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THE HONOURABLE BILL BARISOFF, SPEAKER

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

THIRD SESSION, 38TH PARLIAMENT

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Honourable Bill Barisoff

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THURSDAY, NOVEMBER 22, 2007

The House met at 1:36 p.m.

[Mr. Speaker in the chair.]

Introductions by Members

C. James: Today I rise to acknowledge someone who is completing her term with the opposition caucus at the end of today. Jessica Asch has worked in our research department as a law co-op student since March of this year. She has worked tirelessly on a number of projects, and I know her expertise, good humour and patience with MLAs will be missed.

I want to take this opportunity to wish Jessica well as she's getting ready to depart on a six-month trip to Guatemala, to be followed up by a clerking position with the B.C. Supreme Court next spring. Will the House please join me in wishing Jessica well.

Hon. S. Bond: We are delighted today to be joined by a number of people. I have three that I'd like to introduce. First of all, we're happy to have with us Penny Tees, the president of the B.C. School Trustees Association, who joined us today for the introduction of the First Nations Education Act.

We are also joined by Scott MacDonald, who is the executive director of the Ministry of Education's learning management division and doing a fantastic job on some of the exciting initiatives we're working on.

Joining Scott is his daughter Miranda. She is finishing grade 12 at Oak Bay Secondary. She's taking this opportunity to learn more about our system of parliamentary democracy before she takes part in Youth Parliament over the Christmas break. I'm sure she'll learn some helpful tactics for question period at Youth Parliament. Please join me in welcoming all of these guests to the gallery today.

C. Evans: In the galleries today are Joe Snopek, the mayor of Creston; James Thackray, the administrator; and Deryn Collier, who is the health recruiter for Creston.

Hon. Speaker, I was hoping to get to introduce John Kettle. I thought he was going to come with them, but I hear the guards wouldn't let him in with a cowboy hat, so he refused to come. Would the House please make them all welcome.

K. Whittred: In the House with us today is Dr. David McNeil, who is Clerk of the House in the neighbouring province of Alberta. I'd like all of you to join me in offering Dr. McNeil a hearty British Columbia welcome.

L. Krog: Joining us in the gallery today are six grades 11 and 12 students from Nanaimo District Senior Secondary. They form the core group of anti-smoking activists in our community — namely, Sky Breen-Needham, Jordan MacDougald, Monica McCaffrey, Dana Short, Blake Mattson and Tess Montague. Along supporting them are Howard Breen,

Coralie Breen, Ciaran Breen and Joyce Mackie. Would the House please make them welcome.

Hon. W. Oppal: Today in the members' gallery I'd like to acknowledge some very, very special guests from Russia. With us today are Sergei Cheletnetsev, Sergei Savchenko and Sergei Kavishev. Please make them welcome.

M. Sather: Joining us today in the gallery is Patricia Christian, who lives in Oak Bay. Patricia is the mother-in-law of my constituency assistant Sheryl Seale. I understand that over the years she has been very good to Sheryl. So will the House please join me in welcoming her.

[1340]

Hon. M. de Jong: In the gallery in the precincts today is someone that is no stranger to this chamber or the members — the Chief of the Tsawwassen First Nation, Kim Baird. She is here to witness for herself an important historic moment that we anticipate happening very shortly in this chamber. I hope all members will make Chief Baird welcome again.

R. Fleming: With us in the gallery today is a delegation from the University of Victoria — a number of people with the Martlet Publishing Society. That's the newspaper on campus. Many of them are still students. They're at various points in their studies, so there's still time to change their major and look at other honourable professions available to them.

Will the House please make welcome Tim Lindsay, Rosemary Westwood, David Karp, Matt Gauk, Samantha Vanschie, Nathan Lowther, Gemma Karsten-Smith, Sean Peterson and Kim Magi.

M. Polak: In the gallery today is Mitchell Hudson. Mitchell is with Try Events, and he organizes the annual historic half-marathon in Fort Langley, the birthplace of British Columbia. Would the House please make him welcome.

S. Fraser: I won't have to go to the gym tonight. I've been up and down a bunch. I make a point of going to Brian Lavery's socials class at Alberni District Secondary School every year trying to describe what we do here.

I am honoured today to have a class of 22 students, who I don't have time to name, from Brian Lavery's grade 11 socials class. Would the House please join me in making them feel very, very welcome.

K. Conroy: Today I had the pleasure of having lunch with four of my favourite constituents: my daughter Sasha and her children — Daira, who is seven; Ryen, who is two; and Aydenn, who is one. I'd like to thank the dining room for their patience and all the members who were down there, too, for their patience.

I told Daira, who is seven, that Grandpa Ed introduced her mom in the House when she was the same age. She was very disappointed that she couldn't stay

here to be introduced because her brother and sister are "a pain" and too young to be in the House. So I said I would introduce her anyway, and she could get on the Internet and look it up. Please join me in welcoming them.

G. Gentner: I welcome to the House for the very first time Lanice Thornsteinson. She's a renowned fundraiser, and she's also my long-lost sister, who I don't really have a chance to see that often. Sometimes she really doesn't want to see much of me, but she's here today. Thank you for coming, Lanice.

J. Horgan: Today in the gallery we have two grade 11 students from the best high school in Langford, Belmont Secondary. They are Jonathan Russell and his friend and exchange student from Frankfurt, Germany, Frederick Winter. Joining the two students is the best CA in Malahat-Juan de Fuca, representing the Malahatians and the Juan de Fucans when I'm here, my CA, Shannon Russell. Please make them welcome.

N. Simons: I'd just like to take this opportunity to welcome to the House my adviser, my confidant and my life partner, Scott Scobbie.

C. Wyse: It is indeed my pleasure to rise today in the House to introduce some very special guests from my riding. Before I begin the introduction, I wish to acknowledge the traditional territory of the Esquimalt Songhees First Nations.

The visitors I am introducing today come from the farthest reaches of the Chilcotin, a part of Cariboo South. Amongst their busy schedule, they have taken time to join us today. They will visit, they will tour the building, and they will then join the Leader of the Opposition and myself for a light tea.

[1345]

I would like to introduce to the House Roger William, chief of the Xeni Gwet'in; Ivor Meyers, chief of the Yunesitin; Doris Baptiste, chief of the Esdilagh; David Setah, councillor, Xeni Gwet'in; staff member Loretta Williams of the Tsilhqot'in National Government.

With that, I would ask the House to extend an exceptionally warm welcome to these representatives of Tsilhqot'in First Nations and welcome them to the traditional territory of the Esquimalt Songhees.

Introduction and First Reading of Bills

REPRESENTATIVE FOR SENIORS ACT, 2007

C. James presented a bill intituled Representative for Seniors Act, 2007.

C. James: I move introduction of the Representative for Seniors Act, 2007.

Motion approved.

C. James: Today I rise to introduce two pieces of legislation that will protect seniors from neglect and abuse as well as improve care conditions in facilities across British Columbia.

The first bill, Representative for Seniors Act, 2007, will create an independent advocate who will monitor issues facing seniors, especially those living in care facilities, and who will speak out on their behalf. The representative for seniors will monitor the performance of various programs and services to ensure that they are integrated, coordinated, non-discriminatory and accountable.

For far too long our seniors have been forced to put up with neglect, cuts to staffing levels and declining levels of care. Whether it's Beacon Hill Villa in Victoria or any number of facilities across this province, there's a real crisis in health care for seniors. There have been too many stories of abuse, neglect and cuts.

Workers are doing the best they can to provide care, but seniors need an independent voice to speak out and force real change from a reluctant government. Just like British Columbia needed a representative for vulnerable children and youth, we need one for seniors living in our communities.

The representative will work on behalf of seniors and their families to advocate and will report publicly to prevent vital information from being kept hidden. It is shameful that British Columbians had to learn about the abuse and neglect at Beacon Hill Villa through freedom of information. This legislation will ensure that that doesn't happen again.

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

Bill M228, Representative for Seniors Act, 2007, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

COMMUNITY CARE AND ASSISTED LIVING ACT AMENDMENT ACT, 2007

C. James presented a bill intituled Community Care and Assisted Living Act Amendment Act, 2007.

C. James: I move introduction of the Community Care and Assisted Living Act Amendment Act, 2007.

Motion approved.

C. James: The Community Care and Assisted Living Act Amendment Act, 2007, will ensure that British Columbia develops a new accountability framework to protect seniors. This bill will mandate random annual inspections of facilities and will ensure that those reports are made public. This amendment will allow seniors and their families to be better informed and will lead to better care.

Seniors across this province and their families know that there are real problems with seniors care in

B.C. Unfortunately, under this government, there is no accountability. The opposition had to use freedom of information to find out just how bad things had become at Beacon Hill Villa, a care home right here behind the Legislature.

This bill will begin to rebuild confidence in our system. It will give seniors and their families confidence that the government is actually having to do its job. British Columbians will be able to search an electronic registry and see inspection reports for themselves. Currently there's nothing compelling government to release such reports, which leaves residents and their families in the dark.

Seniors deserve to know that they are getting the best care possible and that where there are gaps in care, we can all work together to fill them instead of ignoring them. Combined with the seniors representative act, this bill will finally bring real accountability into the system to protect seniors and improve public health care.

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

Bill M229, Community Care and Assisted Living Act Amendment Act, 2007, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

AN ACT TO PROHIBIT THE CAPTURE OF WILD BIRDS OF PREY

M. Sather presented a bill intituled An Act to Prohibit the Capture of Wild Birds of Prey.

M. Sather: I move introduction of a bill intituled an Act to Prohibit the Capture of Wild Birds of Prey.

Motion approved.

[1350]

M. Sather: I'm proud to introduce a private member's bill intituled An Act to Prohibit the Capture of Wild Birds of Prey. Our raptorial birds — that is, birds of prey — are suffering significant losses, particularly from the destruction of their habitats in British Columbia. It is time that we disband practices that put further pressure on these birds.

Of concern to many citizens is the practice of capturing our wild falcons for falconry and for public display. It is simply unacceptable that we allow birds, such as the merlin chicks that were taken from their nest in the middle of Maple Ridge this past summer, to be exploited for these purposes. There are plenty of birds of prey in captivity now that can be bred for falconry.

This act amends the Wildlife Act by adding provisions that prohibit the capture of wild raptors for the purposes of falconry or public display. It is an act whose time has come, and I look forward to it being passed into law.

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

Bill M230, An Act to Prohibit the Capture of Wild Birds of Prey, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

REPRESENTATIVE FOR CHILDREN AND YOUTH ACT AMENDMENT ACT, 2007

N. Simons presented a bill intituled Representative for Children and Youth Act Amendment Act, 2007.

N. Simons: I move that the bill entitled Representative for Children and Youth Act Amendment Act, 2007, be introduced and read for the first time now.

Motion approved.

N. Simons: The purpose of this bill is to provide the Representative for Children and Youth with the ability to disclose the fact that her office is investigating a child's death or critical injury. This bill will provide the Representative for Children and Youth with the disclosure powers equal to those of the Ombudsman, the Auditor General and other independent officers, as well as the director of child protection, to disclose information to the public in special circumstances.

The representative has stated it this way: "When a parent or community inquires or when it's appropriate for reasons of transparency or accountability to inform the public, I am for reasons of drafting not able now to disclose that. It would be significant to tell not only families and communities but the public about cases under review."

The representative has indicated very clearly that this gap in her current legislation needs to be filled and that amendment is required to fulfil her mandate. Because this is important to families and to the community as a whole, I move that this bill be placed on the orders of the day for second reading at the next sitting after today.

Bill M231, Representative for Children and Youth Act Amendment Act, 2007, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

SMOKE FREE CARS ACT, 2007

L. Krog presented a bill intituled Smoke Free Cars Act, 2007.

L. Krog: I move introduction of the Smoke Free Cars Act for first reading.

Motion approved.

L. Krog: The effect of this act will be to prohibit the smoking of tobacco and other substances in automobiles where children under the age of 16 are present. This represents a commitment and a fulfilment of a commitment I made this summer to the students I introduced earlier today, who have been actively

pursuing this as a cause on behalf of the health of all young people in the province of British Columbia.

Recently this issue has been given a great deal of attention in the national press, because research shows that parents who smoke even three cigarettes while driving their children to school will build up enough carbon monoxide to cause an oxygen-deprived brain, impairing cognition. Kids won't be able to perform at school the way we expect them to.

We're all aware of the serious health risks surrounding smoking. Smoking in a car is a particular situation that is particularly damaging to the health of children.

This is an important step forward. This is the kind of legislation I would hope would receive the support of all members of the House. British Columbia, if it passes this bill or if the government brings in its own bill — and I encourage them to consider doing so — will be the first province in Canada to show leadership on this issue. The health of our children takes priority over the rights of smokers. I encourage all members to support this legislation.

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

Bill M232, Smoke Free Cars Act, 2007, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

D. Routley: I seek leave to make an introduction.

Leave granted.

[1355]

Introductions by Members

D. Routley: Could the members of the House help me welcome Joanne Adamson and Don Burneski. They are float home owners from my riding.

They've come to talk to our caucus about the consumer protection issues that face float home owners. Please help me make them welcome.

Statements (Standing Order 25B)

DIABETES AWARENESS

H. Bloy: November is Diabetes Awareness Month, and I stand in the House today to raise awareness and talk about this important disease. For the first time ever, British Columbia declared November 14 World Diabetes Day to help people be more informed about how to prevent diabetes and manage that disease.

You may be surprised to learn that there are over two million people in Canada with diabetes. Some of you may not aware of the three types. Type 1 is usually diagnosed in young children and adolescents, and that's about 10 percent. The remaining 90 percent have type 2 diabetes. This type usually develops in adulthood, but we are seeing increasing numbers of young

children in certain risk populations being diagnosed. A third type of diabetes is gestational diabetes. That's a temporary condition that occurs with women during pregnancy.

Type 2 diabetes is what I have. I was diagnosed over 12 years ago. With a healthy lifestyle, exercise every day and eating properly, you can control your diabetes. In the House here, in the jobs that we have in this House, it's very hard to control. But I do work at it, and I do exercise regularly.

Diabetes is a disease. Diabetes is progressive, so you have to work hard at controlling it. People can control diabetes and expect to live a healthy, active, independent lifestyle by looking after themselves. As our population ages, we know we are moving in the right direction as we work towards a more planned and integrated approach to delivering health care.

Government has implemented a number of high-impact, systemwide initiatives such as the primary health charter that will help patients with a planned approach to health care with measurable health outcomes. This includes training over 3,000 doctors.

I encourage everyone to live a healthy lifestyle.

TSILHQOT'IN HISTORY

C. Wyse: Many of us in this House will remember where we were 44 years ago today when an American leader, John F. Kennedy, was assassinated in Texas. President Kennedy was an important leader for American citizens, and his death changed the course of history for his country.

One hundred years before the death of JFK, another event changed the course of history for the Tsilhqot'in people of the interior. The Chilcotin War of 1864 was triggered by the arrival of Alfred Waddington and his men, who were intent on building a road from Bute Inlet through the Tsilhqot'in territories to the Cariboo goldfields.

The Tsilhqot'in Nation includes six bands. They are Tl'etinqox, Tsi Del Del, Yunesitin, Xeni Gwet'in, Tl'esqox and Esdilagh. These bands have lived on the interior plateau for thousands of years, sharing its resources. It has always been in their best interest to preserve this land for their livelihood.

This desire to preserve their way of life ended tragically in 1864 with the execution of five Tsilhqot'in chiefs at Quesnel. A sixth chief was later executed at New Westminster, although his body has never been recovered.

On October 26, I had the honour of attending a Klatsassin Memorial at Battle Mountain in Bull Canyon. The Tsilhqot'in people gather there to remember this tragic event in their history, to celebrate their language, to share their stories, to honour the chiefs — Klatsassin, Biyil, Tilaghed, Taqed and Chayses — and to pray for the return of [Tsilhqot'in was spoken] to his home.

I request the House to join with the Tsilhqot'in leadership visiting the House today in celebrating their proud history.

[1400]

ENDAKO MINES

J. Rustad: I'm pleased to rise today to speak about one of my favourite topics. No, it's not the Nechako white sturgeon, but Endako mines.

Thompson Creek Metals took over a 75-percent interest in Endako Mines because they see a bright future in this 43-year-old mine. Just a few years ago many people wrote off this world-class deposit because they thought the mine only had a few years of reserves left.

I am pleased to say that Thompson Creek Metals thought otherwise. They've undertaken additional exploration and designed a new feasibility study with fabulous results. Thompson Creek is now estimating that they'll be able to increase their production at Endako Mines from 28,000 tonnes per day to 50,000 tonnes per day, with at least 16 years of reserves.

This \$373 million proposed expansion will create hundreds of jobs through the construction phase. It will modernize the facility, which, in turn, will increase productivity and recovery rates at the site. Most importantly, this project will secure hundreds of high-paying, quality jobs in Endako, Fraser Lake and other surrounding communities.

Endako Mines is a great example of the long-term benefits that mining can bring to communities, and this project clearly demonstrates how mining can be an economic driver for a region and also for the province. It also demonstrates the mining industry's confidence in doing business in British Columbia.

As we go forward looking for opportunities to help diversify some of our communities being impacted by the mountain pine beetle, Endako Mines stands as an example of what part of the solution can be. I encourage everyone from both sides of this House to join me in celebrating the success of Endako Mines. I also encourage everyone to help to encourage the expansion of mining in B.C.

SAFETY OF ROAD TO BAMFIELD

S. Fraser: The beauty and majesty of the Huu-ay-aht traditional territory and the Bamfield region are unparalleled. Besides the residents who live in the communities, powerful attractions like the West Coast Trail, world-class sport fishing and, of course, the Bamfield Marine Sciences Centre draw visitors from all over the world. And the community is a strong one.

On October 4 I attended a standing-room-only meeting at the Bamfield community centre. Attending the meeting is challenging. The road is atrocious. I have actually invited the minister to join me on a trip out there in his own car. I reissue that challenge.

The issue for the meeting was the deplorable state of the unsafe road. Rather than accepting the unacceptable, the people of Bamfield invited Mary Anne Arcand from the B.C. Forest Safety Council and Roger Harris, the B.C. forest safety ombudsman, to plan a strategy around the road. They chose to organize, to

fight and ensure that all who travel on Bamfield Highway — locals, visitors, first nations, non-first nations, children, adults: everyone travelling on that road — can do so safely.

Of all the stories we heard there, there was an interesting one that was stark for me. The Coast Guard search and rescue — when their members travel the road, they give an estimated time of arrival when they leave the pavement in case they don't show up within two hours. Then, if they don't, they send out a search party, a rescue party for that person.

The thing that was stark about that is: 3,600 children travelled that road last year — kids like students from the ADSS who are here today. So I applaud the people of Bamfield and the Forest Safety Council for taking leadership to fight for the safety of those kids, of everyone travelling the road. I'll let them know that they don't stand alone.

SURREY MEMORIAL HOSPITAL
EMERGENCY CENTRE

D. Hayer: I rise today to speak about the naming of Surrey Memorial Hospital's new emergency centre. On November 15 our Premier, along with representatives from the Surrey Memorial Hospital Foundation and Fraser Health made the announcement and unveiling of plans for the Guru Nanak Emergency Service Front Entrance, the main entrance to the new emergency centre. This announcement was very significant for the community and was also an important recognition of the contribution made by the South Asian community to the foundation and to Surrey Memorial Hospital.

Guru Nanak Dev Ji was born in 1469. He was the founder of Sikhism. He was the first of the ten Sikh gurus. He said: "Truth is highest of all things, and higher still is truthful living." A social reformer, Guru Nanak Dev Ji upheld the cause of women and equality of humans. He was against the caste system and treated the poor and rich equally, and he believed we are all equal regardless of our religion. He believed in simple living, honest work, charity and high morality. On November 24, the Sikh community around the world will be celebrating the 538th birthday of Guru Nanak Dev Ji.

[1405]

The current Surrey Memorial Hospital ER is one of the busiest in the province, with nearly 70,000 patients a year. Our government, our Premier, our hospital foundation, Fraser Health and all of the community are working hard and diligently to expand this vital facility. The new emergency centre will be three times larger than the existing one and will include a separate children's ER in addition to a mental health and addictions area, an enhanced minor treatment unit and an improved area for acute patients.

I would also like to recognize Red FM for hosting a radiothon tomorrow from 6 a.m. to 10 p.m. to help the Surrey Memorial Hospital Foundation's \$15 million emergency centre campaign.

COMPARISON OF PRIVATE AND UNIVERSAL HEALTH CARE

G. Gentner: Mr. Speaker, health care is not a business. It is much more than a service. It is a fundamental right. It is not about making a profit; it is about helping people.

