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Ralph Sultan's explosive past WV candidate tied to Westray mine disaster

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A Nova Scotia MLA has linked West Vancouver-Capilano Liberal hopeful Ralph Sultan to a company responsible for the deaths of 26 miners in that province.

The Westray mine, located in the small town of Plymouth, in Pictou County, exploded on May 9, 1992, killing 26 miners who were below ground at the time.

The bodies of 15 victims were found within five days of the explosion, but 11 miners remain buried at Westray, which has since been flooded and sealed.

A government commission struck to investigate the causes of the explosion shortly after the tragedy found parent company Curragh Resources Inc. and provincial mining inspectors negligent in their approach to worker safety at the mine.

The blast was likely caused by the ignition of a pocket of methane gas, a natural byproduct of coal.

Westray was operated by Ontario-based Curragh Resources and Chief Executive Officer Clifford Frame, who secured over \$100 million in public money to help set up the mine only one year before the explosion. Notable political figures involved in the deal include then-MP for the riding and future prime minister Brian Mulroney and MLA and future Nova Scotia premier Donald Cameron.

Also involved was Sultan, who was then a director with Curragh Resources.

Sultan won the party's nomination for the West Vancouver-Capilano riding after former Liberal MLA Jeremy Dalton was ejected from the caucus in January for "conduct unbecoming an MLA" (Dalton had three times used his official letterhead for correspondence in matters of personal interest).

However, Sultan's biography lists nothing of his time served with Curragh.

When asked at a political rally in North Vancouver on Monday, Sultan admitted that he was a director of Curragh Resources at the time of the Westray disaster.

"I was a director," said Sultan, who went on to call Westray "a great



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tragedy."

Sultan's biography summarizes the years between 1980 and 2000 by stating that "he was involved as a senior officer (Executive VP, President, Chairman) in 10 different companies -- some large, some tiny, some successful, some unsuccessful..."

Sultan said that he was simply involved in too many companies -- three times the number listed on his resume, in fact -- to identify them all.

"(Curragh) is not listed and 30 other companies I was director of are not listed, either. I haven't listed any of the companies because that would be a long, long list," said Sultan.

Last Wednesday Kevin Deveaux, the NDP member for Cole Harbour-Eastern Passage, marked the ninth anniversary of the tragedy by informing the Nova Scotia House that Sultan is running for office here.

"Whereas Ralph Sultan is the B.C. Liberal candidate in the safe seat of West Vancouver-Capilano, but his campaign omits the details of his mining career," stated Deveaux, "...be it resolved that this House notes with dismay the possibility that a senior executive who shared responsibility (for) the Westray Mine tragedy could enter the government of B.C."

Deveaux, who was elected to the legislature in 1998, was a health and safety prosecutor for the Ontario Ministry of Labour before moving to Nova Scotia to help redraft that province's Occupational Health and Safety laws following the Westray disaster.

Sultan's biography also states a number of his beliefs, such as a commitment to "individual responsibility".

"As they say down on the farm," the profile states, "we need more people pulling the wagon than riding on it."

However, Curragh Resources personnel, notably Frame himself, repeatedly balked when asked to testify before the government commission that was struck to investigate the explosion.

Sultan said he was cleared of any wrongdoing by fellow Curragh director and former Liberal prime minister John Turner, who visited the site shortly after the explosion.

"When the accident occurred we sent John Turner ... down to see what the circumstances were, and in particular, to ascertain whether the directors of Curragh had carried out their responsibilities. Turner came back and said we had fulfilled our responsibilities." ←

When asked if Curragh should have taken more responsibility for what happened, Sultan said that the families had been adequately compensated.

"They were looked after under the laws of Nova Scotia and by the WCB," he said. "They received pensions for life, which is what happens with industrial tragedies of this sort."

In a report entitled *The Westray Story: a predictable path to disaster*, Westray Commission chair Mr. Justice K. Peter Richard states that the mine was a "veritable Pandora's Box of human faults and foibles." His

report damns both the mine inspectors as well as the senior management of Curragh Resources itself.

"If there ever was a study in how not to manage a business in a safe and responsible manner, Westray is surely a textbook example. From the Chief Executive Officer on down there was a palpable disregard for even the most basic safety considerations ... the management at Westray, through either incompetence or ignorance, lost sight of the basic tenet of coal mining: that safe mining is good business.

"It is a tragic story ... of incompetence, of mismanagement, of bureaucratic bungling, of deceit, of ruthlessness, of cover-up, of apathy, of expediency and of cynical indifference."

Pictou County has not been without its share of mine tragedies: Nova Scotia historian James Cameron estimates that over 625 miners have died there since mining of the rich-yet-volatile Foord Coal Seam first began in the early 1800s.

Curragh Resources went bankrupt not long after the Westray tragedy.

The company's main asset, the Faro lead-zinc mine in the Yukon, was sold to Anvil Range Mining Corp., a Toronto-based company in which Sultan, former Curragh chief financial officer Adrian White and former federal energy minister Bill McKnight were involved.

When asked specifically about Sultan's ties to Curragh and the Westray disaster, Liberal leader Gordon Campbell painted it as an NDP smear tactic.

"I think that it's a pretty desperate stretch by the NDP. Mr. Sultan has a long and distinguished record in business on a number of boards of directors and as an economist for the Royal Bank. (It's) a reflection of how desperate they are."

While Deveaux's address to the legislature might seem like opportunistic timing in light of an impending provincial election, he strongly denied any such aim.

"Westray is an issue that goes beyond partisan politics in Nova Scotia. Yes, I'm an NDP member, but this could have just as easily been introduced by a Tory or a Liberal. In Nova Scotia, Westray resonates with the people because it's a symbol of corporate greed and corporate decisions that affect people's lives, quite literally."

He said that Sultan's involvement was very nearly overlooked, in fact.

"It was just more of a fluke than anything. A small world. But it's one of those issues that I'm glad is out there.

"When we saw this we said 'My God, Mr. Sultan was involved in a company that was so egregious in its neglect of workers ... Let's be honest, (the Liberals) are going to win. Ujjal Dosanjh has admitted that. (Sultan's) going to be a member of the government's side and we think that's a very worrying scenario. I don't know much about politics in British Columbia but I would hope that people like that would be kept far away from sitting in the government caucus."

There was fierce competition to replace Dalton -- seven candidates were

on the slate at a riding nomination meeting March 31. The riding is considered the safest in the province.

