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THE HONOURABLE BILL BARISOFF, SPEAKER

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

FIRST SESSION, 39TH PARLIAMENT

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THURSDAY, OCTOBER 22, 2009

The House met at 10:05 a.m.

[Mr. Speaker in the chair.]

Prayers.

Orders of the Day

Hon. M. de Jong: I call in Committee A, Committee of Supply, for the information of members, the estimates of the Ministry of Advanced Education and Labour Market Development; and in this chamber, continued committee stage debate on Bill 13, the Miscellaneous Statutes Amendment Act.

Committee of the Whole House

BILL 13 — MISCELLANEOUS STATUTES AMENDMENT ACT, 2009 (continued)

The House in Committee of the Whole (Section B) on Bill 13; C. Trevena in the chair.

The committee met at 10:07 a.m.

On section 81.

L. Krog: Section 81 is an extension of the powers to the city of Vancouver with respect to its charter to regulate street performers, numbers and permits, different bylaws in relation to authorities under section 319.

This request, I assume, came through the city of Vancouver. Is it because they have no existing authority or were expanding the authority they have or they have bylaws in place that they don't feel would be operative unless they have this authority?

Hon. B. Bennett: As I stated yesterday, when we first started to deal with this portion of Bill 13, all of these amendments in section 78 bring the Vancouver Charter into line with the Community Charter. In the case of this particular amendment, that is in fact what's happening. There are some housekeeping clarification alterations, but in general, what we're doing is providing the same powers to the city of Vancouver that other local governments in the province already have to regulate the activities that are listed in this section.

L. Krog: If I just may clarify, the request to give the city authority to regulate street performers — when was that request made?

Hon. B. Bennett: The request was made in the order of a year and a half or more ago. My staff believe that the request was actually made prior to the last municipal election.

L. Krog: I believe the minister just said it was made prior to the last civic election. Was it made in conjunction with the requests for changes to assist the city in dealing with the Olympics?

Hon. B. Bennett: In part, you could certainly argue that these amendments are being made to facilitate the city of Vancouver's capacity to manage the activities that are listed in this amendment. But as I've said a few times, generally what we're doing here is bringing the Vancouver Charter into line with the Community Charter.

I think it's fair to say — and the member will recall from his days of being in government — that there's competition for time in this Legislature. There are a lot of pieces of legislation that I think we'd all like to fix up, and the Vancouver Charter is one of those pieces of legislation.

In a sense, the request by the city of Vancouver here to bring these particular sections of the Vancouver Charter more into line with the Community Charter.... Yes, the Olympic Games probably precipitated the request, but the city of Vancouver has been asking the province for many years to bring their legislation into line with the other local government legislation.

L. Krog: Is there any particular reason why, when the Community Charter was brought in, these legislative changes weren't made then? I assume the Community Charter, when it was brought in, included provisions that enabled municipal government to enact bylaws with respect to this.

Hon. B. Bennett: I was negligent in not introducing the two staff persons that I have here this morning. Nicola Marotz is on my right, and Meagan Gergley is on my left. They both do a great job with us in the ministry. Clearly, for anybody who's watching, they are giving me wonderful advice that I can use to respond to the member opposite.

I think we've stymied him on every question that he's asked. Not stymied him. In the interests of what we do here, not stymied — but provided fulsome information.

When the Community Charter was created by government back in the early 2000s, after the 2001 election the city of Vancouver was invited into that process and chose at that time to not participate in the creation of the Community Charter but to retain their own legislation, the Vancouver Charter. So the Vancouver Charter remains as the overarching local government legislation for that city.

If the member is also asking why the Vancouver Charter hasn't been brought fully into line with the Community Charter, then my answer would be the same as what I said a few seconds ago, which is that there's just a lot of competition for time in this House. Government just hasn't had the opportunity to bring it fully into line, although we are doing it incrementally, as we are attempting to do here today.

L. Krog: I want to express my sincere thanks to the minister for his admission that he regards the job of government is to stymie the opposition. It brought great amusement to the Minister of Aboriginal Relations, but I'm sure that's not what the minister intended to say, as I know he takes his duties as a public servant in the small realm of this Legislature very, very seriously.

[1015]

I do note this section also means that under the current Vancouver Charter, they can regulate with respect to advertising matter only, but this now refers to signs and other advertising, which allow council to pass bylaws on all sorts of signage. Does this, in fact, bring it in to — how shall I say? — correspond to provisions for other municipal governments? Or is this something that the city of Vancouver has asked for specifically?

Hon. B. Bennett: The language in the amendment for the Vancouver Charter does not broaden the authority of the city of Vancouver to do more than what other local governments can do under the Community Charter, if I've caught the essence of the member's question. There's no additional authority being granted to the city of Vancouver here to manage signs or advertising.

The language in the charter is not identical to the language in the amendment to the Vancouver Charter, but the language in the amendment is a lot closer to the Community Charter than what the existing language is. It's just an attempt, again, to give the city of Vancouver the same authorities to manage advertising and signs that they already have and that other local governments already have in the Community Charter.

L. Krog: I'm just a bit concerned about the language, because it formerly could regulate with respect to "advertising matter." Now it's "signs and other advertising," which is a pretty significant expansion.

Advertising matter would indicate some commercial issue. A sign, arguably, may be an expression of a political viewpoint. It could be all kinds of things and may get back to freedom-of-expression issues that I've raised before around this legislation.

I just want to confirm with the minister. Is it clear that other municipal governments have the authority to regulate signs in the broad sense and that there's no specific — how shall I say? — restriction on what constitutes signage for purposes of the Community Charter?

Hon. B. Bennett: The answer is no. I would refer the member to section 65 of the Community Charter. I won't take the time to read it out, but section 65 of the charter creates the same authority that is being enhanced here with this amendment to the Vancouver Charter.

Section 81 approved.

On section 82.

L. Krog: Just to confirm, section 82 provides the city of Vancouver a new authority with respect to regulating traffic. I'm going to presume that this, unless I'm mistaken, is a permanent change, in the sense that it's not restricted to the period of the Olympics only. This is a permanent change that allows the city of Vancouver to make relaxations in relation to its authority to regulate advertising and temporarily restrict or prohibit street traffic as well.

[1020]

Hon. B. Bennett: The member mentioned both of the amendments that are under section 82 here. The first one — 319.1 — deals with advertising bylaws, and 319.2 deals with types of traffic on the street.

In terms of the latter — the temporary traffic restriction and traffic control, 319.2 — the authority in the Community Charter that corresponds to this amendment in the Vancouver Charter is in section 38 of the Community Charter. The member can have a look at that and, I think, will be satisfied that there is no extra power being granted here.

In terms of 319.1, the relaxation of advertising bylaws, let me put it this way. Local government has the power to do exactly what is being described in 319.1 in the Community Charter. They get that authority somewhat differently than what Vancouver will get in the Vancouver Charter, but the ultimate authority for all local government is the same. They get the same opportunity to relax advertising bylaws both through the Community Charter and then, when and if this is passed, through the Vancouver Charter. They don't have that power of relaxation in the Vancouver Charter today.

Section 82 approved.

On section 83.

L. Krog: If I can just confirm the minister's answer with respect to the previous section here, this provision makes it permissible for the city authorities, in addition to the mayor, to make exceptions to noise control bylaws. In other words, we get to treat some part of a community or some individual or some corporation differently.

I appreciate that it may be in the charter, but it certainly would, I think, provide some concerns about

fairness and discrimination. Can the minister just confirm that the charter is consistent? In other words, the Vancouver Charter will now be consistent with the Community Charter in that the permission to relax lies with not just the mayor but an official with the city that is designated by bylaw.

Hon. B. Bennett: This amendment to the Vancouver Charter broadens the capacity for the city of Vancouver to authorize officers to deal with the enforcement of noise bylaws. Under the Community Charter, local government has a much, much broader capacity to deal with noise in their municipalities than Vancouver does in the Vancouver Charter.

Under the Vancouver Charter — as the member, I think, has noticed — the mayor has to make the decision about noise activities. We're just trying to give the city of Vancouver the opportunity permanently to have the same authorities that already exist in the Community Charter.

Section 83 approved.

On section 84.

L. Krog: I think the minister, it's fair to say, is aware that this represents a very significant change in the authority under the Vancouver Charter. My understanding is that fines could be \$2,000 a day under the existing charter, and it's now going up to \$10,000 a day. Previously people were given 14 days to comply, and obviously that doesn't appear to be the case now. Some of that discretion is gone.

Of course, this comes before this Legislature at exactly the same time the more controversial sections of this bill, proposing changes to the city of Vancouver and the particular designation for the three communities, come before the Legislature.

[1025]

Can the minister just confirm that the fining provisions will in fact correspond exactly to the other provisions in the Community Charter and that the concept of a continuing offence with a fine of up to \$10,000 for each day is, again, absolutely consistent with the Community Charter?

Hon. B. Bennett: I think, for the member's benefit, I should point out that the increase of the maximum fine — and this, of course, is a maximum fine to deal with, I think, extreme situations — was a very specific recommendation made by what's called Vancouver's Project Civil City. That was a process to examine ways to improve community safety and bylaw enforcement in the city of Vancouver. The city of Vancouver, after that report was done, came to government and asked very specifically for this change.

To answer the member's specific question — does this line up exactly with the Community Charter? — yes, it does.

L. Krog: The changes in the Community Charter, again, were made so as to apply to all municipal governments. These changes under the Vancouver Charter, which apply only to the city of Vancouver, have only been requested recently.

Were these requests for these changes made, again, at the time the signage request was made — in other words, prior to the election of the new city council a year and a half ago? Is this a more recent request? Is this a request that's been outstanding for years? In other words, when was this specific request for these changes made?

Hon. B. Bennett: I am advised that the specific request for this particular change was made some three to four years ago.

Section 84 approved.

On section 85.

L. Krog: My understanding of this section is that section 85 will make changes to the Vancouver park board's authority to make different bylaws in relation to signs and advertising in parks, make different provisions for different classes, different areas, etc. By "different" I'm going to assume what that means is different in relation to the general signage bylaw for the city of Vancouver. Is that correct?

Hon. B. Bennett: This section is a mirror section to the Vancouver Charter. This will give the park board exactly the same authorities to manage signs and advertising that we are giving to the city of Vancouver with the previous amendments that we discussed.

In addition, I can say to the member that the powers that are going to the park board in Vancouver are the same powers to manage signs and advertising that local government already has in the Community Charter.

L. Krog: Just so I can confirm, the reason this change has to be made specifically with respect to the park board is because of the nature of the Vancouver Charter itself, as opposed to the Community Charter in general, where how a municipality governs its parks can be dealt with and is in fact dealt with differently.

In other words, because the park board is set up specifically under the charter, it has to have specific authority as opposed to a municipality which would normally, in accordance with the Community Charter, determine how it would manage its parks. Is that more or less correct?

Hon. B. Bennett: It's not more or less correct. It is absolutely bang-on, perfectly correct.

L. Krog: I feel like the first-year law student who's just passed his property course. I'm honoured and delighted

and flattered. Of course, being of a highly suspicious nature, as the minister keeps pointing out, I'm wondering what's coming next.

Having said that, hon. Chair, these changes likewise, I presume, just to confirm, were requested about four years ago.

[1030]

Hon. B. Bennett: The reference the member makes to three or four years ago applies to the request from the city of Vancouver to change the maximum penalties. This particular change falls into the category of most of the rest of the amendments to the Vancouver Charter. It was about a year and a half ago, I understand, just somewhat before the last municipal election.