The differences between private care and universal health care are many — far too many to detail here. However, the fundamental difference lies in the respect and dignity that universal health care affords each and every resident of Canada regardless of the ability to pay.

A quick comparison with the privatized health care system of the United States quickly points to the fact that every resident here is covered. Well over 40 million people in the States are not. Middle-class families in the States are struggling financially to afford medical insurance, and the financial impact on corporations and industries that pay for employee coverage is quite severe.

The difference between us and the U.S. is that a non-medically trained clerk in an insurance office in the States will determine what sort of treatment you will get, not your doctor. Individuals with a genetic predisposition to Huntington's disease will not be covered at all, and as a result, they are unemployable by any corporation that offers medical insurance as part of the benefits package. These folks have been barred from even suing to regain coverage.

By comparing service provisions of care between Canadian not-for-profit dialysis facilities and the American for-profit providers, there is a great difference between survival rates. Canadians have a far greater survival rate than Americans.

Yes, the health care system in Canada needs fixing. We believe that every British Columbian should be treated with respect and dignity regardless of circumstances. This week is National Medicare Week. Let's emphasize a British Columbia virtue — a virtue of care over a money-grabbing, profit agenda.

Mr. Speaker, in this assembly, we care. We care for British Columbians. We care for all British Columbians.

Oral Questions

SCHOOL DISTRICT FUNDING

C. James: Last spring school boards did their part. They went out, and they consulted with their communities. They created their budgets based on the numbers that the Minister of Education gave them. They developed their plans for programs and services to students.

Now that same Minister of Education is throwing the whole system into disarray. Her decision to change the funding formula in the middle of the school year is unacceptable and irresponsible. Ultimately, students will pay the price.

My question is to the Minister of Education: can she tell us today how much her money grab is taking away from students and school districts in the middle of the school year?

Hon. S. Bond: What's most disappointing about that question is that the Leader of the Opposition used to be a school trustee. In fact, the budget for public education in British Columbia has never been higher in the province. Not only that — perhaps the leader should do her homework — the budget for public education in British Columbia is going up by \$116 million this year.

Interjections.

Mr. Speaker: Members.

The Leader of the Opposition has a supplemental.
[1410]

C. James: Let's take a look at a quote from this government on education. The B.C. Liberals promised stability in the funding formula. The B.C. Liberals in fact promised multi-year budgets. They promised "a stable and predictable environment in public education." How stable and predictable is it to pull back money from school districts in the middle of the year?

Interjections.

Mr. Speaker: Members. Members.
Continue.

C. James: As the minister mentioned, I know the challenges that school boards face because, yes, I was proud to be a school trustee and sit around that board table. But what's incredible to me is that the Minister of Education actually sat around that school board table as well. So she can't pretend that she doesn't know the impact of taking back money from school boards in the middle of the year.

School boards have already constructed their budgets, and now they're going to have to look at cutting programs and services. Again, to the Minister of Education: not how much is the global budget but how much are you clawing back? And why are you taking it back from boards in the middle of the year?

Hon. S. Bond: The Leader of the Opposition well knows that in March of this year we announced a record budget for education of \$4.345 billion.

Interjections.

Mr. Speaker: Just take your chair.
Members.
Minister, continue.

Hon. S. Bond: In fact, today, as in March, the exact amount of \$4.345 billion will be going out to school boards, as we committed.

Let's look at our record in funding for public education. Let's look at this. In 2004-2005, an \$85 million increase. That side of the House voted against it. In 2005-2006, 150 million additional dollars to education. That side voted against it. Last year alone, almost half a

billion dollars to education funding, and they voted against it.

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

C. James: If the Minister of Education took some time to listen to school boards, she'd hear the concerns they have over the fact that they handed out the budget in March and then clawed it back from the boards in October.

I'll read from a few of those boards. "This letter is being sent to express our heightened frustration and anger with the Minister of Education's approach and the impending impact on students" — from the North Vancouver school board.

George Maclagan, the chair of the Campbell River school board has said that the clawback "puts our most vulnerable students at risk."

The Langley school board says they could lose \$1.6 million. Prince George school board says \$3 million; Victoria, \$3.4 million; and Surrey says they'll lose \$3.6 million. School boards across this province are angry. They're frustrated, and they're concerned for their students.

So again, to the Minister of Education: when will she put an end to this arbitrary clawback of funds from school boards in the middle of the year?

Hon. S. Bond: As I said previously to the Leader of the Opposition, in March we said that \$4.345 billion would go out to school boards, and in fact \$4.345 billion will go out to school boards.

Interjections.

Mr. Speaker: Members.

Minister, just take your seat.

Now, we listened to the question. Let's listen to the answer.

Continue, minister.

Hon. S. Bond: I'll put this government's record of funding of public education up to the Leader of the Opposition any time. Let's look at what the Leader of the Opposition said in the campaign. Let's listen: "There's no money for teachers, for an increase for teachers, in our budget." That's what the Leader of the Opposition said during the campaign.

We've added almost a billion dollars to public education in the last four years. That's the record of this side.

[1415]

D. Cubberley: The minister just can't admit to British Columbians that she's taking 50 million bucks back from school boards.

Interjection.

D. Cubberley: Oh, she isn't, eh?

It's interesting. The Vancouver Island School Trustees Association calls the minister's money grab terrible

and unacceptable, and the Richmond school board says it creates a climate of uncertainty and an unnecessary disruption of programs and services to students.

It's time the minister stepped back and ended the charade. She was a trustee. She should know that what she's doing is causing chaos for the boards. So why won't she stand up and just admit that her money grab from students is simply to fill a hole in her budget and protect her ministerial bonus?

Hon. S. Bond: There's a simple reason that I won't actually suggest that we're taking \$50 million back.

Interjections.

Mr. Speaker: Members.

Hon. S. Bond: The answer is that we're not.

Interjections.

Mr. Speaker: It's going to be a long question period. Continue.

D. Cubberley: Well, is the Prince George school district wrong in what they say? Is the Richmond school district wrong? Is North Vancouver wrong? Is Langley school district wrong? Is Saanich school district wrong?

This money grab is all about the minister's budget. It has nothing to do with student achievement.

Here's what North Vancouver school board says. "This shortsighted funding policy change pressures nearly every school district in the province to throw out their well-planned and nearly fully implemented budget plans to solve the Ministry of Education's budget problem, apparently created by an inability to forecast expenditures."

To the Minister of Education: when will she step up and put students ahead of her bonus? Put an end to the money grab.

Hon. S. Bond: Let me just reiterate for the members opposite. We are adding \$116 million to the budget of education in this province this year. In addition to that, all of the dollars that were committed to the operating budget for school boards — \$4.345 billion, a record in British Columbia — will be sent out to school districts this year.

In addition, in British Columbia today we have the highest per-student funding ever, which was an increase of over \$1,700 per student since 2000-2001, and the members opposite voted against every single increase that we brought to the Legislature.

CALL FOR INVESTIGATION INTO ACTIONS OF PAUL TAYLOR

L. Krog: Yesterday the opposition released an e-mail that suggests Deputy Minister of Finance Paul Taylor was providing Pilothouse Public Affairs with sensitive and confidential government information. But

Mr. Taylor's relationship with Pilothouse wasn't even touched on in the KPMG report released over a month ago. Because KPMG was given only limited powers of investigation, they were unable to consider important information.

British Columbians deserve answers. Will the Premier commit today to hold an independent investigation with full powers of subpoena into Paul Taylor's relationship with Pilothouse?

Hon. G. Campbell: Yesterday was the first we heard of the member's so-called additional information. We asked that he forward it to the office. He has done so. My deputy minister will review the new correspondence released by the opposition yesterday to determine the nature of any issues that may be raised.

I think it's important to understand what actually has taken place. This government has taken this matter very seriously from the outset. I should be clear that if the opposition has information, they should make that available. When that information is made available, we deal with it.

[1420]

KPMG has reviewed in full the issues that were raised in the spring, and they have said quite completely that they found there was nothing done wrong by Mr. Taylor. Let me underline that. Nothing was done wrong by Mr. Taylor.

Mr. Taylor's only offence is evidently that he served in the government. He served with respect. He served with integrity. Frankly, he's respected throughout the community because of the service he's made.

For this member to continue with this kind of diatribe requires him to go out in the halls and say if he thinks Mr. Taylor has done something wrong. It's been very clear from KPMG that Mr. Taylor did nothing wrong.

Interjections.

Mr. Speaker: Members.
Member has a supplemental.

L. Krog: Well, if the Premier had asked the tough questions in the spring, there wouldn't be any questions this fall. That's the whole problem with the KPMG report. The terms of reference were so narrow that it would be impossible to get to the bottom of any story, and that's the issue.

The Premier doesn't seem to begin to understand that — that these are important and serious allegations, and they're worthy of a proper and full investigation by a fully empowered inquiry commissioner.

Yesterday the Minister of Finance essentially said: "Over to you, Mr. Premier." So I say to the Premier today: instead of a weak-kneed, whitewash approach of an investigation, will he commit to a full and independent investigation with full subpoena powers, with terms of reference that actually make sense and don't limit the investigation so we'll get another whitewash report in this matter?

Hon. G. Campbell: You know, Mr. Speaker, Mr. Taylor is highly regarded in the community. KPMG is highly regarded in the community. This particular member has continually called down both of those groups, KMPG and Mr. Taylor.

Let me be clear. This government took this seriously from the outset. We will continue to take this seriously. We said there would be a review done. A review has been done. We said we would make that review public as soon as it had gone through freedom of information and protection of privacy.

Interjections.

Mr. Speaker: Members.

Hon. G. Campbell: Only the members opposite would think they were standing up for someone when they're actually advocating that we break the law.

The fact of the matter is that we are going to put it through that screen. When that freedom-of-information and protection-of-privacy commission report is done, it will be made public. It is in everyone's interest to make it public within the law and within the framework of the law.

POPE AND TALBOT BANKRUPTCY PROCEEDINGS

C. Evans: My question is for the Minister of Forests. Yesterday over in the Supreme Court in Vancouver I got to watch a bizarre, even Kafkaesque spectacle of 17 lawyers circling around the entrails of Pope and Talbot, attempting to get what they can. The lawyers planned to get paid and submitted to the court a plan to get paid by having an auction in about a month's time and auctioning off the assets of Pope and Talbot. One of those assets that they intend to auction is the licence, the people's licence, to log TFL 23.

The Minister of Forests' contract with Pope and Talbot from March 1, 2000, says: "If the licensee commits an act of bankruptcy, makes a general assignment of its creditors or is otherwise acknowledged as insolvent, the licensee is deemed to have failed to perform an obligation under this licence."

Pope and Talbot went into chapter 11 four days ago in the United States and a similar process yesterday in Vancouver. Amongst the 17 lawyers there, there was not one for the Crown. My question to the minister is: will you now, through the Legislature, instruct the courts and Pope and Talbot that they are in contravention of their contract with tree farm licence 23, that they have no asset, and that it will not be part of an auction process?

[1425]

Hon. R. Coleman: I don't have any advice back from my legal counsel at this point, so I'll take the question on notice.

K. Conroy: I thought we heard the minister say recently in this House that land could not be released

until proper consultation was done. Well, that hasn't been done.

To the Minister of Forests: how did the people in this province lose control of our tree farm licences so that they now sit in the Supreme Court of B.C.?

Hon. R. Coleman: Pope and Talbot have filed under CCAA, which is a proceeding to try and restructure a company. They have to go through a process.

We intervened in that process in Ontario and asked that the hearings be brought to British Columbia, as I said to this House that we would. We will continue to monitor this as we come through, and we will certainly protect the interests of the Crown as we do so.

Mr. Speaker: The member has a supplemental.

K. Conroy: It was actually only after this opposition embarrassed that minister and that government to actually stand up for the people of this province, to ensure that there was representation in the court in Ontario, that the court decided to move the jurisdiction to B.C.

This is not private land that had been picked up by a market with a willing seller and a willing buyer. This was expropriated land transferred to a logging company years ago to employ people, and it should remain in the tree farm licence or be returned to the Crown.

Will the minister commit today to ensure that that land is not released? Will he stand up for the people of this province, for the people in the Kootenays and say that the land will not be released, that it'll stay in the tree farm licence? Will he do it today?

Hon. R. Coleman: The member opposite should also be aware that a company has made an offer to buy two of the sawmills in their area and the tree farm licence, because they would like to operate in the business if they can make it successful. I suppose she opposes that that offer would actually be considered by the courts. That doesn't include the private lands, hon. Member.

The fact of the matter is that we were moving on this long before.... As soon as we knew that this was being filed in Ontario, my folks were instructed to go through the AG and make the intervention. Your other description of this is absolutely wrong.

Interjections.

Mr. Speaker: Members.

TRANSFER OF LYTTON LUMBER ASSETS

H. Lali: Lytton Lumber went into receivership this summer. My question is to the Minister of Forests. Will he commit today to holding off on approving the transfer of the timber licence and also the ten-year pine beetle uplift to Aspen Planers of Merritt and assign a senior ministry official to work with this sitting MLA to find a solution for processing the wood locally and keeping the laid-off employees working in Lytton?

Hon. R. Coleman: I'm actually very disappointed in this question, and I'll tell you why. There's been a longstanding tradition in this House where members can walk over, sit down beside a member and hand them a letter and a request to actually help them solve a problem.

That took place yesterday afternoon, from the member for Yale-Lillooet. He came and spoke to me about Lytton Lumber. I committed to him then that I would connect him with the parties that may be interested in the assets and that I would have a senior member of my staff work with him on this file. That's the commitment I made yesterday.

I'm disappointed that within this House you can't have that discussion. Then you want to try and bring it up in question period. Go ahead, but it actually changes the dynamic of the one-on-one relationship between members of this House, in this chamber. I'm very disappointed in that particular member.

Interjections.

Mr. Speaker: Members.

[1430]

RESIDENTIAL TENANCY BRANCH SERVICES

D. Thorne: I have a question for the Minister for Housing about basic rights as well. Under this government the basic protection for tenants is being quickly wiped out in British Columbia. Funding cuts have led to the closure of most of the residential tenancy branches and call centres.

Replacing real people has created serious hardships for tenants, especially seniors and new immigrants. People are waiting for hours on the telephone. Tenants and landlords are getting e-mail responses that say there is a minimum six-week wait for service. In some cases, people are being unfairly evicted before they even talk to an arbitrator, because of backlogs.

My question to the Minister for Housing: will he commit today to restoring the resources and the branches of the RTB so that vulnerable tenants all over this province will receive the level of protection they deserve?

Hon. R. Coleman: We have had some concerns with wait times at the residential tenancy branch. The member is aware of that, and so am I.

I have asked my folks to.... We've had an assessment going on with regards to it so that we can speed it up and improve the service. The fact of the matter is that if you look at the Residential Tenancy Act today and its relationship between landlord and tenant, it's substantially better than it was six years ago when the act got a plain-language rewrite.

We've streamlined administration to speed things up. We are working very hard. We have a very good director in there who is working very hard to find solutions to the capacity and some of the telephone issues we've had. I actually have a lot of confidence in her. I had a meeting with them a week or so ago with regards

to it. Service is improving, and they feel that they're getting ahead of the game.

Mr. Speaker: The Member has a supplemental.

D. Thorne: I'd like to be very clear that I am not talking about the director of the RTB or the staff. I think they're doing an amazing job, considering they have two full-service offices left in British Columbia and three and a half offices cut in the last few years.

I think it's shameful. The only thing that's going to fix this problem is to put those branches back, put more staff back in those offices and give the resources back. The minister can huff and puff all he wants, but there is no doubt that the facts are very, very clear. People are being denied their rights. They're being denied arbitration hearings and reviews.

Interjections.

Mr. Speaker: Members.

D. Thorne: I can tell a story about a woman from the Okanagan called June, who just came down here all the way to Victoria to protest on the lawn by herself with her young child because she is in a terrible situation in her hometown. She can get no results. She was denied a hearing. Her arbitrator did not call in.

She waited and waited. Thank goodness she had the foresight to have two reliable witnesses with her to prove that she was on the line waiting. Then, when she complained about this and asked for another arbitration, it was denied, and the review was denied.

I will say once again to the Minister: will he please commit to closing all the loopholes in the Residential Tenancy Act, loopholes that are leading to many unfair evictions and hundreds of terrible, unfair decisions?

Hon. R. Coleman: I was in the residential tenancy business back in the 1990s, and most of the arbitrations then were done by telephone. There weren't offices all over the province. The arbitrations were actually done by telephone with an arbitrator in one community and people in another.

The other part of what the member brought up about arbitrators and the denial.... That, quite frankly, is a quasi-judicial position of an arbitrator, who makes that decision without influence from anybody. They take the information behind them. They can deny or grant a hearing, because that is their legal responsibility.

EVICITION OF TENANTS IN DOWNTOWN EAST SIDE

D. Chudnovsky: The province signed the inner-city inclusivity agreement and committed to protecting rental housing stock, ensuring that people are not made homeless and ensuring that residents are not involuntarily displaced or evicted — all on Vancouver's downtown east side.

On October 31 tenants of the Dominion Hotel were issued eviction notices. What is the "minister responsible for homelessness" doing to protect the residents of the Dominion Hotel, or do the commitments that were made mean nothing?

Hon. R. Coleman: Oh, Mr. Speaker, I've been waiting for a housing question in this House from the members of the opposition for a long time. So let's have a little review of the facts. In 2001 the entire housing budget of British Columbia was \$120 million. Today it's over \$350 million.

Two days before we announced the purchase of the SROs, I received a letter from the member for Vancouver-Mount Pleasant, begging me to buy SROs in the province of British Columbia in Vancouver, and we bought ten of them on behalf of the people of the province.

Last year we launched the most successful housing strategy in the history....

Interjections.

Hon. R. Coleman: Oh, listen to this. Careful. Listen to this. We put outreach workers in over 20 communities in the province. Over the last year alone 1,600 people that were homeless have been connected to housing supports, and 85 percent of those people are still housed today. In 2001 there were 1,300 units of housing with supports in the entire province. Today: 3,600 units of housing supports.

Interjections.

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

Interjections.

Mr. Speaker: Members.

D. Chudnovsky: I would ask the members opposite not to make jokes about the homeless people in Vancouver. Stop making jokes about them. They deserve better in policy, and they deserve better in this House.

Now, hon. Chair, the minister knows...

Interjections.

Mr. Speaker: Members.

D. Chudnovsky: ...and you know and everybody in the House knows that the minister didn't answer the question. It's not just the Dominion Hotel. Phoenix Apartments shut down, and the people had to leave; 334 Carroll Street closed as of February 28. There are lots more examples. In fact, the city report says that the downtown east side stands to lose an additional 660 low-rent units by 2010.

The commitments have to mean something. Will the minister answer the question? Do the commitments mean something? What is he going to do to protect those people who are facing homelessness in our city?

Hon. R. Coleman: This is the group that didn't even come out a couple weeks ago and applaud the fact that we funded 24-hour service in every homeless shelter in the province of British Columbia — 24-7.

Thirteen hundred units of housing with supports in 2001; 3,600 in 2007; plus — because you asked me to stop — another 946 under construction today.

Interjections.

Hon. R. Coleman: Oh, the member for Vancouver-Mount Pleasant is getting very excited. I wish she'd got as excited when I bought the ten SROs after she begged me to intervene in the downtown east side of Vancouver.

Interjections.

Mr. Speaker: Members.

[1440]

Hon. R. Coleman: There were 700 emergency shelter beds in British Columbia in 2001. Today there are 1,300 shelter beds in British Columbia.

Just one more thing. In just one year over 10,000 people — 3,600 families, 3,000 seniors — are receiving rent support so that they can have affordable housing in their communities where they live in the province.

[End of question period.]

Point of Privilege

Hon. G. Abbott: I rise today on a matter of privilege. Yesterday the member for Cowichan-Ladysmith levelled accusation in this chamber regarding the care of an individual at the facility the Lodge on 4th in Ladysmith. He made the following allegations, and I'll quote from *Hansard*: "There was not adequate time to properly administer her medications — medications she needs to breathe."

Further, the individual's mom "was covered with bedsores. That was the result of being in that care home for a few weeks." Further, he asserted: "The clothes that were packed for her were never used."

I have in hand today a letter from Mr. Howard Waldner, who's the president and chief executive officer of the Vancouver Island Health Authority. It is dated...

Interjections.

Mr. Speaker: Members. Members.

Hon. G. Abbott: ...today, and it regards yesterday's question period. I will table a copy of this letter with my privileged submission.

Mr. Waldner states the following in his letter: "Having reviewed the specific concerns raised with respect to the client, and after following up directly with our director of residential services and the director of care at the Lodge on 4th, I can confirm that these allegations are completely unfounded."

