



3rd Session, 37th Parliament

OFFICIAL REPORT OF

DEBATES OF THE
LEGISLATIVE ASSEMBLY

(HANSARD)

Thursday, November 7, 2002

Morning Sitting

Volume 10, Number 4

THE HONOURABLE CLAUDE RICHMOND, SPEAKER

ISSN 0709-1281

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

LIEUTENANT-GOVERNOR
Honourable Iona Campagnolo

3RD SESSION, 37TH PARLIAMENT

SPEAKER OF THE LEGISLATIVE ASSEMBLY
Honourable Claude Richmond

EXECUTIVE COUNCIL

Premier and President of the Executive Council.....	Hon. Gordon Campbell
Minister of State for Intergovernmental Relations.....	Hon. Greg Halsey-Brandt
Deputy Premier and Minister of Education	Hon. Christy Clark
Minister of Advanced Education.....	Hon. Shirley Bond
Minister of Agriculture, Food and Fisheries.....	Hon. John van Dongen
Attorney General and Minister Responsible for Treaty Negotiations.....	Hon. Geoff Plant
Minister of Children and Family Development.....	Hon. Gordon Hogg
Minister of State for Early Childhood Development.....	Hon. Linda Reid
Minister of Community, Aboriginal and Women's Services.....	Hon. George Abbott
Minister of State for Community Charter.....	Hon. Ted Nebbeling
Minister of State for Women's Equality	Hon. Lynn Stephens
Minister of Competition, Science and Enterprise	Hon. Rick Thorpe
Minister of State for Deregulation	Hon. Kevin Falcon
Minister of Energy and Mines.....	Hon. Richard Neufeld
Minister of Finance	Hon. Gary Collins
Minister of Forests	Hon. Michael de Jong
Minister of Health Planning.....	Hon. Sindi Hawkins
Minister of Health Services.....	Hon. Colin Hansen
Minister of State for Mental Health.....	Hon. Gulzar S. Cheema
Minister of State for Intermediate, Long Term and Home Care.....	Hon. Katherine Whittred
Minister of Human Resources.....	Hon. Murray Coell
Minister of Management Services.....	Hon. Sandy Santori
Minister of Provincial Revenue.....	Hon. Bill Barisoff
Minister of Public Safety and Solicitor General	Hon. Rich Coleman
Minister of Skills Development and Labour.....	Hon. Graham P. Bruce
Minister of Sustainable Resource Management.....	Hon. Stan Hagen
Minister of Transportation.....	Hon. Judith Reid
Minister of Water, Land and Air Protection.....	Hon. Joyce Murray

LEGISLATIVE ASSEMBLY

Deputy Speaker.....	John Weisbeck
Leader of the Opposition	Joy MacPhail
Deputy Chair, Committee of the Whole	Harold Long
Clerk of the Legislative Assembly	E. George MacMinn
Clerk Assistant	Robert Vaive
Clerk Assistant and Law Clerk	Ian D. Izard
Clerk Assistant and Clerk of Committees.....	Craig H. James
Clerk Assistant/Committee Clerk.....	Kate Ryan-Lloyd
Sergeant-at-Arms.....	A.A. Humphreys
Director, Hansard Services	Anthony Dambrauskas
Legislative Librarian.....	Joan A. Barton
Legislative Comptroller	Peter Bray

Published by British Columbia Hansard Services, and printed under the authority of the Speaker by the Queen's Printer, Victoria. Rates: single issue, \$2.85; per calendar year, mailed daily, \$298. GST extra. Agent: Crown Publications Inc., 521 Fort St., Victoria, B.C. V8W 1E7. Telephone: (250) 386-4636. Fax: 386-0221.

www.legis.gov.bc.ca/hansard

In addition to printed transcripts, Hansard Services publishes transcripts on the Internet and broadcasts Chamber debates on television.

ALPHABETICAL LIST OF MEMBERS

Abbott, Hon. George (L) Shuswap
 Anderson, Val J. (L) Vancouver-Langara
 Barisoff, Hon. Bill (L) Penticton-Okanagan Valley
 Bell, Pat (L) Prince George North
 Belsey, Bill (L) North Coast
 Bennett, Bill (L) East Kootenay
 Bhullar, Tony (Ind L) Surrey-Newton
 Bloy, Harry (L) Burquitlam
 Bond, Hon. Shirley (L) Prince George-Mount Robson
 Bray, Jeff (L) Victoria-Beacon Hill
 Brenzinger, Elayne (L) Surrey-Whalley
 Brice, Susan (L) Saanich South
 Bruce, Hon. Graham P. (L) Cowichan-Ladysmith
 Campbell, Hon. Gordon (L) Vancouver-Point Grey
 Cheema, Hon. Gulzar S. (L) Surrey-Panorama Ridge
 Chong, Ida (L) Oak Bay-Gordon Head
 Christensen, Tom (L) Okanagan-Vernon
 Chutter, Dave (L) Yale-Lillooet
 Clark, Hon. Christy (L) Port Moody-Westwood
 Cobb, Walt (L) Cariboo South
 Coell, Hon. Murray (L) Saanich North and the Islands
 Coleman, Hon. Rich (L) Fort Langley-Aldergrove
 Collins, Hon. Gary (L) Vancouver-Fairview
 de Jong, Hon. Michael (L) Abbotsford-Mount Lehman
 Falcon, Hon. Kevin (L) Surrey-Cloverdale
 Hagen, Hon. Stan (L) Comox Valley
 Halsey-Brandt, Hon. Greg (L) Richmond Centre
 Hamilton, Arnie (L) Esquimalt-Metchosin
 Hansen, Hon. Colin (L) Vancouver-Quilchena
 Harris, Roger (L) Skeena
 Hawes, Randy (L) Maple Ridge-Mission
 Hawkins, Hon. Sindi (L) Kelowna-Mission
 Hayer, Dave S. (L) Surrey-Tynehead
 Hogg, Hon. Gordon (L) Surrey-White Rock
 Hunter, Mike (L) Nanaimo
 Jarvis, Daniel (L) North Vancouver-Seymour
 Johnston, Ken (L) Vancouver-Fraserview
 Kerr, Brian J. (L) Malahat-Juan de Fuca
 Krueger, Kevin (L) Kamloops-North Thompson
 Kwan, Jenny Wai Ching (NDP) Vancouver-Mount Pleasant
 Lee, Richard T. (L) Burnaby North
 Lektstrom, Blair (L) Peace River South
 Les, John (L) Chilliwack-Sumas
 Locke, Brenda (L) Surrey-Green Timbers
 Long, Harold (L) Powell River-Sunshine Coast
 MacKay, Dennis (L) Bulkley Valley-Stikine
 McMahon, Wendy (L) Columbia River-Revelstoke
 MacPhail, Joy (NDP) Vancouver-Hastings
 Manhas, Karn (L) Port Coquitlam-Burke Mountain
 Masi, Reni (L) Delta North
 Mayencourt, Lorne (L) Vancouver-Burrard
 Murray, Hon. Joyce (L) New Westminster
 Nebbeling, Hon. Ted (L) West Vancouver-Garibaldi
 Nettleton, Paul (L) Prince George-Omineca
 Neufeld, Hon. Richard (L) Peace River North
 Nijjar, Rob (L) Vancouver-Kingsway
 Nuraney, John (L) Burnaby-Willingdon
 Orr, Sheila (L) Victoria-Hillside
 Penner, Barry (L) Chilliwack-Kent
 Plant, Hon. Geoff (L) Richmond-Steveston
 Reid, Hon. Judith (L) Nanaimo-Parksville
 Reid, Hon. Linda (L) Richmond East
 Richmond, Hon. Claude (L) Kamloops
 Roddick, Valerie (L) Delta South
 Sahota, Patty (L) Burnaby-Edmonds
 Santori, Hon. Sandy (L) West Kootenay-Boundary
 Stephens, Hon. Lynn (L) Langley
 Stewart, Ken (L) Maple Ridge-Pitt Meadows
 Stewart, Richard (L) Coquitlam-Maillardville
 Suffredine, Blair F. (L) Nelson-Creston
 Sultan, Ralph (L) West Vancouver-Capilano
 Thorpe, Hon. Rick (L) Okanagan-Westside
 Trumper, Gillian (L) Alberni-Qualicum
 van Dongen, Hon. John (L) Abbotsford-Clayburn
 Visser, Rod (L) North Island
 Weisbeck, John (L) Kelowna-Lake Country
 Whittred, Hon. Katherine (L) North Vancouver-Lonsdale
 Wilson, John (L) Cariboo North
 Wong, Patrick (L) Vancouver-Kensington