In the last election, Dalton garnered 71 per cent of the vote. Sultan, a neophyte politician who said part of his reason for running was that he had been "contacted by Gordon Campbell's people," beat out his nearest opponent, Science World boss Barbara Brink, to become the official Liberal candidate.

Campbell, who has spoken repeatedly of the need for "a new openness" and integrity in government, was asked at the rally Monday whether personal accountability among MLAs would also be a central tenet.

"We have standards that we expect to be met," said Campbell. "Standards of conduct are going to be very important to the B.C. Liberal government. One of our tasks is to restore people's sense of confidence and trust in their public institutions."

Does he have complete confidence in all of his candidates?

"I have confidence," he asserted, "in all the people that are seeking office today. This does not mean that we will be flawless. There are mistakes that will be made."

-- with files from *The Halifax Chronicle-Herald/Mail-Star*; <www.alts.net/ns1625/wraqymenu.html>; <www.bourque.com>

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50 Years of Mining



A Man With A Vision

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WELCOME TO THE WEB SITE OF CLIFFORD HUGH FRAME P. Eng.

Many believe that Clifford Frame's successful mining career is due to his academic background in engineering. However, Clifford believes to the contrary. He attributes the success of his mining career to his inherent intelligence and his childhood, where he developed important skills like hard-work and independence.

- Clifford was twice named "Mining Man of the Year" in Canada
- He was made an honorary Indian Chief of the Kaska Dene
- He was the first appointed mayor of Thompson, Manitoba (1964-1966)
- He played hockey for the Trail Jr. Smoke Eaters and the UBC Thunderbirds



Clifford Frame is well known for his 50 years of mine building and operating. However, his mining experience is only one aspect of the life of a fascinating self-made person.



Cliff was born in Russell, Manitoba. During the Great Depression, the family moved to Trail, British Columbia where he grew up. Growing up with Depression era parents and the resulting impact of the second World War, forced him, as it did many others, to mature very quickly. He worked all summers during his teenage years and, when he was thirteen, was employed as a milk deliveryman in his local neighbourhood which necessitated a very early start before school!

He enjoyed high school – Trail high school was considered one of the best schools in the province. It was known for producing academic scholars and hockey players. In fact, one of his best friends and classmates would later lead the Boeing design team for the 747 aircraft.

Cliff had a natural ability in sciences and math and he elected to study engineering at the University of British Columbia (UBC). He was awarded the Kennecott Scholarship in his third and fourth year, influencing his choice of mining engineering. He graduated from UBC with a Bachelor of Applied Science, Mining Engineering.

Unlike other students, Cliff had three years of smelter experience, one year of underground mining experience, a mining certificate, and a published thesis. All of this was accomplished before he took his first post-university job at Britannia Mines.

He worked three years in the smelter complex in Trail and one year on the Waneta power project before going to the Sullivan mine in Kimberley, British Columbia, where he got his first underground mining experience and became certified as a qualified miner. This experience was also the basis for his fourth-year thesis, written on the mining methods employed in the Sullivan mine and which was published in the Canadian Mining Journal.

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Liars, Cowards and Tricksters

Westray Coal Mine Disaster

The Westray Coal Mine opened its doors, coincidentally, on September 11, 1991. The dismal phrase 9-11 was ten years away, but the destitution and terror would be no less real for Pictou County, Nova Scotia residents. At 5:18 on the morning of May 9, 1992 - only nine months after opening - the Westray mine exploded. When the dust cleared, twenty-six miners lay dead; and the hand of death had touched hundreds of others.

The force of the explosion blew the top off the mine entrance, shooting it more than a mile upward and decimating the mine's steel roof supports. Nearby townspeople felt the effect of the blast; windows shattered and houses shook violently. For the next six days, all of Canada held its breath as rescue crews desperately searched for survivors. Inadequate training, disaster plans and safety equipment hampered rescue efforts. Ultimately, rescuers efforts would prove futile.

Public backlash was instantaneous. One House of Commons speaker described Westray as a "federally assisted job project [that created] a tomb, a mine so unsafe that eleven bodies have yet to be recovered."

Cries of foul play rang out in the streets, rolled off the presses and reverberated through the courts. Almost immediately, the company was stripped of the coveted J.T. Ryan Award for Safety awarded, ironically, just day's earlier to "the safest coal mine in Canada in 1991." A report revealed that company officials had "fudged" accident statistics. "We now know that the reality at Westray often did not match company records," said one report.

Legal investigations soon revealed other anomalies. Evidence of stolen, hidden, altered and misleading records surfaced, along with findings of a blatant disregard for human safety. Management's abuse of power was uncovered: those in charge had ignored or silenced the warnings of the very miners who would die in the blast. State-of-the-art equipment turned out to be not so state-of-the-art.

Some called for criminal action against the "liars, cowards and tricksters" responsible for mine operations. Others called the entire project "ill-conceived, poorly-planned, and incompetently operated." Still others suggested that government and mine safety officials were complicit in their negligence, labelling their behaviour "malicious non-compliance."

It did seem that government officials were in bed with investors from the beginning. Provincial and federal governments had invested heavily -- both financially and through controversial

agreements requiring the purchase of excess coal. When Liberal MLA Bernie Boudreau warned Labour Minister Leroy Legere that the mine was "potentially one of the most dangerous in the world," the minister replied that his people were "doing as good a job at Westray as they are doing at all other mines in Nova Scotia."

Following the tragedy, questions abounded. Why were safety issues given so little weight? Why was unqualified management hired, then allowed to intimidate employees into silence? Why didn't the government monitor activities more closely? Why was the mine allowed to open when there were so many apparent problems from the outset? In the end, the Public Inquiry concluded, "The cost of operating in such an adverse environment and the inherent uncertainties would suggest that the financial viability of the Westray project should have been in doubt from the very beginning."

Westray's infractions read like a recipe for disaster: open torches, untrained personnel, unqualified managers, managerial disdain for safety, defective or ineffective safety equipment, rampant methane levels, poor ventilation, and a failure to comply with April 29 orders from the Department of Labour regarding dangerous levels of coal dust.

In *The Westray Tragedy: A Miner's Story*, Shaun Comish describes the details of the explosion, a description closely echoing the Public Inquiry Report, "At 5:20 in the morning on May 9, 1992, a miner working in the Southwest section of the Westray mine was using a continuous miner to cut coal. As he cut into the coalface, the picks on the cutting head struck some pyrite embedded there, causing a shower of sparks. He had seen the sparks before, but this time they ignited some methane gas seeping from the coal seam. He jumped down off the miner, terrified at what he saw as he tried to put on his survival equipment. In moments he was dead."