Mr. Waldner further states: "It is regrettable that the MLA failed to bring these concerns forward to the health authority for appropriate follow-up before raising unfounded allegations in the Legislature." The letter from Mr. Waldner provides further details regarding the specific allegations made by the member.

The facts are very clear, and I look forward to a submission from the member in which he will hopefully provide an explanation of how he did not knowingly mislead this House. I would also ask that the member for Cowichan-Ladysmith rise in the House today, as I believe is traditional in this assembly, and apologize not only to the members of this House but more importantly to the caregivers of the Lodge on 4th in Ladysmith, who provide excellent service day in and day out to the residents of that facility.

M. Farnworth: I rise to reserve our place to respond at the appropriate time to the documents the minister has read out.

Mr. Speaker: I'll take it under advisement after I hear from the opposition side.

C. Evans: I rise to table a petition.

Mr. Speaker: Proceed.

Petitions

C. Evans: I rise to table a petition with 551 signatures and 304 individual letters. That's 885 people from Nakusp and Arrow Lakes asking the Minister of Forests to see to it that they get paid before any tree farm licence is sold or any private land is transferred.

Hon. M. de Jong: I seek leave to make an introduction.

Mr. Speaker: Proceed.

Introductions by Members

Hon. M. de Jong: Although I made the introduction earlier, I see that Chief Kim Baird has arrived in the chamber to witness the historic event about to unfold in this chamber. I again ask all members to make Chief Kim Baird of the Tsawwassen First Nation welcome.

[1445]

Mr. Speaker: Hon. Members, if you would remain in your seat, the Lieutenant-Governor is in the precinct, and he will be arriving in the chamber soon.

Royal Assent to Bills

His Honour the Lieutenant-Governor entered the chamber and took his seat on the throne.

Hon. S. Point (Lieutenant-Governor): Okay, good afternoon. Everybody sit down. [Applause.]

Clerk of the House:

Tsawwassen First Nation Final Agreement Act
Final Agreement Consequential Amendments Act,
2007

Treaty First Nation Taxation Act
Business Practices and Consumer Protection (Payday
Loans) Amendment Act, 2007

Securities Amendment Act, 2007
Adult Guardianship and Planning Statutes Amend-
ment Act, 2007

In Her Majesty's name, His Honour the Lieutenant-
Governor doth assent to these acts. [Applause.]

His Honour the Lieutenant-Governor retired from
the chamber.

[Mr. Speaker in the chair.]

Statement

H.A.D. OLIVER

Hon. G. Campbell: I know that momentarily we'll be hearing from the special committee to appoint the conflict commissioner, but while we're here today, I think it's important for us to recognize the exceptional service that we have received since 1997 from H.A.D. Oliver as the Conflict-of-Interest Commissioner for British Columbia.

[1450]

Hon. Speaker, I know that members of the House will agree with me that Commissioner Oliver has received numerous awards for his professional services — the national orders of merit from several nations. But looking back over his ten-year contribution to the people of British Columbia and — equally importantly, from our perspective — to the members of this Legislative Assembly, I think everyone would agree that there are two words that define the commissioner: unshakeable duty.

The commissioner has always been a man that has understood the importance of public duty. Throughout his life, he has served his community, he has served his province, and he has served his country. He served it with honour, with integrity and with commitment to the public good.

All British Columbians, and none more so than the members of this House, were well served by his obvious and steadfast belief in the importance of the work that we do in this House. Regardless of what takes place day to day, it is this House and this Legislature that people look to for guidance, for thoughtfulness and for direction.

The commissioner always understood that he had an important role to play for us as well as for the public. Who in this House will ever forget the first call to the conflict commissioner's office? When you arrived, just to make you feel comfortable, he said: "Would you like a biscuit with your tea?" They were always biscuits.

It was that charm that actually allowed the commissioner to serve us all so well, because while never losing sight of his public commitment, he never lost

sight of the fact that each of us were individuals who were trying to serve. And as he served the public, so did he serve us.

Today on behalf of all members of this House both present and in the past — from 1997 on — I would like to say a special thank-you to the commissioner for the work he put in, for the time and the effort, for his commitment and for his service.

I would also like to say to the commissioner that I know his family has put up with this service as well. We hope that as he takes a little bit of time away, he will enjoy his family, he will enjoy his time, he will enjoy his city and he will enjoy his province and his country. He has been a nation-builder, a province-builder and a supporter of public institutions, which are critical to our democracy.

Thank you, Commissioner H.A.D. Oliver. [Applause.]

C. James: I want to add the words of the opposition in appreciation and thanks to H.A.D. Oliver for the work he has done, not only in this Legislature but, as was mentioned, across this province.

I think all of us will remember that one of the most important lessons we received when we went to visit the commissioner was his comment to all of us: "You should come and see me before you read your name in the newspaper." I think that was something all of us will remember — the courtesy that he gave us, the strength that he provided to this role, the wisdom that he brought.

What is so striking for me was the conversation in my last meeting that I had with the commissioner, where I asked him what he was going to do in his retirement. He had a long list of duties that he was already ready to take on in his retirement. I think retirement for H.A.D. Oliver is very different than for many people who retire.

I expect we'll continue to see him. He's going to be just as busy as he is in his current role. We wish him well, and we thank him for his years of service. [Applause.]

Reports from Committees

I. Black: I have the honour to present the report of the Special Committee to Appoint a Conflict of Interest Commissioner for the third session of the 38th parliament. I move that the report be taken as read and received.

Motion approved.

I. Black: I ask leave of the House to suspend the rules to permit the moving of a motion to adopt the report.

Leave granted.

I. Black: I move the report be adopted, and in doing so, I would like to make some brief comments. I would like to, first of all, thank the members of this committee — who include, as Deputy Chair, the member for Port Coquitlam-Burke Mountain; the member for Burquitlam; the member for Vancouver-Kensington; and the member for North Vancouver-Lonsdale.

[1455]

I would also like to thank Craig James, our Clerk Assistant and Clerk of Committees, and of course, Josie Schofield, the committee research analyst.

I would like to thank the committee for the thoughtful deliberations that took place over the last several months in filling what is, without question, a crucial role for the work of this House. I would like to acknowledge our new conflicts commissioner, Mr. Paul Fraser, QC, LL.D.

During his illustrious legal career, Mr. Fraser has specialized in civil and criminal litigation. He is currently providing counsel to the international law firm of Fraser Milner Casgrain LLP, based in their Vancouver office.

Mr. Fraser is president of the Canadian section of the International Commission on Jurists and former president of both the Canadian Bar Association and the Commonwealth Lawyers Association. He has six times been appointed by an Attorney General of this province as special prosecutor and has also been appointed by the government of Canada to chair federal commissions and special committees.

He possesses outstanding qualifications and has assembled a distinguished career as a senior figure in Canada's legal community. We are very fortunate indeed to have secured a Conflict-of-Interest Commissioner who has served in many prominent roles — as adjudicator, chair of inquiries and commissions, and as president of both national and international legal and human rights organizations.

M. Farnworth: I just want to add my voice to that of the Chair of the committee. I think we went through quite an extensive process. The committee worked extremely well. I want to extend my thanks to the members of the committee and the staff that supported the committee.

We look forward to the appointment of Mr. Fraser, feeling that he will follow in the footsteps of H.A.D. Oliver and provide the service that we all expect from a Conflict-of-Interest Commissioner.

With that, I thank the committee and take my place.

Mr. Speaker: The question is the adoption of the report.

Motion approved.

Motions without Notice

APPOINTMENT OF CONFLICT-OF-INTEREST COMMISSIONER

Hon. G. Campbell: By leave I move:
[That this House recommend to His Honour the Lieutenant Governor the appointment of Mr. Paul Fraser, QC as the statutory officer of the Legislative Assembly to exercise the powers and duties assigned to the Conflict of Interest Commissioner for the province of British Columbia pursuant to the *Members' Conflict of Interest Act* (RSBC c. 287).]

Leave granted.

Motion approved.

Reports from Committees

R. Fleming: Mr. Speaker, I have the honour to present the second report of the Select Standing Committee on Public Accounts for the third session of the 38th parliament. I move that the report be taken as read and received.

Motion approved.

R. Fleming: Mr. Speaker, I ask leave of the House to suspend the rules to permit the moving of a motion to adopt the report.

Leave granted.

R. Fleming: I move that the report be adopted, and in doing so, I will comment very briefly.

This report summarizes the committee's review of 16 resolutions for records retention and disposal authorities submitted by the public documents committee, a committee that is chaired by the province's archivist and annually reviews the records retention schedules created by ministries and central agencies.

These recommendations from the public documents committee are made according to a set of legal, operational and financial obligations. Records with long-term value to the government, corporate entity, are retained in government archives. Confidential documents with limited value are placed in ministry storage and, after a statutory period of time, are confidentially destroyed.

Under section 3 of the Document Disposal Act, the Legislative Assembly is required to approve the retention and disposal of government records. The 16 resolutions submitted in this report are of a housekeeping variety. They pertain to legal discoveries for tobacco litigation and record schedules from agencies covering topics from liquor distribution, police services, gaming, natural resource authorization and emergency health.

Mr. Speaker: The question is adoption of the report.

Motion approved.

Tabling Documents

Hon. O. Ilich: Mr. Speaker, I table the 2006 annual report for the Labour Relations Board.

Orders of the Day

Hon. M. de Jong: I call second reading debate of Bill 45, the Maa-nulth First Nations Final Agreement Act.
[1500]

Second Reading of Bills

MAA-NULTH FIRST NATIONS FINAL AGREEMENT ACT

Hon. M. de Jong: What a delight, in the aftermath of having had royal assent granted to the first treaty to

emerge from the B.C. Treaty Commission just a few moments ago by His Honour the Lieutenant-Governor, to now be standing moving second reading of Bill 45, the Maa-nulth Final Agreement Act.

[S. Hammell in the chair.]

It seems that at a time when we were often speaking of firsts.... There have been many over the last number of years and particularly this year. I think it's fair to say that amongst those firsts, we can talk about the first modern-day treaty — the Nisga'a treaty — that wasn't a product of the Treaty Commission process.

But with the Maa-nulth treaty, two distinguishing characteristics are of significance and of note. First of all, geographically, it's the first treaty to be negotiated on Vancouver Island, a historic part of not just the province but the country.

When we talk about the relationship between aboriginal peoples, first nations and Europeans — who were engaged in voyages of discovery, of course — that all took place on the west coast and on the west coast of Vancouver Island. So it's significant for that reason in terms of our joint histories.

At least as significant, it's the first time we are dealing with a treaty that has been negotiated at a single table but with multiple parties. These are the five Maa-nulth First Nations — five members of the Nuuchah-nulth Nations — who came together and decided that they wanted to pursue a settlement jointly.

I think it is worth spending a few moments to describe or to relate to the assembly and to those watching just who the Maa-nulth are, their history in the province of British Columbia and, in fact, the history that predates the province of British Columbia.

The Maa-nulth communities and their leaders. I'll start with the Huu-ay-aht First Nation. The Huu-ay-aht comprise just over 600 members, some of whom live on reserve at Anacla and can actually trace their origins through their histories to Diana Island. It's a fascinating part of the province and part of the country to visit. Happily, I've had that opportunity under the guidance of Chief Councillor Robert Dennis.

[1505]

The Huu-ay-aht lands are located in Barkley Sound between Bamfield and the Sarita River — extraordinarily beautiful country. Pachena Bay — I suppose it won't be hidden for long — is this jewel of a place, a beach of extraordinary beauty that many people see as a bit of an oasis when they come to the head of the West Coast Trail. In fact, I think that will factor directly in some of the future plans.

The Huu-ay-aht have been active in developing land management. They have been active on the economic development side in terms of traditional resources from the sea, from the forest. They have band-operated shellfish aquaculture operations. These are all significant operations that the Huu-ay-aht have already undertaken in pursuit of economic development opportunities and employment opportunities for their people.

They've engaged in joint ventures with forest licensees. I had an opportunity in the case of the Huu-ay-aht to visit the log sort that they have purchased.

Interesting story about the log sort, and it says a lot about who the Huu-ay-aht are. As they were developing their forestry opportunities, they were confronted with a situation where, as logs were taken to the sort, they would find themselves in a lineup. Whereas I suppose other companies, other agencies or other communities might have thrown their hands in the air and complained about how that was impacting their operation, they said: "No, I know what we're going to do. We're going to buy our own."

Now other operators come to them, and they're able to process that timber and that fibre in an operation they own and operate. They are actually now providing service to others in the forest sector — as I say, very typical of the approach the Huu-ay-aht have taken through the years, taking the bull by the horns and finding their own solutions.

They do welcome each year thousands of visitors to the Pachena Bay Campground. It's a modern, well-run facility. We had an opportunity to see it. I'm going to talk about that a little bit later when we talk about the significance of this treaty. There's an anecdote that Chief Robert Dennis related to me, which really speaks volumes to why this agreement is important and why I commend it to the members of the assembly for their support.

The Ka:'yu:'k't'h'-Che:k'tles7et'h' First Nation is first and foremost, I will confess, a bit of a mouthful for me. It has taken a matter of months for me to do justice to the name and pronounce it correctly, but I think I do finally.

The Ka:'yu:'k't'h'-Che:k'tles7et'h' is a first nation of approximately 500 members. A good number of them live on the reserve, others elsewhere on Vancouver Island and on the mainland. They're the northernmost of the Maa-nulth Nations, and I think it's fair to say they live on Kyuquot Sound, a fairly isolated place north of Nootka Sound.

The main village is only accessible by boat or airplane and adjacent to the non-aboriginal community of Walters Cove. Together, they have come to be known as Kyuquot. Again, incredibly beautiful territory. If people have an opportunity to visit there or take one of the last working freighters to ply the west coast, it's a tremendous way to get a sense of where the Ka:'yu:'k't'h'-Che:k'tles7et'h' First Nation resides.

These are entrepreneurial-minded people, as well, as I have come to know them. They are active in the forest sector. In 2005 they secured a forest and range agreement for 132,000 cubic metres of timber, and they are certainly interested in exploring and developing the tourism potential of their area. They have a special interest in low-impact ecotourism around the Brooks Peninsula Park. Everything I have seen confirms in my mind that, armed with the new tools that this final agreement will provide, they are well positioned to do just that.

[1510]

The third community, members of the Maa-nulth First Nation, the Toquaht has just under 150 members.

A number live off reserve. Their main community is the Macoah Indian reserve 1, located near the mouth of the Maggie River on the north side of Barkley Sound.

They, too, have been very active in forestry through their economic development arms, Toquaht Enterprises and Toquaht Developments. They've participated in some real estate development and have been involved in aquaculture. They've got a small marina, and for people lucky enough to visit, again, through.... They are the main gateway to the Broken Islands group. I think the potential for developing sustainable ecotourism in that area is as great as their enthusiasm and desire is to do just that.

The fourth community, the Uchucklesaht band, has just under 200 members. They live on a number of reserves, like the other Maa-nulth Nations. A number of them live in and around the Port Alberni area. The main community Cowishil is located near the mouth of the Uchucklesit Inlet on the west side of Barkley Sound. There are other village sites.

As with the other Maa-nulth Nations, the final agreement recognizes their larger traditional territory and provides them with some of the new administrative tools that they will be using to manage those lands and resources to the benefit of their Uchucklesaht people.

They have been, again, active in forestry. They have a forest and range opportunity agreement, and they are certainly interested in diversifying their local economy into sustainable ecotourism. The *T'iitsk'in Paawats*, otherwise known as Thunderbird's Nest, which is a part of this agreement, is going to provide them with, I think, a focal point of some of that activity.

Finally, the Ucluelet First Nation has over 600 members. Over 200 of them live on the reserve near Ucluelet. There are actually ten reserves located in the area, and like the other Maa-nulth communities I've mentioned, they, too, have carved out for themselves a full participatory role in the forestry sector. They were one of the early first nations to jump on the opportunities afforded by the forest and range opportunity agreements, and that provided them with upwards of 91,000 cubic metres of timber in a licence.

They have an economic development committee, and some of their recent developments have included investments in a power partnership, Eagle Rock Aggregates. They have full ownership and control of the Ucluelet development corporation and Ucluelet First Nation Holdings, which is a forestry-based venture. They are intent, armed with the benefits of this agreement, to move in even a more concerted way into diversifying their real estate holdings.

The Ucluelet First Nation has recently acquired a motel in downtown Ucluelet. They are truly a part of the larger community and, with this treaty, will become the owners of some prime waterfront real estate, which I know they are going to consult with their community on and make some decisions around to develop in the way that best serves the interests of their community.

Those are the five communities that comprise the Maa-nulth. There is a storied history, over 300 years of history — actually many hundreds more than that. I

suppose I should properly describe it as over 300 years of history between the Maa-nulth Nuu-chah-nulth people and the first Europeans that came and explored the coast. It was actually the Nuu-chah-nulth who were first to have contact — after the first indigenous people north of California — with those European explorers who came to the area.

[1515]

We tend to forget that this is a part of our country, a part of British Columbia, that was the site of some interesting international political contests between the Spanish, the British and the Russians and, of course, the indigenous people that were already there. Actually, some of these disputes amongst Europeans came to a head as late as the 1790s, when Spain and Britain got embroiled in a fairly bitter international dispute around Nootka Sound, which was ultimately resolved when the Spanish withdrew from the area.

It is, however, also a day — when we are considering the history of the Nuu-chah-nulth people — to remind ourselves that what have been termed the Nootka negotiations were conducted under the hospitality or the auspices of a very powerful Nuu-chah-nulth chief, Chief Maquinna, who was located in Nootka Sound. So even today it is possible to see the influence that the Nuu-chah-nulth peoples have had in the evolving history of our country and our province.

It's interesting to note, as well, that while we were talking just a few weeks ago about the evolving relationship and how it related to the Tsawwassen First Nation, the Coast Salish people, it wasn't necessarily the agricultural land or the agricultural prospects that attracted Europeans to the west coast of Vancouver Island, but it was certainly the forests, the trees, the prospects for the establishment of sawmills and of reaping the benefits of a developing forest sector and the use of the rivers for transport and for powering those mills and for the development of a commercial fishery and fish processing.

The story is not at all dissimilar from what took place elsewhere. If the attraction was slightly different, the result was, sadly, the same. The Nuu-chah-nulth, a nation whose population in the early 1800s is thought to have ranged in the neighbourhood of 7,000 to 8,000 people, were quickly decimated by the disease that European populations brought with them — the malaria, the smallpox — and ultimately by poverty.

Through the 1800s and much of the 1900s those populations dwindled, within 50 years, down to 3,500. By 1939, as the rest of the world was focused on the outbreak of hostilities half a world away, the Nuu-chah-nulth peoples were said to number from 1,500 to 1,600 — from less than a hundred years previously, when they were three or four times as populous.

By 1963 populations had rebounded slightly to around 3,000. Today, happily, as we consider and, I hope, agree to ratify this final agreement with the Maa-nulth First Nations, the Nuu-chah-nulth Tribal Council identifies upwards of 8,000 members. With all of the challenges, with all of the difficulties and with that abiding socioeconomic gap that we are in the process

of trying to address collectively, there has been a remarkable recovery.

That speaks volumes to a demographic reality that many in this House have spoken to in the past, which is that the fastest-growing demographic within our province and our country is today amongst our aboriginal peoples. That provides them and us with a unique opportunity but also with some unique challenges, which I know we will turn our minds to and which I believe this final agreement helps us turn our minds to and address.

[1520]

As I prepared for the debate and familiarized myself in the past number of months with the Maa-nulth and the Nuuchah-nulth, it's interesting to realize how some of the misunderstandings that have characterized our relationship through the better part of a century and a half began virtually at the time of first contact.

I don't know about other members, but when I went to school, elementary school and high school, I was taught about the Nootka people. That was the term that teachers used when we were describing the west coast of British Columbia and the west coast of Vancouver Island.

It was Capt. James Cook who first coined that phrase and apparently did so — the original misunderstanding, perhaps... He was being given directions by the Nuuchah-nulth at Kyuquot and he was told that his ship should come around or circle around. The word *nootka* was part of the Nuuchah-nulth phraseology, and he mistook that as indicating who these people were and labelled them in a way that stuck for 150 years until we realized that these were the Nuuchah-nulth people, meaning "people all along the mountains."

At last we are coming to understand that and understand that the Nuuchah-nulth dialects are part of a larger group called the Wakashan, which also includes the languages of the Oweekeno, the Haisla and the Heiltsuk. It's interesting how, as we become more familiar with one another's cultures, we learn about how some of these communities are tied together — how they're linked by culture, by history and by language group.

