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**Official Report of
DEBATES OF THE LEGISLATIVE ASSEMBLY
(Hansard)**

MONDAY, NOVEMBER 5, 1973

Afternoon Sitting

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MONDAY, NOVEMBER 5, 1973

The House met at 2 p.m.

Prayers.

Oral questions.

MANAGEMENT SURVEY
FOR B.C. FERRY SYSTEM

MR. R.H. McCLELLAND (Langley): Mr. Speaker, I'd like to address my question to the Minister of Transport and Communications. On October 11, 1973, Mr. Speaker, I asked the Minister the following question: "Has the Minister given any consideration, because of the unrest in the ferry system among the employees, to implementing a management survey of the entire system as quickly as possible, as has been suggested by some of the employees?"

His answer was, "I have no objection of any kind to having such a survey — none at all. I intend to have one.

My question is: Does the Minister still intend to have that kind of a study? And if so, when?

HON. R.M. STRACHAN (Minister of Transport and Communications): The answer is yes. And I have already written to the suitable people regarding it.

MR. McCLELLAND: A supplementary, Mr. Speaker. Isn't it true that when I asked that question on October 11 a management survey had already been underway and had been underway for seven days at that time?

HON. MR. STRACHAN: I have authorized no management survey. There is no management survey taking place.

MR. McCLELLAND: I didn't ask if there was a management survey being taken at this time. I asked if there was a management survey being taken on October 11, Mr. Speaker. Isn't it true that there was in fact a management survey underway at that time, and had been for seven days? Isn't it true that on November 1 you ordered the operations manager of the ferry system to tell the firm of Frank Machin, management consultants, to stop its survey at that time and to pull out of a very extensive operation which had already been started?

HON. MR. STRACHAN: Let me say that it's about an eight-barrelled question there.

MR. McCLELLAND: No, it's a very simple question.

HON. MR. STRACHAN: Oh, yes it is. There has been no survey authorized; I made that statement. When I was asked to authorize it I said, "no." Now that's as far as it's gone. There's been no management survey authorized. The information I was given... I was asked to authorize it — November 1, you say? It was about that time, and I said no. That's the information I have.

MR. McCLELLAND: Now, Mr. Speaker, we must get the truth here. We're not getting the truth at this time.

HON. MR. STRACHAN: You're getting the whole truth, friend. You're getting the whole truth.

MR. SPEAKER: Order! This is not a period for debate or argument. It's for asking questions on matters of present policy. I point out to the Hon. Member that on this point, if he looks at *Beauchesne*, he is actually asking about a matter of past history. And that is not the purpose of question period. If you look in *Beauchesne* at page 147 it clearly states that a matter of this kind should not be raised again. You're not here to keep reviving the corpse of a question.

MR. McCLELLAND: Mr. Speaker, this matter has never been raised. It can't be raised again if it's never been raised in the House before. I would ask the question: on October 4 did the Minister confirm this study, or did any of the ferry personnel confirm a study? And will you answer the question: had a study been going on for seven days on the date of October 11?

Mr. Minister, I say that you lied to this House when you said there was no study, and that you should resign right now.

MR. SPEAKER: Order, order!

MR. McCLELLAND: Lied to the House. I'm prepared to document that and to give this House documentary proof.

HON. MR. STRACHAN: My friend, you table the documents. I challenge you.... You must table the documents. You table those documents right now. Right now.

MR. McCLELLAND: I'm prepared to table those documents in my....

HON. MR. STRACHAN: I'll tell you what happened; sit down. Sit down.

MR. McCLELLAND: As soon as you start telling the truth, I'll table the documents.

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MR. SPEAKER: Order, please!

HON. MR. STRACHAN: You table those documents right now! Right now!

MR. SPEAKER: Order, order, please!

When a Member refers in the manner that the Hon. Member for Langley (Mr. McClelland) did, it doesn't stop there. Either you withdraw that statement immediately or you file a substantive motion — one or the other. It depends on the House and it depends on the Member who has been impugned. This is so regardless of where it comes from in this House.

You either withdraw a statement where you say another Member is guilty of lying or you have to follow it up — one or the other. But it doesn't rest as it is now.