The circumstances leading up to the explosion were far more complex and predictable. It became evident from the beginning that Westray was a ticking time bomb. Estimated at 45 million tons, the Foord's reserves contained some of the world's finest coal - with low sulphur content and high BTU rating. Pictou coal had been mined since 1807. However, the profit coming out of the mine had always been stained with labourers' blood.

In the 150 years before Westray's opening, Pictou mines had already claimed well over six hundred lives. The Foord seam alone, upon which Westray is based, had claimed 244 lives. The Foord seam was legendary not only for its rich resources, but also for several other traits: exceptionally high levels of methane gas, a propensity for spontaneous combustion, and geological faults which almost guaranteed roof collapse. Less than two months before the explosion, geological upsets had sent miners fleeing from project. Major roof and wall falls occurred as often as Sunday sermons.

Unfortunately, coal was a necessary evil for easterners. Even into the twenty-first century, it fuelled all but 20% of Nova's Scotia electrical power. Consequently, government-owned Nova Scotia Power Corporation contracted with project owner Clifford Frame to deliver 275,000 tonnes of coal per

year for 15 years. Frame's Curragh Resources Incorporated created the subsidiary Westray Coal to construct and operate the mine intended to fulfil that contract. The contract would never be fulfilled.

One has to wonder why, when the mine was knowingly unsafe, workers would daily risk their lives. A report by Gerald J.S. Wilde of Queen's University sheds some light on that question. Wilde concluded that while some did quit, others remained because they perceived the seriousness and probability of risk as minimal. He added, "the willingness to accept high levels of danger . . . may be attributed to . . . various factors, among which [are] economic pressures and economic incentives." In short: danger pays.

Following the 1992 explosion, Westray would never again re-open. Both the mother company and Westray itself became bankrupt. And although it was never supposed to happen, the federal government's guarantee was called in at the bank. Tax dollars paid \$85,000,000 for coal that would never see the light of day.

In the inquiry that followed, Justice K. Peter Richard concluded, "The Westray Story is a complex mosaic of actions, omissions, mistakes, incompetence, apathy, cynicism, stupidity, and neglect. Some well-intentioned but misguided blunders were also added to the mix. It was clear from the outset that the loss of 26 lives at Plymouth, Pictou County, in the early morning hours of 9 May 1992 was not the result of a single definable event or misstep. Only the serenely uninformed (the wilfully blind) or the cynically self-serving could be satisfied with such an explanation."

Despite incriminating evidence, Frame refused to admit any culpability. A 1997 Halifax Chronicle-Herald article quoted Frame protesting, "I'm sitting up here in Toronto . . . How in the name of God would I know that anybody was adjusting a methane detector? . . . And if I didn't know that, how could I have any feeling of guilt, other than the fact that I shouldn't have developed the Goddamned mine in the first place."

Nevertheless, Frame was not ready to get out of the coal game. That same year Angus HighGrader Magazine revealed that Frame was "mounting a hostile takeover bid of Australian listed Greenfields Coal Company" located in West Virginia. Happily, an unprecedented 72% of shareholders vetoed that attempt.

Today, in spite of a 700-page inquiry report and extensive investigations, far too many questions remain unanswered. In an effort to bring some resolution to this irresolvable tragedy, Westray Families Group erected a monument at the site in 1993.

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MLA MEMBER OF THE LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA

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The Engineering Life

Remarks upon receiving the Public Service Award
of the Association of
Professional Engineers and Geoscientists of British Columbia
Whistler, British Columbia
October 29, 2004

Seeing several hundred engineers out there, my first impulse is to lead you all in a rousing chorus of "We are, We are, We are the engineers!" But I will resist that temptation.

I was even tempted to rescue my old UBC red sweater from the mothballs. But it does not fit as well as it once did, so I decided not to inflict that on you either!

It is a privilege to be able to bring an engineering perspective to the Legislature of British Columbia. Engineers do look at the world differently, and I am honoured when engineers, singly and in association, seek me out in Victoria. On the other hand, since I'm the only engineer over there, your choices are limited!

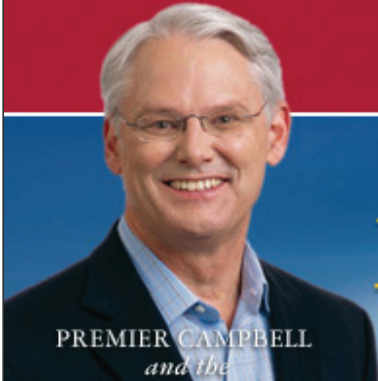
Many people in this audience have helped me pursue this new career. When I decided to run for public office, I resurrected friendships, school and engineering networks which had lain fallow for decades. Despite the many intervening years, you came through for me with volunteer effort, with financial support, and with encouragement. For all of that I thank you all.

I would particularly like to acknowledge the special support and advice I have received in my new career from former APEGBC President Russ Fraser, P.Eng. Russ is the only non-lawyer to have ever served as Attorney General of this province. In Victoria they tell me he performed that role with distinction. So take that, you lawyers! And thank you Russ, for your help.

British Columbia professional engineers are stepping out from behind their drawing boards, and are playing a stronger business role globally, and a stronger public policy role in Victoria. This award is more in recognition of that, and less in recognition of me. But nevertheless, I am truly delighted.

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 **Liberals**

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Meet Ralph



A reasonable person, knowledgeable of the facts would conclude that Ralph Suttan PEng was the mastermind behind the move to give Peter Kewitt the contract to construct the Cut through Eagle Ridge Bluff --- also known as giving the **Liberal Finger** to the stakeholders of British Columbia --- aka an unseemly work of earth art.

As your MLA, I wanted to write to you about leadership and progress -- issues important for British Columbia in this election.

Politics was not my first career. However, it has become my most important because of what's at stake. I was born and raised in a family of ten in East Vancouver. After graduating from UBC in engineering, I married a young nurse from my neighbourhood. We worked for a couple of years in Toronto and then took what little money we had saved and headed to Boston. I attended Harvard and earned additional degrees, including a PhD in Economics. For a decade I was a professor at the Harvard Business School. It was during those times that we started our family of four, and they have now given me four grandchildren.

The Royal Bank of Canada in Montreal hired me as Chief Economist. Then we headed west and I ran their global oil and gas group out of Calgary. Some years later I went into business as a principal in mining, financial institution and technology ventures.

In 2001 I agreed to become a politician, for several reasons:

- I had personally experienced the havoc which misguided government could cause.