The Nuuchah-nulth, of course, were and are consummate mariners. They have very much a maritime tradition, a maritime culture — and again, fascinating to read and learn.

It helps to do that when one considers the special attachment that lingers, to this day, with the sea and with the resources of the sea, and some of the incredible early technologies that were developed by the Nuuchah-nulth to harvest fish — to harvest salmon in the fall, to fish deep-sea halibut without the benefit of the tackle and the hooks and the steel — and all of the equipment that is very much a part of that process now, of course. They were sealers, and they were whalers — a history of whaling within the Nuuchah-nulth, and a wealth of shellfish at home.

Even today — and some members in the chamber I think have had this opportunity — it's fascinating to go to some of these communities, the Maa-nulth communities, and see the ongoing evidence of thousands of

years of history and the physical evidence that remains on some of the islands and in some of the inlets where people lived, where communities existed, and to be able to see that evidence today.

That history includes a history of self-government, self-governance. I don't know that one can properly understand or purport to understand how these final agreements have been structured, or understand the constitutions that the communities have passed in advance of ratifying the treaties themselves — the final agreements themselves — because all of the communities have ratified constitutions, as the final agreements contemplate.

I don't think you can properly understand those things — the provisions of those agreements and those constitutions — without having appreciation for the notion of the *ha'wilth* or the *tyee ha'wilth*. We saw some of that yesterday in that historic moment when five Maa-nulth First Nations came to the bar and, in the case of Chief Councillor Robert Dennis, brought the *ha'wilth tyee*. I might have that backwards — *tyee ha'wilth* — the head Hereditary Chief.

[1525]

That notion of the Hereditary Chief, I have learned, figures so prominently in who the Maa-nulth are and how they govern themselves. The hereditary chiefs, leaders of their extended families, had responsibilities for the welfare and the well-being of not just their families but of the lands upon which those families were situated, with each family group headed by a *ha'wilth* associated with a stream, an inlet or a geographic feature. It provided a focal point. That focal point remains to this day and is embedded within this final agreement and the constitutions that have been passed as part of those agreements.

The very names of the chiefs and the families help to identify where the people are from. So in Kyuquot, the last syllable actually means "people of" — a particular part, a particular family or a particular territory — and that has survived. That has survived through literally thousands of years and, I suppose most importantly, through the century and a half, or two centuries, of concerted contact with European settlers.

Those are the communities. I haven't done justice to the thousands of years of history, but perhaps it gives us a sense of some of the pillars of what those communities represent and their histories.

Yesterday we were treated to an extraordinary opportunity to hear firsthand in this chamber from some extraordinary leaders. These are the chiefs that represent the Maa-nulth First Nations, and they are a combination today of elected chiefs and traditional hereditary chiefs or *ha'wilth*, as I said — or *tyee ha'wilth* for the head Hereditary Chief.

I want, in commending this final agreement to the members — recognizing that I think that the members are inclined to be receptive and supportive of this agreement — to spend a moment paying tribute to the leaders that have toiled to make this final agreement a reality, and I will again begin with the Huu-ay-aht community and their Chief Councillor Robert Dennis.

However, Chief Councillor Robert Dennis, I have learned, is a stickler for pointing out that he derives his

authority in part from an elected process but always from his *tyee ha'wilth* and the other hereditary chiefs. That's why yesterday, when he stood up, standing right beside him was *tyee ha'wilth* Spencer Peters.

He had other hereditary chiefs with him: Derek Peters, Jeff Cook, Tom Mexsis Happynook — who, I should point out, has recently been elected as president of the Nuuchah-nulth Tribal Council; we wish Tom Mexsis Happynook well — Darlene Nukamus, Bill Frank, Andrew Clapis, and Daniel Williams Jr. These are all of the hereditary chiefs who assist him — Chief Councillor Robert Dennis would want to emphasize and did yesterday — and his council on a daily basis in charting a course for the Huu-ay-aht.

Chief Robert Dennis, however, is himself a remarkable individual. He has led a revival of Huu-ay-aht culture. He is an unbridled enthusiast for the drumming and the singing. He is a poet. He is the composer of song and has an enthusiasm for that culture that is in many ways infectious. He's also a political leader and has been involved in the Huu-ay-aht treaty team right from the outset and now to its conclusion — and will be, of course, through its implementation.

[1530]

There are many stories that I could tell about Chief Robert Dennis that are instructive as to how the Huu-ay-aht people feel about this treaty. The one that comes to mind for me, however, is the scenario, the situation, he described for me the last time I was in the Huu-ay-aht territory in Pachena Bay. He described what happened. We're in storm season again, about a year after the last storm season. Last year, members may recall, there were some terrible windstorms that blew through. We saw pictures from up and down the west coast. We saw pictures of Stanley Park.

Those same storms hit Pachena Bay and tore out some incredibly sized trees — snapped them off. They were strewn across the beach, and the beach is a big part of their tourism initiative. People come there. It's a beautiful campground.

The Chief said: "Well, we ran into all kinds of problems." I said: "Yeah, I guess the storm." He said: "No, no. The storm we dealt with. We got the power on in a week." So they were without power.

He said: "The trees on the beach." I said: "Well, what about them? You probably had some firewood." He said: "No, the problem is this. Under the Indian Act, we couldn't touch them." I said: "Huh?" He said: "No, under the Indian Act, we were precluded, without first getting permission from Ottawa, from removing those trees from the beach." I said: "Well, that's crazy." He said: "Well, we thought it was crazy too, so we finally did it."

In the grand scheme of things, that is maybe a small, insignificant anecdote about the frustrations that would have existed for a community living under the constraints of the Indian Act. He said to me, with a smile on his face: "That's what we want to move beyond. That's what we mean when we say: 'Let's take control of our own destiny. Let's start to make some decisions for ourselves and be accountable for those decisions.'"

I always think of that when I hear him talk about grabbing hold of destiny on behalf of the Huu-ay-aht.

Tessie Smith is the Chief for the Ka:'yu:'k't'h'-Che:k:tlas7et'h'. She serves with her council and also with the assistance of hereditary chiefs who have been instrumental in the development of the treaty and the ratification of the treaty. They are *tyee ha'wilth* — Christina Cox for Ka:'yu:'k't'h' and Francis Gillette for Che:k:tlas7et'h', this being an amalgam of two historic communities.

Tess was actually born in Ceepeecee, British Columbia, and is one of eight children. She grew up on Aktis Island, and she's lived there most of her life. She went away to school for a period of time, but she returned at the age of 19.

She has done virtually everything there is to do in the community of Ka:'yu:'k't'h'-Che:k:tlas7et'h'. She's been a kindergarten teacher, a fishery technician, a fish guardian, a home care giver, a language inspector, a developer. She's done it all, and throughout, she has been motivated by her belief that language, culture and history are a vital foundation to her community. She has pursued the preservation and promotion of that language, culture and history with a zeal and passion that is reflected in the words she uses when she speaks, as she did yesterday.

[H. Bloy in the chair.]

Her political involvement began in the early 1990s, when she was elected to council for four terms. I don't know where she found the time, but somewhere along the way she managed to raise four of her own children, fostered a number of other children and now is the proud grandparent of four grandsons of her own.

She said this as a reflection of the importance that the hereditary chiefs and the history continue to play in her community. "Our *ha'wilth* are important to our community, and we are proud of the fact that they will be part of our government." And indeed, they will be, because in the constitution that has been passed, they are going to play an active part in the self-governance that this final agreement will ensure and make a reality.

[1535]

Yesterday members in this chamber got an opportunity, as well, to become acquainted, if they weren't already, with the elder statesman of the Maa-nulth First Nations, and that is Bert Mack of the Toquaht Nation. It is hard not to be impacted by the words, by the dignity, by the civility, by the patience of a man who has celebrated nearly seven decades as the Hereditary Chief of his community and 64 years of marriage, I think, to a woman who has stood by his side and helped him through many trying days, many difficult decisions.

To see them both here celebrating this accomplishment and knowing the impact that he has had in helping this to become a reality — in the tutelage, in the mentorship that he has shown to so many younger leaders, always with grace, always with dignity, always with fairness.... We saw some of that here in

this chamber — the charm — but not to be mistaken for anything other than an astuteness and always a focus on what was in the best interests of his community.

He has pursued that with his wife Lillian, with his councillors, with the other elders and has also pursued.... You heard him speak in the Nuu-chah-nulth language here. When I asked him: "What do you think of at a time like this, after a lifetime spent in pursuit of an objective?" Chief Bert Mack is inclined to say, without any hesitation: "I did what my father directed me to do when he handed over the chiefdom to me 65 years ago. He told me to go out and work towards getting a treaty for my people."

Imagine that — 65 years on, to be able to stand before the Toquaht, to be able to stand before the members of this House, British Columbians and Canadians and say: "We've done it. I'm satisfied with what we've accomplished, and I'm convinced it's in the best interests of our people." To have seen that life's work become a reality must be incredibly satisfying for Chief Mack but also for a community that will reap the benefits.

The Uchucklesaht. They have been served by Chief Councillor Charlie Cootes for the better part of 25 years. His current *ha'wilth* includes Tom Rush, Chris Watts, Martin Sam.

Chief Cootes was born in Port Alberni, the eldest of three sons, and resides in Uchucklesit Inlet. Imagine this. He was first appointed Chief in 1983. He was subsequently elected to that position when the band moved to an elected system. He's also the president of the Maa-nulth First Nations treaty society.

A lot of the credit for guiding the Maa-nulth First Nations through these difficult negotiations deserves to go to Chief Cootes. He has been tireless in his pursuit of a fair and equitable settlement with Canada and British Columbia. When he says, "The treaty addresses everything that we need to move ahead to attain self-determination," when he says, "We have the opportunity to move from a dream into a reality," he believes it. He is convinced that this final agreement provides him and, more importantly, his community with the tools that they require to move forward.

[1540]

Finally, I must spend a moment referring to the leadership of Chief Councillor Vi Mundy of the Ucluelet. She would emphasize the contribution that she has received from her Ucluelet *ha'wilth*, including Wilson Jack, Edward Mack and Russell Roberts. Of course, she was served ably yesterday. It's rather remarkable, knowing Chief Vi Mundy and her passion for articulating her views, that she would be struck down by laryngitis on the day that she was scheduled to appear in this chamber. Be that as it may, her words were as powerful as ever.

She is an individual who was born and raised in Ucluelet, and she's been a part of that community for her whole life. She's been involved politically and administratively with the Ucluelet First Nation. She actually took on the role of chief in 2006 and has guided the nation through the final stages of these all-important discussions and negotiations.

She's found time to raise her four children, and it is for the children that she has been driven and that she

has pursued this dream. "This treaty is for you, the youth," she has said. "Soon the fight will be yours, but you will be better equipped to succeed in ways that we couldn't even imagine."

Doesn't that go to the heart of the issue? Equipping the community to go places where in the past it would have seemed impossible or unlikely that the community should or could go.

So what about that agreement? I should take a moment, recognizing that other members will want to provide their views during this debate.... I do want to take a couple of moments to outline why I believe this is a reasonable settlement, a fair settlement — a reconciliation agreement, if you will.

Maybe that's what we should start to refer to these agreements as, because in many ways I have begun to discover that that word "treaty" can evoke different feelings amongst different peoples. As Chief Baird said last month, these are steps along the path towards reconciliation. Maybe we should start calling them that, because the path towards reconciliation can take many routes.

This is the route that the Maa-nulth First Nations have decided they wish to pursue, and we are happy to pursue it with them, as is the government of Canada. This agreement deals with land, finances, resources, culture, self-government. It will, I think, represent a cornerstone in the economic development of the communities involved — economic development that includes forestry, fisheries, tourism, other commercial sectors, real estate, tourism.

The land side. This final agreement's land component is about 24,500 hectares. Some of that includes the existing reserve lands upon which the Maa-nulth First Nations presently reside. There's some purchased private land and additional land which is primarily provincial Crown land that'll be held in fee simple. So about 24,500 hectares.

The public will have access to the public treaty lands for recreational and non-commercial use. The first nations will own their land, and they'll have the flexibility to manage it. They'll make decisions about how to manage it in accordance with the terms of the agreement, in accordance with their own constitution and the objectives they set for themselves in terms of economic development.

The agreement provides for cash payments. The Maa-nulth First Nations will receive a capital transfer of \$73.1 million as well as, for each of the next 25 years, a resource revenue payment averaging an estimated \$1.2 million per year.

[1545]

I think it's important to state even briefly that as the Maa-nulth First Nations begin to expand their economic footprint, because they've already established one.... I think that is worth emphasizing. They are not starting from ground zero here. They have made great strides, but armed with this final agreement, as they expand that economic foothold in the region, those funds are going to be spent locally. The benefits that go with that and the economic development will transcend any one community.

I was grateful that most of the chiefs who spoke yesterday made that point and said that this is not just

a treaty, not just a final agreement for the Maa-nulth. This is an agreement for all British Columbians, for all Canadians. It speaks volumes to the understanding that these leaders have for their place and the place of their communities in our broader provincial and national sphere that they are able to properly, in my view, identify that fact and emphasize its significance.

The Maa-nulth First Nations will have law-making authority in respect of direct taxation of Maa-nulth citizens on treaty lands. Indian Act tax exemptions for transactions such as sales tax and other taxes like income tax will be phased out over the next eight to 12 years post-effective date.

The agreement deals with natural resources and subsurface minerals. The Maa-nulth First Nations will own subsurface minerals on or under the treaty lands, and they'll have the authority that goes with that to set fees, rents, royalties and other charges. They will own and manage the forest resources and have the right to harvest wildlife.

I am, however, mindful that other members want to participate and will do my best to accommodate them.

The agreement deals with protected areas, provincial parks. There are specific provisions dealing with culture and heritage and, of course, governance provisions that are included within this agreement. I've spoken previously about the constitutions that received overwhelming ratification prior to the ratification votes for the treaty. The fact — and this is also worth emphasizing — is that the final agreement will operate within the framework of the constitution of Canada and the Canadian Charter of Rights and Freedoms, which will also apply to the Maa-nulth First Nations governments.

Lastly, I do feel obliged to acknowledge some of the people that played an instrumental role in the negotiations that took place and the finalization of the agreement. One of them was mentioned extensively yesterday a couple of times in the chamber here. His name featured more prominently at the reception that followed. He's not here to hear his name mentioned.

George Watts — or, as Chief Shawn Atleo reminds us, Wawmeesh — for most of his life was a passionate advocate for the Nuu-chah-nulth people, for his community in Tseshaht, for young people and really for all British Columbians.

His is a legacy of public service in its own right with the Nuu-chah-nulth Tribal Council, with the chief negotiators liaising with the B.C. treaty process. It was a tragedy when in 2005 he passed away at the tender age of 59, far too prematurely.

[1550]

What has become clear to me from discussions with the leadership within the Maa-nulth is the instrumental role he played, even in his final years at a time when negotiations could have gone off the track, in ensuring that they did not and in reminding all people involved that this was a goal worth pursuing and an objective worth achieving.

If I can at this point thank the B.C. treaty team, Mr. Mark Lofthouse, Heinz Dyck, Steve Winn, Dave Fern, Keith Brown and a variety of other individuals who have contributed — Rob Draeseke, Doug Bowen,

Gordon Douglas, Terry Clark, Andrew Alley. I will undoubtedly forget to mention some of the people, but they have all been instrumental — Jenny Lariviere, Vera Vukelich and Nicole Vinette, previously.

I should pay tribute to the team from Canada, headed by Eric Denhoff, Bill Wray, David Adams, Gerry Fleming, Amanda Roelofson, and their previous treaty team: Marnie Monroe, Trefor Smith, Sena Parity, Monica Karpiak, Jana Kumi.

For the Maa-nulth First Nations, there is a long list of negotiators. Let me say that Gary Yabsley received the benefit of support from a range of leaders: Chief Negotiator George Watts — who I spoke about a moment ago — before he passed away, Bob Bocking, Larry Johnson, Tom Happynook, Dan Legg, Angela Wesley, Chuck Poschenreider, Brian Lehman. A whole host of people have made this a reality. I do want to leave some time for others, so let me say this.

When we were in the final stages of not negotiation but ratification — some members will know — a group of us, including the Huu-ay-aht, went up to Nisga'a. The Tsawwassen First Nation was on that trip and the Huu-ay-aht, because the Huu-ay-aht were scheduled to ratify at about the same time as the Tsawwassen. It was interesting for a variety of reasons to go up and see what the Nisga'a were doing, how they had developed and evolved internally under the treaty that was negotiated in the late 1990s.

For me, as someone who as a critic had been very critical of that treaty, I had a little apprehension about what the welcome might be like. Of course, I was mistaken to be apprehensive, because the welcome was tremendous. It was a remarkable opportunity to learn some things.

As I said in the previous debate, if I look back on those days and some of the criticisms and some of the concerns.... I'll say again that maybe the thing that worried me most in those days was that the negotiation or finalization of these agreements might drive us apart as British Columbians or drive us apart as Canadians to the point where we were thinking of ourselves as being separate and not together.

Yet yesterday in their comments in this House, in this chamber, precisely the opposite seemed to occur. That was so across the street at the reception as well, where speaker after speaker, hereditary chief after hereditary chief and elected chief after elected chief spoke with pride about how at last they were beginning to feel part of this province, part of this country.

When I read, on the day in October when he was asked about the ratification.... On October 22 ratification of the Maa-nulth treaty took place. Tom Happynook, who is today the newly elected president of the Nuu-chah-nulth Tribal Council, said: "As of today, I am proud to be a Huu-ay-aht. I am proud to be a Maa-nulth. I am proud to be a British Columbian, and I am proud to be a Canadian."

I am proud to have been a part of an exercise, along with members in this chamber, where we have an opportunity to give effect to those feelings in ways that haven't occurred in the past.

[1555]

These are remarkable days in British Columbia, remarkable days in Canada. As the rest of the country watches, we are able to say to them that we have journeyed a long way down the path of reconciliation, and this agreement pushes us just a little bit further.

So to the members, who I believe are predisposed to support this agreement, I say thank you. To the people who were instrumental in helping to negotiate it, I say thank you. And most of all, to the leaders, the hereditary chiefs, the elders, the members of those Maa-nulth communities who have waited so long and been so patient and pursued their objective with such passion, I say thank you most of all.

S. Fraser: I will note the previous speaker, the minister responsible, used some Nuu-chah-nulth phrases. That's heartening, because it's a language that's steeped in history — Nuu-chah-nulth and Maa-nulth as a part of that. It's an oral history, and the language is at risk. So for future edification, the thank you is *klecko klecko*. It's often used twice.

Mr. Speaker, I rise in support of the Maa-nulth peoples today. I have feelings of pride and optimism for the future of the Huu-ay-aht people, the Ka:yu:'k't'h'-Che:k'tles7et'h' people, the Ucluelet people, the Toquaht people and the Uchucklesaht peoples.

I also have feelings of great concern about the handling of the treaty process that's currently underway with this government. But I want to begin by saying that I'm proud to support the Maa-nulth people, and the New Democrat caucus will be supporting this treaty.

It will be a momentous day for all Maa-nulth peoples when this treaty is finally ratified by all parties and comes into effect. It will be a genuine cause of celebration. The Maa-nulth peoples deserve this treaty, and I congratulate them on getting to this stage.

They have negotiated long and hard, and with patience, to deal with issues of self-determination, land ownership, economic independence for themselves. I think it is safe to say that they look forward to a brighter future, secure in the knowledge that they will have a much, much greater say in shaping their own destiny.

The Maa-nulth treaty makes history by becoming the first multination treaty under the B.C. treaty process. It was just seven years ago that the Nisga'a people made history by concluding the first modern day treaty in B.C. I would like to point out to the House that both the Nisga'a treaty and the B.C. treaty process were accomplishments of former New Democrat governments.

The Nisga'a treaty, a fiercely opposed treaty by many members on the other side, was done under the Mike Harcourt and Glen Clark governments. The B.C. treaty process was put in place by the government of Premier Mike Harcourt. The truth is that the Maa-nulth treaty is a victorious moment in a 500-year story of aboriginal-settler relations on this continent. It's not all a very pretty picture, hon. Chair, as you know.

The aboriginal self-government debate that dominated the news coverage in the '90s was not a new issue. It began in the 16th century when Spanish conquistador Cortés destroyed the capital of the Aztec

confederacy. At the time, it was the largest city in the world. When Cortés and his army landed on the beaches in Mexico, the first thing they did was create an instant municipality — Veracruz by name, the first European-style municipality in all of North America. Ever since, colonial governments everywhere have been trying to force first nations to become provincially sanctioned municipalities.