LIST OF MEMBERS BY RIDING

Abbotsford-Clayburn Hon. John van Dongen
 Abbotsford-Mount Lehman Hon. Michael de Jong
 Alberni-Qualicum Gillian Trumper
 Bulkley Valley-Stikine Dennis MacKay
 Burnaby North Richard T. Lee
 Burnaby-Edmonds Patty Sahota
 Burnaby-Willingdon John Nuraney
 Burquitlam Harry Bloy
 Cariboo North John Wilson
 Cariboo South Walt Cobb
 Chilliwack-Kent Barry Penner
 Chilliwack-Sumas John Les
 Columbia River-Revelstoke Wendy McMahon
 Comox Valley Hon. Stan Hagen
 Coquitlam-Maillardville Richard Stewart
 Cowichan-Ladysmith Hon. Graham P. Bruce
 Delta North Reni Masi
 Delta South Valerie Roddick
 East Kootenay Bill Bennett
 Esquimalt-Metchosin Arnie Hamilton
 Fort Langley-Aldergrove Hon. Rich Coleman
 Kamloops Hon. Claude Richmond
 Kamloops-North Thompson Kevin Krueger
 Kelowna-Lake Country John Weisbeck
 Kelowna-Mission Hon. Sindi Hawkins
 Langley Hon. Lynn Stephens
 Malahat-Juan de Fuca Brian J. Kerr
 Maple Ridge-Mission Randy Hawes
 Maple Ridge-Pitt Meadows Ken Stewart
 Nanaimo Mike Hunter
 Nanaimo-Parksville Hon. Judith Reid
 Nelson-Creston Blair F. Suffredine
 New Westminster Hon. Joyce Murray
 North Coast Bill Belsey
 North Island Rod Visser
 North Vancouver-Lonsdale Hon. Katherine Whittred
 North Vancouver-Seymour Daniel Jarvis
 Oak Bay-Gordon Head Ida Chong
 Okanagan-Vernon Tom Christensen
 Okanagan-Westside Hon. Rick Thorpe
 Peace River North Hon. Richard Neufeld
 Peace River South Blair Lektstrom
 Penticton-Okanagan Valley Hon. Bill Barisoff
 Port Coquitlam-Burke Mountain Karn Manhas
 Port Moody-Westwood Hon. Christy Clark
 Powell River-Sunshine Coast Harold Long
 Prince George North Pat Bell
 Prince George-Mount Robson Hon. Shirley Bond
 Prince George-Omineca Paul Nettleton
 Richmond Centre Hon. Greg Halsey-Brandt
 Richmond East Hon. Linda Reid
 Richmond-Steveston Hon. Geoff Plant
 Saanich North and the Islands Hon. Murray Coell
 Saanich South Susan Brice
 Shuswap Hon. George Abbott
 Skeena Roger Harris
 Surrey-Cloverdale Hon. Kevin Falcon
 Surrey-Green Timbers Brenda Locke
 Surrey-Newton Tony Bhullar
 Surrey-Panorama Ridge Hon. Gulzar S. Cheema
 Surrey-Tynehead Dave S. Hayer
 Surrey-Whalley Elayne Brenzinger
 Surrey-White Rock Hon. Gordon Hogg
 Vancouver-Burrard Lorne Mayencourt
 Vancouver-Fairview Hon. Gary Collins
 Vancouver-Fraserview Ken Johnston
 Vancouver-Hastings Joy MacPhail
 Vancouver-Kensington Patrick Wong
 Vancouver-Kingsway Rob Nijjar
 Vancouver-Langara Val J. Anderson
 Vancouver-Mount Pleasant Jenny Wai Ching Kwan
 Vancouver-Point Grey Hon. Gordon Campbell
 Vancouver-Quilchena Hon. Colin Hansen
 Victoria-Beacon Hill Jeff Bray
 Victoria-Hillside Sheila Orr
 West Kootenay-Boundary Hon. Sandy Santori
 West Vancouver-Capilano Ralph Sultan
 West Vancouver-Garibaldi Hon. Ted Nebbeling
 Yale-Lillooet Dave Chutter

CONTENTS

Thursday, November 7, 2002
Morning Sitting

Routine Proceedings

	Page
Second Reading of Bills	4383
Forest and Range Practices Act (Bill 74) <i>(continued)</i>	
P. Sahota	
J. Kwan	
S. Brice	
J. Wilson	
G. Trumper	
B. Lekstrom	
T. Christensen	

THURSDAY, NOVEMBER 7, 2002

The House met at 10:04 a.m.

Prayers.

Orders of the Day

Hon. M. de Jong: I call continued debate on Bill 74.
[1005]

Second Reading of Bills

FOREST AND RANGE PRACTICES ACT (continued)

P. Sahota: It's a privilege to speak to this bill, the Forest and Range Practices Act. This is a major piece of legislation, and by all accounts I think we can all be proud of this legislation. This was one of the major planks in our election platform. We made a commitment to the people of British Columbia, and I would like to congratulate the minister and the government for delivering on that promise.

This legislation reflects the work and input of many people. There was an extensive consultation process, as you've heard from many other colleagues that have spoken before me. During this consultation process, UBC professor Dr. Hoberg, head of the department of forest resources management, met with 58 stakeholder groups and individuals and received 133 written submissions. The Minister of Forests appointed a committee of MLAs — which I was part of, and it was chaired by the MLA for North Island — to travel the province and consult with British Columbians.

Our committee heard more than 250 presentations in 13 communities across B.C. As well, the results-based code website recorded 88,000 hits and 170 registered users at its discussion forums. Submissions and presentations were received from environmental groups, community interests, first nations, small and large licensees.

What did we hear? Our committee was told that the draft discussion paper needed more work and more consultation. We heard from many that the draft paper was still rules-based and not results-based. We were told that the draft paper would not improve anything and that it would only add costs and make the industry less competitive. We were told, in short, that the discussion paper was off the mark. We heard the concerns of the industry, the environmental community, biologists, professional foresters, woodlot owners, ranchers and many more, and I believe we now have a bill that addresses those concerns in a balanced way.

The extensive consultations carried out by the Ministry of Forests, the Ministry of Water, Land and Air Protection and the Ministry of Sustainable Resource Management have resulted in a major accomplishment. What we were looking for was a balance, and I believe this bill has achieved that.

The committee also heard about many problems with the old code. "Too costly, too complex, too prescriptive" is how the old Forest Practices Code was referred to by many across this province. Actually, we know the old code's problems have been known for quite some time. When I heard the opposition leader speak about knowing the importance of the forest industry, I wondered how it was, then, that a billion dollars' worth of costs were added to doing forestry business in British Columbia — a billion dollars in the last ten years. How was it that close to 8,000 jobs were lost due to the Forest Practices Code under the reign of her government? It was also during the opposition leader's administration that our forest industry became the highest cost producer of fibre in the world.

This government knows it simply isn't good enough to talk about the importance of the forest industry. It is more important to give them the tools so the industry can once again become competitive. I believe the minister has accomplished this with this legislation.

I do want to go back to a bit about what we heard during our consultation process from a woodlot owner who talked about oppressive rules and regulations. He talked about how we are burdened with layer upon layer of repetitive and ever-changing micromanagement of the forest, which all results in a foolproof and well-balanced, perfect forestry operation on paper only. We are told how the old Forest Practices Code failed on many accounts. It strangled the industry with a tremendous amount of paperwork. It stopped innovation. It certainly didn't stop the environmental campaigns against our forest.

Those that oppose this bill have put us on notice, but here's what I want them to know: this is about freeing up professional foresters so they can be creative and not bound with filling out paperwork. It is about making rules less complex. This is not about results on paper but about results on the ground and in the woods. Surely more rules do not translate into better environmental standards.

I know the opposition leader also quoted Dr. Hoberg's remarks quite a few times in her second reading, but somehow she missed these remarks: "The government appears to have listened to the stakeholders, environmentalists included, and it adopted many of their recommendations."

[1010]

These were remarks also made by Dr. Hoberg, which I think we should also remember: "We needed sensible laws, and I believe this new code delivers on that. The new code will reduce costs, reduce complexity, maintain high levels of environmental standards and focus on results rather than processing paper."

I know that I would not support this piece of legislation if I thought this bill compromised our environmental standards in any way. Environmental stewardship is absolutely essential, and this legislation does not compromise it. We need to promote this very im-

portant industry, and we need to speak about our high environmental standards.

There will be those who feel that this legislation has somehow lessened our environmental standards. The opposition leader has talked about those, and we have heard about those people that perhaps feel this way. I would urge the opposition to look at all the people that are supporting this legislation, from woodlot owners to biologists to professional foresters to ranchers to the IWA and, yes, to the licensees also. Surely all these people have a stake in environmental stewardship. Surely these people care. I know these people care about their forests. They care about the land base. They care about good management, and they care about the future.

We also know that resource use decisions will never be controversy free. I have spoken to professional foresters, to loggers, to the millworkers and to the biologists, and I know they have a high regard for the environment. I also know they are fully aware that it only makes good economic sense to pursue policies that do not compromise the environment in any way. Having worked in the forest industry for a number of years and working specifically on issues like environmental management systems and certification, I know companies address the issue of environmental standards not only through what standards government sets but also through certification.

The forest industry, to their credit, has recognized that in order to compete in a global market, in order to have access, they must obtain third-party certification. The marketplace expects that from them, and the companies know that if they don't, their access to the world market will be restricted. I know the industry has taken significant steps over the last three or four years to ensure that their forest practices are about ensuring sustainability.