Sections 85 to 87 inclusive approved.

The Chair: The committee will recess while the minister and staff come in.

The committee recessed from 10:31 a.m. to 10:34 a.m.

[C. Trevena in the chair.]

On section 88.

The Chair: Shall section 88 pass?

L. Krog: Hon. Chair, I'm delighted by the desire to speed through the process this morning, but I simply want to ask the minister: are there any number of other groups that are in the same position that are going to require legislative amendments to comply with TILMA?

Hon. B. Penner: Not that we anticipate.

Section 88 approved.

M. Farnworth: I ask leave to make an introduction.

[1035]

Leave granted.

Introductions by Members

M. Farnworth: In the gallery today — right now, as a matter of fact — we have a large group of grade 11 students from Terry Fox Secondary School in beautiful Port Coquitlam. They're accompanied by their teachers, Mark Prinster, Don Van Os and Bruce Kyles. Also joining the group are Bruce Moore and his wife, Myrna. I'm really pleased, because this is the school's 45th visit to the Legislature. I would ask the House to make them most welcome.

Debate Continued

On section 89.

R. Fleming: I would like to ask the minister a couple of questions on this clause. First of all, this is to authorize the disclosure of information relating to those who have been found guilty of offences. The minister already, on a selective basis, publishes quarterly compliance reports and enforcement summaries. I'm just wondering how that is possible if the act doesn't have language that is part of this miscellaneous amendment bill today.

Hon. B. Penner: I appreciate the question from the member about this particular section. It's a good question.

I believe that there is value in publishing information about people who have committed offences under various environmental statutes, to add an additional degree of deterrence for those people who might contemplate not complying with our environmental regulations.

Every three months the ministry issues what we call a *Quarterly Compliance and Enforcement Summary*. We just issued one, I believe it was yesterday or the day before, for the second quarter of 2009. It identified about \$600,000 in total fines and penalties and more than 300 tickets — various orders that the ministry has issued, administrative or otherwise, directing individuals or corporate entities to cease and desist various forms of conduct that are deemed to be a threat to the environment and/or human health in British Columbia.

My office, as well as my previous deputy minister, Chris Trumpy, had communication with the freedom-of-information and privacy commissioner, Mr. Loukidelis, and we've exchanged some correspondence. He had suggested that we get an authorization from the ministry responsible for their legislation, the privacy legislation, and/or seek a more permanent remedy through an amendment that would authorize, on an ongoing basis, the disclosure of this type of information.

I'm just trying to recall the discussions. I think the concern related primarily to the listing of this information on the Internet. In concept, nothing is different in terms of what has traditionally taken place or been able to take place with individuals who were convicted — having their information available in a court registry.

Members of the media could go down to the courthouse and search a court file or, if they sat in the courtroom, hear what kind of a sentence was handed out for someone hunting without a licence or hunting out of season or causing a substance to be released into the environment without authorization, and then report on that.

People could hear that person's name and the penalty being broadcast through the media. With the advent of the Internet and the way that the privacy legislation

works, the commissioner felt it would be appropriate for us to have a specific authorization permitting the release of this information more broadly through the Internet. I think it has something to do with the fact that people south of the border could access this information.

[1040]

Although, again, as I mentioned, historically there was nothing to stop someone from listening to a newscast in Bellingham and hearing that somebody in Maple Ridge had been caught hunting without a licence. Because of the way the legislation applies in the era of the Internet, we were advised that it would be prudent to seek this type of a statutory authorization to post this information.

R. Fleming: I appreciate the minister's answer and the background he provided as to why this is part of this miscellaneous bill, and it arises from discussions with the freedom-of-information and privacy commissioner, Mr. Loukidelis, and that he, in fact, recommends that the authorization be spelled out in legislation.

I'm familiar with where some of his recommendations on government improving transparency and disclosure come from. He publishes a list of the worst five ministries annually in terms of timeliness of response to the public's freedom-of-information applications, and I know that the Ministry of Environment has been on that list in the past. I think that in terms of this portion of the bill, it is good practice to have this spelled out in legislation.

I also appreciate the minister's motivations and his words just now on the importance of having sanctions for those who are found guilty of offences — that it becomes part of the deterrent by having this information publicly disclosed. I think it's very important for not only citizens to be aware of which organizations or individuals have been found guilty of violating hunting rules or releasing toxins or pollutants into our environment. It's important for investors, also, to know that if they're thinking of making an investment in a company that may have an environmental record that is dubious.

So the deterrence value, I appreciate, and I appreciate the minister speaking to that this morning. However, I think this clause could be a lot tougher. The minister mentioned that it's an obligation — that this will make it an obligation to publish these quarterly reports. Unfortunately, as it reads, it will not be any such thing, because the most important word in section 6.1(2) is that the minister "may" disclose information on those who are convicted of offences and pay administrative penalties.

That, to me, has some danger. Because the word is "may" instead of "shall" or "must," it means that the decision resides with the minister as to when and if he publishes reports on those who are convicted of offences in the act. It does not obligate him to do so. Because the key word

here is "may," it means that this could very easily fall out of practice and just not be done for a long period of time, potentially, because there is nothing compulsory to publishing this information on those who are convicted of offences.

The other risk, too, is that it could lead to a practice of selective reporting. That is, the names of some offenders are published, and the names of others are withheld. I wonder if the minister could comment on that, because surely in the drafting stage, there must have been some discussion between him and Mr. Loukidelis and perhaps senior ministry staff in putting together this miscellaneous bill, including this amendment.

Hon. B. Penner: I just note for the member's benefit that during the ten years that the NDP was in office they never saw fit to make an amendment along the lines of what the member is suggesting, about making it mandatory to disclose the kind of information that our government has chosen to disclose. In fact, this report started in 2006 at my specific direction. It's published four times a year, and it is, I think, one of the most comprehensive reports of its kind in Canada, compared to other provinces. I believe Alberta does something similar.

[1045]

What we do is publish the name of every single business that is issued an order, that receives a ticket or is convicted within the reporting period, and we continue to publish all of those names.

The one issue that we can perhaps debate here is whether we should be also publishing the names of individual people who are deemed convicted after receiving a ticket. There are a range of views that I've heard from people on this. Some feel maybe that's going a little too far in terms of embarrassing people for being caught fishing without their licence in their pocket.

I know there are certain members of the press gallery that have encountered members of the conservation officer service from time to time and have not been able to produce a fishing licence. So they may have one view about whether their names should be published.

I'm interested to hear from the member if he thinks individual British Columbians who receive those kinds of tickets should have their names included in this quarterly report. I'm open to suggestion on that.

Aside from that one exception, if you're an individual and you're convicted in court, if you received an order from the ministry to stop doing something or to do something for the benefit of the environment, and if you're a corporate entity, your name is certainly published every three months in this quarterly compliance and enforcement summary.

I mentioned that earlier this week we released the most recent version of this quarterly compliance summary. It was released on October 21. It outlined six orders which had been issued during the reporting period to prevent

or stop impacts to the environment, human health or safety; 22 administrative licensing sanctions taken against individual or commercial hunters or anglers for committing certain offences; 361 tickets; and eight court convictions. As I previously indicated, the total fines and penalties during this period were in excess of \$600,000.

I would encourage members who are looking for something to do.... Some members have their computers. You can go to the Ministry of Environment website and peruse the quarterly compliance report. It provides a fair bit of detail about where offences took place, what kinds of offences took place and, in most cases, who those offenders were — with, again, the one exception being not....

We haven't yet printed the names of individuals who received just tickets. If they're convicted in court after a court hearing, then their names do appear. At this point we have not yet listed the names of individuals who received tickets, but I am open to suggestions on that point.

R. Fleming: I appreciate the minister's response. I suppose he's produced a scenario where there might be minor fishing licence infractions that could be embarrassing to an individual and not fair to disclose what is just an administrative penalty.

I think, though, in those instances, in many cases where there are plausible and reasonable explanations, the person may be able to resolve that issue with conservation officers, and there would not be.... Or in more serious cases, there is obviously a chance for the individual to defend themselves and to challenge a conviction.

My concern, looking at this, is that it may.... We know there are subcontractors who work for various companies that could be illegally dumping material or all kinds of.... Where, basically, the company is the individual.

My concern is that in some cases, potentially even for political reasons, that information could be withheld where somebody convicted of a minor Wildlife Act offence would potentially have their name disclosed.

It's the fairness principle and the consistency that I think would make it better for the minister not to have full and complete discretion on this but be obligated to be completely transparent and publish in the quarterly compliance report all of the infractions.

I would move an amendment to the bill in this regard, Madam Chair, which I've served notice on, so I don't know if I have to read it into the record or.... The minister has received a copy, and I will move that amendment now.

[SECTION 89 to be amended by deleting the word highlighted by strikethrough and replacing them with the words highlighted with underlining to read:

6.1 (2) In accordance with section 33.1 (1) (c) of the *Freedom of Information and Protection of Privacy Act*, the minister may must disclose the following information inside or outside Canada with respect to a person who is convicted of an

offence, has paid or is liable to pay an administrative penalty or is subject to another sanction under an Act under the minister's administration:]

[1050]

On the amendment.

Hon. B. Penner: Hon. Chair, I appreciate the member's proposed amendment. I have to assume that legislative counsel chose the words that they did in our amendment for a purpose. The reason, again, that we have our amendment in Bill 13 before the House is because our government does want to continue to provide this information to the public and, perhaps, even take it a step further.

I heard the member's comments about whether or not individual names should be published for ticketable offences. I have to note that it would only be for instances where persons were found guilty, in effect, either by paying their ticket — that's an admission of guilt — or by not challenging the ticket, after which the time of 30 days, I think, expires and you're deemed convicted for failure to contest the ticket.

It is available to people to contest tickets and have their day in court if they feel that there was some misunderstanding or that a mistake was made and you weren't able to persuade the conservation officer or park ranger not to issue the ticket at the time of the alleged offence.

So I think that there are some protections already built in. Again, my mind is still open on whether we should take the additional step of publishing all individual names for people receiving tickets and then, subsequently, either paying them and admitting their guilt; not contesting them and being found or deemed convicted; or challenging the ticket in court, being unsuccessful in that challenge and being found guilty by the presiding judge or justice of the peace.

[1055]

To get back to the member's proposed amendment, however, I think it does offend Standing Order 67, in that making it mandatory has the risk of imposing a financial burden on the Crown, because there is staff time and resources that go into preparing the quarterly compliance enforcement summary. So on that basis, I believe that the member's amendment is out of order, for offending the provisions of Standing Order 67.

R. Fleming: I hear the minister's argument. I think it is a stretch, though, of that standing order in this case. The minister has previously said how proud he is of the quarterly compliance reports that have become practice — voluntary practice, mind you — since 2006. What we're debating right now, the amendment before the House, would make sure that that is ongoing, regular and continuing practice.

Having said that, and the minister having said that it is current practice of his ministry to compile, publish and

release quarterly reports, I fail to see where there would be additional costs. I think it's really stretching the argument to suggest that publishing a list of, say, 100 infractions versus a list of, potentially, 105 infractions has a nominal upset cost that is being imposed on the Crown.

I think it is stretching the argument on Standing Order 67, and I think the amendment is in order. I would put to you, Madam Chair, that it be allowed as debatable and that we vote on it.