[1600]

In 1550 the Spanish monarch Charles V established the first royal commission on aboriginal peoples — 1550. In its hearings, Sepúlveda defended Cortés, saying that Mexico's indigenous people needed Spanish rule. They needed Spanish rule because they were "as inferior as apes to men." In response, Bartolomé de las Casas, the first bishop of Chiapas in southern Mexico, argued that the Spanish conquest was illegal and that nothing justified the destruction of Mexico's aboriginal government.

That hearing in 1550 was the beginning of the debate about aboriginal self-government, which continues.... Well, it continues today. Directly tied to the question of self-government is an issue that has frustrated B.C. first nations for a century. It's basically the land question.

First nations have always governed the lands they owned. Their communities owned the land, and the communities made laws about the wise use of the lands. The use was wise and was sustainable.

With the coming of European settlers, all that changed. Ever since, settlers and indigenous peoples have basically been arguing about who owns those lands. Colonial authorities justified the usurpation of indigenous hunting grounds by European farmers by asserting that aboriginal people were wasting the land. In fact, by the time Europeans arrived in the Americas, most first nations were farmers and fishers, not hunters.

According to European thinking, their great crime was the tribal or collective ownership of the land. Members of this House will remember that this was the basis for much of the criticism of the Nisga'a treaty, because of course tribal ownership of lands means tribal governance of those lands.

At the beginning of the 18th century aboriginal peoples still outnumbered settlers on this continent. The settlers kept coming across to North America, and first nations did resist that occupation.

In 1763 Ottawa First Nation Chief Pontiac organized a pan-Indian resistance to fight the British occupation, and he quickly took all but one of the British forts. Pontiac's military successes horrified the government of the day in London. It decided to make a new policy, the Royal Proclamation of 1763.

This royal proclamation affirmed the tribal ownership of lands, recognized tribal governments and required the public negotiation of treaties before settlers could purchase the land. Of all the British colonies, only one rejected this policy, and it was British Columbia.

James Douglas, the colonial governor in Victoria, did make treaties — the Douglas treaties, which we know of — with the Vancouver Island first nations. But after British Columbia entered Confederation in 1871,

beyond an extension to Treaty 8 there would be no more treaties until Nisga'a.

From the beginning, treaty policies have divided British Columbians. James Douglas made treaties. Joseph Trutch, the chief commissioner of the lands in the newly united colony of British Columbia, refused — treaties negotiated and refused.

Tom Berger went to the Supreme Court of Canada on behalf of Nisga'a in 1973 and afterwards never stopped fighting for aboriginal rights. Melvin H. Smith, who advised several British Columbia governments on aboriginal rights issues, opposed the negotiation of treaties.

Premier Bill Bennett said his government did not recognize aboriginal title. Premier Mike Harcourt worked to establish the B.C. Treaty Commission.

[1605]

In the 1990s the Leader of the Opposition, now the Premier, opposed what he termed race-based aboriginal government. The Nisga'a treaty was unconstitutional, it was said. Non-Nisga'a citizens would be subject to Nisga'a laws, he said. Non-Nisga'a citizens would be burdened by taxation without representation, it was said.

Even when the courts told the Premier he was wrong, he fought back with a very divisive provincial referendum that did nothing to benefit treaty or reconciliation. It's difficult for the public or first nations to really know where this government and this Premier stand on the toughest historical treaty questions. His party fought Nisga'a — fought it in the court, fought it in this House, a divisive referendum.

Until the fall of 2004 there were lawyers still arguing in the Supreme Court of Canada that British Columbia had no duty to consult first nations when contemplating developments on land in first nations traditional territory. That's 2004. It took the Supreme Court of Canada to tell the Premier he was wrong.

In the spring of 2005, on the eve of an election, the Premier negotiated the new relationship accord — a remarkable political statement, I have to acknowledge. It acknowledged the provincial responsibility for post-colonial aboriginal dispossession, which is a big step, I think. That statement should make us all proud.

But what has happened since calls into question the Premier's commitments. Has the Premier actually signed this accord? Did the Premier embed the accord's principles — formalize them, if you will — into policy? Has the accord fundamentally improved provincial mandates on aboriginal self-government? Has the Premier explained why the word "treaty" appears nowhere in the accord? Has the Premier explained how his government can ignore court decisions and his own new relationship goals when it comes to extracting resources from traditional territories? Has the Premier supported the UN declaration on the rights of indigenous peoples?

The answer to all these questions is no.

This province still faces many challenges at treaty tables, and with the Maa-nulth treaty, it is no exception. We have unfortunately seen divisions between Nuu-chah-nulth peoples over this treaty. This government should have worked to prevent those, because it

detracts from this day, from the treaty of the five Maa-nulth First Nations. That's regrettable.

I don't believe the B.C. treaty process should be divisive. I believe it must not be divisive. Every effort must be made to ensure that treaty is not about winners and losers.

The treaty process must be a dynamic one. It was never designed to be etched in stone. The treaty process must grow, not just in number of treaties signed. We're seeing more and more first nations disenfranchised from the treaty process, signing onto the unity protocol protesting the treaty process. Those values have to be reflected in the treaty process for it to become inclusive.

It must reflect changing values like the UN declaration on the rights of indigenous peoples. It must reflect case law, which we're all learning about very quickly with the decision yesterday. It must reflect legal precedent, because there have been many court cases before yesterday's decision — Justice Vickers's decision — that have not been reflected in a changing treaty process. The process must be as open and inclusive as possible.

I note that during Nisga'a, the parliamentary Standing Committee on Aboriginal Affairs met, I think — I tried to count this — 27 times on one treaty. That was addressing first nation communities, other first nation communities and non-first nation communities in a public way. The intent, I think, was to solve divisive problems around treaties, which are arguably inevitable. But every effort must be made to break those divisions down.

[1610]

There's a Nuu-chah-nulth term, *hishuk-ish ts'awalk*. It means all things are connected; everything is one. There's more wisdom in that term. You can apply it to almost anything. In a Nuu-chah-nulth treaty process, where it's been divided, everything is not one. It's a break of harmony, and that's a problem, I believe.

I note with disappointment that the standing committee has not been empowered at all under this government, and there have been three treaties come forward this far. There was the Lheidli T'enneh, which failed to reach the threshold. There's the Tsawwassen treaty, and now we're at Maa-nulth. The parliamentary committee on aboriginal affairs has not been called once to try to deal with some of these issues. Well, it was actually called — I'm mistaken — to address the very divisive referendum. That's the only time under this government.

I have a motion on the order paper from last spring urging the Premier and the minister to empower the standing committee on aboriginal affairs to address divisions, to bring communities together and to ensure that treaties can bring true long-term reconciliation for everyone involved.

That request has been met with silence — the same silence we received when we urged this Premier, this government, for strong and open support of the UN declaration on the rights of indigenous people.

A challenging issue in this treaty is the matter of overlaps. Now, all B.C. first nations have competing claims on the land in their traditional territories. There are no firm boundaries on any of these. With the Maa-

nulth peoples and the Maa-nulth treaty and with other Nuu-chah-nulth, there was shared use of the land.

One first nation might have used a river valley for one purpose; another might have used it for quite a different purpose. But more than one first nation could have accessed the same land, of course, and have claims to that land. One may have hunted; another one might have fished the waters.

To successfully conclude treaties, the needs of all nations must be addressed. All the nations concerned must be addressed. If not, then it becomes a much more divisive and difficult process. It pains me to see that nations are pitted against each other.

I blame this government for not bringing the resources to bear to address the issues of, for instance, the Tseshaht nation, which the minister referred to before — the great statesman, Mr. Watts. The Tseshaht nation has been questioning where they are in the treaty process. The Ditidaht, I understand, are questioning boundaries and land issues. Other Nuu-chah-nulth, as well, feel that their rights have been either ignored or trampled on through this process. That should not be happening.

It's not the fault of Maa-nulth. The government has not brought the resources to bear to address that. This government cut resources to the treaty process. Then they focused those limited resources on a few lead tables at the expense of all the other tables. So while we see a success with Maa-nulth, we see lack of success with the rest of Nuu-chah-nulth. That is a problem. That is not about reconciliation.

Overlapping claims are not new. All treaties deal with this issue, and all treaties will deal with this issue, as did the Yukon land claims. In the Nisga'a settlement, there were also conflicting boundary claims.

[1615]

In the Yukon, first nations had to resolve their overlapping claims before signing treaties. Arguably, in British Columbia that may not be possible. But there were expectations from first nations that steps would be made to address those boundaries before we got to level 5, before we got to this stage in a treaty process.

This is a situation in which the British Columbia Treaty Commission process could have played a much bigger role, I believe. When the Treaty Commission was established in 1992, many hoped that it would extend its facilitation activities into the arena of mediation — conflict resolution, if you will. Governments resisted this, however. The new relationship accord suggested openness to mediation, so there was hope placed there through the new relationship.

Overlap issues may be a perfect subject for active mediation by the Treaty Commission. In a comprehensive review of treaty-making in the Americas, the UN — the same body that brought forward the UN declaration on the rights of indigenous peoples that we couldn't get any support from the government on — special rapporteur concluded that the greatest failure of treaty-making was the failure of colonial governments to fully implement what they had negotiated with first nations.

The B.C. Treaty Commission is supposed to close its doors when all treaties have been negotiated, but it may be appropriately structured, with two aboriginal and two government commissioners with a neutral rotating chair, to adjudicate future implementation issues. I think there are progressive steps like this that could be made.

This would be much less expensive, much less costly than fighting these issues out in the courts. We're seeing an awful lot of that under a new relationship. While we're celebrating treaty, all is not well in the treaty process, and all is not well with the new relationship.

I believe that's preventable. There are ways to mitigate that, and I have suggested ways to the government, to the Premier and to the minister. Silent response.

The B.C. Treaty Commission process has cost the better part of \$1 billion. Given the sorry social indicators of aboriginal life in British Columbia, a billion dollars.... That's a pretty sorry state. It's tragic.

This government likes to trumpet economic boom. It's clear that first nations and aboriginal people in B.C. are not feeling the effects of that boom. Desperate conditions are being perpetuated, in large part, by the absence of fair and honourable treaties, and we must make sure that the treaty process is more inclusive.

First nations seek treaties as a key component of their efforts to escape these conditions, and I'm very hopeful that the five Maa-nulth First Nations will find escape from these conditions. The Maa-nulth treaty is, in almost all major respects, no different than the Nisga'a treaty. While in opposition, this government opposed the Nisga'a treaty with all its might, as I've mentioned.

Meanwhile, the conditions of aboriginal peoples throughout the province continue to rival those in many Third World countries. It should be to the everlasting shame of the Premier and this government — what they've done to perpetuate those conditions even one day longer than it took to get to this point in treaty. It's not just the way this government played politics with treaties in the past that's the problem. The current handling of treaties leaves so much to be desired.

You don't have to take my word for it, hon. Speaker, because I see some nods of maybe questioning there. But the Auditor General — I know that the government doesn't always like the Auditor General either — has been very critical of this government's approach to treaty negotiations. He has noted how slow negotiations have been. Of course, I've already stated that this government removed resources from the treaty process.

[1620]

The Auditor General has also singled out the government's new relationship, which hasn't been ratified, as an impediment to treaty. It has caused confusion. If it's a new relationship, it should be formalized. Without that formalization, it has led to confusion in the treaty process.

I'll quote: "Until the province clarifies the link between the new relationship and the treaty negotiations policies, the wait-and-see attitude of some first nations will contribute to the slow pace of negotiations."

Following the Supreme Court of Canada's 2004 ruling on Haida, the province began to aggressively

negotiate accommodation agreements — much lauded by this government — forest and range and other interim measures. I'm not against interim measures, hon. Speaker.

The Clayoquot Sound central region board was a unique resource management body and was derived out of an interim measures agreement. It's a unique board. It has five first nations leaders, five non-first nations leaders, community leaders and two co-chairs — one first nation and one not. It's a good model, but it's never been duplicated. It is actually where I learned my bits of wisdom from Hereditary Chief Bert Mack, who addressed this House yesterday.

Some critics fear that these forest and range agreements, these side agreements, are a problem for treaty, including the Auditor General in his report. They're temporary. They could be considered a cheap and easy alternative to treaties. These measures give industry access to resources on first nations traditional territories and the revenues to the provincial treasury and some benefits to first nations in some cases, although we're hearing more and more that they simply don't work.

However, they do not settle either the land or the governance questions that are the reasons for treaties. We're skirting around the treaties when we do that. That would be a historic injustice piled upon historic injustice, an error compounded repeatedly by this government's policies. This government should reflect on the recommendations of the Auditor General. For the sake of our collective futures, we have to do much better.

We have seen another court decision — I referred to that just a few moments ago — filed by Chief Roger William on behalf of the Xeni Gwet'in — Tsilhqot'in. It was filed 17 years ago, and Justice Vickers rendered his decision yesterday. Chief William is in the precinct, as the member for Cariboo South mentioned earlier. I believe Chief William is currently meeting with the member for Cariboo South and the Leader of the Opposition as I speak today in this House.

They will be discussing issues around the court decision and what it means for them, because we're going to have a lot of lawyers telling us what it means. Those lawyers are probably going to argue about what that decision means. So I think it's wise for the government to maybe talk to Chief William, talk to the Tsilhqot'in people, about what that means for them.

It took 17 years to get to this point, and it was very costly. Of course, Justice Vickers asked that appeals not happen from either side — that open accommodations and negotiations should happen. If that is the will of Chief William, I would urge this government to try to seek reconciliation in that way.

Another decision that may be ignored again by this government? I hope not, because we've seen a history of that. The Vickers decision yesterday — I hope that will make some meaningful difference with this government. This government has ignored the Huu-ay-aht case....

Deputy Speaker: Member, if we could direct our comments to Bill 45.

S. Fraser: Yes. Thank you.

Bill 45 is the Maa-nulth treaty. The Maa-nulth treaty was brought forward for first reading yesterday. Simultaneous with the first reading of Bill 45, a hugely significant court decision that could affect the face of treaty in this province was delivered by Justice Vickers.

Interjections.

S. Fraser: Well, it has a direct impact on treaty.

[1625]

Interjections.

S. Fraser: I need not remind the minister across the way that there are already quotes from leadership council including those involved with the treaty and this process, and Bill 45 and the Maa-nulth treaty, about the potential impacts of the Vickers decision on treaties. To not speak of that impact I think would be a misjustice because it's certainly being talked about by first nations.

Interjection.

S. Fraser: I'm getting dime store legal advice from the background here too.

As the history of treaty-making in this province... We have now the second....

Deputy Speaker: Thank you, Member.

S. Fraser: Am I done? Did I say something wrong?

Interjections.

Deputy Speaker: Oh, I'm sorry.

S. Fraser: In 1763 colonial authorities committed themselves to public negotiations of treaties. But this government abolished the treaty advisory committee, and the ordinary citizen has no ability to access the treaty negotiations. We heard that, of course, with Maa-nulth and also with Tsawwassen, and that's a cause for concern.

As Maa-nulth has come forward, we have heard concerns from communities who have lost their ability.... The old TACs, the treaty advisory committees. They existed in the late '90s. They were a venue for dealing with treaties like Maa-nulth. So that avenue of consultation, if you will, to arrive at the Maa-nulth treaty was taken away.

Again, I see this treaty as a hopeful form of reconciliation for five Nuuchah-nulth first nations. The treaty process should have allowed for the inclusion of local communities, other first nations, other Nuuchah-nulth of course and, as well, other non-first nations communities.

[K. Whittred in the chair.]

We need to bring the public back into this process so that the public can celebrate these processes too.

People need to hear what's going on in treaty while it's being negotiated. Obviously, some sensitive negotiations are behind closed doors, yes, but public inclusion will be a benefit for the treaty process.

There's a federal and provincial formula. Everybody knows it. There's a secret formula based on how much land per citizen, per head. Everybody knows that formula is not enough to conclude a treaty like Tsawwassen or Maa-nulth, which is what we're discussing today.

So I suggest: why not table the secret formula? Everybody knows it, so it's not a secret, but it's not talked about in the treaty process.

Let the public know. Let first nations debate whether it is fair. This could only speed up the treaty process. It could indeed include more to join the treaty process. British Columbia has good negotiators, but there's not enough of them. There's not enough to staff all the treaty tables in the province.

If we are serious about treaty settlements, we need to expand and strengthen B.C.'s negotiating teams. We need to make sure there are not just winners and losers — that there are winners and that all first nations can be winners in the treaty process.

Accommodation agreements and interim measures may be valuable increments to the treaty process, but they cannot resolve the historic land and governance issues. So they must not be employed as substitutes for treaty agreements. When faced with difficult issues such as overlapping first nations claims to traditional territories, let's encourage the British Columbia Treaty Commission to actively employ mediation and alternate dispute resolution tools to resolve those problems.

[1630]

Let's stop trying to impose municipal forms of self-government on first nation communities but facilitate intergovernmental and service agreements between first nations and neighbouring communities, municipalities. Grant the Treaty Commission more independence so it can play a better role as facilitator, mediator and adjudicator. Rather than rigidly imposing one model of treaty settlements in British Columbia, meet with the other parties to explore alternative kinds of final agreements.

Let's draft all treaties in plainer language. Everyone in this House has had a hard time figuring out what Bill 45.... The bill is simple. The treaty is very, very complex. It's full of legalese. Let's make it so that every British Columbian can read and understand what is being done in the name of British Columbia and in the name of reconciliation.

Above all, I call on this government to demonstrate the political will to amend the treaty process to ensure that it is not creating winners and losers, to ensure that the process reflects case law and legal precedent and international standards so that all first nations have a chance to a process that is inclusive and, above all, fair.

Now, I've used the Nuu-chah-nulth term before: *hishuk-ish ts'awalk*. Everything is one. All Nuu-chah-nulth, including the five Maa-nulth First Nations, are all one. They are all the same family, in some cases divided now. The Maa-nulth people have a right to

reconciliation through treaty, and I applaud them for their accomplishment. This government needs to ensure that all Nuu-chah-nulth have that opportunity through the B.C. treaty process. Indeed, all first nations in British Columbia should have that opportunity as well.

This government needs to address the substantive concerns of those nations that do not feel included because of this government's inaction. The first nations, the members of the Union of B.C. Indian Chiefs and those signatories of the unity protocol that I referred to earlier, have legitimate concerns about the treaty process, and they, too, deserve to be heard. They, too, deserve reconciliation.

I recognize today the traditional territories, the *ha-huuli*, as the minister said earlier, of the Maa-nulth First Nations. I have great respect — *iisaak* is the Nuu-chah-nulth term — for the *ha'wilth*, the chiefs who addressed us yesterday at the Bar. I have great respect, great *iisaak*, for Hereditary Chief Bert Mack of the Toquaht Nation. I have great *iisaak* for Chief Councillor Violet Mundy of the Ucluelet First Nation. I have great *iisaak* for Chief Councillor Charlie Cootes of the Uchucklesaht First Nation and *iisaak* for Chief Councillor Robert Dennis Sr. of the Huu-ay-aht First Nation and *iisaak* for Chief Councillor Tess Smith of the Ka:'yu:'k't'h'-Che:k'tles7et'h' First Nation and *iisaak* for all peoples of Maa-nulth in this bold step forward towards hopeful reconciliation.

I have *iisaak* for all Nuu-chah-nulth, and they all deserve the rights to reconciliation. True reconciliation cannot be about making winners and losers.

C. Wyse: I seek leave of the House to make an introduction.

Leave granted.

Introductions by Members

C. Wyse: It is indeed my honour to introduce Robbin Lulua, councillor of the Xení Gwet'in. Robbin has joined us from the Chilcotin area in celebration of a number of events for his community. I would ask the House if they would join with me in welcoming Councillor Lulua to the House.

[1635]

Debate Continued

R. Cantelon: It's a great honour and real privilege to stand here today and speak in favour and support of the Maa-nulth treaty act. It really is a historic moment, a watershed moment. Today, earlier in this House, we heard and received final assent from the first first nations Lieutenant-Governor in this House, ratifying and giving royal assent to the Tsawwassen agreement. Now today we enter into the first stage of the debate on the Maa-nulth treaty.

It's really an important day. It's an important day for celebration, I would say, because we hear from both

sides of the House — and I'm glad to hear it — that both sides of the House will support this agreement. I think that's a momentous thing.

I do regret, however, that the members opposite — and I intend to henceforth refrain from any partisan comments — cannot pass up the opportunity to make partisan comments and reflect on such issues in this discussion. It's like coming to a wedding or something and complaining about the food. It's very inappropriate, perhaps even rude.