Certification's recognition in the marketplace is growing. Over 60 percent of B.C.'s AAC was certified by the end of 2001 — this considering there was no certification prior to 1998. B.C. is double the rest of Canada. The environmental policy and principles of many licensees are tied to public input as they develop their sustainable forest management plans, and to third-party audits, and they are always looking for ways to continually improve. Certification schemes require this.

This piece of legislation recognizes these efforts. This does not mean that government is no longer involved, but as Dr. Hoberg said, government is still there. It still does review and approve the forest stewardship plans. That is important for all of us to remember.

The Vancouver Board of Trade recently reported that nearly 25 percent of our entire economy is driven by the forest industry. From paper products to transporting forest products on our roads and waterways to sustaining communities and families all over this province, the industry's importance should not be underestimated. The government has a responsibility to not only ensure that the forest industry remains competi-

tive, but the government must also ensure that our environmental standards are met. I believe this legislation meets that test. This piece of legislation will help restore innovation in our forest practices. It will also maintain the high principles of environmental stewardship.

The Forest and Range Practices Act is about our government's response to seek a balanced result. It speaks to the competitiveness that industry must maintain in order to provide the jobs for many forest-dependent communities and families. It speaks to our high environmental standards. This legislation is a first step to creating a globally competitive industry that fully takes into account the importance of environmental stewardship.

Mr. Speaker: Second reading of Bill 74 continues with the member for Vancouver–Mount Pleasant.

[1015]

J. Kwan: I noted with interest yesterday the debate from the government MLAs rising up to speak. Some of the items that actually struck me particularly were the issues that the government MLAs brought up around penalties, the hefty penalties that are to be brought up under this new act. I went back to look at the old Forest Practices Code of British Columbia to look under the fines section to see how it has really changed.

Now, I must admit I haven't gone through the bill nearly as thoroughly as my colleague from Vancouver-Hastings has. As this bill was introduced, I was busy in the House debating other bills and raising the issues, so my colleague from Vancouver-Hastings really is the expert on this. She actually, in her own comments, raised the issue already as well. Having heard the government MLAs rise up yesterday, including the Premier, including the Minister of Water, Land and Air, praising each other and themselves about what a great job they have done with respect to the penalties area, particularly with respect to the fines, I went to look to see what the changes were and how they differed from the old act.

Lo and behold — would you believe it? — when I looked at the old act, the fines provisions under the old Forest Practices Code were exactly the same as this new act. It's exactly the same as for Bill 74, the Forest and Range Practices Act. My colleague from Vancouver-Hastings, in her second reading comments, raised the issue. There were several issues she raised, but the issue I want to focus in on is not around the administrative penalties but, rather, the fines which are stipulated clearly in this legislation now. My colleague from Vancouver-Hastings is absolutely right. The Leader of the Opposition says there's nothing new with respect to the fines that are stipulated in this piece of legislation, but when you hear the government MLAs speak, you would think there was something dramatically new being introduced in this area in this new act.

Let's just quote from the second reading speech of the Premier, just a small portion of it. Here's what he

had to say about section 87 of the act: "There is an important aspect of this legislation that we can't forget. Mistakes may be made, but compliance is essential. Therefore, there are significant penalties included for people who do not take the responsibility of proper forest management to heart: up to a million dollars in fines and, potentially, jail time for people." Then he goes on to talk about how great that section is.

Well, let's just take a look and see what the act says, the old Forest Practices Code of British Columbia Act. The numbers are different, of course, because the act has been revised, so all the numbers have changed. Under the fines section, which was the old section 143(1): "A person who contravenes section 45 (1), (3) or (4) or 96 (1) or (2), or who intentionally or recklessly causes damage to Crown forest land by starting a fire in contravention of section 76 (1) or 87 (1), commits an offence and is liable on conviction to a fine not exceeding \$1 000 000, or to imprisonment for not more than 3 years, or to both."

The million-dollar fine the Premier referenced and the jail time the Premier referenced in this new act are exactly the same as what was already prescribed under the old act. There is no new addition to the fines section. The million dollars and the jail time that's been stipulated were already in place under the old Forest Practices Code.

[1020]

Then I thought maybe I heard him wrong. I thought, well, okay, the Premier is one of the earliest speakers. Maybe I heard him wrong. After all, I do have a cold, and maybe my hearing has been affected. As I listened to the debate, another MLA came forward and said a similar thing about how great the new legislation is with respect to the fines component. This time it happened to be from the Bulkley Valley-Stikine MLA. Here's what he had to say: "Our new legislation also acknowledges that there are those who do not and will not comply with any legislation. Bill 74 is quite severe in the penalties for non-compliance, and I think you've heard other members speak on it tonight as well. There are fines up to a million dollars and/or jail, so it's a pretty severe penalty for non-compliance with this new act...."

I thought, okay, there's another MLA who rose up in this House to say that this new act is fantastic, particularly in reference to the "Fines" section. Look at what this new act has brought forward: fines of up to a million dollars and/or jail.

Again I went back, and I thought maybe my eyes had been blurred because of the cold — that not only my hearing had been affected. I went back and looked at the Forest Practices Code of British Columbia Act once again and picked up Bill 74, and set the two pages that deal with fines side by side. No mistake about it. I just read minutes ago about what the fines section of the old act said, which is if you commit an offence, you're liable on conviction to a fine of not exceeding a million dollars or to imprisonment for not more than three years or both. Under the new act, section 87, "Fines," it reads: "A person who contravenes section 46

(1) or 52, commits an offence and is liable on conviction to a fine not exceeding \$1 000 000, or to imprisonment for not more than 3 years, or to both."

They are exactly the same in terms of the penalties that are being imposed in legislation. There's nothing new. There's nothing new in Bill 74 from what was already in place under the fines section in legislation, so I don't know why the MLAs get up and say that this new act is fantastic with respect to this fines section, when everything about it is exactly the same as it was.

That comment goes on and on with other MLAs. Another one is the member for East Kootenay, who got up and said this: "Under the new regime, the onus is on the companies to prove they did everything reasonable to avoid damage, and without that proof, they face fines of up to a million dollars or time in jail." Here we have it again. The MLAs are speaking as though this new act has introduced something new, when all along it was already part of the old act.

Now, the million-dollar fine is not the only component that is exactly the same as the old act. The new act and the old act are exactly the same, as the Minister of Forests actually acknowledges, because subsections within that bill go on to talk about a \$500,000 fine, of not more than two years in different areas of violation, and it has different stipulations with different areas of violation. All the way through, every one of those violations imposes the same penalties as the old act.

[1025]

I had thought that perhaps the Minister of Water, Land and Air Protection would get it right. I had thought that the Minister of Water, Land and Air Protection, whose primary job is to protect the environment.... I had thought that would be her mandate, but how wrong I thought, because everything to date that the minister's done seems to show otherwise. It leads one to think that we actually don't have a Minister of Water, Land and Air Protection, that we don't have a minister responsible for protecting the environment. I had thought that the Minister of Water, Land and Air Protection would be particularly interested in looking at what the penalties provision would be and how that compared to the old act and would know the difference. After all, that would be part of her job: to make sure the violators' penalties are in place and, in fact, if they're superior to what was before, to notice that, to identify that and of course to do everything she can to ensure that the environment is indeed protected. Yet how wrong I was.

I turned to *Hansard* for the comments from the Minister of Water, Land and Air Protection. Here's what she had to say: "Under the new act, the onus is on the companies to prove they did everything reasonable to avoid damage, or they will face fines of up to \$1 million or time in jail."

Perhaps the Minister of Water, Land and Air Protection didn't bother looking at the old act and the old code or hadn't noticed, if she did, that the fines provision of this new act is exactly the same as the old act — no difference. Perhaps there was an edict that came out from somewhere, perhaps the Premier's communica-

tion shop, and gave an edict to all the MLAs who spoke in this House: "You must say this, because this is how fantastic the act is. Look, we're protecting the environment, because look at how severe the penalty provisions are. Look how wonderful we are, so you must all go in there and say this." I suspect that's the case, because, quite frankly, the language that different MLAs use is awfully similar.

Let me just take the two that I've read out by way of comparison. The member for East Kootenay said: "Under the new regime, the onus is on the companies to prove they did everything reasonable to avoid damage, and without that proof, they face fines of up to a million dollars or time in jail." The Minister of Water, Land and Air Protection said: "Under the new act, the onus is on the companies to prove they did everything reasonable to avoid damage, or they will face fines of up to \$1 million or time in jail." It's strikingly familiar in its language. It's almost exactly the same.

I suspect that there was some sort of message box that was given out at a caucus meeting of the government bench to all the government MLAs. "Here's what you say about the code." Then each one of them just took a line and adjusted a word or two so they are not exactly the same. Yet if you sat down and compared it, you know well enough that it came from some sort of message box. One could only hazard a guess as to where the message box came from, given that the communication shop is now all housed in the Premier's office.