- I wanted to restore British Columbia to the province I had known as a wonderful place where young people could build careers rather than drift away.

- My wife had suddenly passed away. That personal tragedy made available the full time and attention which excellence in public service demands.

Those reasons still apply.

When first elected four years ago, I was not quite sure what to expect.

What I found in Victoria was a government demoralized by NDP deficits and NDP ideology -- a vast enterprise that had managed to break down the confidence of investors and the hopes of a generation. This had been a government that could not plan, could not manage, and could not live within a budget.

I also found in Victoria a newly elected government determined to balance the books, cut red tape, restore the economy, and improve the management of key services such as health care and education.

Under strong leadership, the new government accomplished all of that to a degree which journalists have called miraculous. The economy is booming and optimism has been restored. People are moving back to B.C. Over 200,000 new jobs have been created - high paying, full-time jobs. With a repayment of \$1.7 billion, we have begun to whittle away at the mountain of debt created by the previous government.

Despite withering opposition from special interests, we ended the cycle of over taxation and overspending that threatened our future. Tax cuts have worked. Now we have the

means to restore hope and a more prosperous future for all.

Health care budgets have been increased by a third. Education spending has climbed significantly. The disabled have seen their pensions increased by the largest dollar amount in history. New parks have been created. The portion of BC's vast land base reserved in parks and protected areas has been increased.

This government has demonstrated its heart by helping those less advantaged.

- Tax cuts have been focused on those with lower incomes
- Pharmacare benefits have been increased for those with lower incomes
- MSP premiums have been reduced for those with lower incomes.

And what have I personally accomplished? I have:

- Been a strong advocate for our North Shore schools
- Worked hard to improve our North Shore health services
- Led the Mining Task Force which helped restore this important jobs generator
- Helped maintain a favourable tax climate for film
- Advocated for tourism on the North Shore
- Been immersed in biotech
- Aided our engineering industry
- Advised on financial and securities legislation
- Worked to sort out congestion and dangers on our local highways
- Organized the Steelhead Futures Caucus, so this magnificent fish can survive
- Stopped the shooting of bear cubs wandering our neighbourhoods.

I've tried hard to serve every constituent wishing to consult or asking for help, and doing so has enriched my life. I'm grateful for that.

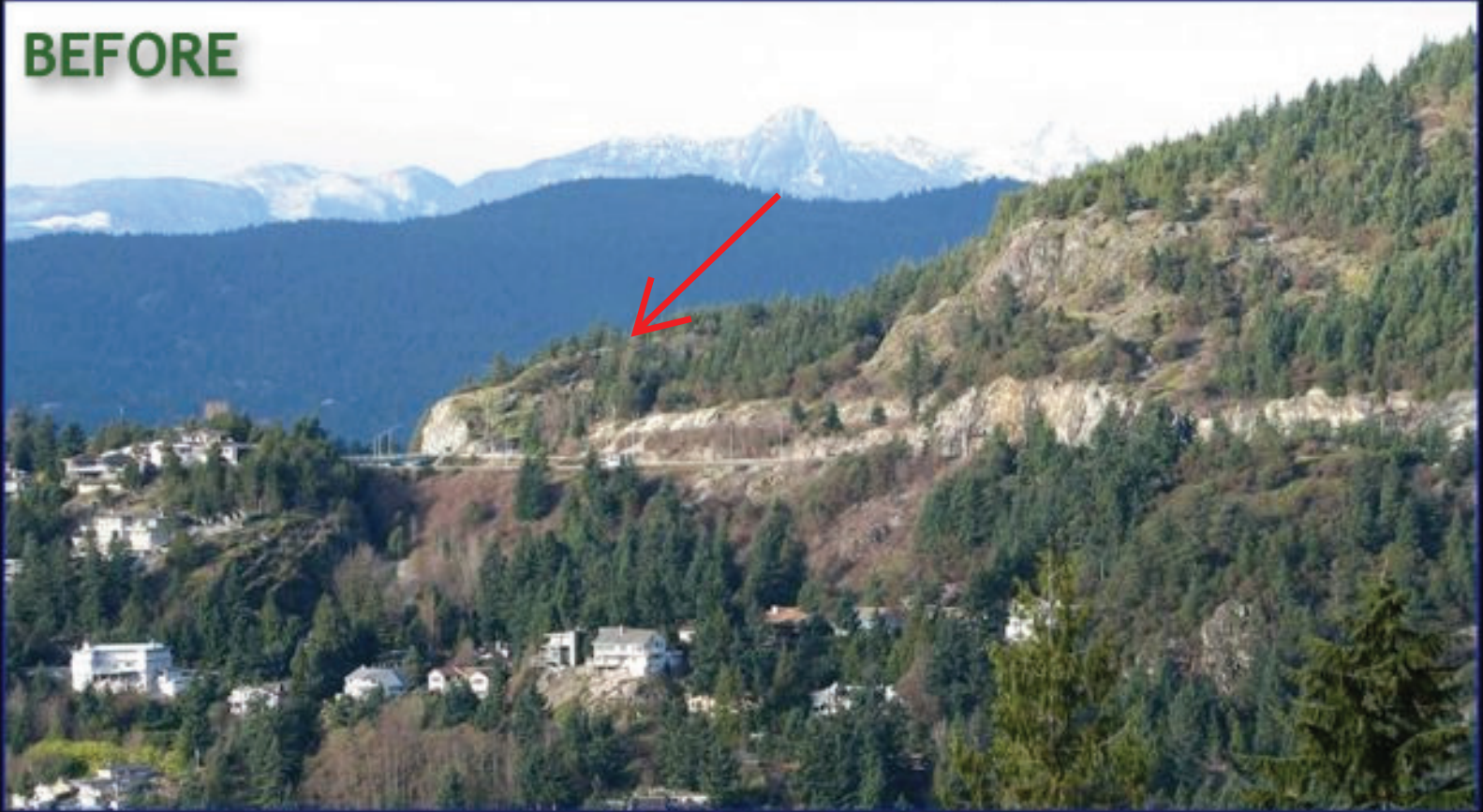
Ralph Sultan, MLA
West Vancouver-Capilano

AFTER



EAGLE RIDGE BLUFFS RENDERING 1

BEFORE



EAGLE RIDGE BLUFFS RENDERING 1



SNAKES IN SUITS

WHEN PSYCHOPATHS GO TO WORK

Paul Babiak, Ph.D. & Robert D. Hare, Ph.D.