MR. McCLELLAND: Mr. Speaker, I'll do anything that's necessary. I will not withdraw the statement, because I believe this House was lied to on October 12. I believe that it was lied to again today in the matter of a ferry study. There was a ferry study going on. This Minister says that he never authorized such a study, and that there never was such a study going on.

HON. MR. STRACHAN: I think we're talking about two different things.

MR. McCLELLAND: No, we're not.

SOME HON. MEMBERS: Oh, oh.

HON. MR. STRACHAN: Just a minute, just a minute. You referred to a telegram that I sent the day before the strike took place.

MRS. P.J. JORDAN (North Okanagan): What else are you hiding?

MR. SPEAKER: Order, please.

HON. MR. STRACHAN: No, he asked a question some weeks ago about a telegram that was sent. I said it was being considered. You just raised the matter when you opened up this afternoon; isn't that right?

MR. McCLELLAND: No, that isn't right.

HON. MR. STRACHAN: Oh, I thought that that was what you were referring to.

MR. McCLELLAND: You told me there was a telegram.

HON. MR. STRACHAN: All right, but you were referring to that particular project. Yes, you came up later with a question about the telegram; the very next day you came back with a question about the telegram.

Now that particular study I authorized related to that telegram I sent and the question you asked me about an agreement with the union to make a survey, and appoint somebody to do this.

Now when I answered this afternoon, that's what I was referring to. Then you switched to another thing as of November 1. What you were talking about was a proposal for an internal survey.

AN HON. MEMBER: That's right, that's right.

HON. MR. STRACHAN: An internal survey.

AN HON. MEMBER: That's what you said in your remarks.

HON. MR. STRACHAN: On November 1 it came to me that management was anxious to have this done. My answer was, "no." These are two entirely separate things.

MR. McCLELLAND: Mr. Speaker, in the interest of clarifying this matter: the Minister is the one who is confused, because I referred to no telegram today. I referred to a question that I asked the Minister as to whether he was prepared to have an internal survey done. My question is very simple today, very simple.

I refer to the date of October 4. A study — an internal study — of the ferry system and its management and its employees was approved by the operations manager of the ferry system. On October 12, the day after I asked my question, the management survey team was told to stop interviewing either employees or management personnel in the ferries, after there was a statement that they could no longer maintain confidentiality.

On November 1, following a period of almost two weeks in which nothing was done, they were told to call off that study — not that there would be no study authorized, but they were told to call it off. Now we are faced with a study which went on for several weeks and for which the Province of British Columbia is going to have to pay and which....

Interjection.

MR. SPEAKER: Order, please.

MR. McCLELLAND: ...and for which nothing was done.

MR. SPEAKER: Order, please. Would the Hon. Member...?

MR. McCLELLAND: But there was a study going

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on at that time.

MR. SPEAKER: Would all Members be seated? I point out to the Hon. Members that the reason the rules of this House and of the British House are as they are is because misunderstandings take place.

MR. McCLELLAND: There's no misunderstanding.

MR. SPEAKER: Now if there is no misunderstanding between the parties, I am prepared to say right now that this constitutes a prima facie question of privilege between these two Members. It is up to this House or anyone in this House to decide the matter whether this should be investigated by a committee of the House.

I don't think the House should be used as the place for each Member trying to find out what the other said or what he believed the other said. I want to point out that this is question period, not a time for raising matters of attack on another Member.

MR. McCLELLAND: It's a time for finding out the truth.

MR. SPEAKER: It is not a time for ascertaining what you said or what you thought the other person said. I

put it to the House that it is not going any further at this time. This is question period. If any Member wants to raise it as a matter of privilege, I say it's a matter of a breach of privilege.

HON. MR. STRACHAN: Mr. Speaker, I demand that the Member withdraw that statement.

AN HON. MEMBER: Hear, hear!

HON. MR. STRACHAN: I also state that at no time has there been any internal study authorized by any private company. I demand that Member table the documents referred to. Right now!

MR. SPEAKER: Is the Hon. Member prepared to withdraw his statement regarding whether the Minister was telling the truth or not?

MR. McCLELLAND: No, Mr. Speaker, because the Minister has just repeated the same.