People with the same language are given instructions to parrot exactly the same things in the House when speaking to this bill. Yet I have to say I'm most astounded by the comments of the Premier, who ought to know the difference. The Premier was in this House and should know about the provisions of the fines under the old act. He was around for all that period of time. To pretend somehow that this new act has new penalty provisions under the fines section of this legislation is simply a farce.

[1030]

The other person that I would highly expect to have known the difference is the Minister of Water, Land and Air Protection. After all, it is her job to ensure that protection is in place for the environment, but yet there seems to be no evidence of it — certainly not from second reading debate. There seems to be no evidence whatsoever that the Minister of Water, Land and Air Protection knew the difference at all when she rose up to say how great the act is. "Look, the penalty provision says a million dollars — up to a million dollars and/or jail time" — when that provision is exactly the same as the old provision under the Forest Practices Code of British Columbia. I can't help but wonder if people even bothered to look at the old code and the new code. I can't help but wonder about that when they get up and rant and rave about how wonderful the new code is when all it is, is a borrowed section from the old code. There's nothing new that is added.

You know, what is most disturbing is this, and perhaps this speaks to the nature of the government cau-

cus. Many of the details of the code that we need to know for how it applies and its ramifications are not in this document. They're not written in legislation under Bill 74. Those are to be reviewed when regulations are introduced. A lot of the information that people are talking about on how wonderful this code is, is not even known, unless there have been secret, behind-the-door caucus meetings where the government MLAs are given that information.

Perhaps they know something more than British Columbians know. Perhaps that's the case, and if that's the case, there is a major problem with it. Do you know what that is? Under this new era the Liberals had promised and said they would consult and be transparent and make sure the information is shared with British Columbians. If the case is such that the regulations are shared with the MLAs behind closed doors — which is why they're in this House saying, "Hooray, the code is fantastic," — well, then what the government is doing is breaching their own new-era commitment to be open and transparent and consultative with British Columbians.

You can't have it both ways. Alternatively — and I don't know which is worse or, I would submit, equally bad — the MLAs don't even know what it is they are saying that is so fantastic. They have not seen the regulations and don't actually know what the details are, but they've been given their marching orders. They come into this House and get up and say, "Hooray, the government is fantastic with this new code," yet they do not know what the details are. I suspect this is as likely a scenario as that of the other one, where they might have gotten the information in secret. Either way, it doesn't bode well for the government and their promise to be open, consultative and transparent.

I'd like to note for one moment, in fact, that back in 1994 when the old Forest Practices Code was introduced in this House, the Liberals, including the now leader, the Premier of the government, voted for the code. They voted for the code.

[1035]

What is interesting, of course, is that the Premier, in his second reading speech yesterday, somehow said that the old Forest Practices Code of B.C. was imposed through this House. Go figure. The Premier himself and the Liberal caucus, when in opposition, voted for the old Forest Practices Code. It was not imposed; it was not imposed at all.

How one can go and revisit history and rewrite it. Thank goodness for Hansard. Hansard will record and document what comments were made in this House and what the voting record was — Hansard, which was of course brought forward by the former Premier in the NDP, Dave Barrett. Thank goodness for that, for Dave Barrett and his foresight and the NDP government then to make sure the *Hansard* record is in place so that we could all see what comments were made and what actions were taken in this chamber, so people like the Premier now could not just decide one day to revisit and rewrite history and contradict himself on these issues.

I'd like to close by simply letting the MLAs know.... Look at the old act, compare it to the new, find where the differences are and know where all the similarities are as well — before one rises in the House to claim how fantastic they have been in bringing forward new provisions within an act when those provisions are exactly the same as the old.

S. Brice: I rise to speak in favour of Bill 74, the Forest and Range Practices Act, and would, prior to making my prepared comments, certainly put on the record that despite the righteous indignation of the member of the opposition about secret meetings and message boxes and people being given comments to be made, it was with great pleasure that I accepted the Minister of Forests' invitation to be a part of the consultative committee that toured around this province and spoke to British Columbians.

The member of the opposition talks about lack of consultation and all kinds of secret things. I can assure the opposition that this committee travelled around the province from the north to the south, the east to the west, the Kootenays and Vancouver Island, and we heard from everybody interested in this very, very important issue.

It is no wonder that the minister gets lots of advice on this, because this issue, of course, is so very, very important to all British Columbians. This legislation is progressive, and it is a testament to the work that has been done out of the Ministry of Forests. It's understandable that he's receiving extensive advice on the matters of how to manage the forests.

The consultative committee that was put together was representative of the various regions of this province. Certainly, I, the representative from Saanich South, one of the more urban ridings of this province, was included as well, because the minister knew it was important to have perspectives from all points of view on this very, very important topic.

The bill ensures environmental protection while it eliminates layers of prescriptive red tape. We heard this throughout our dialogue. We didn't just hear it in the prepared responses.

The minister had appointed the member for North Island to chair our consultative committee, and that member made certain that quite apart from just the formal presentations, there was ample opportunity after the formal presentations for us to talk one on one with people in all of these communities. We talked with people from the industry. We talked to environmentalists. We talked to all representatives from each of these communities. The committee was structured in such a way as to ensure the maximum input — not just the formal presentations but also the anecdotal information from people in the north, in the Kootenays, in the interior, on Vancouver Island.

[1040]

The overly prescriptive red tape of the former Forest Practices Code had increased costs and impacted negatively on our most important industry. As the member for Burnaby-Edmonds pointed out, on our

consultative mission we did hear that that discussion paper had not yet met the mark. In fact, we were told at that stage that it still was too prescriptive.

To his credit, the minister and the minister's staff accompanied us, along with representatives from the staff of the Sustainable Resource Management ministry and the Ministry of Water, Land and Air Protection so that they, too, could hear what the people in all parts of this province were saying. Changes were made, and of course Bill 74 is the result. I am proud to stand here and support this version of the Forest and Range Practices Act.

No doubt, as the debate takes place — and we have seen it already on this bill — there will be efforts by the opposition to characterize this legislation as a sop to industry. This type of rhetoric would highlight just how out of touch such accusations are. Those who would characterize the issue as the economy versus the environment are beating an old drum that simply doesn't reflect the reality of 2002.

There has been a fundamental shift on the part of industry as they realize that their practices are being observed by the marketplace. In order to remain viable and have access to international markets, many forest companies have sought and attained voluntary certification. As we travelled throughout the province, we heard industry point with pride to the efforts they were making to achieve varying levels of certification. They know that consumers are seeking to do business with responsible companies.

This act, the Forest and Range Practices Act, builds on those same fundamentals and requirements that the respected certification programs require. This act, in fact, requires that industry achieve results which have been internationally accepted and are scientifically based and environmentally sound.

Forestry is important to every riding in this province. Every British Columbian relies on the vibrant forest industry to provide the vital services government provides. The six-year-old in grade 1 in my riding of Saanich South, the 20-year-old technical student in the Okanagan or the single mother on assistance in Vancouver all rely on a strong forest industry. This act will help the industry to become more competitive, and this will be of benefit to all British Columbians.

J. Wilson: It is indeed a pleasure this morning to stand here and say a few words about Bill 74. This is one of those pieces of legislation that has lifted a huge weight off the shoulders of industry out there, whether it's the forest industry, woodlot operators or the ranching industry. It's like a new beginning. I can say this with a degree of confidence, because in the past I have been one of those that laboured under the old Forest Practices Code. I know what it's like to work from the bottom up. In this House we work from the top down, but I've had the displeasure of having to work under an old code from the bottom up, and it was an onerous job indeed.

[1045]

I want to go back a few years to when the code came in. I'm kind of disappointed, because we have a

couple of members in opposition, and one of them was here who brought the old code in. The fact is that they have left. They don't want to hear about the onerous load their work put on industry. They don't want to hear about that.

I would like to refresh a few people's memory here. The code came in. It was mind-boggling. We had more paper attached to it than you can imagine. If you stacked it up, it would reach the ceiling in this chamber — unreal. To be able to go out and do a proper job on the land base.... In many, many cases that job was already being done. Much of the regulation that was associated with the old code was just put in there. There was nothing to back it up as far as scientific facts went. If someone could create a regulation to be in the way of someone being able to do a job in a better manner — maybe a little bit cheaper, so they could actually stay in business.... It was not considered.

The ministry people that had to take this code and apply it were just ordinary people like you and me and everyone else in this chamber. They were not Nobel prize winners; they were not anything out of the average. They were expected to enforce something that, if they sat down to read through it all, would probably take them two years to get through that pile of paper and do nothing to go out and implement it.

I found it interesting, because you would talk to one person who was in charge of a certain aspect of the code, and you would get an answer; you would talk to someone else, and you would get a different answer. There was no continuity. No one understood this. It was too big, too complicated and too convoluted for anyone who had to work with it to really understand it.

Yes, there was a training program in place. Unfortunately, after the training program was finished with, you could still go back and ask the same question, and you would most likely get a different answer from everyone you asked.

How do you enforce something so complicated and convoluted that even the people asked to work with it can't fully understand it? Well, this was drawn to the attention of the government, and of course they did something. I recall that one of the previous Ministers of Forests, Dave Zirnhelt, made great strides in helping industry with the code. He reduced the pile of paper from 37 feet to 17 feet. Well, what do we need 17 feet of paper for on something? This is not complicated; this is not rocket science. Good stewardship is all it is. It's good environmental stewardship and doing the job we have to do in the best way we can do it. The people that do it are the ones that know how to do it.