The previous speaker spoke about winners and losers. Certainly, I think that comment is completely out of place and in the wrong place. There are no winners and losers. This has been a very difficult and lengthy negotiation, but the province of B.C. and the Maa-nulth Nation both feel great joy and celebration in moving forward with this treaty. It's to both parties' interests.

When I first came to this wonderful, beautiful place some 30 years ago, though I'd heard much about the prominence and the economies and the industry of the first nations, they weren't visible in my community in Nanaimo. You wouldn't see them in business and not much in other leisure activities. It was clear that they weren't partners, either in the society or in the business of our area and our community in Nanaimo.

Really, it wasn't until 1993, when a comment was made to me.... I was running for elected office in another jurisdiction, and I was at an all-candidates meeting in Lake Cowichan. As is in keeping with the oral tradition and the quiet way they say things, a chief got up in an all-candidates meeting and said to me: "Well, we would be happy with the unemployment rate that the white people have. Our unemployment rate is 98 percent." I was struck by that comment, and I haven't forgotten it since.

My recent duties as Chair of a committee have brought me into touch and communication with a lot of the coastal communities — from Kitkatla all the way to New Hazelton and various communities up and down the coast. I was certainly struck by the isolation and independence that they live in. They truly do live in their own dominions.

I think this treaty, though, highlights.... We heard some very, very moving comments earlier from the chiefs who came to the Bar. I think really we have a conflict of cultures. Our culture does not impose, and our rules do not fit well with first nations cultures and rules.

The treaty negotiations were a difficult attempt to resolve our form of democracy, which comes, again, originally from the Magna Carta and basically evolved as a property entitlement. If you owned land, you were a free man. If you were a free man, you got to vote. Somehow that concept of democracy does not fit on top of the first nations culture, where they share the land.

I would disagree with the previous speaker's characterization of "share the ownership." They didn't share the ownership of the land anymore than they shared the ownership of the sea or the clouds or the air. All of these things provided resources that they were stewards of and managed.

We sort of just moved in on them — is how we did it — like maybe some unwelcome relatives. They were

generous enough in sharing resources they had, but, as Robert Dennis put it, they suffered intrusion.

Now, we have procedures within our culture. I want to speak generally to try and bring together some of the conflicts that our society, our European culture, has with what this treaty is attempting to do, because for some people, it seems unfair that we just give things away, when in fact what we're doing is restoring rights and redressing ills.

[1640]

We had, of course — on the prairies it was quite common, and very common out here too — the Homestead Act, where if you took possession of land, managed the land and were in continuous occupation and use of the land, then from the Crown, which claimed sovereignty on behalf of the Queen over all land, you would then get clear title to the land. You were entitled to it by your use and occupation of the land, and then you were given a piece of paper that said you own this land from this point to this point, and so forth.

For whatever reason, partly I think because of the contradiction in cultures, partly and very truly because we didn't recognize natives as equal to us — they were of a different culture, a lesser culture, and we didn't recognize their rights as equal to ours — this was the beginning of a long division between our two cultures that exists to this day and, which I happily report, today we're making progress against — in changing and breaking that mould.

"We suffered intrusion." That was just the first part of it, as Robert Dennis said, but we visited far, far greater devastation on them. Smallpox was the next ill and evil that we gave them, and it devastated their communities. They, of course, had no resistance to it, and it virtually wiped out vast numbers of their population.

Robert Dennis earlier spoke that there were at one time, when the census was done, only 207 of his people left. Out of a population that, as our House Leader has indicated, had been in the thousands — a huge, prosperous community — only 207 were left. I want you to try to create a mental image of what that must have looked like: people who had lost their children, parents and grandparents, their communities devastated, and trying to get by and carry on.

That wasn't the end of it. As the populations began to rebound and they began to persevere, we then had the wonderful idea that we would take the young people — again, because they were, as compared to our culture, uncultured and unseasoned — and we would try to bring them up to white man's standards.

We had a policy that we'd take them out of their schools and homes, put them in schools and teach them white man's ways and convert them and that in that way we'd teach them, and they might become equal to us. The subtle and insidious implication was they were lesser — their culture was lesser, and this caused them to be inferior — but we would fix that. It caused a tremendous generational break. They lost touch with their parents, and even now those wounds are slow to heal.

All of this we hope to change. We now recognize our laws have to change, and we have a great opportu-

nity. Charlie Cootes spoke about it. As I mentioned earlier, the oral tradition of first nations is really something to behold. Compared to this House, when they speak they're complimentary to one another, unlike our question period, and are respectful of other people's opinions. I'll try to be so today.

Charlie Cootes spoke about the "crippling institutions" of colonial law which have persevered literally to this day, but they spoke with optimism about this treaty. Violet Mundy, one of the council chiefs, spoke yesterday that her hope was that this would "heal the wounds of the past and to begin to weave our people back into the fabric of society." What she's talking about here is that all people of British Columbia will become one people, in effect, that we'll all be British Columbians. They spoke of this yesterday.

Yes, they will intend to work within.... This is a conflict that some people have trouble with and will have difficulty resolving. Nevertheless, despite the fact that they will retain their culture and their society, they still regard themselves as British Columbians and as proud Canadians.

Two approaches can be.... One is a legal way. I haven't mentioned this, but the courts now recognize that there is a legal entitlement. Yes, indeed, they're entitled to the same rights of possession and use that entitles them to clear-title land, but that ownership is not appropriate for their culture. What is appropriate is what has been evolved through the treaty.

Yesterday Shawn Atleo, chief of the Assembly of First Nations, commented that in the court's view, basically, the recent discussion was — and I'm pretty much quoting him, I hope — that we are to "get at reconciling your differences."

[1645]

The words, in various forms, of "reconciliation" and "reconciling" have been used by both sides of this House. In an earlier discussion, it was commented that we weren't doing our job. I've come to the conclusion that reconciliation is not a term that we invented to label our ministry as offering hope, but rather one we took from the negotiations, from the discussions of first nations. It is they who have given us the concept of reconciliation. It is they who want to move forward.

In fact, Robert Dennis says that today we build a reconciliation that we can reconcile ourselves, "reconcile the mistakes of the past." I think it's amazing — if you consider the costs in terms of human costs, opportunity, how their society was absolutely devastated — that they're able to come this far, put the past in the past and move forward. Charlie Cootes said: "The vision of reconciliation has its foundation in mutual respects and coexistence" to work with us.

Another word that we've heard very often is "hope." It was a recurring theme that this treaty will offer the hope of building a new economy, of offering new resources upon which to build their society back again. Chief Violet Mundy made a comment yesterday at the celebration. She said: "Our young people are getting a lot smarter."

Well, we feel that in our society, but it's certainly true in first nations. Of course, as we know, the population of first nations is growing at a much faster rate than the European descendants' population. It is an appropriate time that it's so because there's immense opportunity with our growing province.

At that same meeting I talked with Larry Johnson, who is the economic development officer for the Maa-nulth Nations. His son, who is a preteen, had a cell phone and was talking on his cell phone. So I suspect that our impression of what we think young first nations people to be is a lot different than might have been held by our fathers and grandfathers.

They're very much with it. They're very active, and they're ready to take over. I look towards a huge surge of energy from these young people who took part in the treaty negotiations, who took part in the discussions about ratification. We're going to see a tremendous amount of energy from these people. The old restrictions have been removed. You're part of the greater society.

There's huge opportunity, and I'm sure that they're going to seize it. In fact, we already see signs of that. I'm proud to report that in my community, in Nanaimo, Malaspina University College has an enrolment.... It may be surprising to some members of the chamber and the general public that they have over 1,100 first nations people enrolled at Malaspina University College, which represents over 10 percent of the total enrolment.

I'm also pleased to report that the second aboriginal enhancement agreement has been signed in Nanaimo. This is to improve the education in the K-to-12 rounds. The performance, the achievement goals and rates in Nanaimo have improved steadily as a result of this agreement. It's been a great boon to the educational aspirations of the people.

The government has also offered the aboriginal nursing agreement, which puts forward and offers funding for young aboriginal students to take nursing, to take public health. That's very important. The public health nurse in some of these remote villages that I spoke of.... I think it's very important to build the trust and communication by seeing a familiar face. So, it offers actual opportunity for the nursing but also as an outreach to these remote communities.

The Maa-nulth Nations are very active economically, with logging, aquaculture — principally shellfish — and fishing. They now employ 60 to 80 people. In the peak periods, it's up to 120. They've become a very industrious and successful first nations community.

We will see a new generation of first nations. All of us should get ready. They are going to now become much more familiar faces, not the strange exception that we have become used to. We're going to see a lot more of them.

[1650]

I say to the first nations, if they are watching: get ready to move. Once this treaty is ratified, as I'm sure it will be unanimously, the opportunities are going to abound, and things are going to move forward —

economically, personally and socially — far faster than anybody has anticipated. The opportunities are going to multiply. These young first nations people are eager and ready to take hold of these opportunities. It's going to be a struggle to keep up with them, I think.

Also, I think, in the broader provincial picture, there's a confluence of our interests. The first nations, I mentioned earlier, really had always regarded themselves as stewards of their resources, which were from the land and the ocean. Now we are becoming more and more conscious of the fact that we've misused, abused and denigrated the country, and therefore, our environmental programs are very much in tune and in sympathy with the way they have traditionally managed the land.

Robert Dennis often spoke of listening and learning from others, and I think we can all do that. I think it would be very good. In fact, I intend to have a discussion with Robert Dennis about how he manages to get a referendum through at 90 percent. I think there are some electioneering skills that I can learn from. I think anybody in this House would be happy to have a 90-percent plurality on any issues that go forward.

I appreciate, though, that it was spoken that this agreement isn't the end, and it is not perfect. It doesn't anticipate everything, but it is a template from which to move forward. We may hear that this is wrong with this part of it or this is wrong with that part of it. I think it's recognized that the agreement in all its content and specificity is not a perfect document.

Each first nation has already ratified constitutions, as we've heard earlier, and is ready to move forward with laws and so forth to manage their new responsibilities and collective ownership of the land.

Bert Mack, the senior hereditary chief, spoke about opposition. He said he appreciates the opposition "because it has given me more strength" — so those who would oppose will have to take this gentleman on, and I wish them well — "to prove that I'm on the right track."

I don't discredit opposition. I don't discredit contrary comment, because I think that helps us clarify what this is. We do need to adapt and move forward. It will be a living document. It is really simply a beginning — an important, momentous beginning, but a beginning — and as we move forward, we'll have to continue to reach agreement between first nations and our other communities to work cooperatively in the stewardship of the land and move forward with economic initiatives.

Bert also said he has no animosity against these people. I sense the speaker following me might have some, and I'm sure he already knows and is reassured that his comments are not taken in any context other than as constructive criticism.

It was also said by Therese Smith that the final agreement is not a guarantee, but it expresses the intent that we will get "a better place — all of us — as British Columbians." I think her comment is extremely important. Yes, they intend to operate differently, independently, and some would see that as a contradiction because our culture, as I mentioned, is derived from indi-

vidual property ownership that we then individually vote. There's is a more collective system which will allow individual rights, as well, but basically is focused on a different approach to governance, one that is not, I believe, incompatible with our own systems.

It is going to be a challenge to work through these things as they evolve, but it gives our country, our province, a leadership role in the entire world as we accept these challenges to move forward and move forward together.

It certainly has been a time of joy. It certainly has been a time of excitement. I was at the celebration briefly last night, and it really was a tremendous celebration. It's not the first, and it won't be the last. They'll be celebrating this Sunday and for many years to come.

Finally, Madam Speaker.... May I pause for a moment. This gives me an opportunity to congratulate you in your new role as Deputy Speaker. I think we're very well served and very lucky to have a person of your experience in the chair.

Finally, Robert Dennis says: "We hope that this treaty will begin to bring that vision to reality and the meaning of reconciliation." This is what it's all about. It's the beginning — a wonderful beginning. I think I'm amazed that despite all the suffering and everything that has been imposed on the first nations — smallpox, the children being removed from the homes — that they are so open to say: "We're ready now to put that all behind us."

[1655]

They have achieved a reconciliation in terms of the social cost to them and are ready to move positively forward as Maa-nulth, as British Columbians and as Canadians.

C. Trevena: I stand here in support of the Maa-nulth treaty. I'm very pleased to stand here and support it, because it is an important treaty. I'm sure Bill 45 will go through unanimously, but I just wanted to use this opportunity to talk a little bit about it.

One of the five bands involved in the Maa-nulth — the Ka:'yu:'k't'h'-Che:k'tles7et'h', which is actually two first nations brought together — is in the constituency that I represent. I wanted to paint a picture of what it's like in Kyuquot to explain to members why I think this treaty is so important for people.

I know the Minister of Aboriginal Relations and Reconciliation talked about Kyuquot being in Kyuquot Sound and that it's accessible by boat or by plane, which is fine for.... It creates a certain image, but for most people to reach Kyuquot, you drive along Highway 19 up to the Zeballos cutoff, which is almost two hours — say, two hours — north of Campbell River.

You drive down a logging road, maintained by the Ministry of Forests, to Zeballos. Then you go beyond Zeballos, to Fair Harbour. So you've been driving about four hours by now — two hours along a logging road. This is kept up, but I can tell you it takes out a few tires. I've lost a few tires along that logging road.

That takes you to Fair Harbour, which has a small store and a fuel dock there. At Fair Harbour you get

into a boat — it's usually somebody's little outboard — and you go up the sound for 45 minutes until you get to Kyuquot.

Now, Kyuquot.... As the minister quite rightly said, there are two parts of it. There's Walters Cove, which was traditionally the European community; the white community lives at Walters Cove. That has fishing, and it now has sports fishing, and you have the first nations community on the other side. As you pull in the Ka:'yu:'k't'h'-Che:k:tl'es7et'h' area, you can see a number of docks that have fallen into disrepair — the main dock — and a number of boats, not in great condition.

Basically, there is no money in Kyuquot — not for the first nations. There is some money in the fishing lodges, and many of the first nations, during the summer, are able to work at the fishing lodges either as guides or helping out in other ways. But you walk up from the docks — and you're protected on this side where the housing is, where the reserve is, from the open Pacific — through a small community.

If you took a snapshot of it, you'd think it was a subdivision. It's family homes, all detached family homes, but you also need the reality check because while you've got the family homes there, there is no pavement, because you're out in a very remote area, and the family homes are in huge disrepair, because there is no money.

I was up in Kyuquot this summer for a wonderful celebration. It was the graduation of all the Nuu-chah-nulth students, every Nuu-chah-nulth student who had graduated this year.

I think there were over 60 people named on the graduation lists. About 30 came, including mature students — adults who had gone back to finish grade 12 and get their Dogwood. There was a moment of wonderful pride for all Nuu-chah-nulth and for the people in Kyuquot, because it was their opportunity to show their community to other people from Nuu-chah-nulth first nations and to share with people the pride and the hope of what could happen. This is before the treaty had been endorsed. It was an opportunity to share the sense of opportunity.

[1700]

There were a number of speakers. The valedictorian and somebody from the first nation, from Ka:'yu:'k't'h'-Che:k:tl'es7et'h' — who is now living, I believe, in Victoria — also spoke and, again, talked about opportunity and about pride and about possible achievements, which is so important for this first nation.

We're here to discuss the treaty, and we will agree to the treaty. I'm sure our colleagues in the House of Commons will also agree to the treaty. But that's not going to be the magic bullet. Signing the treaty isn't going to put pavement down on the road. It isn't going to repair the houses that are really in huge disrepair. It isn't going to provide more housing, which they so desperately need. It's not going to provide a community centre. It's not going to rebuild the school gym that is in huge disrepair.

The school gym was the scene, on the night before graduation, of a wonderful celebration. In the school

gym the MTV crew had come and had a disco for all the students and for all the families who had come to the graduation. It was such a sense of joy and celebration.

Kids who had grown up in Kyuquot.... Some had moved to Campbell River occasionally, but many kids who had just spent their life in this very isolated community were suddenly there with the MTV disc jockeys and with a sense of celebration and hope.

Meanwhile, in the kitchen, I joined with many of the first nation women preparing for the feast the next day. We were sitting there chopping vegetables and peeling potatoes and just talking about hope and what they hoped for their children and what they hoped for the future for their community.

It's not much that they hope for. It's the hope of jobs. It's the hope of some economic security. It's the hope of some housing security. This one of the five Maa-nulth First Nations — like the other four and like so many of the first nations in our province — is extraordinarily poor. They have been so marginalized.

I was talking yesterday to members from the first nations who were here and to the band manager. It's not just poor people on the reserve now in their lands who are dealing with the issues of isolation and of poverty, but they have members here in Vancouver, in Campbell River and in the downtown east side — all struggling for survival.

I have to say that Chief Tessie Smith knows that this isn't going to be a magic bullet. She knows that there is going to be a huge amount of work still to be done. She knows that her people, the 500 members of the Ka:'yu:'k't'h'-Che:k:tl'es7et'h'.... As I say, they don't all live there, but they have a huge issue of capacity-building, of making sure that from the kids at the school — there is a school in Kyuquot — right the way through to the adults, they are investing financially and with support in capacity.

I was talking to Tess, and she was saying.... This was just after the treaty had been approved. She said, basically, that it's going to be a big change from now on, and it's not going to be overnight either. It's going to take a little bit of work to be able to think in a different way and to work in a different way and to get a more positive attitude. It's going to be a little bit of work.

I think Chief Tess is understating it. I think she knows that it's going to be a lot of work. It's not going to be easy. It's going to be a time when it will take leadership of the band council — of Tess and the two other women on the band council. As a woman, it's always nice to see the women there leading the community, and they are leading the community.

But it's going to take a lot of dedication from them to help their community move through this phase and to help their community not expect a magic wand — that they've signed a treaty and that it's all going to be great, that they are going to be able to go out and get back fishing, go out and get back hunting, go out and get back logging.

[1705]

They know it's not that easy. They know they have lots and lots of work to do. These are long-term projects. Signing a treaty is a long-term project.

I think it's also incumbent on all of us — and this is one of the reasons I wanted to stand up and talk today — who are also in leadership positions to continue to work with first nations to ensure that they do have that capacity, that when we're talking to them about economic development and, "You can get economic development for your home," that there is a reality there so that economic development actually means something and means something realistic.

If you look at Kyuquot.... As I say, there's Walters Cove with a few fishing lodges, there's the reserve, and there's a school. Kyuquot just got electricity not long ago. It had generators before that. It just got a power line. It's still negotiating to bring down the price of power. It's an isolated place. It's an isolated place that will need continued support.

We cannot abandon first nations when we sign off on treaties. We have to make sure that we are still there, assisting first nations develop that capacity, develop ideas, develop ways of doing things so that people who want to live and work in their traditional territories can but that the expectation is not so great that we are helping when first nations talk about wanting to go into aquaculture or wanting to go into forestry, wanting to develop home-based businesses.

What does that mean? That we are helping the young first nations make sure that they can graduate from Kyuquot Elementary Secondary School and move on — whether it's Malaspina or North Island College or Camosun — and that they still have those opportunities.

I think a true legacy of a treaty is going to be that first nations have their land. But there is more than that — that we continue to work with people as British Columbians and as Canadians so that the future isn't as bleak as the past has been and so that in 20 years' time when somebody goes to Kyuquot, they're not walking through essentially a place that would fit into the developing world, where there is huge unemployment and little hope but that the hope and the benefits are truly there and that we have worked with the first nations to ensure that that can happen.

I am very proud to stand here today to speak in favour of this bill, Bill 45. But the message that I hope that all of us have at the end of our debate here, for this treaty and for other treaties, is that we cannot let the first nations fail.

B. Lekstrom: It's my pleasure today to rise to speak in this Legislative Assembly on Bill 45, which is the Maa-nulth First Nations Final Agreement Act. Yesterday during the presentation we saw five representatives speak to us from the Bar of this chamber, and I can tell you, they were moving comments. They were certainly ones that I think each and every person that was in this chamber, whether they were on the floor of the Legislature or in the gallery, listened to intently. I, as well, was one of those people.

One of the speakers, the Hereditary Chief for, I believe, the Toquaht Nation, Bert Mack, talked about the democracy that we enjoy in British Columbia and in our country and the ability to have differences. Although we may want the same end result, how we get there is respectful.

[1710]

I appreciated those comments, because I rise today not in support of Bill 45. Again, as I spoke to the Tsawwassen treaty, I want to make it very clear that I'm not opposed to treaties. But the result of these treaties.... I have taken the time to read it, and I do want to point out for the public that this is the treaty. The bill we're talking about today is 21 pages. It lays out the information that's contained in roughly these 900 pages.