HON. MR. STRACHAN: Table your document.

MR. McCLELLAND: I'll table it in due course, Mr. Speaker.

SOME HON. MEMBERS: Oh, no!

AN HON. MEMBER: Put up or shut up.

MR. SPEAKER: A point of order?

HON. D. BARRETT (Premier): Mr. Speaker, the House rules are fairly clear. If a Member says to another Member an offensive word and is asked for withdrawal, either there is a withdrawal or an immediate tabling of documents backing up that statement. Now we cannot have an exchange of opinions in this House on a hit-and-run basis without a production of evidence to back up a Member's accusations or a withdrawal. The matter cannot rest here, Mr. Speaker — either there is a withdrawal or an immediate tabling of documents.

MR. SPEAKER: I point out to the Hon. Member that he has the duty either to withdraw that statement or leave the House, one or the other.

MR. McCLELLAND: Mr. Speaker, I don't want to do anything which would leave this matter incomplete. I don't have all of the documents in my possession at this time. I have no intention of withdrawing because I know very well that I am on firm ground and the Minister isn't. I will table those documents as soon as they are in my possession.

HON. MR. STRACHAN: I have never authorized any....

MR. D.M. PHILLIPS (South Peace River): You're just getting into deeper water.

HON. MR. STRACHAN: I want the documents showing that I authorized it right on the table.

MR. SPEAKER: I would ask the Hon. Member at what time he can give an undertaking to table his documents.

MR. McCLELLAND: As early as possible, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

AN HON. MEMBER: Come off it!

MR. McCLELLAND: Tomorrow afternoon then, Mr. Speaker, at 2 p.m.

HON. MR. BARRETT: Mr. Speaker, on a point of order. Under our standing orders, when the Member is asked to withdraw and he has not withdrawn, there is no time of 2 p.m. or 4 p.m. or anything else. The Member is asked to withdraw that statement and, if he can't prove it, he must withdraw at this very time, Mr. Speaker; otherwise abroad in the province goes the unabashed, unsupported statement that a Member called a Minister a liar. The rules of this House forbid

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that, Mr. Speaker.

MR. SPEAKER: I have no other course open under our rules than to ask you either to withdraw the statement or leave the House. Which do you prefer to do?

MR. McCLELLAND: Mr. Speaker, could I ask for a ruling on that and the source from which that ruling comes?

MR. SPEAKER: I would suggest a short recess. This will not count in question time. I think it is a serious enough matter. If the Hon. Member will not withdraw this statement, there should be a recess so that we can confer on this question of what happens in regard to the rules. I'll ask for a short recess.

The House took recess.

The House resumed at 2:35 p.m.

MR. SPEAKER: During the intermission we have had on this question the opportunity to examine the authorities. I draw to your attention *May*, 17th edition, pp. 465 and 466:

"Where any disorderly or unparliamentary words are used, whether by a Member who is addressing the House or by a Member who is present during debate, the Speaker intervenes and calls upon the offending Member to withdraw the words. If the Member does not explain the sense in which he used the words...or retract the offensive expressions, " — and that's the word we are dealing with here — "and make a sufficient apology for using them, the Speaker repeats the call for an explanation, and informs the Member that if he does not immediately respond to it, it will become the duty of the Chair to take one or other of the steps which are about to be described."

Then it goes on to describe those two steps. Page 467:

"If he refuses to obey the direction of the Chair the Speaker or the Chairman either directs him to withdraw from the House for the remainder of the sitting," — that means for the remainder of the day — "or names him for disregarding the authority of the Chair."

The lesser method, the more sensible method in a circumstance such as this it seems to me is, first of all, since we are supposed to be hon. ladies and gentlemen in this House, to withdraw an offensive expression. It saves a lot of trouble for everyone and, above all, for the Speaker.

I point out beyond that, if this parliament functioned in this manner, we would be spending all our time in attacking each other and using offensive expressions against each other. If that were so, the business of the country would never be done.

For centuries parliament has prevailed on the rule of law in this House as well as outside it. Since the rule of this House is that you do not use offensive expressions against other Members, when called upon to do so you retract those expressions and apologize where necessary where it is clearly a wounding offence.