The Chair: Based on the minister's statement and the discussion that I've heard, I rule that the amendment is out of order under Standing Order 67 because it does incur a financial burden on the Crown.

Amendment ruled out of order.

Section 89 approved.

On section 90.

R. Fleming: Madam Chair, I realize that we have something happening in the House shortly, so I just wanted to ask a couple of quick questions of the minister, on section 90.

If he could just provide the House with a succinct explanation of the new definitions being added to the Wildlife Act.... It's been explained to me that it's changing language — using contemporary terminology that is consistent with other parts of legislation. We no longer use the terms "threatened" and "endangered" to describe this part of the act, and it is being replaced with the terms "controlled alien species" and "species at risk."

I'm just wondering, though. It's been explained to me that to the Wildlife Amendment Act of 2004 — which was passed by the House but never, I suppose, given assent — there were inadvertent changes and that this is catching up with that bill, which had failed to make this amendment. Maybe the minister could give a bit of history and background and also describe the implications, if you will, of changing these definitions.

[1100]

Hon. B. Penner: In essence, I'm told that what this is, is a housekeeping amendment. Often when I'm told that, it suggests that there was a mistake made previously, and in fact, I think there was. In the amendment brought to the Legislature in 2008, where we more than doubled the penalties under the Wildlife Act for various infractions and also made changes.... Well, let me try this.

The bill was called the Environmental (Species and Public Protection) Statutes Amendment Act, 2008. At that time, we amended the Wildlife Act definition of wildlife to distinguish controlled alien species from wildlife for the purposes of the new provisions being added to the act concerning controlled alien species.

That's the first time in British Columbia that we, as a provincial government, have tried to regulate and use the Wildlife Act to regulate ownership or handling or breeding of species that are non-native to British Columbia — introduced species. Historically, the practice has been for various provinces — all provinces — to regulate and govern what is done with native wildlife or wildlife that is native to those provinces. That's been the historical approach.

By moving to regulate and limit what people can do or what kind of animals they can bring to British Columbia, whether they be poisonous snakes or tigers or what have you, we were attempting to distinguish or add a new type of definition about animals in the definition of the Wildlife Act — and in doing so, I suppose, inadvertently changed the definition.

[L. Reid in the chair.]

This is an attempt to clarify and add — what are the terms again? — to make way for the addition of a term "species at risk" as a group excluded from the definition of wildlife so as not to get it confused with the controlled alien species that we're regulating under the Wildlife Act.

R. Fleming: By making this inadvertent legislative mistake.... I'm just wondering, since the 2008 amendment which sought to double penalties for infractions, whether this has led to enforcement problems. The minister has given a good explanation of the distinction between species at risk and introduced species.

I would ask him, for my memory, if the penalties are different for infractions depending on those circumstances. I wonder if the new penalty regime has been difficult for the Crown to enforce, because the legislation has been unclear for over a year or more now.

[1105]

Hon. B. Penner: We're not aware of any enforcement issues that have been complicated by this at this point. What we're doing is.... It's a phased-in implementation of the restrictions on the ownership and possession and breeding of these controlled alien species as defined in the act.

We started phase 1 with the regulation in March of this year, the controlled alien species regulation. So today under the law in British Columbia — and if you look in that regulation, it lists the type of species that it's applicable to — you're prohibited from having those species bred. That's phase 1. That's to limit the proliferation of certain dangerous snakes or dangerous animals, like tigers, within the province of British Columbia.

Phase 2 is coming in April of 2010. Effective April 1 of next year, you'll have to obtain a permit for certain types of animals if you want to continue to possess them.

We're gradually clamping down on the possession and handling and ownership of certain species that are considered to be a hazard either to the individual owners or to the general public should these animals get away.

There is another consideration that I'm mindful of, and that is that certain introduced species to British Columbia can carry illnesses or diseases that can jump from one species to another and potentially introduce disease to our native wildlife, which is something that I think we should be trying to guard against.

By virtue of the changes last year to the Wildlife Act and these regulations that we're implementing under the new provisions to control alien species, or introduced species, we now have some additional legal tools that we didn't have before to protect the public and our own made-in-B.C. wildlife, or native wildlife, from the threats that these introduced species can possess or can bring.

M. Sather: So there have been a couple of changes to the meaning of "wildlife." Can the minister give me the current wording now, after this amendment, of the definition of wildlife?

[1110]

Hon. B. Penner: I thank the member for his question. Currently, as the member will likely see if he's got the existing statute in front of him, the definition of wildlife includes threatened species and endangered species. This amendment, if you go to the next section — I believe it's section 91.... If you read it together, what we end up with is wording that says: "species at risk."

So in effect, what we're doing is substituting the phrase "species at risk" for the terms "threatened species" and "endangered species." In other words, "species at risk" incorporates those other two subsets, but it's just different terminology.

Section 90 approved.

On section 91.

M. Sather: Well, there have been some interesting twists and turns here with these various acts on the meaning of wildlife. I could go into that in more detail, but in the interests of time, I'm just curious about how we landed at the definition for wildlife and if that's the definition that the government really wanted to land at. In the vernacular, it's kind of a hokey description.

The one that, it seems to me, we should have landed at is in Bill 29, Environmental (Species and Public Protection) Statutes Amendment Act, which says that "wildlife" means (a) vertebrates that are mammals, birds, reptiles or amphibians and are prescribed as wildlife under the *Wildlife Act*, (b) fish...(c) invertebrates or plants listed by the minister as endangered, threatened

or vulnerable species...." That seems to be a very sound, biological definition of wildlife and a meaningful one.

Did the government not want to...? Is there some reason why it didn't want to adopt that meaning, or what happened there?

[1115]

Hon. B. Penner: Now that we've passed section 90 of Bill 13, I'm told that section 91 logically follows because the provision that's been changed now, by virtue of section 90 passing, means we no longer need whatever is referred to in section 91.

The policy is not changing. The definition in the Wildlife Act, as I mentioned.... This is all about the term "species at risk," as opposed to the terms "threatened species" or "endangered species." The other definitions of "wildlife" remain the same. It's about using the phrase "species at risk," as opposed to the other.

M. Sather: So the definition that I read out is under the Environmental Management Act, so does this mean, then, that we have...? This is an enacted bill, as I understand it — Bill 29 in 2008, Environmental Statutes Amendment Act. Does that mean that we have a different definition of "wildlife" under the Environmental Management Act than we now have under the Wildlife Act?

The Chair: Would the member repeat the question, please.

M. Sather: We've made reference to the Environmental (Species and Public Protection) Statutes Amendment Act of 2008, which under section 4 has a definition of "wildlife" which I think is a sound definition for "wildlife." But the definition for "wildlife" under the Wildlife Act is quite different, as it now stands. So does that not mean, then, that we have two different definitions of "wildlife" under two different acts?

Hon. B. Penner: The short answer, I'm advised, is no, but there was a change that was inadvertent last year in the Environmental (Species and Public Protection) Statutes Amendment Act, which we're addressing here today.

Sections 91 to 93 inclusive approved.

On section 94.

A. Dix: Just a brief question for the Minister of Health, who I know is actively participating in this debate — or really, for any minister over there, whoever that might be.

To the Minister of Health, if I could grab his attention for two minutes. It seems unlikely, but I'm certain to ask this question — really, just a question. It's on section 94. We've passed 92 and 93. We're on 94.

Just want to check to see the definition here of "personal health information." As I understand, it's consistent with the definition in the Pharmacy Operations and Drug Scheduling Act. Is that correct?

[1120]

Hon. K. Falcon: That's exactly right. It's to provide consistency and be complementary with both those acts.

Sections 94 to 96 inclusive approved.

On section 97.

A. Dix: The explanation is unusual. It seems to suggest that the minister is being singled out here. I just wanted to ask the minister if he could provide an explanation. It appears that this limits the disclosure to him as Minister of Health, as I understand section 97, of individually identifiable personal information. I just wanted to ask the minister the purpose of this.

Hon. K. Falcon: What happened when this was drafted.... They inadvertently included the words "or any other person," and the problem with that is that it's a mistake, because it would mean CIHI, for example, couldn't get access to aggregate information that they need — and the same with the universities. We want to preserve the existing arrangements we have to ensure that they can continue to get that information. That's why those words were eliminated.

Section 97 approved.

On section 98.

A. Dix: Just briefly on section 98. As the minister will know, this affects the audit provisions of the Medicare Protection Act. I just want to understand the purpose of it and what problem the amendment seeks to solve. I know, for example, that those audit provisions are in question in court right now. There are issues around the audit provisions involving several corporations.

I assume that the purpose of it isn't really intended for that but rather more broadly, and would include other agencies involved broadly in health care, which would include public agencies as well as private agencies. Maybe the minister can just give us the intent of this.

Hon. K. Falcon: That's right. Eliminating the word "body" and saying "corporation or other body" is to make sure we include the corporations. The two key ones are ICBC and WCB. Both are corporations. We want to make sure that we don't have a situation where a practising physician or someone within the sector would say, "You don't have the right to audit me" because you don't specifically give that authority.

I think it's a case of lawyers being, as lawyers are wont to be, very clear about what it is we're allowing, and that's what this does.

Sections 98 and 99 approved.

Title approved.

Hon. K. Falcon: I move the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 11:25 a.m.

The House resumed; Mr. Speaker in the chair.

Report and Third Reading of Bills

BILL 13 — MISCELLANEOUS STATUTES AMENDMENT ACT, 2009

Bill 13, Miscellaneous Statutes Amendment Act, 2009, reported complete without amendment, read a third time and passed.

Hon. B. Bennett: I call second reading of Bill 16, intitled Body Armour Control Act.

Second Reading of Bills

BILL 16 — BODY ARMOUR CONTROL ACT

Mr. Speaker: Hon. Members, we'll take a short recess to wait for the minister to be here. We'll be about five minutes.

The House recessed from 11:27 a.m. to 11:30 a.m.

[L. Reid in the chair.]

Hon. K. Heed: I move that the bill now be read a second time.

The proposed Body Armour Control Act fulfils one of the legislative commitments outlined in the throne speech. As you may recall, on February 13, 2009, the Premier announced a seven-point plan to combat gun and gang violence in British Columbia. One component of that plan was to tighten controls on the use of body armour through the introduction of legislation.

This bill will enhance public safety by making it difficult for criminals to possess body armour and by providing police with the authority to seize body armour from those not authorized to possess it. Under these new rules, individuals wanting to possess or sell body armour must

apply for a permit or licence. They must also provide a reason as to why they need to possess body armour, and they must undergo a criminal-records check.

We recognize that there continues to be a legitimate use for body armour in British Columbia. Individuals whose employment roles require them to wear body armour — including police officers, sheriffs, correction officers, conservation officers and others — will be exempt. In addition, the individuals employed in the security industry as armoured-car guards, security guard services, security consultants and private investigators will be able to possess body armour without a permit.

The proposed permitting and licensing scheme will be established under the authority of the registrar of security services. The registrar currently regulates businesses and employees offering security services to ensure consistent and appropriate standards across the security industry. Industries covered by the legislation include security guards, bodyguards, armoured-car guards, security consultants, locksmiths and private investigators.

The registrar will have the authority to conduct a criminal-record check and risk assessment on individuals and businesses applying for body armour permits or security business licences to sell body armour.

The registrar will be able to deny a permit to possess body armour if the person fails to demonstrate a need to possess body armour, contravenes the act or regulations or is charged with or convicted of a crime. The registrar will also be able to refuse a body armour permit or a security business licence if the applicant's or licensee's conduct or character makes it undesirable that he or she possess or sell body armour. The registrar will also have the authority to cancel, suspend or impose conditions on a body armour permit if it is in the public interest to do so.

