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Tsawwassen First Nation Final Agreement Act
Debate in British Columbia Legislature
October 17, 2007

B. Lekstrom: I rise today to take my position in the second reading debate of Bill 40, *Tsawwassen First Nation Final Agreement Act*, a piece of legislation that we are here in the Legislative Assembly discussing — and will be, I believe, for a number of days yet.

I will start and make it clear that I do not support this treaty and will not be casting my ballot and my vote in favour of it, but I am going to make it clear as to why. I want to lay those reasons out, and I think I have a duty to do that as an elected official.

I support treaties, and I do want to make that clear. I do not support this treaty. I'm going to go into some depth and talk about the treaty itself — what I have read as I have gone through that treaty, what I have seen and the concerns that I have.

But like my other colleagues in the Legislative Assembly — and this may seem strange to some — I'm going to pass on my congratulations to Chief Kim Baird, a lady who, I think, obviously has great leadership skills and made some difficult decisions and worked hard on behalf of the people she represents to bring together a treaty that I'm sure they had much debate about amongst themselves.

They reached agreement that they would move forward, and we've seen that by way of a 70-percent vote in favour of it from the Tsawwassen First Nation. Because I stand here and speak against this treaty does not mean I don't have a great deal of respect for the Tsawwassen people and their leader, and I want to make that very clear today.

Many wrongs were done over the years. I don't think that should go without saying. I think all British Columbians recognize that. All Canadians recognize that. We can see it. Reconciliation is extremely important, and I think we're doing a job that is trying to bring all people together. They have an amazing culture, our first nations of British Columbia. It's something I learn about and will continue to learn about for a lifetime. I certainly don't call myself an expert. I learn when I deal with my chiefs in Treaty 8, or I learn from different bands I have the opportunity to meet with at different functions that we attend. It's truly amazing. All you have to do is look at the history, and it's rich in culture.

There are some concerns that I have and I do want to point out. I would think that most British Columbians probably won't have the time to go through the treaty itself. This is the treaty. This is the harvest agreement, the tax treatment agreement and the real property tax that go with it. These are the appendices that go with the treaty itself, and it is quite a read. I encourage people, if they're interested, to go through it.

It raises questions. It has for me, and I look forward to the committee stage. Probably one of the most important issues that jumps out at me, which I obviously disagree with many of my colleagues from both sides of the House and the Tsawwassen people on, is the issue of self-government.

There's obviously debate on the referendum that took place in this province. There was a question asked of the people of British Columbia: "Who supported a municipal or delegated style of government?" I believe the vote was in the 82-percent range to say: "Look, we understand we need to have treaties in British Columbia, but we would like to see it go this way."

I didn't base my view on that vote. I based it on something that I hold inside myself, and that's my personal belief. First and foremost, I'm here not just to represent Peace River South or British Columbians because of who they are — what nationality they are, whether they're first nations or non-first nations. I'm here to represent everyone equally, and I will do that as long as I serve in this Legislative Assembly.

The law-making authority that's given within this document is beyond what I accept as far as a treaty. The law-making authority given includes such things as child protection services, adoption, health services, K-to-12 education, post-secondary education, child care services, wildlife management, forest resources, land management and environmental management. In some cases, these laws and the law-making authority matches that of the province and the federal government. In others, it supersedes it.

I can't bring myself to work towards a better British Columbia in the sense that to me it seems like we're dividing, and obviously I see that differently than most. I accept that. There is a preferential harvest agreement for wildlife and fish, migratory birds. I think we're all British Columbians. I think we're all Canadians. I think we have to work together, and I'll continue to do that.

I do expect this treaty to pass in this Legislative Assembly, and I'll accept that. I have no problem with that. The issue under the lands, under the agreement that's written, gives away subsurface rights, something that other British Columbians don't have and don't enjoy. It's something, again, that I fundamentally disagree with. I believe our resources are there for the benefit of all to help us build a better British Columbia for health care and for education and for our social programs. I'll continue to work towards that.

As I indicated, there is no doubt in my mind after hearing the speakers that this treaty will overwhelmingly pass. I'm proud to tell you that I'm going to stand on what my beliefs are, just as the Chief has stood on what her beliefs are and brought forward, just as each and every one of you who has spoken already has. Certainly, I believe the ones in the future who speak to this will speak on what they believe is right — what they accept within themselves and what they think is in the best interests of this province.

Taxation. When I read the taxation portion, I obviously have some differences there. Yes, after eight years, after the implementation of this treaty, the Tsawwassen

First Nation individuals will begin to pay sales tax. After 12 years they'll begin to pay income tax. After 12 years they will also pay property tax.

After that there will be a remittance to the Tsawwassen First Nation government: 50 percent of the PST is returned to them. That to me is not equal to what other British Columbians enjoy. I think I'm trying — and I can't stress this enough — to build one British Columbia for all of us to have a better life.

The Agricultural Land Commission. Chief Baird spoke about this. This is not a political issue for me. It never has been; it never will be. I support the ALR, but I'm not opposed to land coming out of it for the right reasons. I don't think it's realistic to expect that every acre that's in the agricultural land reserve today will remain there.