[1050]

That's a little bit of the history of our Forest Practices Code in this province. Today we have a new code that has been brought in. Fortunately, I was one of the people that travelled the province. We travelled this province from one end to the other, and we listened to the people. This hadn't happened before. When the old code came in, no one had input into it. It was simply

brought in, dumped on the industry, and they said: "You're going to comply with this."

As a government, we went out to all the reaches of the province from the north to the Kootenays and all throughout the Island. We asked and we listened. I think that is the really critical thing; we listened. People have never had that opportunity before. The previous government didn't listen. They turned a deaf ear on concerns raised by the ranching industry, woodlot operators and the forest industry.

When the opposition stands up and says, "You need more time; nobody was consulted," that's not true. Nothing could be further from the truth than that statement.

The code that we have introduced here in Bill 74 is something.... I'd like to compare it to a living document. We have built into it the things that are necessary for operators out there with tenure on that land base to be able to operate, to be able to assess the situation at hand on the land base and make decisions — the correct decisions. Instead of having something that is completely prescriptive in nature, they have flexibility to be able to manage the job that they do.

This document is broken down into the major forest companies. It involves the woodlot operators. We have recognized that there is not really anything to compare between a major forest company operating on thousands of hectares of land base and a woodlot operator that is confined to a very small land base, who is required to do an intensive forest management program on that land base. Under the old code there was nothing to allow the woodlot operator to operate any differently than a large forest company. The paper trail was all there. All the regulations were there. Today we have made allowances because we recognize that woodlot operators are in a unique situation. They should not be expected to have to go through all of the work that other operators do, because of the confinement they're under on the land base out there. It is very small.

Woodlot operators are in this because they like the job they do. They live, eat and breathe forestry. They understand good, sustainable forest management. They need that flexibility to allow them to be innovative and creative and to get on with the job of managing their woodlot. That's what this bill does for the woodlot operators.

For a minute I'd like to go and touch on another group of people that are affected by the code. That's the ranching industry. Ranchers who have tenure on Crown land are not actually in forestry, but they're utilizing a resource, which is the forage out there. They are a little bit like woodlot operators. They have a fixed land base to operate on, but they have some unique problems with having to operate on a fixed land base. They can't move around. They can't say: "Well, we can look at...."

A forest company can say: "Here's a cutblock we want to put in. Maybe it's going to have an impact here on some other user. Maybe we can move it over here so it will not have that impact." There was some flexibility

there, and now there is a great deal more to address the concerns of other tenure holders.

[1055]

The ranching industry, under a grazing licence or grazing permit, was restricted to a defined area that they had to use. It was very, very prescriptive. When you turn a herd of cattle out, it's not like planting trees. You can go in, and you can do your silviculture work. You harvest the trees, and you go back and plant them. You know that next year when you come back, that tree will be just where you planted it. It's not going to get up in the middle of the night and move down the road 20 kilometres. Livestock have minds of their own. You turn your animals out on the range, and for whatever reason, you have a plan that says there has to be this many head in this area at this time.

It was extremely difficult for ranchers to be in compliance. We'll say that you have 180 animals in a certain area on a range permit, and that's fine. We understand that. There's the forage there for them. You go out and check your animals in the evening, and they are all peacefully lying there regurgitating the forage they've ingested that day and working for you, producing pounds of beef.

Along about midnight something changes. Maybe a predator moves into the herd. They assess the situation, and immediately they get up. They call their calves. They bunch up. They say to themselves — I guess they have a conference; cows can do that; I've seen them do it on many occasions: "This isn't so good here, is it? Maybe we should get the heck out of here. We know where there is some grass down the road." They'll pack up.

In the morning you come back, and you can see where they were. You see lots of tracks, lots of signs, but where are the cattle? So you go to find them. It's not uncommon for cattle to move ten or 15 kilometres in a ten-hour period. It happens all the time. Once you find the cattle: "I'm out of compliance here. Here they are. They're off the area they're supposed to be in. I could get written up here."

You have to find these cattle, but by the time you've tracked them down, it's 10 o'clock in the morning or it's noon. They've had a good hike, and they're hungry, so what do they do? They dissipate out into the bush and go to find something to eat. They are like quail; they vanish in all directions.

Now you have a real problem. You have your 100 head of cattle. You're out of compliance. They've left the area they're supposed to be in, and you haven't got a clue where they are. You go out and search. You find a few. You chase them back to where they should have been. You go back the next day. You find a few more. It may take you a week or two weeks or three weeks to get them all gathered up and back to where they're supposed to be.

The old code did not allow for flexibility in range management. On any given week there were very, very, very few producers out there, unless they had fenced areas, that were not out of compliance. It was a burden that you lived with — a burden you had to

carry, knowing that you were in violation of your range use plan. But there's nothing, really, you can do about it. You do the best you can and hope the people that are administering the plan understand your problems and are willing to allow you to deal with them. If for any reason something goes sideways, you could be in trouble.

This new approach to range management is a real breath of fresh air for livestock producers. It's something they've waited for, for a long, long time. We as government have listened to them. We've heard them, and we have addressed the concerns they brought to us in this bill. They have been, over the years, good stewards of the land. They respect it.

[1100]

The other issue on range use that I would like to bring up is the range users. When you are in a confined area, you have to do a good job out there. If you don't do a good job, it will impact you economically. The forage that's produced is critical to the viability of your operation. You don't abuse it. You treat your land with respect. The vast majority of users all have the same viewpoint. You treat that land with respect, and the land will treat you with respect, and it will keep you in business.

They're not out there to create environmental degradation. They're not out there to do all of the things that, if they really wanted to, they could do. That would be damaging. That's not the intent. Their intent is to do the very best job they can on that land base because their future depends on it. Their existence and whoever takes over the operation, maybe their children, depend on that — and their grandchildren.

It was my privilege to go around the province and listen to the people, and we have listened, and we have heard. We have put together a bill that is a new beginning for all of the people out there that are going to use our resources and that depend on our resources. We've rolled into this bill things that should have been done before, like using good, sound science to base our decisions on. That is critical to being good stewards on the land. It is with a great deal of pleasure and pride, having been involved in this from the beginning, that we bring this bill into the House for approval.

G. Trumper: I rise this morning in support of the Forest and Range Practices Act. I just want to give you some background, because as many of you know, I was the mayor of a community for 18 years, the backbone of which is the forest industry. In fact, the whole region relies on the forest industry. We have been in a mode of survival for many years. First of all, we had the issue of the Clayoquot many years ago, which as we all know made headlines in the news media, the world scene, with the actions that were taken by various people who came from all over the world to prevent logging from taking place in the Clayoquot.

[J. Weisbeck in the chair.]

The decisions that were made by the previous government... I remember one of our previous Premiers

stating, when the decision was made on the Clayoquot, that there would be no jobs lost. I can remember hearing him say that down on the west coast. Practically following that, Ucluelet shut down, which is a small village on the west coast that depended on forestry for its income.

Following that, the Forest Practices Code came into place. During that time, people in British Columbia in the forest industry became very, very concerned as to what was happening and seeing their logging being shut down by all the issues that were taking place internationally and some of the campaigns that were taking place. Many of you may remember — and some of the MLAs today took part in it — a huge demonstration that took place outside of the Legislature building, which we called the yellow ribbon campaign. We organized that to try and tell the government of the day how important the forest industry was to this province.

[1105]

But we continually seemed to have more erosion taking place in the industry, which at times certainly was affected by markets and, recently, by the softwood lumber issue. You know, the people who live in those communities pay their mortgages, pay for their children's education and try to plan for their future. Just in my region, as you have heard in the past when I've brought it up, from approximately 6,000 forestry jobs we are down to less than 2,000, and that has an effect on all communities within the region. If that's happening in my region, it's happening also in the rest of the province which relies on the forest industry for its work.

Also, it meant that people moved. As a matter of fact, a member of my family, who is a professional forester, left British Columbia because he was so frustrated with the fact that with the old Forest Practices Code, he was not able to practise his profession.

Professional foresters are trained to do exactly that, which is to maintain and protect our forests. Under the old Forest Practices Code it was impossible to do that, because they were so tied up with all the paperwork that had to be done, which consumed their time, which made it very, very difficult. I think one of the issues that has not been recognized and is going to be recognized in this new bill is the value of our professional foresters. They are the ones employed by companies large and small, who are going to be making sure the standards are met.

Comments have been made. I was really quite concerned about some of the comments that were made earlier by one of the members of the opposition this morning, who stated that it would appear that members of the government had been told to support the bill and were not thinking for themselves. Well, I can tell you, having lived for 35 years in a community which has relied on the industry, we live and breathe it. I have worked over the years with the unions in the community, with the IWA and with the business people, and in the difficult times they've all come together. As a matter of fact, for that yellow ribbon parade, the unions were there and the business people were there

from our community to help support the forest industry in British Columbia.