Applicants denied a permit or licence will have the opportunity to request a reconsideration of the registrar's decision.

The registrar will also have powers to impose administrative penalties and offences regarding the illegal sale and possession of body armour. Those found in contravention of the act may face fines of up to \$10,000 for individuals and up to \$100,000 for businesses, in addition to potential jail time for up to six months.

For individuals or businesses currently possessing or selling body armour, the transitional provisions of the act will provide six months to come into compliance with the permitting and licensing provisions of the act.

M. Farnworth: It's my pleasure to rise today and to speak on this particular bill dealing with the sale and regulation of body armour in British Columbia. On this side of the House we will, of course, be supporting the legislation. We think it's an important step forward in the fight against criminal gang activity and crime activ-

ity in general in British Columbia. I want to commend the government for recognizing what we feel to be an extremely bright idea that was advanced by the opposition last fall.

I say that because, you know, the government... I know the minister is new to this chamber, but other members on the government side who have been here somewhat longer always like to stand up and say: "You know, the opposition is so negative, the opposition is always never positive, the opposition always criticizes, and they never offer up a positive, constructive solution."

[1135]

Interjections.

M. Farnworth: I hear the members opposite going: "Oh, we agree; we agree." Well, you know, it's somewhat ironic that when we put forward this idea last fall... In the midst of a gang war that was taking place, we said: "There is something wrong with the idea that police can wear body armour and that it's okay for gang members to wear body armour." That is just ludicrous. So we said: "You know, it should be the police who get to wear body armour; it should be licensed security guards who get to wear body armour; it should be Brink's guards — people with a legitimate right to protection."

What was the government's response to this terrible idea? What was the government's response to this idea? It was: "No, we can't do that. The criminals will never... They won't abide by the law. We're not doing it. We've got better things to do." They just pooh-poohed the idea, that somehow this was the wrong thing to do.

I see my colleague the former Solicitor General smiling over there. Now I am just so pleased. I am so pleased that for once a government has decided that — you know what? — maybe this time the opposition came up with, has put forward, a great idea, a great suggestion, a really important tool in the battle against organized crime — in particular, gang crime in this province — and that they have adopted this into legislation.

So I am really, really pleased to see this happen. I only wish it had happened last fall, last spring, because some of the people who have been walking our streets who shouldn't be... Some of those criminals — and from what I understand, about 24 — were picked up wearing body armour, and had this legislation been in place back then, they wouldn't be out walking the street being able to commit criminal activity like they have been because this legislation wasn't in place. I say: "Better late than never." Better late than never, but I'm glad that it's here.

I just want the minister and his colleagues to know that we will, in fact, be supporting this legislation and, also, that we will be offering other suggestions as well, which I hope the government will adopt in the fight against organized crime and gang crime in this province, because it's an issue that we believe not only needs to be

taken seriously by both sides of the House but that there needs to be a lot more being done.

So the government can look forward to more positive suggestions and ideas that I hope they will implement. Now, I'm not going to hold my breath, because I know that lightning doesn't strike twice usually. But having said that, I am an optimist, and as they say, hope does spring eternal. So I look forward to being able to bring forward, as our side does, other positive initiatives that we hope the government will take place.

I want to touch on some of the aspects of this bill that I think are notable and that I think we do need to explore at the committee stage, because I think it's very straightforward with regards to police, conservation officers, corrections officers and other government officers who are engaged in law enforcement or enforcement matters, around their ability to wear body armour.

Where we need to, I think, get a thorough understanding of how the legislation will work and how it will apply is in how it relates to the security industry, for example — whether that be private security that does private investigations or whether it's in the protection bodyguard industry and the armoured car industry.

[1140]

I mean, for many people that seems straightforward, but I think we want to make sure that the regulations that are in place or that deal with all the different scenarios.... We want to make sure that there aren't unintended consequences by some of the changes that the government is bringing forward.

I think that a detailed examination in the committee stage will be useful both for the government and for the industry in understanding how this particular piece of legislation is going to work. I do know, from the private security industry, they do have a number of questions that they will want to see addressed in government. So I look forward to exploring those issues with the minister when we get to committee stage.

I'm particularly interested in how the transition stage will work between those who are selling it now and those who would come into or perhaps are coming into the industry but also how it will apply, for example, in the run-up to the Olympics. Is there an impact there around outside security firms coming into British Columbia? Is there an impact, for example, on...? Are there any issues around Olympic security or visiting dignitaries? Those are some of the questions and issues I think we need to address at committee stage.

Also, one of the things I want to make sure in the transition stage is that.... Because it has been referred to as a grace period, I want to make sure that the intent of the bill, in terms of as it applies to being able to purchase or wear body armour, is that there is no grace period for the criminal element.

To put it bluntly, I don't believe in a six-month grace period for criminals when it comes to wearing body

armour. So I want the minister to clarify that in committee stage as well.

I understand the issues around the transition on the commercial side of things, but right now.... Once this bill is passed, if the police pull over an SUV, for example, and find the occupants wearing body armour, and there's gang activity or a history of gang activity involved, they have the ability to arrest them or to take them in, and we're not going to see a situation where they have to wait six months for the act or for the transition period to come into effect. I would like assurances around that because I think that is also an important component.

Finally, hon. Speaker, I want to see how this piece of legislation is going to work. Are there issues that come into play with existing federal legislation? For example, if you are working from an out-of-province security firm, I want to make sure that you....

There were issues that came up when we debated the security bill and the licensing of those in the security industry and recognizing credentials and licensing in other provinces. I want to make sure that when someone comes in, if they're on an investigation or if they're conducting....

They're from, let's say, Alberta. They're doing an investigation based out of Alberta, but it involves them coming into British Columbia. I want to make sure that these regulations that apply here also apply to people who are working in B.C. who may be based outside of the province. So there are some questions around that that I think, if the minister has answers to or is able to answer, would be particularly helpful.

Having said that, I just want to, as I said, reiterate that this side of the House supports the legislation and that it's not often.... I think I've been in this House since 1991, and I can probably count on my one hand the number of times the government has decided on or has adopted the ideas of the opposition.

Oh, and I must remember my colleague from Coquitlam-Maillardville. I must be....

D. Thorne: Home inspection.

[1145]

M. Farnworth: Yes, my colleague from Coquitlam-Maillardville. Home inspection, again, was another great idea that was initially resisted by the government.

An Hon. Member: Gift cards.

M. Farnworth: Oh, and gift cards. What more...?

Interjections.

M. Farnworth: Exactly. Gift cards — another great idea raised by the opposition, another positive idea.

Interjections.

M. Farnworth: Oh my god, we're being overwhelmed. All of a sudden, I'm suddenly realizing — gift cards, home inspection, no smoking, airport funding. Now body armour. All the positive legislation that this government has brought forward is because of the opposition.

Interjection.

M. Farnworth: One of the hon. members down the way says: "Keep it coming." Well, given the lack of ideas that we have seen from this government as of late, you can bet your bottom dollar we will keep those positive ideas coming, and there will be more.

In fact, I think we're hopefully waiting this session to see a new Lobbyists Registration Act, which is again something we're saying needs to be taking place in British Columbia. But we haven't seen that yet, so I will reserve comment on that, to that point.

But hon. Speaker, I do note the time is getting pretty close to the lunch hour, and so I will be taking my seat, not seeing any other speakers. As I said, we will be supporting this particular piece of legislation. I think it's an important tool in the fight against gang crime in British Columbia. It's something that should have been in place before now, but having said that, I think it is the right thing to do at the right time, and we will be supporting it.

I look forward to committee stage debate where we can have, I think, an in-depth look at the particular sections of the bill and look at the consequences and make sure that there are no unintended consequences that could be either detrimental to those in the police enforcement communities or the legitimate private registered security firms, and that there is nothing in there that criminals may find to their advantage. So with that, I look forward to hearing the remarks of other members of this House.

D. Hayer: Actually, I also support Bill 16, Body Armour Control Act. I'm glad to see the member for Port Coquitlam supports it. I only wish that this was done ten or 15 years ago, because I think it was really needed. I can tell you by my own family experience that we had all wished that this type of law existed ten or 15 years ago.

This legislation is good news to my constituents. It's good news to my city of Surrey and to all British Columbians because it removes an advantage from the gangsters and makes them as vulnerable as the innocent bystanders, who are not protected from their gun-wielding violence.

As I have said in this House before, we need to have the rights of the victim take precedence over the rights of the criminal. We need to protect our citizens, and we need to send a clear message so that all politicians and all governments across the nation understand and sup-

port our community, and the victims concerned, and are willing to send direction to the courts to take away the advantage from the criminals and give that advantage back to the victims. This bill, by removing the opportunity for gangsters to wear body protection, does just that.

I am proud that British Columbia is leading the way. I hope this new law will send a clear message and a profound message to Ottawa that the entire country needs to enact this type of legislation and take away the advantage provided to gangsters with the ability to act with impunity.

My constituents believe that our justice system is not tough enough on criminals, and I agree with my constituents that our justice system is not tough enough on criminals. This legislation makes it a lot tougher for gangsters to carry on with their criminal activities.

In B.C. we have done a lot of work on combatting gang violence and gangs by emphasizing intelligence-led, integrated policing. At the same time, we need a balanced approach. That means not only being tough on the gang members but being equally tough on our society and the social conditions that breed them, so that we can prevent young people from joining gangs in the first place.

[1150]

We want to send a clear message that criminals are not welcome in B.C. and that we will do everything in our power to get rid of them, get rid of the gangs and keep our community safe and strong for our society. This legislation will do that by banning body armour for those with the criminal intent, and it will truly penalize those who sell those products to the criminals.

Should society allow the criminals to be better protected against the gun violence than the average citizen? I and my constituents say resoundingly no, and this legislation supports that stand. Therefore, for Surrey and for all British Columbia, I stand fully behind this act and for all the other action this government and our federal government takes to curtail gang violence and illegal use of the guns.

In conclusion, I support this bill to stop body armour being sold to gang members and criminals.

Deputy Speaker: Seeing no further speakers, the minister closes debate.

Hon. K. Heed: I would like to thank the members of this House for their comments regarding this piece of legislation.

Madam Speaker, I move second reading of Bill 16.

Motion approved.

Hon. K. Heed: I move that the bill be referred to a Committee of the Whole House to be considered at the next sitting of the House after today.

Bill 16, Body Armour Control 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.

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

Hon. B. Bennett moved adjournment of the House.

Motion approved.

Deputy Speaker: This House shall reconvene at 1:30 p.m. this afternoon.

The House adjourned at 11:53 a.m.

PROCEEDINGS IN THE DOUGLAS FIR ROOM

Committee of Supply

ESTIMATES: MINISTRY OF ADVANCED EDUCATION AND LABOUR MARKET DEVELOPMENT

The House in Committee of Supply (Section A); N. Letnick in the chair.

The committee met at 10:09 a.m.

On Vote 12: ministry operations, \$2,130,713,000.

Hon. M. Stilwell: It is my pleasure today to rise to introduce the estimates for the Ministry of Advanced Education and Labour Market Development. I say this both because of the important role that the services this ministry provides or funds plays in the lives of so many British Columbians and because the debating of estimates has such an important place in our parliamentary heritage.