Again, it's not an easy read. It's not an easy read, whether you're a legislator or an individual in British Columbia who wants to pick it up and read it, but I do encourage people to go through it. It's part of our province. This document is going to be part of our history, just as the Tsawwassen treaty is.

I'm going to try and cover a number of areas in my comments here today, but I do want to read into the record what was said yesterday by Mr. Bert Mack. He said: "There are so many ways to look at where we are at now, and I know we are on the right track." Those were his comments in his speech. He went on to say: "I appreciate the people that say that we're on the wrong track. To me, this proves that we have a good democratic system — when you can listen to the people, the opposition."

I appreciate those comments, because although I believe we want the end result to be the same for all people of British Columbia — for Bert's people and for the people I represent — obviously, the difference of opinion in the democracy that we both adhere to is one that allows us to have a difference in how we get there — which treaty and which process will get us there to the end result.

What we've got, in my mind, is one province, and we have one group of people with many different cultures. The first nations culture is one that I respect, and it's something — I can tell you, as I spoke before on the Tsawwassen treaty — that I'm no expert in. It's a culture that I learn from, just as we all can when we look at our history and learn from that.

I do accept that there were wrongs done years ago. I believe the reconciliation that has begun in this province and across the country is welcome, not just for first nations but for all of us. We needed to recognize that change had to occur, and I believe that change is occurring.

In this treaty that we're talking about, it isn't one first nation that we're dealing with. We have five different bands under one treaty. For that very reason, the reading of this document takes time. It's not like most books, where you can read it once and fully comprehend it. I'm sure I'll go back to it many, many times over the next number of months and years, as I have different questions, to find out how we're doing.

I think it's fair to say that if you cast a vote either for or against something.... I do expect, as the Tsawwassen treaty passed in this Legislative Assembly, that

this one will pass overwhelmingly, but I will cast a vote against it for a number of reasons, and I want to lay those out.

One, as I said before, is an issue under the self-government of chapter 13 in the treaty itself. It gives self-government versus the delegated style of government which I prefer. A municipal style of government was laid out in a referendum, which was held in this province and which the people of British Columbia fully endorsed, to negotiate treaties with a delegated style of government versus self-government. I believe in that.

Now, that referendum certainly was presented. There were people for it and against it, but I'll go back to what Bert Mack said — that we live in a wonderful democracy where we can do that. So I will always stand by that.

This treaty gives law-making authority to the Maa-nulth that, in some instances — similar to Tsawwassen — exceeds either the province or the federal government's laws. Again, I don't believe that is how we build one nation or one province.

An example of that would be laws regarding adoption, child protection, child custody, forestry, our K-to-12 education — or their K-to-12, and I'll touch on that in a few minutes — post-secondary education, health, social development, public order, peace and safety, and others.

[1715]

I just touched on something — I'm not sure if we even recognize we do it. Whether we're for or against this treaty, most speakers seem to always refer in the sense that it's us and them. We talk about first nations, and we talk about us. I prefer to talk about "we." I don't look at somebody as first nations or non-first nations, as a different race or colour. I've said this many times during my talk on the Tsawwassen treaty, and it echoes here today: I'm here to work for one British Columbia under one law for everybody to make sure that we look after the needs of everyone.

That's really the fundamental difference I have with many of my colleagues from both sides of the House or with the Maa-nulth people and with Bert. Yesterday, after the speeches were concluded here and there was the break, I left the chamber to try and find him, but he'd already gone over to a celebration they were having. But I will get in touch with him because I do want to tell him what I thought of his talk and how appreciative I was of what he had to say.

Certainly, I have concerns on the subsurface issue that's granted to the first nations here. No other British Columbians enjoy that, other than first nations at this point. I don't accept that as being equal and fair. Part of our agenda was to negotiate fair and equitable treaties. That's where I see a difference as well.

Under chapter 17 there's a resource revenue-sharing agreement that I don't believe is wrong, but I know — and I live in an area that has looked at this — that other areas of the province have spoken to governments, both ours and previous governments over the years, on resource revenue-sharing agreements. They haven't been achieved. To put it forward in a

treaty for a first nation, while others still struggle to get that recognition or the ability to have that, doesn't match my view of equality for the people of British Columbia either.

Water, under chapter 8, is a concern. We're granting a percentage of water flows from certain rivers outlined on pages 83, 84, 85, 86 and 87 that lay out which rivers and what percentage of flow is guaranteed to the first nation. It's a challenge for me to accept that that's the right direction that we want to go in.

Chapter 9 of the treaty, under "Forest Resources," allocates the ownership of forest and range resources to the Maa-nulth First Nations. Again, I believe that the resources of this province are there for all of us together, first nations and non-first nations alike, to make sure that we utilize those resources to the best of our ability and that we manage them properly for all British Columbians so that we can deliver the health care, social programs and education that we need.

We are a resource-rich province, and we always have been. If we properly manage our resources — and I believe we always will — we'll have that to draw from, to provide the services that all British Columbians so rightfully deserve.

Chapter 10 deals with fisheries. For years, fisheries have been a topical issue of discussion, but this grants quotas to the Maa-nulth First Nations, which I know people have referred to — I believe I've heard it over the years — as "a race-based fishery." Although our fisheries are in federal jurisdiction, and I'm clear on that, it is part of this treaty because this is really a tripartite agreement. I believe in equality and in treating people fairly and equally, and this steps over what I believe is right.

Chapter 11 deals with wildlife, and wildlife has special allocations for the Maa-nulth as well. On page 138 they are granted a percentage of the Roosevelt elk, giving a quota, which no one else in British Columbia enjoys, unless you're first nations.

In my mind, it isn't building a province that's coming together. In my mind, right or wrong — and that's the democracy that we enjoy, that Bert talked about and that I keep going back to — I see it as building individual areas rather than pulling those areas together into one as a whole.

Also, there's the issue of hunting and fishing. In our country, in our province, it is something that my colleague from the Kootenays who sits to the left of me has spoken loud and clear about and worked very hard on.

[1720]

I think most British Columbians understand that our hunting and fishing rights are important to us, but we do it under a law that lays out how we can do that. This treaty, similar to the Tsawwassen treaty, allows for the harvest of wildlife with methods that differ from others. That's fine. They aren't laid out in that treaty. Again, I have some concerns as to what those may be.

I do want to go back to a couple of things I talked about, and I'm not going to carry on at length. Much of what I have to say is very similar to what I said during my Tsawwassen comments.

I have a great deal of respect for the Maa-nulth First Nations. Again, in my talks people kind of say: "Well, how can you vote against the treaty, then, if you respect the people of this first nation?" To me, it's quite simple. It isn't that, if you disagree, all of a sudden you can't be friends, you can't carry forward, have friendships, carry on and have agreements and disagreements.

We disagree many times, whether you're with the government side or with the opposition. What the public sees is disagreement after disagreement. I can assure you that many times, after the cameras are off, people are together, and they're talking. We have friendships that are built up here, but we see things differently, obviously. It's our job as elected officials to make sure that we express our views on behalf of the people who have elected us, but I would hope that friendships are never broken because of a political belief. I think that would be a sad democracy, and it's not one, I would think, that would be conducive to a better province either.

We are under chapter 19, "Taxation," where after eight years the first nations will pay their PST, GST and motor fuel tax. Really, the "transaction tax," I think, under the definitions of this treaty, is how they do it. After 12 years, property tax and income tax will be paid. But there is the distinct possibility, as with the Tsawwassen, that although the individuals will pay this tax, it will be remitted back to the first nation government. We don't see that for other British Columbians.

Again, it's a difference. I have an opinion that I don't share with my colleagues in this Legislature, but it doesn't mean I don't respect their views. It doesn't mean that I'm right and everybody else is wrong. It means that I'm expressing a view that I hold inside myself. I'm prepared to learn from and to listen to others, to listen to the debate in this chamber.

I listened to the speeches yesterday from the Bar of this Legislature. They were moving speeches — ones I actually learned from as well — but I have not, through anything in the readings I've done in this treaty, come to the conclusion that I can support it because it builds a better British Columbia. That's where I differ.

There's the cost; people talk about "fair and equitable." Is it affordable? The numbers are really debatable. We hear anything from \$80 million, \$100 million, \$200 million to \$500 million. To be honest, the issue of affordability is the last thing I'll base my judgment on. I would prefer to base my decisions on the issue of equality and what's fair for all, and I'll always work towards that.

In conclusion — and it may be a bit of a long conclusion — I'm going to say again that I respect the Maa-nulth people, the first nations and the five different bands that we're dealing with in this treaty. I think their leaders should be very proud, and I think their people should be proud of their leaders for the work they've done on where they've brought this treaty almost to a conclusion, once it passes in this Legislature.

Although I spoke against it, I'm quite a realist and understand that it will pass, and that's democracy. Should this treaty pass — just as the Tsawwassen

treaty passed, although I opposed it — I'll leave this room and try and make it work. That's my view of democracy. It isn't to go out there and say: "I voted against it, so I will always and forever try and make it not work." I think we would have an awful democratic system if that's the way we operated.

I will always stand and express my views on what I believe, and at the end of the day I'll accept the vote not only of this Legislative Assembly but of any democracy I work within. I'll work for all people of British Columbia, and I'll work for children who need help, as I said. I will work for families who need help, and I'll work in a way that treats us all fairly and equally.

[1725]

I will try and move the lives of the less fortunate — regardless of whether you're first nations or non-first nations — ahead, so that all of us can enjoy a better life — not a select few, not a small percentage or a large percentage, but all British Columbians. For that matter, all Canadians and all people in this world deserve to live a quality of life that they can enjoy and to have some security in their future.

This treaty... Again, in closing, I believe a fundamental reason for my disagreement with it and opposition is that rather than building one stronger British Columbia, I believe we're building smaller, isolated British Columbias or provinces within one great province. We do have a great province.

I will continue to build a stronger British Columbia, and I will continue to do it by working for all British Columbians. I have a great deal of respect, as I said, for my colleagues in this chamber. I'll continue with that respect, just as I respect those that addressed us yesterday during the presentation — the chiefs and the hereditary chiefs.

But I do want to make it clear that my view of this treaty is different than what we've heard from most speakers in this Legislature today. I do oppose it. I support treaties, but this treaty does not get us to where I believe we're going to have a better, stronger, more unified British Columbia. I will do what I can to ensure that this province, and the work I do on behalf of it, is for all British Columbians.

With that, I thank you for the opportunity to give my views here this afternoon.

C. James: I rise today in support of the Maa-nulth treaty. The Maa-nulth people have waited generations for this treaty, as other people have mentioned. I want to start by congratulating the Maa-nulth for their resilience, for their patience and for the diligence they've shown in achieving this historic settlement.

Yesterday — and I've heard other speakers mention this as well — all of us were moved by the speeches we heard at the Bar. As Chief Charlie Cootes said, the treaty "is a vision that permits us to see a future filled with opportunities. It's a vision that removes the crippling institutions of the colonial era, and it's a vision that permits us to move forward and leave the pain of the past behind." Incredibly powerful words.

Chief Cootes's remarks reminded us that we are all, every British Columbian, on a historic journey — a

journey towards reconciliation and towards justice, a journey towards a better life for B.C.'s first peoples. In fact, and I say this often, this isn't simply a journey that's good for first nations people. This is a journey that is important for all of us in British Columbia, for a better province for every British Columbian.

It will be a great day for the Maa-nulth when this treaty is ratified. The Maa-nulth treaty is the second treaty that's been brought to the House this session. It is, in fact, the second treaty that's been brought forward under the treaty process that began under Premier Mike Harcourt and a past New Democrat government.

I think it's important that, just as we acknowledge the elders of the Maa-nulth who have come here, who have provided the support to get the treaty here.... I also want to acknowledge that former Premier and his government for having the courage and foresight to embark down this road on treaty negotiations. Seven years ago the Nisga'a people made history by concluding the first modern treaty in B.C. history, under a New Democrat government.

I also think it's important to remind members of this House that the Nisga'a treaty was opposed by the then Leader of the Opposition and now Premier. That opposition ended up in a court case seeking to nullify the Nisga'a treaty and in a very divisive and unnecessary referendum on aboriginal treaty rights.

[1730]

In the process, we saw the now Premier set back the treaty-making. He set back our collective march towards justice and reconciliation. In fact, I believe that he set back the coming of a better day for all B.C. first nations. For that, the history books will remember him.

Until the fall of 2004, the Premier's lawyers were still arguing at the Supreme Court of Canada that British Columbia had no duty to consult first nations when they were looking at development on land in first nations traditional territory. The Supreme Court very clearly told the Premier he was wrong.

Then in 2005 the Premier changed direction and negotiated the new relationship accord. This is a very important and far-reaching document, but as we all know, and as first nations people know best, we need more than a document. We need more than words on paper to move towards reconciliation.

I thought Chief Therese Smith said it best yesterday when she said at the Bar: "The almost 800 pages of political and legal chapters, clauses and subclauses in our final agreement cannot and will not guarantee our people a better life, a fair share of our resources nor a place in the hearts of all British Columbians.... It is only through the intent and the spirit of these very long, tiring and costly negotiations that we shall get to a better place — all of us — as British Columbians."

[S. Hammell in the chair.]

Incredibly powerful words — words that all of us need to remember. We need to remember that it will take action to take the new relationship document to

really mean something to aboriginal people in their communities.

It is our intent that will lead us to a better place. In my travels and discussions with aboriginal people and first nations, I hear questions about the depth of the Premier's commitment and intent. The optimism that greeted the new relationship is very quickly turning to frustration and cynicism, and first nations actually wonder whether it's just one more of the short-lived commitments by this Premier — announced with great fanfare on one day but then put on the backburner very quickly the next.

That would be a tragedy. That would be a tragedy for us here in B.C. if that was true. Just as I did on the debate on the Tsawwassen treaty, I want to take a few moments to look closer at what life is like today for aboriginal people in British Columbia. Statistics only begin to convey the challenges faced by aboriginal communities, but I think these statistics are something that every member of this House should be remembering when dealing with the changes that need to occur to make life better for aboriginal people.

Aboriginal people, on average, live seven years less than the rest of the population. Aboriginal infant mortality rates run between two and four times the average for non-aboriginals. HIV and AIDS rates for aboriginal people are twice as high. Rates of diabetes for aboriginal people are triple the rest of the population. Alcohol-related deaths are four to nine times higher for aboriginal people. Drug-related deaths, two to four times higher.

The hospitalization rate is 40 percent higher for aboriginal men and almost 80 percent higher for aboriginal women. The rate of aboriginal teenaged mothers is almost six times the rate of the rest of the population.

The poverty rate for aboriginal children is twice the rate of non-aboriginal children. Between 1997 and 2005 the number of aboriginal children in care increased more than 50 percent. Some 50 percent of the children in care are aboriginal, according to the Representative for Children and Youth.

Only 16 percent of aboriginal children in care graduate from high school.

Aboriginal youth were seven times more likely to be in prison than their non-aboriginal counterparts. That's actually up from ten years ago, when they were only three times more likely to be in prison.

[1735]

On the education front the situation is just as disturbing. Only 47 percent of aboriginal students complete high school, compared to 82 percent for the rest of the population. With poor health and education outcomes, it will come as no surprise that aboriginal people don't benefit as well in the job market. Unemployment among aboriginal people is more than double the rest of the population.

For those with just a high school education, the average hourly wage for non-aboriginal workers rose 6.2 percent between 2004 and 2006, yet during exactly that same period we saw average wages decline by 30 percent for aboriginal workers. It's very clear that abo-

iginal people aren't feeling the effects of B.C.'s growing economy.

I raise these issues not because I want to raise the statistics about how bad things are for aboriginal people in British Columbia. I raise the statistics as a call to action for all of us to do what we can to improve these statistics, because when we improve these statistics for aboriginal people, every British Columbian benefits.

Treaties are key to changing the everyday lives of aboriginal British Columbians. But despite two historic settlements brought before this chamber, we've heard questions raised about this government's approach to treaties. The Auditor General noted the slow pace of negotiations. In fact, he singled out the questions being raised about the new relationship as an impediment to moving quickly on treaties.

Accommodation agreements are not alternatives to treaties. They can be a step to ensuring that first nations communities finally benefit from the resources of this province, but they do not settle either the land or the governance questions that are the reason for treaty negotiations. We have to do better — much better — than we're doing now.

One of the areas that's critical is building public support and momentum for the treaty process. The Tsawwassen and Maa-nulth treaties offer us an opportunity to do that. But I also believe there are lessons to be learned and changes that could be made to strengthen this process.

The first one is that we need to bring the public back into the room. We need to let some light in on the proceedings and let people know what's going on. If we're serious about treaty settlements, we need to expand and strengthen B.C.'s negotiations teams. I've heard over and over again the number of stresses that people are feeling in trying to meet all the needs of the tables with cuts in the negotiations teams.

As important as accommodation agreements are, they can't be seen by government as substitutes for treaties. I believe that we must grant the Treaty Commission more independence and expand its role so it can play the role of facilitator, of mediator and of adjudicator to resolve disputes related to overlapping claims, which is a significant impediment to treaties.

Rather than rigidly imposing one treaty settlement model in British Columbia, I believe it's critical that we explore other kinds of final agreements, other ways to treaty — not simply a cookie-cutter model. One size does not fit all when it comes to first nations.

We need to draft treaties in plain language so that British Columbians can read and understand what's being done in their name. More than anything, we need to demonstrate the political will to set a goal to complete all British Columbia first nations treaties within ten years. Wouldn't that be a goal to be proud of?

[1740]

We face no greater challenge than achieving a just and lasting settlement with B.C.'s first citizens. British Columbia will not be whole until first nations are included in its destiny, with control of their lives and

control of their lands. I look forward to the day when aboriginal people have that control, to living in a province where aboriginal people are equal members of society in law and in condition — a day when we can celebrate the victory over poverty and despair and when our children and our grandchildren learn about the injustice against aboriginal people as part of our past, not part of our present and not part of our future.

I'm so proud to support this treaty with Maa-nulth as a very important milestone in our growth in British Columbia.

J. Yap: It's an honour and a privilege to rise and speak on this historic occasion, the second reading of Bill 45, the Maa-nulth First Nations Final Agreement Act. I'd like to start out by acknowledging that we're on the traditional territory of the Songhees and Esquimalt First Nations.

I'm sure all of us felt a real sense of history yesterday when the bill was introduced and we were addressed here at the Bar by the five chiefs from the five first nations — the chiefs from the Ucluelet First Nation, the Chief from the Toquaht First Nation, the chiefs from the Ka:'yu:'k't'h'-Che:k:les7et'h' First Nation and the Uchucklesaht First Nation as well as the Huu-ay-aht First Nation. I'm sure all of us could feel, as I did watching the chiefs speak, a sense of excitement on their part and also a sense of achievement at what we are about to do here, which is to ratify in this Legislature this historic agreement.

I like the reference by the very first speaker, our Government House Leader, referring to this really as not so much an act but a reconciliation agreement. I think that really describes what we're trying to achieve here, which is to move forward, to work with and, through this act, to help and see these first nations and other first nations who achieve final agreements — the opportunity for reconciliation.

Now, past speakers have spoken in various degrees of detail about the history that this is a part of — the fact that what we're trying to achieve here through the treaty process is the opportunity for first nations who choose to participate and negotiate final agreement treaties successfully with Canada and with British Columbia to have a sense of becoming part of present British Columbia and to be full participants in our society.

I'm mindful of some of the voices of disagreement, including my colleague from Peace River South, and we all respect that. I know, speaking as a member of this House, that in negotiation, parties to a negotiation rarely get everything they want. There's a sense of compromise; there's negotiation and a coming together for a final agreement. That's what we have here.

[1745]

This final agreement will allow the five first nations of Maa-nulth to really have the opportunity to now participate fully in society. As I was listening to the five distinguished chiefs yesterday speak so eloquently, I could really have a sense of what they were trying to convey, and that is this feeling of excitement and the

possibilities that now present themselves to their people.

For 2,000 people of these five first nations living in or near Bamfield and Port Alberni and Ucluelet and Kyuquot Sound, this agreement now represents a step along the way but also a new beginning for each and every one of the members of these first nations.

We've heard the references to what's involved in this agreement — the capital transfer, the resource payments over a period of time and the transfer of land to the first nations. These are all part of what was negotiated and agreed to, and will help the members of these first nations move forward in developing opportunities for themselves, their children and their grandchildren.

The Leader of the Opposition referred to statistics that none of us can be proud of nor can we accept. The fact is that members of first nations in virtually every measure of social achievement and status are at a level that is simply not acceptable. We need, as a society, as a province, to do everything we can to help first nations people take the steps to close the gaps with the rest of society.