It is encouraging to note that with the discussion and debate that has taken place around the province on the new bill, not only are the companies large and small.... The woodlot owners, who have had input into it, at first were not happy with the discussion paper that went out, but as we know from comments that have been made this week by them, they are supportive of this bill.

It is encouraging to note, also, that the workers in the field are encouraged by it and are supporting it. I do want to recognize the fact, as he is a constituent of mine, that Dave Haggard, who is the national president of the IWA, has also worked very hard to bring forth his input into the new act. I think that is commendable and understanding of the issues surrounding the whole issue of the old Forest Practices Code and how it really affected the people he was representing.

I think that for the leaders in the union it was incredibly discouraging to see so many of their members being laid off, certainly because of markets but also because of the terrible, terrible cost that the old Forest Practices Code brought to industry both large and small, which made it very difficult for them to be competitive in the global market. And make no mistake: people should remember in the province that this is a global market.

[1110]

I think it is unfortunate that people seem to think that the standards are being lowered. They are going to be responsible for what they do. If they do not follow the rules and the regulations, not only will they suffer as a company, but they will suffer in the world markets, because today those who are buying lumber — or whatever it is, whether it be value-added products — want to know what the level of the environmental standards is. Many of the companies are going through or have reached certification standards. Companies cannot afford not to follow the environmental standards that have been set. They cannot afford to compete in the world market without following those standards. I believe that companies today, large and small, are responsible. They know what the parameters are. They know what they've got to do to be successful. They know what they've got to do when they are competing in the world market.

As we all know, the world market is large. There are many, many countries now in the world market that are exporting their forest products to countries where we used to have the major part of the market, and we're having to compete with them. The companies themselves, whether they're small or large, know they have to follow those standards. I know they will be doing that, and once again we will have a forest industry that is vibrant and that will be the backbone of this province.

People don't recognize, particularly in the urban areas, I think, how valuable the forest industry is. I become very concerned when I hear people talking

about some of the issues that have been stated in this chamber today, when I live there. Many of my colleagues in the House today and many of my colleagues in government live in these communities that survive on the status of the forest industry.

I want to congratulate the minister on a lot of hard work that he has done. It has been difficult, I know, with the discussion paper that was put out earlier, which was meant to get people's input. There has been a great deal of consultation done. There certainly were certain groups who did not want to participate in the consultation process, and that's unfortunate. If you don't participate, your voice isn't heard. So I want to congratulate the minister and congratulate the committee that travelled the province.

As we all know, those are not the easiest trips to do when you're on one of these committees. They're very time-consuming. You get little sleep, and sometimes the food — as I can remember on one of our little trips around the north, the pizza flying down the aisle in the plane was our dinner for the night — is not good for your health either. It's not good for your health travelling around on these committees. It's hard work, but you know, you have to get out there and listen to what people are saying. It has certainly been with the calls I've had this week, and not only from those that are in the forest industry.

I've also had calls from some of my first nations constituents who are also involved in the forest industry and are trying to make their way in partnership with some of the companies. They are encouraged by this new bill, and I think that it is a step. We are moving forward. We are going to see great changes, and it is enabling legislation to get this forest industry back on its feet as we move forward.

B. Lekstrom: Today it is a privilege for me to stand in this House and show my support and speak of my support for Bill 74, the Forest and Range Practices Act. Right off the bat, I think many people will ask: "Why did you support it?" There are a number of reasons why you would support it. First and foremost, and I think the one that's most straightforward, is that the old code simply wasn't working. It was cumbersome. It was burdensome on industry. It didn't work for British Columbians.

Make no mistake about it. The importance of the forest industry affects each and every British Columbian, whether you're in a resource-based community or you're in downtown Vancouver or the lower mainland. There's not one of us as a British Columbian that doesn't feel the benefits of the forest industry and doesn't feel the pain when our forest industry isn't working the way it should be.

[1115]

Delivering the resources to market is what a resource industry is all about, and the forest industry in British Columbia, I'm proud to say, is one of the best in the world. I think far too often we overlook that. When we look back at the old code, a laudable goal, people wanted to make sure we tried to bring a balance with

how we deliver our trees to market and still maintain a quality environment. Unfortunately, that code didn't work. It increased costs by over a billion dollars. It caused job losses in our province. It's very straightforward. When something is tried and doesn't work, the job of a good government is to try and correct that problem. I'm proud to be part of a government here in British Columbia that put forward as part of its mandate that we would correct it, and here today under Bill 74 we see that. It's not completed, in the sense that we have much work to do in the forest sector. But I can tell you, Mr. Speaker, this is a bill we should all be proud of.

I encourage British Columbians, because there's going to be a lot of discussion throughout our province on this bill, to go and get the bill and read the bill and ask questions. Ask questions of your MLA. Ask questions of members in your forest industry. Try and learn about it. I can tell you, it's far too difficult to take a bill, read it, not understand it and not ask a question. Whether we're legislators in this office in British Columbia or we're a citizen of British Columbia, not everyone can just pick up a bill, read it and fully understand it without asking questions. I know the minister has been more than helpful to everyone that's approached him. My colleagues in this House, anytime there's a question, go to the people that have the background. You can learn. Not a day goes by that each and every member in this House doesn't learn something new.

It's up to good government to create good government policy, and that's what we're doing here with Bill 74, a good policy that's going to bring an environmental balance as well as allowing our forest industry to generate the revenue that we all enjoy — not revenue that just goes into the pockets of big business and big industry, as many people would have you believe. It's money that's generated and that benefits all of us. It builds our schools; it builds our hospitals. It delivers our social services in the province of British Columbia. I can tell you that if we don't have a forest industry that's working well, we don't have the ability to deliver the services each and every British Columbian so rightly deserves and wants and demands, quite frankly. The environmental balance in Bill 74 is brought forward, I'm happy to say. It brings a balance — the stewardship of the land while still maintaining the right and the ability to cut our trees and deliver those to market to generate the revenue we need.

There's been some talk already that we could go back. There could be boycotts in the global market on how we deliver our trees and how we use our forest sector in British Columbia. Well, I can tell you, when you look at how we do our forestry in British Columbia, boycotts should be completely the last thing on British Columbia's mind. What we have in many cases is that the people who promote these boycotts are the same people banging their fists on the table demanding more services be delivered by government. You can't have it both ways. It's our job to bring that balance, and

I'm proud to be part of a government that's bringing that balance here.

I think we sometimes overlook.... We talk about our resource sector. When you look at forestry, it is truly a renewable resource. We cut our trees; we take them to market. We generate the revenues for the services we have to deliver. There's a profit made, certainly. If industry can't make a profit, we'll have absolutely no jobs in British Columbia. So profit is not a bad thing.

On the other side of that, after we've cut the trees, we go into a reforestation mode. We reforest. It's not because the forest companies are forced to, as many of you would think. It's their livelihood as well. They know that for every tree they cut, it has to be replaced with the minimum of one — many times much, much more — because in the future a forest company that we have in British Columbia won't look at a one-cut cycle. They're looking at the long term, just as we all do. They're looking to cut that tree and get it to market. They're looking to be able to go back and cut those trees in the same areas years down the road. I think we have to remember that. It just doesn't get any better in the resource sector when you have a resource that is as renewable as forestry. I think we do a good job in delivering that.

[1120]

Sometimes it's frustrating as an elected official to hear people complain, quite frankly, about our forest industry: "What's the government doing to it?" Well, I stand here before you and my colleagues in this House to say I'm proud of our forest industry. I'm proud of the people that work in our forest industry. They're our friends, our neighbours and our families that do that. I don't believe that any one of them gets up in the morning and wants to go to work and wonders how they can harm the environment. I think that's just dead wrong. I think that they get up and go to work to make a living for their family so that those families can participate in the events and the society that we all have and enjoy in British Columbia, and they do the best job they can. I'm proud to be a British Columbian. I'm proud to be part of B.C., and the forest industry that we have in B.C. makes me that much prouder.

I've heard people talk in the consultation — or, in some people's minds, the lack of consultation — that took place. I want to commend the minister. I want to commend the committee of the Legislature. I want to commend Dr. Hoberg, who went around this province and offered extensive opportunities for people to consult. I believe we had 88,000 hits on the website. We had many people participate through that avenue. We had 440 presentations. People came forward, and I commend those people. What they brought to the table, whether it was 100 percent in favour or not in favour, was valuable information.

We can learn. As the elected officials we don't have all the answers. It's our job to go out and listen to British Columbians, to take our ideas, blend them with the ideas of British Columbians and come up with good public policy. I want to thank the minister for his effort

on this, because that's exactly what we've got here in Bill 74.

We sometimes get caught up under Bill 74 that it's really just a forest act. It's more than a forest act. It's a range practices act as well, something that's vital to our cattlemen and our ranchers. When you look at what's laid out in this bill, it ranges from grazing tenure over to the cutting of hay. It's vitally important. I've spoken in this House before on the importance of our agriculture industry and our ranching industry. This bill reflects and allows the flexibility for our ranchers to operate effectively and efficiently in a sound, scientifically based manner on the land base that they utilize. This bill is about trying to improve how we provide our forest industry services in British Columbia with the regulations and the guidelines they work under.