[1010]

It is a rare honour for me to participate, for the first time, in an exercise in democracy whose origins reach to the Magna Carta in 1225. The section of Magna Carta reading, "No scutage or aid shall be levied without the common counsel of our kingdom," was used by English parliaments as a departure point for increasing their authority over taxation and spending in exchange for providing kings of England with the means to wage war in France.

Here we are, 784 years later, the heirs to this wonderful system of providing the means not to conduct dynastic wars with our neighbours but to provide services to British Columbians.

Before I begin, I'd like to introduce some of my staff who are with me today: my Deputy Minister Robin Ciceri, Ruth Wittenberg, Jacque Dawes and Victoria Thibeau.

As the newly appointed Minister of Advanced Education and Labour Market Development, I know how important it is to be prepared for the years ahead and to start shaping our future today.

As every British Columbian knows, our province is not immune from the economic challenges facing every part of the world. It's not news to anyone here that the current economic environment has had a profound impact on government finances in every province in Canada, including British Columbia, as well as the federal government. There are no easy decisions.

In B.C. we've decided to put health care, education and helping the most vulnerable as our top priorities. In these tough economic times, we know that many more students and workers will choose to further their education and skills. British Columbians must have the knowledge and skills to compete effectively in the global economy, so this year we have increased our investment in post-secondary education. The ministry also provides these opportunities for success through investments in labour market development and immigration programs.

Our ministry's base budget is \$2.1 billion for '09-10, an increase of \$67 million over '08-09. Post-secondary education provides British Columbians with the knowledge, skills and tools to meet their full potential, thereby enriching the lives of everyone.

That's why we have made unprecedented investments in education in British Columbia, helping to create a world-class post-secondary system that is sustainable for the future, both in meeting learners' expectations and from the perspective of fiscal responsibility.

Over the past two months I have visited almost every institution in British Columbia and have seen firsthand what these investments mean to students and their communities. Since 2001 we've created seven new universities and 35,500 new full-time post-secondary spaces, giving students more choices and more access closer to home.

Funding to post-secondary institutions has increased by \$93 million in '09-10 from '08-09. As a result, every public university, college and institute in B.C. has seen its funding increase this year. So \$166 million has been invested to build medical education centres at UBC Vancouver, University of Victoria, University of Northern B.C. and UBC Okanagan.

We've doubled the number of first-year spaces for doctors — to 256 spaces compared with 128 in 2003-4. The number of nursing education spots has also doubled, with more than 4,000 new seats added since 2001 and 25 new nursing programs created.

We know that it makes sense to maintain and expand post-secondary investment while the economy recovers.

We have undertaken the largest post-secondary expansion in history, spending approximately \$1.8 billion in capital funding for over 840 projects on campuses throughout British Columbia.

One of the 840 projects is the new Centre for Learning Building at Okanagan College's Kelowna campus. My ministry is funding \$23 million for the centre, which will add an additional 6,360 square metres of space for 22 classrooms, as well as office space for approximately 110 staff and faculty, and a larger library.

Then there's the new state-of-the-art building at the University of British Columbia that will house the faculty of pharmaceutical science and increase the number of pharmacists we can train here in B.C., to help meet the future health care needs of British Columbians, now and for the future.

We will provide \$86.4 million for this building, which will include almost two hectares of floor space, containing research and teaching laboratories, office space and classrooms. The new space will allow the first-year spaces in the pharmacy degree program to expand by 47 percent when the project is complete in 2011.

[1015]

We are also working with our federal counterparts to support infrastructure enhancement at post-secondary institutions across Canada, through the knowledge infrastructure program. The province has invested a total of \$265 million in these new capital projects.

One of these projects is the Vancouver Island University's new \$26.6 million Cowichan place campus in Duncan. The new campus, at over 3,500 square metres, will serve students enrolled in university degree, business, health and human services, trade and applied technology career and academic preparation, and employability skills programs.

Another project is the new film center at Capilano University. This \$30.2 million building will offer modern film laboratories and classrooms that will house new sound stages, picture-editing suites, sound-editing suites, green-screen facilities, specialized classrooms, screening rooms and theatre. The total project capital funding in B.C. will be \$519 million.

We know that in this difficult economic climate, many more students choose to go back to school. These investments are helping them to do that by providing more choices and increased access closer to home, saving students thousands of dollars in travel and accommodation costs.

The knowledge infrastructure program will also promote employment; provide economic stimulus; and create jobs for engineers, architects, trades and technicians. The total B.C. jobs to be created by the knowledge infrastructure program are estimated to be over 3,200. This is part of B.C.'s \$14 billion accelerated infrastructure program, which is creating 88,000 new jobs for British Columbians.

B.C. is taking action to lead Canada's economic recovery. Over 359,000 jobs have been added in British Columbia since 2001, more than 291,000 of which are full-time. We've committed over \$100 million to skills training programs and more than doubled the number of British Columbians registered in apprenticeship programs.

We are preserving student spaces and programs for apprentices. In fact, funding this year includes 2,000 new apprenticeship training spaces. Since it was established in 2004, the ITA's budget has grown by approximately \$17 million. This year it is estimated that there will be 47,000 registered apprentices and trainees in British Columbia.

Our government continues to support initiatives to encourage apprenticeship training, including doubling of the maximum training credit to \$4,000 per eligible apprentice; providing employers with an incentive to hire apprentices; and investing almost \$166 million in capital funding to support trades training and create more opportunities for apprenticeship training in B.C. since 2001.

Through the Canada-B.C. labour market agreement, the province is developing and delivering programs that will help British Columbians gain the skills they need to be successful. In August 2009, under the targeted initiative for older workers program, 19 new projects in 30 service locations were initiated. The only problem with that is that I'm old enough to qualify. The program assists older workers in returning to the workforce in communities hard hit by industry closures.

Over the past year the return to work employability program has assisted individuals who are unemployed, non-employment insurance clients returning to the workforce. This project, like the targeted initiative for the older workers program, assisted participants in communities affected by the economic downturn.

B.C. has been the leading proponent for improved labour mobility, which will benefit not only British Columbians but all Canadians. The national agreement on labour mobility is great news for all Canadians, giving them the ability to take full advantage of their talents and training anywhere in the country.

Many people in trades have already enjoyed full labour mobility for a number of years through the interprovincial Red Seal certification. This agreement intends to level the field for other skilled trades and professionals, providing full labour mobility for approximately 300 occupations across Canada.

British Columbia's future depends on a highly skilled, well-educated workforce, and through improved labour mobility B.C. will be ready to attract and retain the best people in Canada. B.C. is a destination of choice that is second to none.

With improved labour mobility, we expect professionals and skilled trades will have even more reason to

locate and practise in our province, as demand for their skills increases with an aging workforce. Government, education partners and B.C. businesses are working together to ensure that we maintain a well-educated and highly skilled workforce.

[1020]

Another important partnership for government is the agreement for Canada-B.C. cooperation on immigration. The agreement maximizes the economic and social benefits of immigration to B.C. By working with our federal partners, we can influence immigration planning; accelerate permanent and temporary immigration of skilled workers, temporary foreign workers and international students; and cooperate on immigration help.

This agreement transfers approximately \$120 million per year from Citizenship and Immigration Canada to the B.C. government, where we are now responsible for the administration of immigrant settlement and integration services. This includes English-as-a-second-language training for adults and employment initiatives, funding that supports anti-racism and multiculturalism initiatives under EmbraceBC, as well as our award-winning welcomebc.ca website which serves over 25,000 clients a month. B.C. provides a further \$5 million investment to support these services.

Even though the economy has slowed down, skilled labour shortages remain a critical issue for some B.C. employers. We know that by 2017 there will be over 850,000 job openings in B.C. New immigrants are a major source of skilled workers, and between 2008 and 2012 we expect to help 14,500 skilled and business immigrants obtain expedited and permanent residence through the provincial nominee program.

Many newcomers to B.C. need help adapting to life in their communities and bridging into jobs that match their skills and experience. To meet this need, the federal and provincial governments have invested \$272 million since 2006 in Welcome B.C. Welcome B.C. invests in projects that support welcoming and inclusive communities and provide newcomers with coordinated access to information services, employment services, English language training and foreign credential recognition services.

This government is committed to ensuring that new immigrants to British Columbia receive the best settlement services to help them adjust to their new life. My ministry offers a variety of programs to help new British Columbians settle into our province, such as the \$25 million Welcoming and Inclusive Communities and Workplaces program. This is a three-year initiative developed to strengthen community capacity, to support immigrant settlement and integration, to eliminate racism, and to value and respect multiculturalism.

The \$8.9-million-per-year settlement workers in schools program ensures that newcomer children, youth and their families have the information and support that

they need to integrate into the B.C. school system. The B.C. and federal governments are investing \$12 million for the continued delivery of the Skills Connect program, which helps immigrants who have the qualifications that are needed now to overcome barriers to employment such as language and lack of Canadian workplace experience.

Since Skills Connect services began, over 5,500 skilled immigrants have benefited from this program, with more than 80 percent of those completing the program successfully connecting with employment in communities throughout the province. To help immigrants who have low levels of English language proficiency, \$66 million will be available for basic English-language training services and labour-market-access language training services for immigrant adults.

More than 18,000 students across the province attended English-as-a-second-language classes in 2008-09. We're also investing \$4.7 million in partnership with the federal government to support foreign-qualifications recognition, which facilitates the integration of skilled immigrants into the B.C. workforce by eliminating barriers that immigrants face when entering the labour market.

The government is committed to supporting British Columbians — students, workers, employers, immigrants and our province's aboriginal people. In 2007 our government launched the aboriginal post-secondary education strategy to meet the province's commitment to close the education gap for aboriginal students. The strategy's goal is to encourage aboriginal students to start, stay and succeed in their higher learning goals.

Since the strategy was announced, we've provided a \$10 million endowment to the Irving K. Barber scholarship society, which launched the B.C. Aboriginal Student Award in 2007. To ensure that there are more opportunities for people to benefit from this award, the province provided an additional \$500,000 one-time grant in 2008.

We're investing \$14.95 million to implement three-year service plans between 11 public post-secondary institutions and aboriginal communities that identify interests and educational needs of aboriginal students and create programs to meet those needs.

[1025]

We've invested almost \$9.9 million to encourage partnerships and more transitions from high school to post-secondary education and the workforce, including close to \$4.5 million for new aboriginal student spaces in priority areas, \$1.7 million for research to study aboriginal transitions and almost \$1.5 million for aboriginal-focused community adult literacy projects.

We're investing \$13.2 million over three years to create gathering spaces that reflect aboriginal culture at public post-secondary institutions across the province and will provide a welcoming environment for aboriginal students and the entire university community.

We've also invested \$9.1 million over three years to assist post-secondary institutions to develop innovative programming and support services for aboriginal learners. The ministry is committed to ensuring that aboriginal learners in B.C. can access the education and training they want so that they have the same opportunities to participate fully in the economy here in British Columbia.

In conclusion, I know how important it is to be prepared for the years ahead and to start shaping that future today. Our investments in post-secondary education are producing the skilled workers we need when the economy recovers. We are ready for the future.

In the coming year we will develop more services and tools to align British Columbia's labour force, including aboriginal peoples and immigrants, with current and future labour market demands. As immigration is expected to make a significant contribution to British Columbia's future, the ministry will also be developing an immigration strategy to attract, retain and settle skilled immigrants and their families.