I'm as strong an advocate for agriculture as any person in this province. I recognize the importance of our ability to supply our own food, and I don't think that most people pay enough attention to that, to be honest with you. I don't think there's anything more important than our ability to feed ourselves, and I'll continue to work on behalf of the people I represent in that right.

Having said that, the ALR isn't an issue for me. I look at it. The issue is how that land will come out. We will, upon voting on this treaty — should it pass, and again, I'm quite confident it will — exclude 207 hectares of agricultural land by way of legislation versus the process that everyone else goes through, which is an application through the Agricultural Land Commission. They look at it. They make a determination, they make a recommendation, and they make a move whether that stays within or comes out of the agricultural reserve.

The process is something I'm concerned about. I also ask myself about the affordability question, and many people say: "Should you bring that into it, Blair?" I think I have to when I look at the overall issue that we face as British Columbians, as governments — whether it's our government today, previous governments or governments in the future.

I'm torn on this one because I'm not sure that it is affordable, if I extrapolate what I see here today and look at what we have to do and the work that has to happen yet to gain treaties for all of our first nations in this province. So that's a concern.

On page 133 of the Tsawwassen treaty, if you read, we give veto power to the Tsawwassen First Nation's government. That veto power is over both provincial and federal projects. That's something we actually, as a government, recently took away from our local governments, in a sense. That concerns me as well. Again, I'm going to build, and I'm going to work to build, one British Columbia, one strong British Columbia, and this isn't the way to do it in my mind.

I think — and many people may or may not see this — that we're building individual nations within our own province in the sense that we're creating a number of provinces within the province of British Columbia. If we have the ability as municipal government — and I'll speak to that somewhat — to make laws and bylaws that govern our communities, that's a delegated or municipal style of government.

If we have the Crown, as the government of British Columbia, having the ability to make laws on behalf of all of the people that live in British Columbia and then have a treaty — and possibly more treaties as the years move forward — that allows each of the first nations to develop laws that will in some cases supersede the provincial laws, I'm pretty positive I don't accept that as building a better province.

That's where obviously there's a profound difference between myself and many of my colleagues on both sides of the House. I have a vision, and that vision is a strong, united British Columbia built on recognizing the cultural differences that we all have. The importance of that recognition is enjoying and learning from each other. I think we'll do that, regardless of what I say here today, but I won't abdicate my responsibility to the people I represent and cast a no vote without first standing and explaining myself here in this Legislative Assembly.

I'm not going political, but I'm somewhat surprised at what I've heard from a number of speakers. I obviously have different views on this treaty, and I have different views than my own Premier on this treaty. What's somewhat hard — and I guess that's politics, that's the part of it I don't like — is I've heard members speak about how, you know, the Premier is doing this almost for political gain.

I mean, I've had the opportunity to work with this gentleman, like many of you, for the last six and a half years. I guess it takes a strong leader, from wherever and whatever party you're from, to say... I heard him say today that he's changed his mind on the position he took on Nisga'a. Good for him.

Going back to the issues, I'm not here to say I'm right and, gosh, everybody else is wrong in their view on this. I'm here to tell you my view and why I don't support this treaty the way it's written. I'm also here to tell you and stand up for many people... I'm sure I'll get calls from my friends and maybe even my mom to say: "My God, are you still in the government, Blair? You're standing up."

But I'm going to say this, and some people may choose not to believe it: the Premier has been the biggest supporter of the ability for me and other members to stand up and say what they believe is right. For that I am thankful.

Again, you do have to make it clear that we obviously see this issue differently. It's not the first time. I think it's healthy to have, whether you're the B.C. Liberal caucus in government or whether you're the New Democrat caucus, the ability to bring your views to the table, to have open discussion and let people know where you stand on an issue. That's democracy, and I'm proud of British Columbia. I'm proud of all of us and the ability for us to have that right.

In closing, I do want to say a few things. I look at British Columbia with eyes that we're all equal residents here. I will do everything I can to improve the quality of life for each and every person here.

I will work on behalf of children who need help, whether they're first nation or non-first nation. I will work on behalf of the families of this province, whether they're first nation or non-first nation. I will do everything in my power to improve the quality of life for those who are less fortunate.

[Mr. Speaker in the chair.]

I do respect the Tsawwassen First Nation in their support for this treaty and the reasons that they have for that support. I would hope that the Tsawwassen people will respect my views in return.

It's never easy to stand up and sometimes speak differently than what 78, for all I know, may say in this chamber, but I do want to thank my colleagues here for allowing me the opportunity to not only speak to them but to the people that are watching, and lay out my view of what I think should and shouldn't be in a treaty.

I'll stand by that. It doesn't mean that I won't live and learn each and every day, but for the reasons I've outlined, I will be voting no at second reading and on this treaty.

Again, I wish the Tsawwassen people all the best of luck. I wish all of our first nations the best of luck. I believe in their hearts, like in my heart, they want the best for their children and their families, and we're going to find a way to get there together.