The one thing I want to tell you in closing — I won't carry on long — is that I am a proud British Columbian. I'm proud to be part of a government that brought this legislation forward. To make sure that British Columbians know, before they want to step forward to bring an issue and complain on the environmental side of it, I encourage them to please read and understand the bill. It's far too easy to complain if you don't bring a solution to the table. We see that time and time again. It just doesn't work.

In closing, I think the key message we should believe as a government, and I want British Columbians to believe this as well, is that it's our job as a society and as legislators to always strive to improve what we have in front of us. I'm telling you here today that my belief is that Bill 74 does exactly that. It improves our forest industry's opportunities. It improves the stewardship of our land. It improves the ability of our province to work hand in hand with all British Columbians to develop a forest sector we should all be proud of.

T. Christensen: I think it's probably almost impossible to overstate or overestimate the importance of the legislation we're here to debate today, Bill 74. It's certainly of critical importance to people around the province, including many families in the communities that I represent in Okanagan-Vernon.

Equally, this is a government that from day one has made a number of commitments and has indicated a very sincere dedication to ensuring that those commitments are fulfilled. What Bill 74 represents is a fulfillment of our new-era commitment to streamline the Forest Practices Code and to establish a workable, results-based code with tough penalties for non-compliance.

On that front, I really want to congratulate the Minister of Forests and the very competent and dedicated staff within the Ministry of Forests for bringing this legislation forward at this time. I think we can all agree, and pretty much anybody in the province who's been watching what has been happening in forestry with softwood and other issues over the last 18 months can agree, that it's not like the minister has had nothing to do. I do congratulate him for bringing this legislation forward in such a timely fashion.

[1125]

We've heard from a number of MLAs in this second reading debate, and I'll be quite frank in admitting that many of those MLAs from around the province have a lot deeper knowledge of forestry and the forest industry than I do. Certainly the member for North Island, who has direct experience in the forest industry, does. He also led the MLA committee and the other members of that committee that travelled the province and heard from folks about the Forest Practices Code and what we were proposing in the discussion paper issued last spring. All of them have a lot more background in this particular legislation than I do.

As well, we've heard from the member for Prince George North, who has some direct experience in trying to work in the forest industry and navigate the many rules and regulations that entails. We heard this morning from the member for Cariboo North, who has a great deal of experience in forestry and certainly on the range practices front, who commented on that. We heard, as well, from the member for Alberni-Qualicum, who has a longstanding dedication to ensuring that our forest industry is viable, but also that it is viable in the long term, meaning that it is environmentally responsible.

It is difficult, in fact, to overstate the importance of the forests in this province. Certainly, they are a foundation of biodiversity, which really is the key to having a healthy and complete environment. There's no question. We often hear a lot of discussion about the value of our forests in providing employment in this province. There are literally thousands upon thousands of British Columbians who are directly reliant on our forest resource for employment, but many, many more are indirectly reliant on our forest economy. It is, in fact, the economic foundation for many communities, particularly here on the Island and in the interior of the province, because of the both forest industry but also, increasingly, the tourism industry. It is critical that we have a healthy forest environment if we want to continue to attract tourists from around the world, who come here in many cases to see Super, Natural British Columbia.

It would be very difficult to find a British Columbian that doesn't appreciate our forests for the recreation values they add, whether they are people who simply like to go out for a hike in the forest and breathe that nice clean air, whether they are hunters or fishers, or whether they are folks who like to go out with a camera like the member for Victoria-Beacon Hill.

The wildlife values that our forests offer. Again, there's just a diversity of wildlife in this province that really is unmatched pretty much anywhere in the world. I think we often take it for granted, but we shouldn't. We should continue to recognize the value of our forests in supporting that wildlife value.

Finally, by no means is this an exhaustive list, but there are very significant spiritual and cultural values in our forest certainly for our first nations people but equally for our non-first nations people. The value of

our forests really does form a significant component of our personal heritage in this province.

Now, beyond those personal values that many of us hold when we think of the forests, let's also look at the importance of our forests to government, which is in essence a collective of the people of this province. Certainly, as I've mentioned, our forests are a foundation of economic activity that provides jobs. That also provides, then, personal and corporate income taxes, which all of us here in this House know are critical to ensuring that the government can function and provide the many services that British Columbians deserve and desire.

[1130]

I was looking at some statistics. In 2001 our forest product exports were down a little bit, but they were still \$14.5 billion. That, in fact, accounted for a full 46 percent of all provincial exports. Forest revenues, beyond the sort of income tax and corporate tax end of things, last year through stumpage were about \$1.2 billion. Certainly, I think it's fair to say that no other resource that we have in this province, and certainly no other industry, dominates the life of British Columbia as much as the activities and benefits of managing our forests for all of the values those forests give to the people of the province.

In looking at the debate about this bill and about forestry in general in this province, I think it's important to realize how we got to today. The current Forest Practices Code was enacted in 1994. At that time, it actually received almost unanimous support here in this Legislature, including members of this government. Now, there may be members of this government that in hindsight think, well, I could have been a bit more critical of it, or perhaps I shouldn't have supported it. Nevertheless, at the time, given the circumstances in 1994, there was unanimous support for the Forest Practices Code.

There were concerns expressed, certainly by industry, about the degree of bureaucracy that was being created by the code, but I think even among industry there were some that understood and recognized the need to provide a strong legislative foundation for the management of our forest resource. I, at that time — looking back at what I knew at that time — would have supported the introduction of the code. I remember that my own views — and admittedly, they were probably relatively uninformed views, but nevertheless they were my views — that forestry practice at that time.... I didn't have a lot of faith in it. I had some concerns about what was going on in the forest and whether we truly were looking at things holistically, whether we were being good stewards of the forest or whether we were simply exploiting the resource.

I don't think I was alone in that view at the time. I think the reality of the late eighties and early nineties was that in general terms, there perhaps was a lack of public confidence in what was happening in our forests. Given the importance of the forests in this province, as I've mentioned, public confidence is critical. The public needs to have the confidence that our for-

ests are being managed for all their values and that they are going to be there and all of those values are going to be there for generations to come.

We also have to look at where we are now. We've had seven years of experience with the Forest Practices Code. We know in that experience that there's been about a 97 percent compliance rate with the Forest Practices Code. We've seen an incredible evolution of forestry practice in this province. We've seen the rise of the whole concept of certification on an international level and certainly within this province. British Columbia has strongly supported certification as a way to meet growing customer interest and to demonstrate that the province is committed to sustainable forest management.

In fact, British Columbia has emerged as the North American leader in forest certification, and virtually every major B.C. forestry company has now met the requirements of ISO's environmental management system and has either achieved or is pursuing some other third-party certification. It's not just the major companies. It's also of great interest and something that is being pursued by many small forestry operators, mills and manufacturers. That's being pursued in many cases because it results in business operating better, but it is also a necessity to satisfy customers around the world. It's a necessity in terms of market reality.

The world's a pretty interlinked place now. Information bounces around the world in seconds, and our markets and the folks that are buying British Columbia forest products want to know that the forests here are being managed responsibly. I think the reality is that those involved in the industry are more aware of that than pretty much anybody else and are going to ensure that they are meeting those standards.

[1135]

Certainly, one of the ways of doing that is by pursuing a number of the available certification processes. I think in looking at the certification processes, it's important to recognize what sort of things those processes are looking at. For example, the Canadian Standards Association certifies both for the management system and for the specific forest management performance measures that are developed through public consultation. In fact, many third-party evaluators have ranked the CSA as among the best in the world.

There are other certifications, like the Sustainable Forestry Initiative, which requires that companies meet 12 standard principles and 30 performance measures for forest management. There's another certification through the Forest Stewardship Council that has principles and criteria to assess plans and on-the-ground performance. There are certainly lots of options out there for companies to pursue, and all of them have the goal of ensuring that forest practices are environmentally responsible and consistent.

We've also seen over the last number of years, as forest companies have grown to work with the existing Forest Practices Code, that they've said to themselves and to us that in some cases there are better ways to do things. In fact, we have, certainly, in this province some

of the most innovative practitioners of forest management in the world. I think we need to give credit where credit is due.

I know, certainly, that in my own constituency one of the major companies, Riverside Forest Products, has embarked on a cooperative effort with the Ministry of Forests and the Ministry of Water, Land and Air Protection under the current code, under part 10.1 of the current code, to initiate essentially a pilot project. Riverside made the decision in 1998 to initiate what they call the ecological forest stewardship project on tree farm licence 49. That's located in the central Okanagan, sort of on the west side of Okanagan Lake, and certainly is in an area of the province that many, many people are moving to. Those very many people are well aware of the value of the forest resource in the area and are certainly watching closely what Riverside is proposing.

I want to talk just briefly about the ecological forest stewardship project. Its key objectives are to create and implement a cost-efficient, ecologically based forest resource management system that pursues environmental sustainability, community stability and economic security. To do that, what they propose is to field-test a workable results-based regulatory framework that shifts administrative effort from managing processes to managing for results.