The treaty process is one opportunity. It's not the only opportunity. We've heard mention that there are those in first nations communities who are not on side with going through the treaty process, and that's fine. The treaty process is available to those first nations who choose to participate and to find their opportunity through the treaty process, find their opportunity for a new beginning, for reconciliation and a new relationship.

This agreement will recognize the Maa-nulth First Nations rights and title, ownership and management of lands and resources. When the treaty comes into effect, each of the first nations will own their land in fee simple, and there will be no more Indian reserves.

We should take a moment to pause and think about what that means for the members of these first nations and for future generations. The fact is that at long last, through this process they now can become full participating members in society to develop new opportunities for themselves and to no longer be held under that archaic law called the Indian Act.

This is not to say that members of these first nations will not continue to, under this agreement, enjoy opportunities for pursuing under their heritage what is rightfully theirs. I think past speakers made mention of the fact that when all is said and done, what we are trying to achieve here is getting things right with a group of people, with first nations, with these five first nations to achieve a reconciliation.

[1750]

Yesterday, at the Bar, one of the chiefs made reference to the fact that this was a long journey. To quote the Chief: "My father entrusted me to continue his quest for a treaty. My people and I have succeeded beyond my expectations. I only wish he could have been here on this momentous day."

That was Toquaht Hereditary Chief Bert Mack who said those eloquent words. I want to come back to the import and the meaning of what he said in a moment.

This is a treaty that I support and that I know enjoys wide support on both sides of this House. It's a treaty that will allow the Maa-nulth First Nations, the five first nations, to have the opportunity to create for themselves a sense of economic participation. It also allows them, within their heritage and their culture, to maintain the values and, within this new relationship, to participate fully in our society and yet continue to be first nations that have a great sense of their heritage and their future.

Yesterday I felt proud to be a British Columbian and a Canadian in this House, watching history unfold. In the coming days we will see more of this history happen. It really is a privilege for all of us to be here to witness this completion for these five nations, as we did with the Tsawwassen First Nation, and to come full circle — to put in a legal agreement, to make right and to reconcile.

It was mentioned by previous speakers that the agreement by itself is just a start, and I believe that is the case. This is a start. It is not by itself going to be the full answer for members of these first nations. They will use these opportunities to create for their children and grandchildren a better future.

As a member of the Aquaculture Committee that was struck by this Legislature, I had the opportunity, along with other members of the committee, to visit first nations communities and to listen to many of them. I recall the one presenter who spoke passionately and with great grace and eloquence about how he wished as a father that there were more opportunities for his family, for his children. He had a son who, sadly, did not have that opportunity, and he lost that son.

We felt compassion for this father, for this member of this first nations community, and I couldn't help but draw a parallel to what Chief Bert Mack said yesterday about this sense of generational change — the fact that he had been empowered by his father to seek a treaty. Here we are on the doorstep of completing that journey for Chief Bert Mack.

[1755]

I think back to that hearing where we listened to this member of the first nations community who talked about his loss and the fact that he wished there were these economic opportunities for his son who he lost. I believe that when we go from here, as this final agreement is given life and ratified by us here in this House and then by the federal parliament, members of these five first nations will have the opportunity to create a new future for themselves and future generations.

In closing, I believe that Bill 45, the Maa-nulth First Nations Final Agreement Act, is one that we should support, which I support, and is one that will make a difference for members of these first nations, for British Columbia and for Canada.

C. Wyse: It is indeed my honour to be up in the House to speak in support of this bill for ratification of the Maa-nulth treaty. All of us in the House, I'm sure, were so impressed with the speeches that were presented to us on behalf of the Maa-nulth Nations. It had

contained within it this word of hope that had risen out of justice and reconciliation, which had been achieved through this particular process for these groups of first nations.

It has some historical significance to it in the sense that this agreement also brings together a treaty of a number of first nations communities here on the western part of Vancouver Island — very, very significant.

Now, the process itself in obtaining this very important feeling for humans, that of hope, is not in the process but in the achievement of that feeling of hope being achieved. When you examine the conditions that exist here in British Columbia for first nations, we understand clearly the need for a concerted effort to provide for justice, to provide for reconciliation so that hope may be spread across the 200 first nations communities that exist here in our province.

That is a responsibility that rests with this Legislature. It is a responsibility that has rested with this body since British Columbia was incorporated. We do not have a record here in the government of British Columbia that we can be particularly proud of, but what happened here recently is reason for celebration. It is a reason to be looking forward.

However, in that wisdom of looking forward, there is some experience that I would like to share here with the House. Our recent history, with the government coming up with a means to provide for hope through justice and reconciliation, leaves me with some anxiety. And the anxiety is shared by other people such as the Auditor General, people that impartially look at the processes that have been in place.

[1800]

A political party that has been reluctantly brought to the table is not necessarily the party that is able to see that it isn't necessarily the treaty process that will lead to justice and reconciliation. In actual fact, it is the process of negotiation that will allow that achievement for the development of hope across British Columbia.

It is on that point that I rise once more with pride to represent Cariboo South. I happen to represent a constituency that has got three proud first nations in it: the Shuswap, Tsilhqot'in, and the Carrier. None of those groups are within the treaty process. However, all of those groups are seeking to find justice. They are seeking to find reconciliation and, out of that, hope for their communities.

When I met with the leadership of those communities over the last two-and-a-half years, all of those communities shared with me the words that I'm trying to share with you here in the House and with all British Columbians. They do not subscribe to the process that is here in front of us — that it will provide reconciliation and justice for them, in their opinion. But I stand here with pride because those leaders also told me that, on their behalf, I was to recognize the Maa-nulth Nations. I was to recognize that they have chosen how they will develop their hope.

That compassion that they have asked me to share here with this House gives me honour, but it also gives me the responsibility to advise the members opposite

that people who have reluctantly been brought to the table have to also show a broader means of addressing this issue than what they have done to date. Otherwise, we are doomed to have very few of these successes, of developing justice and reconciliation and of hope being formed.

I made the other major points when I spoke earlier to a previous treaty. I do not intend to go back and repeat those points at this point in time, but I did feel that, on behalf of my constituents.... One of those groups, the Tsilhqot'in first nations community, who I met with today, confirmed their wish that I bring forward to this House their appreciation for all other first nations communities and what they have gone through over the last decades in order to move forward — and to move forward for all these communities, including the Maa-nulth.

The government will have a responsibility to broaden out how they bring forward the negotiation process. If it remains stuck upon the treaty process as it is defined now, I am concerned.

With that, I wish to close by congratulating the Maa-nulth people and extending to them from the residents of Cariboo South our best wishes and our hope for their future.

J. Horgan: It is a pleasure, a privilege and an honour to rise and participate in the debate on Bill 45, the Maa-nulth First Nations Final Agreement Act. Before I speak to the substance of the legislation and my remarks at second reading, I want to acknowledge the comments of the member for Peace River South.

[1805]

I had the good fortune of participating in some long-house ceremonies in my constituency and around Greater Victoria with first nations here in the south Island. What I've learned from that respectful process is that people speak and put their thoughts and views into the open — where everyone listens quietly and respectfully and, regardless of whether they agree or disagree, acknowledges the heartfelt intent of those words.

As we work in this place.... Just a few hours ago we were hurling invective back and forth at each other — angry, riddled with animosity about ideology and perspectives on public policy issues. But when it comes to issues of substance and of social justice like treaty-making, I think we need to put all of that aside and learn a lesson from our first nations brothers and sisters on how respectfully they conduct their debates. So I acknowledge the position of the member for Peace River South, and I respect that he has a view that's different from mine on this issue.

Some years ago in the 1990s I was deeply moved to observe from the gallery Joe Gosnell speaking from the Bar of this place. I wept, in fact, at his words and his wisdom. Just weeks ago I had the privilege of sitting in this House and listening to Kim Baird represent the Tsawwassen people so ably.

Then this week, just yesterday, I want to add Violet and Richard Mundy, Charlie Cootes, Therese Smith, Robert Dennis and Bert Mack as first nations representatives of the Huu-ay-aht, the Ucluelet, the Uchuckle-

saht, the Toquaht, the Ka:'yu:'k't'h'-Che:k'tles7et'h' nations — the Maa-nulth Nations — who were here to speak to us about the importance of this treaty to their people and their future.

I want to echo the words of the minister when he referenced George Watts, who was, in my opinion, one of the most eloquent speakers, aboriginal or non-aboriginal, that I've ever heard speak, particularly when he had passion. Sadly, he's not here to see a portion of the Nuu-chah-nulth peoples reconciling with British Columbia and Canada and finding their place in their homelands. I will quote, if I may, Therese Smith's comments. She quoted George Watts when he said: "We need to move forward. We will make mistakes, but we will learn from them."

It's that simple wisdom, I believe, that should motivate us as we move ahead in British Columbia and in Canada making treaties with other first nations. Certainly, I am anxious to see treaties reconciled and concluded with peoples in my communities on the west coast of the island: the Beecher Bay band, the T'sou-ke First Nation and the Pacheenaht people. I know the member for Saanich North would want to see some resolution to the Douglas treaty groups who have been deprived their rightful place in British Columbia as first nations.

As we debate this bill and other bills that will follow, I think that if we adopted the ways of first nations people... We've had these discussions. We've allowed members like the member for Peace River South to say his views, to speak them honestly and passionately. We've listened to him with respect and dignity, as we should, and as first nations would as well.

I had the good fortune of being in the Huu-ay-aht territory some years ago with Robert Dennis and others. That territory is traditionally around the area of the community of Bamfield, and I was there to do some work with the Huu-ay-aht people on the Pachena Bay campsite. I learned a great deal in the short time I was there. I was taken to an archaeological site, the remains of a longhouse that had been in existence thousands of years ago on the site of the Huu-ay-aht people. Thousands of years, hon. Speaker — imagine that.

For thousands of years, the Huu-ay-aht, the Nuu-chah-nulth Nation and other first nations up and down the west coast of Vancouver Island fished, gathered, hunted and used the land for their benefit and the benefit of future generations.

[1810]

It was with sadness that I went to the Sarita River, where I was told by Spencer Peters and Stella Peters — Spencer was here yesterday with Robert Dennis — that they used to be able to almost walk across the Sarita River in the fall when the salmon returned. Now there are no salmon at all. They used to go into the forests to collect berries and mushrooms and to harvest cedar. Now all of those trees have been harvested; virtually all of them have been taken away. The justice we do today by moving forward with this treaty for the Huu-ay-aht people is long overdue.

I would just like to quote Robert Dennis. I know we're very short on time. Robert Dennis said yesterday, addressing this House from the Bar: "We entered this

modern-day treaty with a goal in mind. The goal in mind was that we would make lives better for our people. We want to see more of our children educated. We want to see more of our people earning a meaningful income within their homeland. Today we hope those things can become a reality. Working with you, we are positive that those changes will occur."

The word "hope" was in that quote. Chief Bert Mack spoke of hope as well, as did Therese Smith. In fact, all of those who addressed us from the Bar yesterday spoke of hope for a new future. For the Maa-nulth people, I believe this treaty will achieve that.

But what about other bands and other nations across British Columbia and certainly in my community and the community of my colleague from Cowichan-Ladysmith? What of those nations? How can we reconcile with those nations when the process is in doubt in the minds of many first nations, when overlap leads to conflict between nations, and the governments of Canada and British Columbia allow that to take place without seeking a way and a means to resolve that?

I think we need to do three things. We need to change the mandates for these negotiators, whether they be provincial or federal. I think we need to add resources to the process to ensure that we can come to honest and honourable reconciliation with our first nations. And we need to revitalize the process.

I know that the minister is listening carefully, and the Premier will listen carefully as well — or review these words. The challenge we have in this House, in this parliament, in the time we have remaining, I believe, should not be lost.

This is the second treaty to come before us in a very short period of time. We have worked together, both sides of the House, with some disagreement, to ratify a first treaty, as His Honour Steven Point did today. We have an opportunity to do it again today with this treaty.

Why not resolve today as legislators to restart the Aboriginal Affairs Committee so that both sides of this House can work together cooperatively to kick start the treaty process, to get more final agreements in place? Send a message to those nations not participating in the process that: "This can work for you as well. It's worked for the Tsawwassen; it's worked for those people in the Nuu-chah-nulth nation, and it can work for you."

It can work for the Cheslatta. It can work for those in the Douglas treaty group. It can work for all British Columbians.

I know the minister listens carefully to those comments. He will find the resources. He will try to find a way to kick-start the mandate. He will invite those on this side of the House, who I believe have made it fairly clear over the past number of weeks that, when it comes to treaty-making, we are at the forefront. We were when Premier Harcourt created this process, and we want to be there again as we get it going so that we can have more first nations reach the resolutions in their lives that we all hope for.

Again, I'd like to conclude by reading another quote from Robert Dennis, who hosted me so many years ago in his territory. It's interesting. The federal

government said to the Huu-ay-aht: "Build your houses over there." And they said: "But that's a floodplain. The waters come there every five or ten years." They said: "No, no. That's a good place. You build your houses there."

So they built their houses there, with moneys from the federal government under the racist Indian Act. Then when the waters came, they went back to the federal government and said: "Our houses are flooded." And they said: "Well, we don't have money for that. We had money for housing, but not for restoration."

We were in not the longhouse but the large hall — the big house, I guess — in Huu-ay-aht territory. The huge, huge logs had to be asked for as a donation from, then, MacMillan Bloedel. Those logs belonged to the Huu-ay-aht people, and they had to go cap in hand asking for them. It's outrageous.

Nonetheless, Robert Dennis concluded his remarks yesterday with this quote, and I would like to do that myself. He said "This treaty, in my view, is for all of us, because today British Columbia can stand proud and say: 'I was part of that change. I was willing to stand up and say things must change. Things cannot stay the same. Things cannot remain status quo.'"

[1815]

We're doing a great thing today. We can do greater things tomorrow, with cooperation on both sides of the House. Kick-start this. Let's get the Aboriginal Affairs Committee up and running so both sides, both perspectives, can be at the table so that first nations can have genuine faith that we are working in their interests, not partisan interests.

C. Puchmayr: Maa-nulth is certainly a very important and monumental step towards more treaty settlements. I was very moved by the comments yesterday by the chiefs who came forward. I certainly shared with them how the problems that they have had in the past with their lands and with their peoples.... I remember listening to how many of the Maa-nulth people actually disappeared through disease, through alcoholism, through poverty.

[Mr. Speaker in the chair.]

It's very sad to also hear how many of their resources were taken from them. A lot of the trees are gone, and the fish are gone. They've done their best to reinvent themselves and to go forward.

I'm very pleased that this is the third treaty. The process started with the Nisga'a in the '90s. I commend the NDP in the '90s for starting that process, for setting a lot of the template that is part of the treaty process today. It is a very significant process. But we also must never forget the litigious manner in which the other side, the government, was opposed to that treaty — and the challenges through the courts and the challenges through the horrible process of a referendum.

We think that we're beyond that, but sometimes tides change, and they change very quickly. So we must ensure that we expedite the treaty process, that

we move forward with it quicker. We understand now that we have some templates, some cooperation. We have the first multi-first nation treaty here.

We need to move forward quickly, before the tides change. They could change federally, regionally or provincially again. I think we cannot forget those lessons, but also, having said that, we need to move forward.

We listened to the chiefs that came to the Bar. It was a very momentous occasion for them to come to this House and speak so passionately about what they've experienced and where they think and believe this treaty is going to take them. It's extremely moving.

I've attended a lot of the first nations territories and slept in their longhouses. I've slept in their fields in tents. You can see the poverty that still exists.

Even though we're able to get some agreements to go forward, there are still many first nations people in British Columbia that are living in absolute poverty and in absolute despair through drug addictions, through the baggage that they carry from residential schools, through the pain that they suffer through discrimination and not being able to find employment. We heard the statistics in the speech from our leader, who shared statistics about the poverty and how it adversely affects the first nations more than it affects everyone else.

I know there are other speakers that want to speak on this. I just want to say that I'm very pleased we're heading in the right direction. I certainly look forward to seeing more treaties come forward.

My caution is this: let's not slow this process down. Let's ensure that the resources are applied so that we can move forward quickly, so that we can set some goals, so that we can accomplish some treaties. Three down, 200 to go. Let's do it. Let's work together. I will strongly support this bill.

Mr. Speaker: Seeing no further speakers, minister closes debate.

Hon. M. de Jong: Thanks, hon. Speaker, and to all of the members who have participated in the debate and given their views and expressed their opinions. I should say that I am heartened by the level of support that exists for the bill, for the final agreement that is before the House.

[1820]

A couple of observations, quickly, about the debate. I'm also heartened and I think I'm appreciative of the remarks that the member for Malahat-Juan de Fuca has made in reference to the submission made by the member for Peace River South.

Part of the value of this place is when differing views can be expressed, and the member for Peace River South did express his opposition to the bill with conviction but with dignity and civility. Even though I disagree with the conclusion that he has drawn about the legislation, like the member for Malahat-Juan de Fuca, I am grateful that he was able to do so in such a dignified, civil and articulate way.

I should also say to the members who have spoken that I have been most appreciative of those who have

offered ideas. Frequently those ideas have related to concerns they have that the progress we are making.... The member for New Westminster talked about not slowing down.

We're modestly pleased that we are now seeing six communities having signed or being in the process of ratifying final agreements out of the B.C. Treaty Commission process, and I think members opposite are entitled to be, and should be, proud of the role that previous governments have played in the establishment of that process. I think that's important.

When members like the member for Malahat-Juan de Fuca talk about some of the new ideas that he thinks need to be brought to bear, I think that's useful. I think that is part of the exercise. Similarly, from the Leader of the Opposition I heard ideas relating to the changes that might be appropriate for the Treaty Commission itself and some additional or new roles that they might play.

I think on a day like today and in a debate like this one, that is appropriate, and that is helpful. I have to say with equal candour, however, that just as with the debate around the Tsawwassen, I was disheartened when a few of the members — including, I regret to say, the opposition critic — felt obliged to question the motives or the genuineness of the commitment to try and effect reconciliation, in this case through a treaty.

I had hoped, as many members did on the opposition benches, that for the critic and, to a certain extent, the Leader of the Opposition, there would have been an ability to rise above that level of partisanship, to speak in a very positive way about what is represented by this legislation and to provide some ideas, as many of the members did, including members of the opposition.

The member for Cariboo South talked about hope and the prominence of that word in the addresses we heard yesterday from the Bar. Chief Bert Mack did come before the Bar, and he did talk about hope. He talked about the day he heard the Premier make a speech in Alberni. "It was about hope, and hope is what we're looking for — our people. Hope is so important. Hope you can work with and accomplish once you get the meaning of hope.... I had to think of another trail where I could tell my people after I heard the Premier say 'hope,' and that's what I came back and told my people. We have hope."

Those chiefs that we heard from did not, on the day they spoke here, choose to question the motives, the commitment, and I don't question the commitment of any member of this House to effect reconciliation. Yes, it will take a lot of work; yes, it will take some imagination; and yes, the route we follow to that destination may be different for different groups. But for the Maa-nulth the route is clear, and they are celebrating, as well they should. They are celebrating the conclusion of this negotiation, the introduction of this legislation and, we hope next week, the passage of this bill through this chamber.

[1825]

We talked yesterday about reconciliation being like a canoe. That was appropriate, because there was a canoe in the room at the time. This final agreement represents a canoe that the parties — the Maa-nulth,

their people; members in this chamber, I believe; the government of Canada — believe can carry us to a new place, to a better place. By giving effect to this treaty, I believe that we are adding a couple of important paddles to that canoe, which will help us get to that destination we call true reconciliation just a little bit quicker.

With that, I move second reading of Bill 45.

[1830]

Second reading of Bill 45 approved on the following division:

YEAS — 59

Falcon	Reid	Coell
Ilich	Christensen	Richmond
Bell	Roddick	Hayer
Lee	Jarvis	Nuraney
Whittred	Cantelon	Thorpe
Hagen	Oppal	de Jong
Taylor	Bond	Hansen
Abbott	Penner	Coleman
Hogg	Sultan	Mayencourt
Polak	Brar	S. Simpson
Fleming	Farnworth	James
Ralston	Cubberley	Hammell
Simons	Puchmayr	Gentner
Routley	Fraser	Hawes
Yap	Bloy	Horgan
Lali	Dix	Trevena
Bains	Robertson	Karagianis
Krog	Austin	Chudnovsky
Wyse	Sather	Black
McIntyre		Rustad

NAYS — 1

Lekstrom

Hon. M. de Jong: I move that the bill be referred to a Committee of the Whole House for consideration at the next sitting after today.

Bill 45, Maa-nulth First Nations Final Agreement Act, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

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

Motion approved.

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

The House adjourned at 6:34 p.m.

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