MLA MEMBER OF THE LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA

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To Tunnel or Not to Tunnel; That is the Question

Remarks by Ralph Sultan, MLA
to Delegation of West Vancouver Citizens
"The Doctor is In!" open house
Park Royal Shopping Centre
West Vancouver, B.C.
2 pm Sunday, May 02, 2004

My congratulations to Bruce McArthur for rallying citizens in the best West Vancouver tradition, and my thanks to management and merchants of Park Royal for allowing this magnificent shopping centre to be used for an impromptu town meeting.



You are here to tell me your views on the routing of the highway to Whistler. To tunnel or not to tunnel, that is the question. Whether 'tis nobler to go underground or to take arms against a sea of troubles.

I have spent a lot of time on this project; maybe more than I should have since it is not even in my riding. But it affects many of my constituents, and feelings are high.

Three points are advanced in favour of the overland route:

- **Cost.** The estimated capital cost of a 4-lane divided highway, taking off from the existing Sea to Sky highway in the vicinity of Eagle Ridge, climbing a reasonable grade and ducking into a convenient draw, and emerging around Ansell Place north of Horseshoe Bay, is in the range of \$130 million.
- **Safety.** A divided open-air highway presents fewer safety risks than opposing lanes of traffic in a 2-lane tunnel, the least-cost tunnel alternative. Emergency vehicle access is simplified. It seems hazardous cargoes should bypass any tunnel regardless.
- **Public opinion.** Some persons in this community look forward to an all-surface route; to

enjoy vistas as they cruise north in their SUV's, and avoiding a tunnel entrance opposite their front yards.

Three points are advanced in favour of the tunnel:

- Cost. The tunnel has an estimated cost in the range of \$180 million; possibly higher if extended to 1.4 kilometres to completely avoid the wetlands. Estimated land expropriation costs – if we take BPP estimates – will be about \$50 million higher that MoT has estimated. BPP is no hit-and-run developer; they more or less created West Vancouver in the format we enjoy today. So, as between tunnel and surface, in my opinion the cost argument is just about a wash.
- Public opinion. Council public polling on this issue shows a majority of citizens favouring the tunnel.
- Environment. The Eagle Ridge headlands are an environmental jewel, as is the Larsen Creek waterfall and wetlands, and the existing Baden Powell Trail, all of which would be adversely impacted by the surface 4-lane divided highway. Value, liveability, and preservation of parks and trails, will certainly be enhanced if this area is not bisected by a 4-lane superhighway.

Summing up the arguments: Cost, public opinion and safety favour the surface road. Cost, public opinion and environment favour the tunnel. Hmmm. Deadlock. I vote with Council in terms of personal preference.

Should we consider a third way: none of the above? The original Olympics bid guaranteed a 3-lane highway to Whistler, utilizing where necessary the railway right-of-way. What's wrong with the original idea? Capital dollars are scarce. Demands are many. Why don't we simply put this one on hold until we can do it right.

The pictures show myself, Mayor Ron Wood, Olympic Committee advisor Michael Phelps, and the West Vancouver Environmental Coordinator, reviewing the site of the highway and its spectacular environmental setting.

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Ralph Sultan

MLA West Vancouver-Capilano

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Ralph Sultan

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McElligott on BC Rail: Time to Return BC Rail to the Private Sector

Paul J. McElligott
President & CEO TimberWest

Note from Ralph Sultan: Paul McElligott, a friend and very successful CEO of BC Rail, took the public-spirited step of speaking out on the proposed BCR-CN partnership—even though he has moved on to other senior assignments in business. Since West Vancouver-Capilano's history and to a degree its economy is intertwined with BC Rail's, I believed his remarks (subsequently published in the Vancouver Sun) merit reproduction in this newsletter.

As former CEO of BC Rail for 11 years, I thought I would weigh in on the current debate.

BCR started out as a private sector corporation in the early 1900's. It failed shortly thereafter, was taken over by the province, and has been a crown corporation ever since. For several decades there was a compelling reason for government ownership. The private sector was unwilling to provide the transportation infrastructure needed to access the province's resources. Government did so in the belief that economic development would follow. And it did.

Today, the infrastructure is mature. No new extensions are planned and none have been constructed for 20 years. The business is profitable in a deregulated environment and competing alternatives are available. All of which leads to the questions: What is the appropriate role for government now? And, what are the best ways to maximize BC R's assets for the benefit of all British Columbians?

There is clearly an ongoing responsibility to protect safety, the environment, competition, and employment standards. But the province does not have to operate and maintain railway locomotives and freight cars to ensure these public interest objectives are met, as has been demonstrated elsewhere.

One might also argue that protecting the transportation corridor for future generations is in the public interest. The province plans to do this by retaining ownership of the railway tracks and the rail bed. Only the operating assets are changing hands, as was the case when the Southern Railway of BC was privatized.

If the public interest can be protected through a private operating partnership, I believe it makes sense for the following reasons:

First, if government does not have to be in a particular sphere of economic activity, then it should disengage. The private sector has repeatedly demonstrated, across

several industries, that it produces better outcomes for all stakeholders.

A private operator will make commercially driven decisions, uncompromised by political considerations. Business and politics are not a good mix, as evidenced when the previous government acquired 50% of the equity of Skeena or by its design/build fast ferry program.

Let me also tell you from firsthand experience at BCR, every time the Minister Responsible or the government changed, it provided a fresh opportunity for competitors, unions, suppliers, and others to lobby government to undermine commercial decisions made by the railway.

It is difficult for government to resist the special interests clamouring for exemptions from the market. While this Liberal government may hold the line, future governments may not.

Second, given the capital-intensive nature of railroading, owning BCR brings with it significant financial risks. It requires some \$35 million annually for rolling stock and \$35 million for track infrastructure. Why risk taxpayer funds to finance these expenditures (and potential operating losses) when others are willing to do so and when there are numerous competing demands on government in a capital constrained environment ?

BCR has been financially restructured more than once in its lifetime (costing BC taxpayers almost \$2 billion). So was CN Rail before it was privatized. Why risk having to do it again?

Third, divesting of BCR's operating assets will generate several hundred million dollars for the province to use for debt reduction or to fund schools, universities, hospitals and new public infrastructure.

Fourth, while BCR has proud and hard working employees, the company is not sustainable in future years as a stand-alone unit. It must become part of a larger organization to survive.

When I joined in 1989, 40% of its revenue-ton-miles were from the movement of northeast coal. This was also the most profitable traffic. That coal traffic has disappeared. This leaves the railway 75% dependent on the forest industry, which is consolidating and increasingly using competitive alternatives, like trucks and reloads. Intense competition has also resulted in prices being lower today than they were ten years ago. The result is that BCR will continue to have flat or declining revenues and very few opportunities for new traffic.

