



October 26, 2009

James Gorman, Deputy Minister
Ministry of Education
PO Box 9179
Stn Prov Govt
Victoria, BC V8W 9H8

Dear Mr. Gorman:

RE: TILMA Dispute Resolution Process for BC Public Libraries

Thank you for your letter of February 2009 on the topic of the BC-Alberta Trade, Investment and Labour Mobility Agreement. We appreciate your efforts to communicate with the public library sector on the implications of this Agreement for BC's libraries.

You may be aware that BCLTA recently sought an independent legal analysis of the TILMA. Working with the BC Library Association's TILMA Taskforce, we contracted Don Lidstone, who provided us with two opinion letters – one on the applicability of the TILMA to public libraries and one on the actual implications of the Agreement for public libraries. (Both letters are available on the "TILMA" page of the BCLTA website at www.bclta.org under the "Resources" tab.) BCLTA has since directed its member library boards to adhere to the new TILMA procurement provisions, as advised by your Ministry; and we have invited trustees to keep us informed of any issues that arise in relation to these changes. We don't expect any major problems with procurement, but we will nevertheless be monitoring the impact of these lower thresholds.

Our main concern, at this point, is the issue of dispute resolution. On behalf of BC's public libraries, we are requesting that a consultation agreement on dispute resolution be established between BCLTA and the Province to clearly outline the process for notification and consultation with public libraries if a challenge to a public library measure is brought forward under the TILMA.

We are seeking an agreement similar to the one developed by the Union of BC Municipalities and the provincial government, which provides that UBCM and the local government that is the subject of a complaint will be notified in a timely manner about the complaint and provided with an opportunity to explain the measure in question; make submissions to the Province in defence of the measure; and present *amicus* briefs to the TILMA dispute panel.

We would respectfully request a meeting to discuss such an agreement with the Province – one that would formalize the nature, process and timeline for consultation with the public library sector in the

event of TILMA challenges. The security of knowing that potential challenges to library measures will be handled in a transparent and participatory manner will be of great comfort to our members across the province, and we encourage the Ministry to make this a priority in the coming months.

I look forward to your response to our request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andy Ackerman', is positioned to the left of a vertical line that extends downwards to the text below.

Andy Ackerman
President, BCLTA

CC: Jacqueline van Dyk, Director, Public Library Services Branch, Ministry of Education

CC: Guy Gensey, A/Director, Trade Policy, Ministry of Small Business, Technology and Economic Development