If you have another cause so deep that you must insist upon your statement, the way to do it is not this way; the way to do it is by a substantive motion.

Therefore, I call again upon the Hon. Member to withdraw the expressions he used to the Hon. Minister. I am asking him now, will he do so?

MR. McCLELLAND: Mr. Speaker, I appreciate this parliament. I appreciate the need for the kind of decorum in parliament that you have described. However, that honour must be on both sides of the House. Mr. Speaker, I have accused a Minister of the Crown of being untruthful with this House and I have, in my mind, the proof which is necessary. I have sent for the documents which would back that up and I expect them here momentarily.

MR. SPEAKER: This is not the way to do it, as I pointed out to you.

What I am concerned about really is not the merits of your case that you are trying to make here, but that this is neither the place to do it nor the time nor the particular proceeding in which to do it. What I am asking you to do is to withdraw an offensive expression which you should not have used in this manner, in this time, in this way.

You understand the point I'm making: I'm not judging the matter between you and another Member; I'm judging only what I'm supposed to judge, the fact that you've used an offensive expression. That's what you are offending against in this House right now.

MR. McCLELLAND: Well, Mr. Speaker, I appreciate that. I understand your position but I must also maintain my own position: I believe this House was lied to and I can't back away from that. position. It's as simple as that, Mr. Speaker.

MR. SPEAKER: Well then, I have no other course — I've done what *May* says I must do — but to order you to withdraw for the rest of the day. I'm not naming you; I'm asking you to withdraw. It will follow tomorrow as night the day that you will either have some evidence you wish to present or the House will have some steps it wishes to take. But as for now, you've refused to obey the Chair; you've refused to obey the rules of parliament, and you've done so in a manner that is not the proper manner in any event. In the circumstances, what can the Speaker do but ask

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you to withdraw? Our standing order 20 of our rules clearly says: "Mr. Speaker...shall order members whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of the day's sitting." That's only for today.

AN HON. MEMBER: Sitting only; just for the sitting.

MR. SPEAKER: Well, I mean this sitting. There may be a night sitting; I don't know. But for this sitting.

MR. D.E. SMITH (North Peace River): Mr. Speaker, you have based your decision on the fact that you've asked one Hon. Member to retract what you consider an offensive expression. The Member has indicated to you that he is prepared to document his case and present evidence to you of the reason he believes that a Minister of the Crown lied to the Members of this House.

Now, as an Hon. Member he's prepared to do that; he has already said he would do that as quickly as he can have that documentation delivered to him at this chamber. Certainly it seems to follow....

MR. SPEAKER: May I correct the Member? I have not asked him; I have, under the rules, ordered him to withdraw, which I must do under standing orders. I'm not judging the question between the Minister and the Hon. Member; I have asked him to withdraw an unparliamentary expression. That's as far as my aspect of the matter goes. It's for the House to decide between the Member and the Hon. Minister, not for me.

MR. SMITH: By the same token then, Mr. Speaker, if the Member moves a substantive motion, there is no guarantee that that motion will ever be debated in this House, any more than another motion of substantial nature

will be debated in this House.

MR. SPEAKER: Well, in the meantime, since he refuses to obey an order made by the Chair — which the Chair must lawfully make, and I have made — I have only one alternative: to ask him to withdraw for the rest of the sitting. Would you do that? You can speak to it if you wish.

MR. McCLELLAND: Well, Mr. Speaker, in drawing my attention to the orders of the day, you suggested that the procedure was to call for an explanation from that Member. I believe I gave you that explanation and offered at your suggestion, Mr. Speaker, to table the necessary documents.

Under the terms of this House it would seem to me that if I'm still prepared to do that, and I am, then I should be allowed to table those documents....

MR. SPEAKER: May I point out to you, before you go further on that argument, that where *May* refers to calling upon a Member to make an explanation, that is where his statement is ambiguous, that is where he says something which might be taken as being offensive.

AN HON. MEMBER: That's not what you said.

MR. SPEAKER: But on the other hand, he may have meant it innocently. That's where that is used in *May* at page 465.

It's not a question of you standing up and calling someone a liar and then explaining why you call him a liar. That's not the way it's done in parliament. I'm asking you in the meantime to withdraw from the House if you're not prepared to obey the order of the Chair, which is to withdraw that offensive statement.