Fifth, BCR's shippers, as well as northern communities, have made it clear they want a new model to build a more reliable and competitive rail service.

Finally, a new private operating model would ensure BCR would pay its way in the communities where it operates. BCR would now pay its full share of municipal taxes and it would start paying school taxes. Such payments would be worth millions of dollars annually.

In a nutshell, while appropriate during a different era, there is no longer any compelling reason for the Crown to own and operate all these assets.

WesTel Telecommunications, formerly a wholly owned subsidiary of BCR, was privatized by the NDP government, presumably for the same reason. And the NDP government looked very, very hard at privatizing BC Rail.

It makes good sense to use BCR to build a more integrated and efficient provincial rail service in partnership with a private operator. I congratulate the Campbell government for doing the right thing.

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Society of Internationally Trained Engineers of BC

The BC Internationally Trained Professionals Network recently approached APEGBC seeking permission to use the name Society of Internationally Trained Engineers of British Columbia (SITE BC) for a new organization they wish to form.

At a previous meeting, APEGBC Council was unsure of the appropriateness of the organization using the word "engineer" in the title and asked staff to examine options. An investigation found three other societies using the word "engineer" in their titles, one of which sought and received APEGBC's approval.

The two organizations have agreed that SITE BC:

- will limit its membership to individuals who are registered with APEGBC, or have had their qualifications assessed and approved by CCPE's Initial Assessment Program or the federal government's EIEAP Program, or have received a bachelor's degree (or higher) in engineering and have a minimum of four years' work experience, and
- will have its members sign an undertaking that they understand, and agree to abide by, the prohibition on practice legislation contained in the *Engineers and Geoscientists Act*, and will apply for APEGBC membership as soon as they are employed in a supervised engineering capacity.

SITE BC has agreed to sign a Memorandum of Agreement regarding the membership criteria above and recognizing APEGBC's legislated mandate regarding prohibition on practice and use of the term "professional engineer." Council voted to accept the SITE BC name subject to the agreed upon conditions.

APEGBC President's Awards

The Standing Awards Committee presented its recommendations for 2004 President's Award recipients to Council, which ratified the following winners:

- R A McLachlan Award — Anthony Gardiner PEng
- C J Westerman Award — George Cavey PGeo
- Meritorious Achievement Awards — Dr Perry Adebar PEng, John Eastman PEng and Henry Wakabayashi PEng
- Community Service Awards — John DeForest PEng, Dr Ralph Sultan PEng and Robert Ryan PEng
- Professional Service Awards — Brian Abraham PGeo and Tim Smith PGeo
- Teaching Award — Dr Gary Schajer PEng

The 2004 awards will be presented on Friday, October 22, 2004 at APEGBC's Annual Conference at Whistler.

New Council Appointees

BC's Lieutenant Governor in Council has appointed **Roy Emperingham BA MPA CHRP** of Sidney, BC, and **Marilyn Pattison PhD** of Victoria, BC, to APEGBC Council for a two-year term, effective immediately.

Mr Emperingham is a recognized leader in human resources and labour relations. During a career with the BC government, he served as Executive Director with BC's Public Sector Employers Secretariat and Director of Learning Resources with the BC Ministry of Education.

Through his company, 2nd Quadrant Solutions Limited, he works with a range of clients. He has been a board member of the Post Secondary Employers Association and the Community Social Services Employers Association.

Dr Pattison holds a PhD in Higher Education from the University of Toronto and has worked at the Council of Ontario Universities and the Ministry of Colleges and Universities in policy development.

From 1970 to 1980 she was on the faculty of Douglas College in New Westminster, completing this term as Dean of Student Services. For three years, Dr Pattison was president of the Downtown Church Workers Association, an organization working with disadvantaged children and youth in the inner city.

Mr Emperingham and Dr Pattison join Ms Hiromi Matsui MSc and Mr O'Brian Blackall BCLS as the four government appointees serving on APEGBC Council.

External Appointments

Rod Yeoh PEng was appointed to the Ministry of Energy and Mines Committee on Review of Energy Performance Measures for Buildings in BC.

APEGBC Appointments

Catharine Brown PEng/PGeo was appointed to the Sustainability Committee.

Mark Emanuel PEng and Bill Donald PEng were appointed to the Practice Review Committee.

Lindsay Bottomer PGeo and Glenn Pellegrin PEng were appointed to the Audit Committee. ▀

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2005 Legislative Session: First Session, 38th Parliament HANSARD
 Official Report of DEBATES OF THE LEGISLATIVE ASSEMBLY
 MONDAY, OCTOBER 3, 2005
 From 10 a.m. to 12 p.m.

SALE OF TERASEN GAS: DEBATE

S. Simpson: I'm very pleased to have the opportunity to speak today regarding the sale of Terasen Gas, the company that provides British Columbia's public gas utility — the sale that will be made to Kinder Morgan, a Texas-based multinational pipeline company. This is a critical public policy matter for British Columbians and a matter that has raised major concern across our province.

The people of B.C. are deeply concerned about the sale of their public utility, one that serves 800,000 households in our province — the sale to a company in Texas, a company with a suspect environmental record and no relationship to our province or to our values.

Members in this House will know that Terasen Gas was at one time part of a Crown corporation. When its predecessor, B.C. Gas, was privatized by then Premier Vander Zalm, even he understood that this was not just any company. This wasn't just the matter of one large corporation being absorbed by another with total disregard for where it was located or what its interests were. It was a company with significant British Columbia interest.

To that end, Mr. Vander Zalm put legislative protections in place, the Hydro and Power Authority Privatization Act. This included requirements that no more than 20 percent of Terasen be owned outside Canada, that no entity own more than 10 percent of the company and that its head office stay in B.C. It also required cabinet to approve of any sale. So while he was prepared to privatize B.C. Gas, now Terasen, Mr. Vander Zalm at least understood there was a public interest that needed to be respected and protected

It also required cabinet to approve of any sale. While he was prepared to privatize B.C. Gas — now Terasen — Mr. Vander Zalm at least understood there was a public interest that needed to be respected and protected, and he attempted to do that through legislation.

But those members on the other side in 2003 introduced the BC Hydro Public Power Legacy and Heritage Contract Act, which scrapped Mr. Vander Zalm's legislation and pronounced open season on Terasen and on our public utility. The government dismissed the public interest in support of a strident ideological view that the marketplace is supreme and the government should play no role, no matter what British Columbia's interests may be. There is no question that a responsible government would never allow a public utility to be controlled outside our province. If this government was acting responsibly, they would halt this sale today.