Even prior to the introduction of this legislation today, we've had companies like Riverside that are looking at trying to go in this direction. The problem they've had up till now is that to do that, they had to jump through many, many hoops and get all sorts of lawyers involved to try and figure out how on earth within the context of the existing code they can move ahead and try and get out from underneath all those prescriptive requirements so that they can do what they do best, which is be innovative and figure out how to best manage that forest resource.

Through the ecological forest stewardship program, Riverside's proposal is to manage all key ecological, environmental and social resources based on scientifically based principled management. To do that in TFL 49, what Riverside has been doing is completing an inventory, an analysis and modelling and testing necessary to then implement this ecological model. That includes developing a system of criteria indicators and measurables that are then going to provide a framework for gauging its success in managing the array of resources and the values that are there in the forest.

[1140]

It's important to note that in allowing that to move forward and allowing companies to be innovative and look at results rather than process, what Riverside is able to do in TFL 49 is pilot alternative ways of managing silviculture, riparian areas and aquatic habitat for fisheries that reflect the understanding of the natural disturbance processes, patterns and structures on which the ecological forest resource management model is based. They can look at what the end result we want is in terms of having a full ecological system in that area and how we then get there, instead of hav-

ing to follow a bunch of prescriptive processes that are dictated from here in Victoria.

The point I wanted to make is that when we look at what's happening in our forests now versus what was happening in our forests in the late eighties and early nineties, it's really a night and day difference, and there's simply no comparison. That's part of the reality that we face today.

The other part of the reality, and really the impetus for change, is that by the previous government's own assessment the Forest Practices Code added over \$1 billion in costs to the industry. Fine. Industry is going to bear some costs, but for no public benefit. There was no environmental benefit to that additional \$1 billion of cost. So really, that's just wasted money — money that could certainly be better reinvested by those involved in the industry to provide more jobs in the forest industry in the province, to expand their operations, to research better ways of doing things. Whenever we're wasting \$1 billion, government needs to take a really hard look at what's not working right.

As well, what the existing code did — certainly the dollars are very important, but this is perhaps its greatest failure — was stifle innovation, and innovation is the foundation of positive change, whether that's in our forest industry or elsewhere. The fact that it stifled innovation really is, I think in the broader sphere and in the long term, one of the very significant failures of the existing code. In fact, the current code is so prescriptive and inflexible that it requires forest companies to continue adhering to out-of-date standards. They may have found a better way to do something, yet the code says that this is the way you do it. You don't want to get in trouble, so you just keep doing it that way. It doesn't allow for improved and better management.

I've got a few examples that were mentioned to me in terms of particular problems in light of that. If a company wanted to change to a more suitable silviculture system, the code wouldn't let them do it. If they wanted to move towards enlarged patches left in a harvest area for wildlife habitat values, the code says no — can't do it. If they want to increase the size of reserve zones next to streams, the code says: that's the reserve zone. If you want to move beyond that, the code doesn't say you can.

Let's face it. In this province, the forests here on Vancouver Island.... You know what? They're nothing like the forests in my constituency. The forests in my constituency are nothing like the forests in the constituency of the member for Cariboo North. So having these prescriptive standards that we're then trying to apply around the province simply doesn't work in a province like British Columbia, which has such a diversity of forest and ecological systems.

[1145]

I think all members of the House, regardless of party affiliation, would agree that our forest does provide us with significant benefits and that we have an obligation to ensure that those benefits are maintained. We have an obligation to responsible stewardship of our forests both now, for the current generations, but

also so that the values of the forest are there for generations to come. We have an obligation to ensure there's effective environmental protection, and we have an obligation to ensure the sustainability of the forest resource.

I think where we disagree — and it's quite clear we disagree — is on how you get there. The opposition's approach is to prescribe regulation and insist that those working in our forests follow that one way of getting to a particular result. Admittedly, that's one way of looking at things. You sort of set the road map there. You say: "Here's where you turn left. Here's where you turn right. Here's where you go straight. Don't vary." I don't think it's the best way to look at things if we truly want to strive to have the most progressive environmental practices in our forests.

If we want to strive for progressive practices in our forests, what we need to do is tap into the innovation of the people who are working in our forests — the professional foresters who have spent years at university to gain the scientific knowledge to apply on the ground in our forests and who know there's more than one way to reach a desired result and who can tell us the best way to reach that desired result. In fact, they may tell us three or four ways that are equally applicable and effective in reaching that desired result.

We've got biologists, and part of this transition into dealing with the forest practices in a more results-based manner is to rely more on our biologists and empower them to give those working in the forests the advice they are very clearly capable of giving. They can examine how systems interact and work together to ensure a healthy environment and healthy ecological systems. Let's let those biologists do their job.

When we think about the people that work in our forests — whether they're the biologists, professional foresters, forest technicians, loggers, truck drivers or whatever they're doing — there's a reason they're out there. If you sit down and talk to any one of them, they have a passion about the resource. They have a passion about being out in the natural environment in our forests and working in that environment. They don't particularly like to be sitting behind a desk in a building somewhere.

If you ask them what they do in their time off, certainly in the communities that I represent, guess what: they're back in the forest. They're out there fishing. They're out there hunting. They're out hiking. They're out enjoying the many other values that resource offers to all of us. I think they are, in fact, in many cases the best monitors of what is going on out in the forest, and they are certainly very, very interested in ensuring that our forest resource has effective stewardship.

You know what? Bill 74 simply lets these professionals do their jobs. It says to them: "Here are the goals we want you to reach. How are we going to get there?" It sets strong world-leading standards for biodiversity and protection of watersheds, habitat and other forest values, and then lets professionals do their jobs in attaining those standards.

In the comments the member for Vancouver-Hastings made yesterday, she suggested that perhaps there might be a conflict, that certainly professional foresters have a code of ethics they must maintain and they have professional standards in terms of who their obligation is to if their employer is trying to push to maximize the dollars. I was sort of taken aback by the comment, because I thought it was really an insult to the folks that are involved in that profession.

I know, coming from a professional background myself — I was a lawyer prior to doing this — that when you're a member of a profession and you have a code of standards that you must uphold, you don't sort of just give that up to satisfy an employer. Otherwise, you're not going to be a member of the profession for a long time, for one thing, but you also, given your training and your experience and your knowledge, have a real dedication to that profession. I don't think it was a particularly responsible comment. I don't really think it reflected reality.

[1150]

I think, as well, that if I were a CEO of a forest company or somebody involved in the management of a forest company looking at the penalties that might be imposed upon me for irresponsible forest practices under Bill 74, I'd be listening pretty closely to my professionals to ensure that they were giving me good advice and that I was following that advice. I wouldn't be pressuring them to cut corners, because at the end of the day I might find myself in a jail cell or certainly having to pay a significant fine to the province. I just don't think it's realistic to suggest in any way that those folks are going to be pressured to not do their job. I think common sense dictates that in fact they are going to do their job.

I want to comment briefly, as well, on the consultation process that's brought us here today. I think it was a very effective consultation process. We had a discussion paper. We didn't just go out and talk about forest practices and then put together a piece of legislation and bring it into the House. What the minister did is come up with a pretty comprehensive and concrete discussion paper that he could then go out and talk to interested parties and the public as a whole about and then come back and move forward with legislation. I want to commend the MLA committee, who heard from so many people around the province, as well as Dr. Hoberg and his very critical work with stakeholders in coming up with some very strong recom-

mendations and improvements that have resulted in Bill 74 that's before us today.

What's it going to look like in the future? Well, there are three key elements under the existing Forest Practices Code. We've got standards, we've got planning, and we've got enforcement. Those standards will be objectives set by government to ensure responsible protection of biodiversity, including stands of old growth, wildlife and fish habitats, species at risk, drinking water and watersheds and other standards. These will be the foundation of good forest stewardship.

Beyond those standards, then we have forest stewardship plans that will set out measurable and enforceable results or strategies that must be consistent with the standards and objectives that have been set by government for a variety of forest values. Those forest stewardship plans must be made available for public comment and must be approved by government. There will be flexibility for professionals preparing those forest stewardship plans to address the unique circumstances of a specific plan area and to encourage innovation.

Finally, we've got compliance and enforcement. There we will have the Ministry of Forests that will be thoroughly dedicated to ensuring compliance. We'll have the Ministry of Water, Land and Air Protection staff who will be doing similarly, and finally we'll have the Forest Practices Board, which will continue its important role as an independent watchdog for sound forest practices by conducting audits and investigating complaints.

Bill 74 is going to allow our forest sector professionals to spend their time and resources on managing forest values rather than shuffling paper, and it's about time. Bill 74 puts us on the path to ensuring a sustainable forest industry and a sustainable forest environment. Again, I congratulate the minister for bringing this forward in a timely manner.

Noting the time, Mr. Speaker, I would move adjournment of the debate.

T. Christensen moved adjournment of debate.

Motion approved.

Hon. M. de Jong moved adjournment of the House.

Motion approved.

The House adjourned at 11:54 a.m.