I want to thank the Minister of Advanced Education and Labour Market Development and all our partners and stakeholders for the incredibly hard work in supporting and sustaining B.C.'s post-secondary education system and job skills development. We are proud to support B.C. students, workers and employers. We look forward to the continued vision of 2009-2010 to ensure that British Columbians are the best-educated and most highly skilled people in North America.

The Chair: Thank you, Minister. If you're curious, that was exactly 15 minutes.

D. Black: I want to thank the minister for her opening comments today and congratulate her on her appointment as the minister of this very important, extensive and large ministry.

It's interesting to me this morning, as someone who's been involved in the political process at another level, to see that I'm standing here and that there are five women on the other side representing the ministry. Here on this side I'm here with my deputy critic for this portfolio, Michelle Mungall.

It looks a little bit like girl power in here. I think that's great, although the balance is a little bit off in terms of the assistance. I note that the minister has four officials and maybe about a dozen at the back of the room. But we're up to the challenge, and it's going to be an interesting time.

I also want to thank the minister's staff for their time today and being with us to answer the questions and to help the minister along and help us along in that process.

We're very much looking forward to this discussion and reflect back on the government's number one goal in 2005 — a goal that was reiterated in the recent election campaign — to make B.C. the best-educated and most literate place in North America.

That's certainly a goal that all British Columbians get behind, and we'll explore, I think, a bit today about how the government is doing along that stated goal. We'll find out, or attempt to find out, through this process and assess the government's actions and whether or not they are in fact meeting the goals of that commitment.

The minister mentioned that this was a new process for her. It's a new process for us too, but it's a very important process. I heard the minister reference back to the Magna Carta. It's a pretty awesome kind of experience when it's put into that context. It is an important process in the public accountability of government, and I think we all take our roles in that process very seriously.

I mentioned earlier that there'll be a number of my colleagues who will want to ask questions on this issue. Some of them will be joining us later. We have broken down on our side of the House in critics and deputy critics, so Michelle Mungall — I guess I'm supposed to say "the member for Nelson-Creston" — and I will be doing a kind of a tag team here, and we'll both take a key part in this process.

[1030]

The minister also mentioned that during an economic downturn we know, and we expect, enrolment to increase in post-secondary education and in training opportunities. People at midcareer often take that time to go back for retraining to upgrade their skills when the job market is difficult.

The estimates for the number of student spaces in public institutions are down in the September update. So that's one of the areas that we would certainly like to explore with the minister. The budget allocation for Advanced Education and Labour Market Development has been cut in this update by \$66 million, and it's projected, through your estimates, to drop more over the next three years — another area that we will be exploring with you.

Of course, an important component of post-secondary education is student aid. When we want to ensure that people who don't necessarily come from privileged backgrounds and people from working-class families... We want to ensure that the marginalized people have an opportunity to get skills training and education, but we note that student aid has been cut by over \$17 million in this budgetary update. So we'll also have questions on that.

The other issue, of course — and I'm sure this is happening in all of the estimate processes — is the issue of the harmonized sales tax, for which there was a commitment not to implement before the election, but it was introduced after the election. We'll be exploring the impact of the HST on post-secondary institutions and how the government has planned for the implementation of that and to ameliorate the impact on post-secondary education, as we will with the increase on the MSP premiums.

We note that B.C. students carry a very heavy debt load in this province and that that debt load has been rising over the years. We are, sadly, one of the leaders in Canada on student debt. So those are some of the issues we'll be examining and asking questions on.

The other issue, of course, is private post-secondary education in British Columbia and the appalling situation. We saw a school close down — shut, slam its doors — just last month in Vancouver — one of the largest ESL providers in North America, actually — and leave many teachers and students banging on the door, with teachers unpaid and students who had forked over huge tuition fees with no protection. So that's another issue.

Just echoing what the minister said, advanced education is absolutely critical for a modern and knowledge-based economy.

Also part of the portfolio that the minister is in charge of is labour market development, so we'll be asking some questions around how the projections are made and what plans the ministry has for the future in driving our economy through the labour market development process.

So I'll start with the first question around the tuition and fees. We note that currently students are paying over a third of the per-student costs for post-secondary education. The specific question is: has the ministry determined what is an acceptable level of student contribution to the per-student cost? Have they done research to examine exactly what the ministry believes, or the minister believes, is an acceptable level of student contribution to the cost of post-secondary education?

[1035]

Hon. M. Stilwell: Indeed, the government uses two foundations for consideration of tuition in post-secondary education: affordability and accessibility, and actually, accessibility impacts on affordability too. We appreciate that tuition is an important feature. At the same time, it's only one factor that goes into the basket that you would call affordability.

The overarching goal is, of course, to balance managing the taxpayers' money prudently. The taxpayers are paying approximately two-thirds of the expense, and that recognizes a societal benefit to having an educated society. At the same time, our view is that the individual student benefits, as well, from investing in themselves.

Even if we use the number recently published for student debt and students, it's estimated that someone who graduates from post-secondary education will earn approximately \$600,000 more in their earning life than someone who doesn't go. So we view that that return on that investment is an excellent investment for the student.

We work to traditionally keep tuition in the lower half. As you know, B.C. has traditionally been fourth or fifth, and the StatsCan survey that was published this

week shows once again that the average undergraduate tuition in British Columbia remains affordable, ranking fifth again. And as you know, also, since 2005 we've capped tuition increases at 2 percent, which was almost half the national average this year, where the rises across the country averaged 3.6 percent.

D. Black: That's an interesting response, and I thank the minister for it. But I specifically want to know: how did the ministry determine that that was an acceptable level? Were studies done? Was there outreach? And with which stakeholders did you meet in order to determine and accept that that was a reasonable and an acceptable balance for the per-student cost of post-secondary education in British Columbia?

Hon. M. Stilwell: Again, the policy, I would say, is based on two broad thoughts. That is the first, which I reviewed — and that is, the balance between the taxpayer burden versus individual burden. Then, in terms of a more detailed analysis, we use interprovincial comparisons.

D. Black: Interprovincial comparisons? Hmm. So no specific studies have been done or consultation with stakeholders to determine what is an acceptable level of costs to students in sharing.... To say that we're fifth in Canada is not something that I think we should be proud of. We're the third-largest province in the country, and to come fifth in Canada in terms of the level of support for students is something that I don't think we can be particularly proud of.

So I would ask the minister again just to tell us, if she can, what stakeholder groups in British Columbia they have consulted with and what kinds of research they have done to determine an acceptable level for per-student costs on post-secondary education.

[1040]

Hon. M. Stilwell: I can't speak for my predecessor, but since taking on the role of minister, I have toured almost all of the campuses and have begun to meet — although I have not met with them all — some of the student societies from each of those campuses. That, obviously, is not complete, as the school year has just started.

In terms of other research, obviously we are aware of policy documents from other jurisdictions, other provinces. And generally, institutes of higher education who do study tuition policy have been considered as well.

D. Black: So what I'm hearing the minister say is that there has been no specific research or consultation done in the province of British Columbia.

Hon. M. Stilwell: No, I wouldn't say that. I would say there is ongoing policy analysis on a regular basis

examining our tuition policy within the ministry, and there's regular, ongoing consultation and discussion with both the post-secondary education and students on an ongoing basis.

M. Mungall: What I'm hearing is that there's an ongoing consultation. However, it sounds like the two-thirds and one-third mechanism for students paying into the per-student cost of their post-secondary education has already been determined.

So if it's an ongoing policy, is this something that you will be reviewing consistently as you meet with stakeholder groups and possibly revising that policy?

Hon. M. Stilwell: Certainly, I am always interested and available to discuss any policy relating to my ministry on an ongoing basis. I'm not going to commit to revising at this point, but certainly I'm open to — and, in fact, have already had — lots of ongoing discussions with all sorts of people who are knowledgeable and interested in the area not just of tuition policy but of post-secondary education in general.

M. Mungall: My next question is regarding the impact of the tuition increases on students in the last eight years. Has the minister or the ministry done any studies whatsoever about how these increases are impacting students specifically?

Hon. M. Stilwell: The question really is: how do you titrate those interests of...? As you say, managing what the taxpayer should pay, managing what the individual can and should pay against the benefits that accrue to them.... One of the statistics that we use is that 50 percent of students in Canada graduate debt-free. Of the 50 percent who don't, the vast majority — over 85 percent — are making their payments on time. So that helps us to titrate that we are in a range of affordability.

[1045]

The second is, also, that even in a declining economy, we have increasing demand in enrolment, so that also tells us that students recognize that the cost of not going is vastly more than the cost of going and that they're at a place where there's a good return on that investment.

M. Mungall: My question actually was just if the ministry had done any studies, and I guess that the answer is no.

My next question, then, is: was there any work done on the impact of tuition increases on student enrolment by the income quintile of the student?

Hon. M. Stilwell: The Council of Ministers of Education, Canada, which is the council of all of the ministers of advanced ed, does have an affordability subcommittee,

and it has a project to look at tuition as related to access, although it's not complete.

D. Black: Well, that's actually encouraging to hear from the minister, that some work is being done in that area. We'll be very anxious to see reports of that when it's completed. The minister didn't indicate when she expected to see any results, so if she knows that, it would be interesting to hear.

Obviously, the questions that we're asking indicate a concern that we have around accessibility and opportunities for young people — and older people, too — to get into the post-secondary education stream without finances or income being a barrier to them.

I want to ask the minister if she knows or if her staff knows at what point increases in tuition lead to decreases or lessening of access to post-secondary education. In other words, has there been any work done to look at that balance about how fees increase and other costs associated with going to school increase, and when does that tipping point come where it really does prevent people from attending post-secondary education?

Hon. M. Stilwell: I think that is a good question and one that we are all interested in knowing more about. Certainly, I have read a lot of research, not done by us but in the advanced education literature. There is substantial literature which interestingly and counterintuitively says that tuition does not appear to affect that. With respect to the second part of your question about other costs, I have to say that I am not aware of research that shows that and shows what that relation is, although it's important.

M. Mungall: I'm looking at the estimates for student spaces in public institutions and noticing they're down. This is despite the 10 percent increase in enrolments we have in colleges since last year and the fact that every college in British Columbia right now also has a wait-list. I'm just wondering why you're estimating student spaces going down.

Hon. M. Stilwell: Can you just tell us what your reference is? We're not sure what numbers you're looking at. We don't anticipate spaces going down, so that's why I'm asking which numbers you're referring to.

M. Mungall: Thank you for following up on that. I'm wondering where exactly we're getting that. I'll have to get back to you on the exact point, because we're looking at it overall. We noted that the student spaces in public institutions were looking like they were going down. If you want that exact number, we'll have to get back.

[1050]

Hon. M. Stilwell: According to our numbers, in 2009-2010 more than 5,900 new seats will be added.

M. Mungall: So in the September and February 2009 service plans and the ministry's 2008 environmental scan, all state enrolments increase in times of recession. You've answered that. You actually anticipate that student spaces will be going up. I'm glad to hear that.

The next question then is.... We have FTEs reported in the budget for the February 2009 budget, but in the update for September 1, what I have is that no FTEs are reported. Can you explain that?

Hon. M. Stilwell: In the published service plan, under the first "Goal 1: Provide quality learning opportunities for all citizens" and "Performance measure 1: total student spaces in public institutions," '08-09 was 195,317 and 2009-10 is 204,457.

D. Black: I want to move now to a program that had been run out of Langara College up until last month. The program was called the Advanced Education Media Acquisitions Centre. It had been running for 20 years. What the program did was centralize the ordering of videos for all post-secondary colleges in the province. They had expertise on copyright legislation. They were into the whole issue of video streaming.