However, we all know that this is not about to occur, so I want to talk a little bit about the process of this sale. I want to focus on the abdication of responsibility by this government of the public interest in terms of ensuring the B.C. Utilities Commission process for the sale reflects the community interest, including allowing the public to be heard and to have full information on the proposed purchaser.

On September 9 the member for Nelson-Creston and I attended the B.C. Utilities Commission procedural conference to ask them to, at a minimum, travel British Columbia and hear from our citizens in communities across this province, to talk to those who are impacted and who are concerned. The only speakers against public hearings were Kinder Morgan and Terasen. Everybody else said: "Talk to the people of British Columbia."

The response of the B.C. Utilities Commission was essentially to capitulate to the timetable of Kinder Morgan by rejecting any outreach on this matter and accepting only written submissions till October 14. I would note that even with that, I heard today, I spoke today.... There have been about 2,000 written submissions - all 2,000 opposed. None were in favour of this sale.

To add insult to injury, the Utilities Commission did see fit to approve a 13-percent rate increase for Terasen Gas in the middle of this sale, providing a premium for Kinder Morgan. This isn't to say that the increase isn't justified, but the timing is certainly objectionable. The response of the Minister of Energy to concerns raised about this limited process was to say he would not interfere. What he is actually saying is that he will do nothing to ensure British Columbians have the opportunity to be fully heard on this critical public policy matter.

When the BCUC falls down on process, it is the obligation of government to stand up for British Columbians and ensure their interests are protected, but clearly they cannot count on this government to meet its obligations.

The government has also ignored its responsibilities to ensure that the environmental interests of this province are protected in this sale. Kinder Morgan has a suspect environmental record in the United States, having faced over \$5 million in fines and having had five deaths attributed to accidents they were responsible for. This has led the U.S. Department of Transportation to issue an order against Kinder Morgan on August 24. They identified 44 environmental violations, 11 of which they considered major. They demanded that Kinder Morgan carry out a number of specific corrective actions, including an independent review process. This is to be completed within 120 days or the company faces \$100,000-a-day fines.

I wrote the Minister of Environment and the Attorney General, who is responsible for BCUC, asking them to provide special direction to the commission to look at environmental issues as part of this application. However, neither minister chose to respond to or even acknowledge the letter. Not even after the U.S. government actions on August 24 have you shown any concern for these environmental issues. Clearly, there is a question as to whether the environment is of concern to this government on this matter. Based on your conduct to date, the answer has to be no.

The real tragedy here isn't the efforts of Terasen to maximize the return on shares for their members or the actions of Kinder Morgan to find an opportunity to buy a pipeline network that will increase their access to the Alberta tar sands. The real tragedy is the inability of this government to remove its ideological blinkers and put B.C.'s interests first by, at a minimum, ensuring a fair and complete process by the B.C. Utilities Commission and, at best, by saying no to Kinder Morgan, by saying that this sale serves no one other than Terasen's shareholders, by saying that this sale offers no upside for the protection of our utility or the integrity of our environment. This truly is a situation where, if the government wanted to reflect the interests of British Columbians, they would do the right thing and say no to Kinder Morgan while saying yes to British Columbia.

Deputy Speaker: Members, please remember to address your comments through the chair.

R. Sultan: Thank you, Madam Speaker. I am pleased to respond to the member for Vancouver-Hastings and try and set the record straight.

First of all, let me talk about the B.C. Utilities Commission. This organization was set up to depoliticize the very important public policy issues that the member has raised rather than having them subjected to the rhetoric, distortions, mistruths and misleading statements in this House. This is no way to run the economy. It's much better to have the experts — who are concerned about things like the environment, who are concerned about the price paid for our energy to heat our homes, who are concerned about the safety record of people in the workplace - decide in an objective, cool, calm manner whether any particular applicant for a transaction coming within their domain meets our British Columbia standards.

That was why the British Columbia Utilities Commission was created. They govern the transactions affecting our electrical utilities. They govern the transactions affecting our pipeline industry and a company such as Terasen and, in fact, they pass judgment on the fairness of the activities of our publicly-owned insurance company, ICBC.

Let me just read to you their mandate from the website. Through an open and transparent regulatory review process - open and transparent - the commission ensures that rates charged for energy are fair, just, and reasonable. Energy operations provide safe, adequate and secure service to their customers. Shareholders of public utilities under its jurisdiction are offered a reasonable opportunity to earn a fair return and so on.

Indeed, the minister has added the further clarification in a letter to constituents, such as the member suggests has not been answered. I think he's answered it very clearly: "I can assure you that the environmental and safety regulations and standards apply to all companies irrespective of share ownership." So to pick out this one company and suggest it's going to do awful things I think is irresponsible because this company, regardless of ownership, has to comply with the standards that British Columbia sets.

Those standards are in force through the British Columbia Utility Commission, an organization with some seven commissioners - distinguished citizens of our province - a professional staff of 20 and an annual budget approaching \$5 million. I am confident that

the B.C. Utilities Commission will put this transaction and the proposed operation under possibly new ownership - let me underline "possibly" because the decision has not yet been made - through the regulatory wringer to ensure that our interests as British Columbians are protected and our standards of such issues as I know the member feels passionate about, as I do, are met - the environment, work safety, and so on.

So that's the process in which we are engaged. The final point I would make - and I see my time is running out - is that the ownership of the parent company of Terasen Gas, which is what's at stake here in terms of a transaction, in fact, probably includes the member himself because the largest single shareholder of Terasen Inc., the parent, is the Canada Pension Plan. These are institutional owners, and they will decide what is in their best interests, including the British Columbians who indirectly through Canada Pension Plan and other institutional investors own this company.

We shall see what the shareholders of this privately owned, investor-owned, company decide. I think they should be the judge of what is in their best interests in service to persons like you and me. I think this is a transaction that will stand the scrutiny. It may well be that oral hearings emerge.

As I understand it, BCUC has not precluded that possibility. Certainly, the member himself has indicated there have been a flood of other submissions, and I suspect all MLAs in this House have received many e-mails and mail on this subject. So there should be. It is an important transaction. I concede that point.

I think BCUC will do the job that it was hired to do: depoliticizing what are, in fact, important issues and not ones to be decided in this chamber.