MR. McCLELLAND: I can't withdraw it.

MR. SPEAKER: Well then, I ask you to withdraw; I order you to withdraw.

HON. MR. BARRETT: Mr. Speaker, I would like your ruling on the process of a Member accusing another Member of being a liar. What is the process the House must deal with if there is no substantive motion and the Member does not withdraw? How does the House guide itself on his return on this matter?

MR. SPEAKER: Well, the reason the Speaker usually orders a Member to withdraw is because that is the lesser penalty, as it were, for conduct that he will not withdraw. If he does not at the next sitting carry out his duty to parliament and to this House and withdraw the offensive expression, the House can take whatever steps it wishes. It's set out in standing order 20: "The Speaker... may call upon the House to adjudge upon the conduct of such Member or Members." It's up to the House to do what it wishes to do. That is why a substantive motion may be moved by the House with regard to the conduct of a Member who continues his offence or does not withdraw his offence.

HON. MR. BARRETT: Well, I'm confused, Mr. Speaker, because if the Member is out of the House, he has no method thereby of bringing in a substantive motion.

As I understand it, the Member has accused the Minister of lying; that is, the Member has accused the Minister of having authorized a study and the Minister denies that he authorized such a study. It is my understanding of what has taken place.

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MRS. JORDAN: You're playing games.

HON. MR. BARRETT: Well, Mr. Speaker, that is the problem....

Interjection.

HON. MR. BARRETT: Yes, we must have the tape. On top of that, Mr. Speaker, I would give the assurance that if a substantive motion is placed on that matter, it will be debated immediately.

MR. H.W. SCHROEDER (Chilliwack): Point of order, Mr. Speaker, I see a gross vacuum in the rules of the House here. If it could be assumed that the Hon. Member for Langley is correct — regardless of whether or not he has used parliamentary language in explaining his position — and if the only way he can draw this to the House's attention is to file a substantive motion, Mr. Speaker, and if it is the due course of the House not to act upon that substantive motion, then any Member of the Crown could be guilty of the same alleged offence and go off scot-free. Let the motion die on the order paper. I see a vacuum in the rules of the House. I'm a new Member of this House; I'd like to see a solution to this.

HON. MR. BARRETT: Mr. Speaker, as I understand it, no Member can assert names or insults to another Member in front of that Member without the Member having the right to ask the originator of the statements to withdraw. As I understand our rules, when one Member asks another Hon. Member to withdraw, it must be withdrawn. That's where we're at now.

Now, in terms of the case in front of us, if the Member comes to the House on his return with a substantive motion, I will ask the House to give leave to debate that motion immediately. Mr. Speaker, I have no problem, but it must be clearly defined that the ruling on somebody calling somebody else a name is separate and distinct from the matter that must be either proven or disproven.

For the Member to suggest that there is a vacuum is incorrect. If that ruling were not there, then my understanding would be that any Member could come in and call anyone a liar and not have to prove anything. That would be a gross misuse of this House.

If a Member wishes to make an accusation against another Member, then right now, in this instance, the documents should be tabled so that the accused can see the evidence against him, as is British parliamentary procedure and courtroom procedure. I think both sides should file documents with the House and I have no objection to seeing that, but I do not think the matter can be left there. A Member's honour is really related to this. The Member did say it was a matter of resignation; he demanded the resignation of the Minister. If the Member is incorrect, then I think it's incumbent on him to resign, Mr. Speaker, because he has laid the case on that basis.

MR. SPEAKER: The point of it is, I think, that there's no vacuum in the situation in regard to remedies. Actually, so far as the Speaker is concerned, I think it's important that the Members concerned and their honour in this matter be examined most carefully before anything that is harmful to either Member develops. That is why the British House has a standing committee on privileges.

In this House it would be the practice, in the event that a substantive motion is made, that the motion must deal with an inquiry into the circumstances. It's not enough to stand up and debate the matter; it should be inquired into by a committee of the House. That is the proper method to do the thing if it were done in the conventional manner in the British House, in the House of Commons and, indeed, in this chamber as well.

Interjection.

