for?

Hon. B. Lekstrom: The additional lands that the member is talking about were part of the 2008-2009 purchase. They were purchased with the thought that if they were needed.... There are no plans at this point in time for the use of those lands that are additional to the widening of the rail right-of-way.

The Chair: Member, two more quick questions.

G. Gentner: I find it very strange that you purchased land that you're not going to use, particularly ALR land, and right beside it is a rail yard. The logistics don't make sense.

I also want to ask the minister, therefore.... There is a different property running north and south at 5121-28th Avenue, which has little to do with any railway expansion. Can the minister justify what is the plan for those lands?

Hon. B. Lekstrom: Just the comment you made.... I think it's prudent business to have land and acquire it, whether you use it immediately or in the future. That would include the piece of property you've asked about. All of this land, though, I will point out, is presently leased for farm use today.

G. Gentner: That's interesting that the minister has admitted there's an overall plan — a strategy well beyond just a little yard expansion that's parallel with the existing railroad.

[1745]

I wanted to also quickly refer to the transportation strategy which the ministry has put out, along with its so-called job strategies. It suggests that the ministry is exploring the feasibility of developing integrated logistics facilities. It refers to the document, to the feasibility of creating a centralized, integrated facility for Deltaport.

Can the minister please explain what a centralized facility is going to be, where it's going to be located and how much land it's going to need?

Hon. B. Lekstrom: Certainly, when you look at the plan — something I wholeheartedly support.... The need of a logistics park, whether it be in the Lower Mainland or in Prince Rupert.... I think it's going to be needed. There is no defined area or size for that. Again, I think not just British Columbia, looking at this, but any opportunities around the globe are doing the same thing, when we look at what the opportunities are ahead of us.

Vote 43: ministry operations, \$806,921,000 — approved.

Hon. B. Lekstrom: Hon. Chair, at this time, I would move that the committee rise, report completion of the resolution of the Ministry of Transportation and Infrastructure and ask leave to sit again.

Motion approved.

The committee rose at 5:48 p.m.

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