Point of Order

J. Kwan: I rise to raise a point of order. I was listening to the statements from members in this House. On two occasions the government members — the member from West Vancouver–Capilano, who finished just now, as well as the member from Bulkley Valley–Stikine — accused the opposition of misleading the House. Members should know that's unparliamentary language, and I find that offensive. I would ask for both members to withdraw their statements so that we can move on with the rest of the statements and the reply from the member for Vancouver-Hastings.

R. Sultan: Withdrawn.

Deputy Speaker: Thank you, member.

Debate Continued

S. Simpson: I thank the member for his comments, but I would say that I think the member's got it wrong, Madam Speaker.

Let's be clear here. BCUC has a very limited view of what community interest is when they look at community interest. They limit, and they will acknowledge by the act and the regulation - if you read it - that community interest for them is rate prices and continuity of service. It is nothing else. That's all they will look at, and they will only expand what they look at if they receive special direction from cabinet. That requires the government to accept some responsibility for what goes on in this province, even just a minutia of responsibility for what goes on, because you're not doing it. But if you want them to look at environmental questions, then you have to tell them to look at environmental questions. If you want them to look at broader questions of public interest, then you have to tell them to look at broader questions of public interest. That simply is not occurring, and it's not being done.

You talk about the shareholders' best interest. Well, in this House our concern isn't the shareholders' best interest; it's British Columbia's best interest. While I appreciate that the member and members on that side of the House will put corporate shareholder interests first every time - because that is your record - on this side of the House we put British Columbians' interests first.

The member speaks about this being just another company. Well, it isn't just another company. It was a public utility owned by the people of British Columbia until another ideologically narrow government decided to privatize it, and then this narrowly minded ideological government took it even further. The reality is you may have privatized the company, but the utility still belongs to the people of British Columbia. That company has a special role. It has to be dealt with in a special way, and that should be recognized by the members opposite. But apparently it's not.

If the member really is concerned about what happens in British Columbia, he's really concerned about those communities where they're wondering what happens to their power, if he's really concerned that decisions be made in British Columbia and not made in Houston or Dallas, then he'd be telling his colleagues and his members in the cabinet that they need to step up and do what works best for British Columbia.

Madam Speaker, there are 800,000-plus people and families in this province who are looking for this government to protect their interests on this utility, especially at a time when we're all concerned about the future of gas prices, among other things. I ask you to do that. Step up; put B.C. first, just once.

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MLA MEMBER OF THE LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA

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Ralph Sultan

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The Beginnings of My Career as an Engineer

Remarks

Ralph Sultan, MLA

West Vancouver-Capilano

before a breakfast meeting of the
Consulting Engineers of British Columbia

November 8, 2002

Thank you Russ Fraser, my friend and mentor for longer than either of us will admit, and according to those in the know in Victoria, one of the best Attorney Generals we ever had.

When I was hired by Earle Klohn many, many, many years ago to work as a soils technician on BC Electric's Seton Dam Project, under the guidance of BC Engineering Company - at that time BC's largest - I never dreamed that almost 50 years later I would be a politician sitting at a podium with the head of Klohn Crippen, now one of BC's largest consulting engineering organizations.

In fact what I mostly did dream about in those days was that staff nurse at the Lillooet Red Cross hospital.

So here we are. BC engineering has grown up and so have I. The voters of West Vancouver-Capilano have honoured me with this seat in the Legislature. Furthermore, after 45 years of registration as a professional engineer in Ontario, your association has honoured me by accepting the transfer of my P. Eng. to British Columbia.

In Victoria, I have a full plate: legislative review, the economy, and public accounts. I have injected myself into the government's review of energy policy, with impact. I sponsored the bill creating BC's first private university - Sea to Sky. I have become engaged with APEG (the Association of Professional Engineers and Geoscientists) on streamside protection. I have helped the Finance Minister on his new Company Act. And I will assist where I can in the design and evolution of the new Engineering Act.

My re-introduction to former engineering classmates such as Russ Fraser, to former engineering mentors such as Earle Klohn, and to new engineering friends such as Ernest Portfors, has been heart-warming for me. I think it is healthy that after Russ's distinguished

career in Victoria, another professional engineer is once more bringing our profession's unique outlook and values to the halls of the Legislature in Victoria.

Call upon me if you think I can help you. I probably can.

I now ask Ernest Portfors, president of Klohn Crippen consulting engineers, to introduce our distinguished guest, Gary Collins, Minister of Finance.

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BUSINESS B.C.

NATO DEALS GROW

VANCOUVER — OSI Navigation Systems has won an order from the Royal Norwegian Navy for navigation systems on mine warfare vessels and submarines. Terms of the deal, announced Tuesday, weren't disclosed. "Our customer base and reputation continues to grow among the NATO and allied community," stated Ken Kirkpatrick, OSI president and CEO. "With the addition of Norway, we now deliver systems to eight NATO and allied navies."

MLA Member of the Legislative Assembly of British Columbia



Ralph Sultan

MLA West Vancouver-Capilano

Newsletters



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Justine Does Swearing In by Justine Sultan

So dad has this great idea. Go to Victoria to see grandpa "sworn in." A few weeks after the May 2005 election we go over on the ferry. Mei and Mei and my mother decline.



Picture 1: Here is grandpa signing his allegiance in a book. The Clerk, George McMinn is on the right, making sure everybody signs in the right place. The premier is in the background.



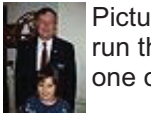
Picture 2: After the ceremony, somebody agrees to take a picture of Grandpa, my Dad and I, in front of the speaker's chair.



Picture 3: We go to the Library, where grandpa explains that Mr. Hansen is in charge of all economic development in the province, so he must spend some time talking with him.



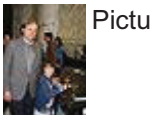
Picture 4: I meet one of dad's friends, who is an MLA too. Mrs. Whittred used to be a teacher, which is maybe why she was so friendly and easy to talk with.



Picture 5: Dad introduced me to one of the people who run this huge place. His name is Chris Parks and he is one of the Sergeant-at-Arms staff here.



Picture 6: I visit the Clerk of the House, George McMinn. My father explains that he is the person who makes everything to do with the Legislature actually work, from cutting the grass to getting the legal stuff correct.



Picture 7: I finally get some juice to drink. But no cookies.



Picture 8: Grandpa spends quite a lot of time talking with Mr. Wally Oppal, who it turns out is the top lawyer in the government. Grandpa explains that

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Attorney Generals get to have their picture on the wall, as well as the Premier, but nobody else does.



Picture 9: I am tired of all this talking and all of this reception stuff. Please take me home!

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