MR. SPEAKER: I don't think we need to; the matter will come up in due course. I don't want people debating the merits. I'm only concerned with one thing at this time and one thing only: a Member refused to withdraw an offensive expression under our rules and, having done so, I've asked him to withdraw. Whatever develops will develop, but certainly this is no time for taking it up further; we've done much too much on it now.

We'll proceed with question time. Would the Clerk please take into account the time that's already expired?

MR. PHILLIPS: A point of order, Mr. Speaker. On behalf of the Member who has left the House, I am prepared to read into the record documents which substantiate his case.

MR. SPEAKER: Order, please. This is not the way or the time.

MR. PHILLIPS: Well, how can he bring forward a motion if he's not in the House? Can I bring forward a motion on his behalf?

Interjections.

MR. SPEAKER: He'll be here at the next sitting. Let us proceed with the business of the House, please.

Oral questions.

NEW FERRY TENDER SPECIFICATIONS

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MR. D.A. ANDERSON (Victoria): I'd like to repeat a question I've asked three times already to the Minister of Transport and Communications. May I ask the Minister whether he's now willing to release the ferry tender specifications sent to the firm of Nickum Spaulding in Seattle and the ferry specifications given to CASE Existological Laboratories in Victoria?

HON. MR. STRACHAN: That's the question you were asking me about last week, and I told you I was considering it.

MR. D.A. ANDERSON: You're still considering it?

In view of the fact that only these tender specifications can determine the claim that no Canadian firm was given the opportunity to tender on the ferry contract given to Nickum Spaulding, may I ask the Premier whether he will instruct the Minister to table these documents before the end of the session so we can avoid the type of hassle that we had earlier this afternoon?

MR. SPEAKER: Order, please. There's no requirement to answer a question, nor is there any right to continue to ask the same question. You see that at page 147, item C or item D in *Beauchesne*.

MR. D.A. ANDERSON: On that point, Mr. Speaker, that is why, as I know, there is no reason for the Minister to table if he doesn't wish to do so. That's why I put the second question to the Premier in the hope that perhaps we could avoid the difficulty that does come when documents and information are not given freely. The type of problem that we had this afternoon, I feel, might well have been avoided had there been a more free and easy exchange of information — in particular, Ministerial information.

B.C. STRUCTURAL STEEL SHORTAGE

MR. H.A. CURTIS (Saanich and the Islands): Mr. Speaker, to the Minister of Industrial Development, Trade and Commerce: may I ask if he can report any progress with respect to talks I believe he is holding with respect to the shortage of structural steel in British Columbia?

HON. G.V. LAUK (Minister of Industrial Development, Trade and Commerce): Mr. Speaker, a member of my department is presently discussing the matter with leaders of the construction industry. I should have a report some time today on whether the government will be wishing to meet with the leaders of the construction industry directly. So far we're pulling together all of the pieces of information that we have to try to get a clear picture of the steel shortage and, in reality, where we might be helpful.

MR. CURTIS: A supplementary, Mr. Speaker, to the Minister. If necessary, would he communicate directly, in person or by telephone, with steel suppliers in eastern Canada?

HON. MR. LAUK: I'm not sure whether I understood the Member's question.

MR. CURTIS: If necessary, Mr. Speaker, would the Minister communicate directly with steel suppliers? You indicate that a member of your department is pulling material together to determine the extent of the shortage, but I'm looking ahead. Should the shortage prove to be real, as it appears to be, would you communicate with the suppliers of steel in eastern Canada where the shortage is originating?

HON. MR. LAUK: Mr. Speaker, with great respect, I do not think it would be wise to make decisions before the information is before us.

TRADING OF BANKRUPT STOCK ON VANCOUVER STOCK EXCHANGE

MR. G.B. GARDOM (Vancouver–Point Grey): Mr. Speaker, about six weeks ago the Attorney General (Hon. Mr. Macdonald) took as notice some questions I raised concerning the trading of stock in Geo-Star Resources Ltd., which is a bankrupt company. Trading continued for some 16 days after bankruptcy. I'd ask the Attorney General if, in the past six weeks, he's looked into the matter. Were there any inside trades being carried on? Have any measures been taken by the government to prevent the trading of bankrupt stock on the Vancouver Stock Exchange?