Over the years they developed real expertise on all of those issues and were a cost saving to the ministry — a big cost saving to the ministry. Very suddenly, without any notice, they were notified that their program was going to stop at, I believe, it was the end of September. Now, sadly, it has ended, and that expertise is not accessible to the other institutions.

I just want to point out to the minister the cost saving simply in the videos over a year. I will read them off from institutions.

From Capilano. Purchasing video through AEMAC cost Capilano \$4,245. Without AEMAC, going through the retail costs in ordering these videos on their own, the retail costs would be \$22,120. So that was a savings to the ministry of over \$17,000.

College of the Rockies. Costs for videos under AEMAC: \$9,000. Retail costs would have been \$78,000. That's a savings of \$69,000. Kwantlen video costs: \$7,020. Retail costs would have been \$30,150 — a savings of \$23,130. Langara costs for videos: \$5,760; retail costs, \$49,920 — a savings of \$44,000.

North Island: over \$7,000. Retail costs: over \$63,000 — savings over \$56,000. Northern Lights. Cost through AEMAC: \$7,167. A retail cost would have been over \$39,000 — a savings of over \$32,000.

[1055]

Okanagan. The AEMAC costs for videos: just over \$5,000. I've got the exact figures if you want them later. The retail costs would have been over \$33,000 — a savings of \$28,000. Royal Roads. Their costs through AEMAC: \$240. If they'd done it on their own, it was almost \$3,000 — a savings of over \$2,000.

Trinity Western. Through AEMAC, their cost for videos: just over \$4,000. Retail cost would have been \$24,000 — a savings of almost \$20,000. University of the Fraser Valley. Cost for videos: \$5,800. Retail cost would have been over \$36,000 — a savings of over \$30,000.

University of Victoria. For videos, \$1,890 through AEMAC. Retail cost: over \$10,000 — a savings of \$8,600. Vancouver Island University. Videos through AEMAC: \$9,130. Retail would have been \$48,150 — a savings of over \$39,000.

So overall, from these figures, through AEMAC the cost was \$67,345, ordering centrally, having a centralized system. The retail cost would have been almost \$500,000; it was \$439,428 — a savings to your department, to the ministry and to taxpayers of almost \$400,000.

Now, that's just talking about video. That's not talking about the issue of copyright, where the expertise was there in the AEMAC department at Langara. Now institutions tell me that they're going to have a struggle to understand the very complex law around copyright and that that's going to be very difficult for them. Also, the issue of video-streaming, and there was the Maple software program that came through AEMAC.

So the obvious question to the minister: why would the minister and her department get rid of a department at Langara that clearly worked well?

All of the institutions that did their ordering through AEMAC speak very highly of the department and the program. They were stunned when it was stopped, because they recognized that it saved taxpayers money — not to mention the time and effort of people, librarians, in the individual institutions trying to figure out copyright legislation of video-streaming and all of those complex new media issues on their own, without that centralized kind of knowledge and equipment.

So I ask the minister to tell us why that happened.

Hon. M. Stilwell: I think the short answer is that actually we are looking at ways to maintain this licence. I can't give you information about concrete plans or decisions, but we are looking at ways to maintain the licence.

I'd also like to highlight an interesting aspect of that that likely we will be talking about in the future — namely that we are in a different world. Today the growth of on-line systems and the use of digital media have a significant impact on how these things are done.

In turn, the number of titles that AEMAC purchased on behalf of the institutions dropped 90 percent between 1996 and 2006. So it is a changing world. These will be issues that we'll all be considering in post-secondary education. But we are looking at ways to maintain the licence.

D. Black: Well, that's interesting, and I think that we all recognize that it's a changing world. Certainly, the

people who were running the program recognize that, and the people who were using the program, from all the institutions, recognize that. They all said they needed this centralized system, where the expertise was there.

My simple question is: why was the program cut?

[1100]

[D. Horne in the chair.]

Hon. M. Stilwell: This was originally a grant to Langara, and now Langara and the other institutional libraries are looking at the services that they want to use and provide.

D. Black: With all respect to the minister, that's not a very helpful answer. Was there consultation with the AEMAC administrators? Was there consultation with Langara College? Was there consultation with the B.C. Council of Post Secondary Library Directors? Was there consultation with the people who were accessing this and have demonstrated so dramatically the cost saving to government through this?

I'm astounded at the lack of information, or what appears to be the cutting of a program that was working well, that all the institutions supported and that dealt with new media and all of the issues that the minister raised about the digital world we're living in.

My question is: what consultation did the ministry or the minister take before cutting this valuable cost-saving program?

Hon. M. Stilwell: While consultation can be helpful, the reality is that reports and results are also a part and were really influential on this decision. AEMAC submits annual reports to us and on review of those reports, there in fact had been a 90 percent decline in the demand on the service, which obviously necessitates a review and consideration of the mandate. Although, as I said, we do intend to work to support in the future the components that are needed.

D. Black: I just must reiterate that I've got letters and testimonials from institutions and librarians and directors and others who took advantage of this program and saved their institution some considerable amount of money. Perhaps the reason, if the minister is talking about the purchase of videos or DVDs.... They were moving into video streaming and other kinds of technologies, which is exactly what the minister says needs to happen.

Clearly, I think the response from the minister was that there was no consultation, that they looked at some figures, looked at a way to cut and decided that this is a program they could do without. Notice was only given in July, when AEMAC was told the program was going to end and told they had to wrap it up in a few months.

If there was no consultation Clearly, that's what the minister said. She said that they looked at figures and made the decision.

It sounds like the minister is now saying they're going to try to reinvent the wheel and start this program in another way. Is that what she's saying? Are we going to see another centralized system where expertise is housed within one department that each of the post-secondary institutions will be able to take advantage of, as they did with AEMAC, on copyright, on video streaming, on software programs and on videos?

Hon. M. Stilwell: With reference to the testimonials, which I appreciate, at the same time there have been no third-party surveys or other validations to determine the level of need or support for those AEMAC services. AEMAC's structure, in fact, does not currently include a steering committee or other structure of system representatives to determine a systemwide approach and priorities.

[1105]

Also, I think it's important to note that there are a variety of other library agencies, as well, that function and are funded, that provide related services, including but not limited to the B.C. Electronic Library Network, the Education Resource Acquisition Consortium, the Council of Post Secondary Library Directors, the Higher Education Information Technology B.C. and public library services branch.

So as I said, I think that there's room for AEMAC to develop and redevelop its mandate.

D. Black: The minister mentioned that there were no third-party validators, but it's pretty tough to get third-party validators when you're told that your department is closing and there's been no consultation with the stakeholders. I think it's kind of a problem here.

I am hearing the minister say that they will look for a way, within her department, to ensure that the cost savings that were there for the institutions — and in the end, for the taxpayers — and the centralized knowledge that all of those institutions relied upon are going to be reincarnated in some way.

So I would ask the minister if she could give us that information — if not today, perhaps at another time — on AEMAC: the roles that they fulfilled and how that's going to take place. I understand that she can't do that today, but I would appreciate it coming to us as soon as it's possible.

Hon. M. Stilwell: That would be fine. I just do want to reiterate that despite being asked, AEMAC has not developed a steering committee or other structure of system representatives that would determine a systemwide approach and allow that kind of assessment.

M. Mungall: My questions pertain to the cuts to student aid.

So 17 programs were cut. I guess my first question is: how was it determined that these were going to be the 17 programs to be cut?

Hon. M. Stilwell: I'm sorry. I think I might have missed the front part of your question. I'm just not sure what you were referring to, so if you could just restate the question.

M. Mungall: So 17 student aid programs were cut over this summer — and student grant programs. I can list them off. They are.... Oh goodness, too many papers. Here we are: permanent disability benefits program, debt reduction and repayment program, loan reduction for residential care aide and home support workers program. Health care bursary — that was also eliminated. The early childhood educator loan assistance program is under review, the Premier's Excellence Awards were eliminated, and the repayment assistance program has been delayed.

So there are a variety of programs that were cut from student aid, and I'm just wondering how these programs were determined to be cut.

Hon. M. Stilwell: Let me start with some broad-based statements about the rationale. First of all, the decision was made on the basis of wanting to preserve the core funding of \$200 million for student loan and \$100 million for student aid.

[1110]

So some of the programs you named fall into a couple of categories. For example, some were pilot projects and were never intended to be permanent. For example, the residential care aide was a specific pilot project targeted at a specific sector where there was thought to be a shortage of workers.

Others were non-need-based. This was deliberate. We wanted to keep the money with the most vulnerable students, the Premier's Excellence Awards, while disappointing for 16 students, is not a needs-based program, and others were, in fact. For example, the permanent disabilities program — that was a federal-provincial five-year partnership which, in fact, was scheduled to run out on July 31 and did.

M. Mungall: It's clear that there is some thought that went into this, but I'm wondering if, in that, you had done any consultations with the stakeholders, the students themselves and the schools who would have been affected by these cuts.

Hon. M. Stilwell: The answer is no. I think that the policy of the decision to preserve the core funding and try to conserve the funding in the areas where the stu-

dents were most vulnerable and needy is eminently defensible, and we did not consult with students on that.

M. Mungall: You mentioned that some of these programs were pilot projects. Did you consult — and if not, why not? — with any of the students, the professional associations, the colleges and universities about continuing these programs rather than just cutting them?

Hon. M. Stilwell: Obviously, these pilot projects, first of all.... These are interventions which are designed to be short-term pilot projects to intervene and have an effect on human resource needs, which our department develops through the labour market development. So we have the data on what's needed, and obviously, we institute a pilot project and then assess the impact. There's nothing to say that at a future date it would or would not be brought back.

These programs are not a response necessarily to student need. I mean, obviously, the demand for programs comes into the planning at the institutional level, but this is a labour market development decision.

M. Mungall: So did you do any analysis? You talk about a labour market decision, but did you do any analysis on how this will impact the post-secondary accessibility for these particular areas?

Hon. M. Stilwell: I think I'd like to go back to emphasize that the program was designed to be an intervention to improve the availability of workers where our human resources research indicated a need. With respect to the actual student program side of the program, these programs are oversubscribed. So our view is that the intervention is no longer needed. If the programs are full, that's what the program was designed to do — to make sure the programs were full. So they are full.

D. Black: I listened to the minister carefully, and I want to ask a question about a couple of the aid programs in particular. The permanent disabilities benefits program, which has been eliminated — the minister mentioned that that was a cost-shared program with the federal government that was due to expire anyway. But you know, we know that students in B.C. graduate today with a very large debt burden, and the average is over \$27,000. That seems to be almost mortgaging their future. It's incredible that it takes now sometimes 19 years for a student to pay off their student loans, but that's another issue.

I want to ask the minister, around the permanent disabilities benefits program, then, what work has the ministry done to ensure that students who graduate with a debt, and with a sizeable debt in many cases...? What will happen now? Is there some program in place for

them to access, to get forgiveness if they're ill, if they're disabled — and if not, why not?

[1115]

Hon. M. Stilwell: The permanent disabilities benefits program has been replaced with a program called the B.C. Access Grant for students with permanent disabilities. Students with permanent disabilities are now eligible to have up to \$1,000 in their B.C. student loan funding replaced with a non-repayable grant. As well, in response to your question, StudentAid B.C. still has the ability to forgive loans for severely disabled student loan borrowers that have no likelihood of ever working or completing their studies.