HON. A.B. MACDONALD (Attorney General): Yes, Mr. Speaker, as I said, I got in touch with the Securities Branch and also with the exchange. They're working out a procedure whereby they will have reported to them bankruptcies so that there cannot be trading in the shares of deceased companies, insofar as it is humanly possible to prevent that.

MR. GARDOM: Well, the second part of the question the Hon. Attorney General didn't answer. Were there any insiders trading in this particular case, which we both know of? If so, is any action contemplated against those insiders?

HON. MR. MACDONALD: I'll take that as notice.

LACK OF HOSPITAL SPACE FOR OAKALLA DETAINEES

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MR. G.S. WALLACE (Oak Bay): Mr. Speaker, I would also like to ask the Attorney General if he has been able to take any action regarding the nine persons in Oakalla who apparently are there largely for medical reasons but cannot be treated in Riverview for lack of space. Could we have some direction as to whether this problem is being solved?

HON. MR. MACDONALD: Mr. Speaker, I was very concerned about the fact that during some renovations at Riverside, it was not possible for some order-in-council people to be taken to Riverside for their examination as quickly as they should have been taken under the order-in-council. But I think the matter is cleared up now and that everybody who should be there is in Riverside, or in another part of the hospital. I think I have that assurance from the Minister of Health (Hon. Mr. Cocke) who is also familiar with the situation.

Do you know of any case where there is another holdup?

Perhaps I could take it as notice to make sure that what I'm saying is correct. I think it is.

MR. WALLACE: Mr. Speaker, as a supplemental question, I'm sure the Minister is aware of the case quoted in *The Vancouver Sun*, Thursday, November 1. In addition to the question of where the person might or might not be accommodated, there seems to be a real danger of a person not having his case heard and being incarcerated in one or other of these two places. Really, what I would like to ask the Attorney General is whether he is assured that legal

procedures are available to prevent this prolonged incarceration of people who require various kinds of examination and investigation.

HON. MR. MACDONALD: Mr. Speaker, perhaps the Hon. Member would like to come to my office where I'll give him some information which I would not like to repeat on the floor of the House on that particular case.

AVAILABILITY OF AUTO INSURANCE FOR ABSENT BRITISH COLUMBIANS

MR. N. R. MORRISON (Victoria): Mr. Speaker, I'd like to address my question to the Minister of Transport and Communications. I'd like to ask him what happens to an individual who wishes to leave now on an extended motor trip — and I use Mexico as an example, but there are many other places that I could use...

HON. MR. MACDONALD: Who is that? Who is leaving — McClelland?

MR. MORRISON: Not I. ...and he does not expect to return until after the first of March. Apparently he cannot at this moment get insurance beyond March 1 from an independent agent. What, if anything, can he do now before he leaves, because he will be out of contact until he returns?

HON. MR. STRACHAN: It's fairly simple. There are about 4,000 people annually who flee British Columbia for warmer climates, and every year they are faced with the problem of getting their valid vehicle plates. They get their mail forwarded to them and they send the cheque for the plates to the Motor Vehicle Branch, and the Motor Vehicle Branch, in turn, sends the plates back so they have valid plates when they come back into British Columbia.

This year along with the notice for new plates will go the notice for insurance. They will fill that out, send it back and with the plates they will get their coverage for insurance.

MR. MORRISON: How about driver's licences? Same thing?

HON. MR. STRACHAN: Driver's licences? Well, if they are away and the driver's licence expires...I don't know what they do if their driver's licence expires and they are out of the province for five or six months. I suppose they write for a temporary renewal or something like that.

MR. MORRISON: Does his insurance go on his driver's licence...?

HON. MR. STRACHAN: Not at the same time, no; that will be a later thing. It will be by mail the same way, no matter where they are.

CLAIM-FREE PREMIUM BENEFITS

MR. D.A. ANDERSON: Supplementary to that, Mr. Speaker, I notice that Mr. Norman Bortnick has stated that because there is no access to personal claims records, all drivers will be starting under the new scheme on par. I would like to ask the Minister whether he will be taking steps to preserve the claim-free position of many drivers who, under the present system of private insurance, are sometimes paying less than 50 per cent of the actual premium because of their good record.