D. Black: Could you explain to us how they get the debt forgiveness then, please, Minister?

Hon. M. Stilwell: They make application through the federal government, which, as you know, is a partner in student funding.

D. Black: One of the other student aid programs that's cut is the health care bursary, which has been eliminated. The minister made reference earlier to these programs being labour market development decisions, and yet we know that we're short of health care workers in British Columbia. It's been a problem for a number of years, and I believe the health care bursary was put in place to try to fill that need in a labour market development perspective.

So I would ask the minister: why, specifically, would a program be cut that was planned to meet a need for more health care workers in B.C.?

Hon. M. Stilwell: There are two things I just want to make sure I hit on. Number one, this was an intervention to encourage students to access the programs. Since they're oversubscribed, that particular intervention and what it was designed to do is not needed. With respect to health care workers in general, there is still a program where, when health care workers such as nurses and midwives, physiotherapists.... If they are prepared to serve for three years in underserviced areas, they can have their entire student loan forgiven.

M. Mungall: Since these programs are oversubscribed, particularly the health bursary.... If health programs are already oversubscribed and it seems like, well, they don't need the bursary anymore, was there any analysis done to determine whether or not taking away this bursary would end up leaving students in the lurch and therefore not attending these programs and therefore, of course, leaving them not oversubscribed but the exact opposite of undersubscribed?

Hon. M. Stilwell: The students who were in these programs when we decided that we weren't going to continue those programs are being funded through. So there's no one who is getting stranded in the middle. People who were considering the career — and are not yet in that — obviously are not directly affected by this, given that it was meant to increase participation and there's oversubscription.

So the short answer is: the people who were in the program when we made the cut are being funded through.

M. Mungall: That's not what I've heard from students at all. In fact, students have been calling MLAs' offices saying just the exact opposite — that they had applied for some of these programs and have found out, out of the blue, that they were not going to be getting the funding that they were anticipating.

[1120]

In fact, when I asked the UBC Alma Mater Society how they did find out about these cuts to student aid, they found out the exact same way that some MLAs have been finding out. It's that students have been calling their offices. There was absolutely no notice at all, from what they're saying and from what our experiences with students are. So how did you communicate this to students?

Hon. M. Stilwell: I just want to clarify that if students received letters saying that they were receiving funding from these programs, they did receive funding. If they had applied and then the program was cut while their application was in the hopper, they received letters. The institutions received information. The website information was changed, and of course the student phone line that talks to 17,000 students a month also had the new information.

M. Mungall: So it's clear, then, that consultation with students, the B.C. colleges, the umbrella organizations for colleges in British Columbia, any other post-secondary institutions, student groups and even independent labour market analysis.... There was no consultation done around the cuts of these student aid programs. So my question, then, would be: why not?

Hon. M. Stilwell: Again, the particular programs that you're discussing are interventions which are related to human resource and labour market development. They would not.... Therefore, consultation with students or colleges would only be, for example, with the institutions, about their capacity to deliver such a program. So it's based on labour market data, including lots of independent data. I mean, obviously our analyses include all kinds of sources of data about future needs for the workforce.

D. Black: The minister has given us information now about the targeted, I think, student aid, the targeted aid to health care bursaries and perhaps early childhood education. If she's telling us that those programs are all full and that there's no room for...

Interjection.

D. Black: Okay, but the health care is full.

Then perhaps she could tell us about early childhood education and that program being cut. That labour market analysis doesn't really deal with the other student aid programs that have been cut. The debt reduction repayment has been eliminated and the other forms of student aid.

I think that the other issue that's important to note here is that student aid in British Columbia is frozen now for the next three years. The minister made some very interesting comments, and comments that I support, in her opening statement about making post-secondary education accessible to citizens in British Columbia.

We all know that there's data that shows that one of the places where we're missing out in encouraging particular populations to attain post-secondary education is in what's termed first-generational learners.

[1125]

Contrary to what a lot of people may think, these are not people from new Canadian populations. They're more likely to be people who have many generations in British Columbia, and there just has not been a tradition or an ability or perhaps encouragement for these first-generation learners to attend post-secondary education.

One of our concerns, of course, is that we all want to see a system that encourages these first-generation learners to attend post-secondary education. These cuts in student aid, and the fact that student aid will be frozen for the next three years, I think makes it more difficult for the minister and her department to bring those very people into post-secondary education.

So that's a long way of asking the question, I suppose. But in terms of the health care bursary, I understand the minister's rationale. I may not support it, but I understand the rationale around labour market development and that she's told us that program is full and, therefore, we don't need bursaries to help fill those spots.

But that doesn't speak to the issue of first-generation learners and encouraging people from other sectors of our society to enter into post-secondary education and to build our economy for the future. I ask the minister to address that, please.

Hon. M. Stilwell: I think you asked a couple of questions, so in not the same order... The funding around early childhood education is actually in the Ministry of Children and Family Development. Loan funding is not

frozen, although that's in the Ministry of Finance. With respect to your last question, I think it's a broader discussion, perhaps for another day. I have a very developed interest in the first-gen issues, and I'd be happy to talk off line.

I would say one of the things... Well, it's important to me to have evidence-based programs, so I think we probably share that interest. I think that looking at the research, there's a lot of stuff that is counterintuitive. One of them I've referred to, that the relation of tuition to accessibility is interesting and not necessarily so straight-line as one might assume.

The other thing is that I think it's important that many of the first-gens you're talking about... It's true. Because they don't come from a family or have the experience of the values and how to attend post-secondary education — in fact, it's been clearly shown that they tend to overestimate the cost and underestimate the benefits — they tend to be debt-averse when they don't need to be. You can't make a better investment of \$27,000 in your future. But there are issues about how to spread that awareness.

I share your interest, but I don't think it relates directly to a particular line here at this time.

D. Black: I'll just follow up in one respect. The minister said that the budget for student aid is not frozen. Am I correct in hearing her say that? Because the figures we've looked at look like, in fact, it is frozen over the next three years, staying at the same level it is in this budget.

Hon. M. Stilwell: I just want to clarify again. Although student loans are held in the Ministry of Finance, and although our student-aid-specific programs show flat line, it's a need-based system. The student loan will go up as the needs go up in future years.

M. Mungall: Just following up on a point the minister made about first-generation learners, noting that they're often more debt-averse than they perhaps need to be. But that immediately made me think of somebody.

Often first-generation learners are people coming from families that have lived many generations in poverty. Often they're debt-averse not because maybe they don't need to be, or because they're working with some mythical information, but, in fact, the debt that students are currently carrying — which is on average \$27,000 — may impact them and their families to a greater extent than, say, a student coming from a middle-income or an upper-income background.

[1130]

With that said, are there going to be...? You've talked about needs-based programs, but it seems to me that there need to be some programs that are specifically tar-

geted at first-generation learners so that we can get them into the schools and kind of make sure that they're not so under-represented.

The Chair: I'd remind the member to address her comments through the Chair as well.

Hon. M. Stilwell: I think at this point I'll just say that student aid is not the only tool we have to address some of the issues you've talked about. There are other targeted programs that speak to different needs. So we can probably talk about those as we go on.

M. Mungall: Those other targeted programs — can you mention what they are, please?

Hon. M. Stilwell: There is block funding that goes through to the colleges and addresses things like adult basic education, which is also often a feature of this particular group — that they're not so college-ready and need help through the transition.

Although your comments, I think, made an important point that first gens are not necessarily immigrants, we do have other programs around ESL and immigrant settlement and integration that are important factors to help these students transition and succeed in post-secondary.

M. Mungall: What is the evidence that first generation...? Does the minister have any evidence that lets us know that first-generation learners are accessing these programs and that they are directly ensuring that first-generation learners are getting into post-secondary education?

Hon. M. Stilwell: If I'm following your line of questioning, it's obvious that you have a special interest in the concept of first gen in general. I think we all recognize that it includes but is not limited to immigrants, for example.

Our programs are clustered. In terms of being inclusive to marginalized groups and trying to increase participation of groups that we know are under-represented, most of our data tends to be around aboriginal, immigrant settlement and integration, women and older workers. Obviously the people you're talking about will fall into those groups. But with relation to specifically first-gen data, again, the CMEC is doing some investigation. That's the Council of Ministers of Education of Canada. So you know, it is obviously an area of rising interest.

[1135]

D. Black: I'm glad to know that the minister is concerned about this issue, as we are, because we can look at information and statistics and see that it's most often the

families that have post-secondary education themselves whose children go on to university.

But there's a huge group of people whose tradition or experience has not been through post-secondary education, and they remain, generation after generation, in lower-paying jobs and without as bright an economic future as some other British Columbians. This is not particularly healthy for our economy, as well, when we want to move towards a more modern and knowledge-based economy.

I just want to reiterate something around first-generation learners, because the minister has commented on new Canadians and ESL and other issues. We're particularly referring to, in this instance, the generation after generation of people who have been born in British Columbia and have not had the tradition or the experience or the opportunity, perhaps, to go on to post-secondary education.

I want to ask the minister... She did mention that some of these people also need literacy training and adult basic education, and we recognize that as well. I want to ask the minister how the cuts that her government has made to literacy programs across this province foster those goals of encouraging first-generation learners into post-secondary education.

Hon. M. Stilwell: Let me just start and give some background, since none of us were here at the beginning of the story. It's like coming in halfway through a movie.

The regional literacy coordinators were part of recommendations from the Auditor General about literacy, which as you know is a complicated and interesting and worthwhile endeavour. When we went through the budget and had to adjust for some pressures, the decision was made to end those positions because we wanted to keep the money in the classrooms where the students are.

That is not to dismiss the work that the literacy coordinators could do or their contribution, but we had the two choices. We decided to. I think you'll be interested to know that there are some colleges that have decided to adjust their own budgets, to continue — some of them — to try to ensure that work.

B. Ralston: I want to ask some questions about Simon Fraser University Surrey, which I hope the minister has got the staff there to respond. If I might, by way of a brief introduction, I'm sure the minister and her staff received representations from the leadership at SFU — from the president, and the director of the Simon Fraser University campus, Joanne Curry — that prove in studies that post-secondary participation in the South Fraser region, in the age category 18 to 30, is the lowest in the province, particularly among the male post-high school potential entrants into post-secondary education.

[1140]

SFU Surrey — the goal was set at 5,000 full-time-equivalent students. It's very rapidly approaching that, but that was intended to be a goal for 2015, I believe.

One of the other studies they've demonstrated shows that the participation by students resident south of the Fraser is about 50 percent. The campus in Surrey is succeeding in attracting students from a region which is under-represented in post-secondary education. Many of them might fall into the category that the minister and my colleagues were discussing earlier — first-generation university participants.

I'm wondering: is the ministry prepared to consider, in its mid- to longer-range plans beginning this year, a further expansion of student spaces at SFU Surrey, given the demand that's there, the need that's there and the success that it's enjoying thus far?

Hon. M. Stilwell: Noting the time, hon. Chair.

To the member: first of all, I do acknowledge the statistics and studies that you quoted. Certainly, we're all aware of the rapid growth in that population and their needs in the Fraser Valley, and I want to acknowledge the excellent job that SFU is doing. I have had the opportunity to visit the campus.

This year Simon Fraser University is receiving 641 new spots. We are, of course, in ongoing discussions regularly on their needs in the future and how we can respond.

I'm sure you have more questions, but I will, if you don't mind, move that the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 11:43 a.m.

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