HON. MR. STRACHAN: I don't know how that can be done without the records of the present insurance companies.

AN HON. MEMBER: Did you ask for them?

MR. D.A. ANDERSON: Mr. Speaker, a further question. I quote only from the press that the green

book on accident records has been given to the ICBC. I wonder, if that is the situation and if this information is available, whether the Minister could give assurances that the low premium for those who are claim-free — not myself, unfortunately — could still continue.

HON. MR. STRACHAN: The green book was given to us without any figures related to British Columbia. After about 30 days the tapes relating to British Columbia, on which the green book figures would have been based, were made available to the insurance corporation. They refused to make the programming for those tapes available to us.

We had to go to work and work out our own programming, and then take it from there. But that doesn't give you the individual accident-free case. It doesn't give you that information at all. It doesn't give you the name of the person who has been accident free. What we are taking into consideration are the points which each individual driver has in determining his rate for the coming year.

MR. D.A. ANDERSON: Is that the only thing?

HON. MR. STRACHAN: That's the only thing.

MR. D.A. ANDERSON: Could I just ask the Minister whether or not, if the individual can produce proof which extends perhaps back over 15 to 25 years of good driving and failure to have a claimable accident, whether this will be taken into account as well as the point system which deals with a relatively short period of time?

HON. MR. STRACHAN: Everything will be taken into consideration. I expect a statement within the next week or two with regard to all aspects of the operation.

CAPITAL EXPENDITURES OF ICBC

MR. GARDOM: Another question to the Minister of Transport, Mr. Speaker. I ask the Minister if he has now received the figures of the capital cost expenditures of the Insurance Corporation of B.C.

HON. MR. STRACHAN: You know, you keep objecting to people consulting people outside the House, and I am trying desperately to get the time to dig out those figures.

CONFERENCE ON NATIONAL ENERGY POLICY

MR. WALLACE: I'd like to ask the Premier if he's had any response to the telegram he sent requesting a national conference to form a national energy policy.

HON. MR. BARRETT: Mr. Speaker, I've had two replies. I've had acknowledgment from the Prime Minister's corresponding secretary, Mr. Lawless, noting that the telegram had arrived and was brought to the Prime Minister's attention without delay. And I've a reply from Premier Davis of Ontario. He says: "I appreciate your sending me a copy of your telegram to Prime Minister Trudeau calling for an immediate meeting on energy. That initiative and concern parallels my own views." And he would agree to an early meeting on the subject.

I heard over the air that Mr. Jetty of Alberta responded positively to my telegram as well. I do believe, Mr. Member, that this conference would assist in avoiding the kind of emotional clashes that appear to be building up between some of the provinces and Ottawa.

Introduction of bills.

COMMUNITY RECREATIONAL FACILITIES FUND APPROPRIATION ACT

Hon. Mr. Barrett presents a message from His Honour the Administrator: a bill intituled *Community Recreational Facilities Fund Appropriation Act*.

Bill 117 introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

PUBLIC SERVICE ACT

Hon. Mr. Hall presents a message from His Honour the Administrator: a bill intituled *Public Service Act*.

Bill 116 introduced, read a first time and Ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

AN ACT TO AMEND THE VITAL STATISTICS ACT

Hon. Mr. Cocke presents a message from His Honour the Administrator: a bill intituled *An Act to Amend the Vital Statistics Act*.

Bill 113 introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

AN ACT TO AMEND THE COMPANIES ACT

Hon. Mr. Macdonald moves introduction and first reading of Bill 115 intituled *An Act to Amend the Companies Act*.

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Motion approved.

Bill 115 read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

Orders of the day.

HON. D. BARRETT (Premier): Mr. Speaker, public bills and orders: second reading of Bill 100.

HUMAN RIGHTS CODE OF BRITISH COLUMBIA ACT

HON. W.S. KING (Minister of Labour): Mr. Speaker, I wonder if before discussing second reading of Bill 100, I might ask leave of the House to file a copy of a study on the impact of minimum wage revisions which I had promised to table with the House some time ago?

Leave granted.

HON. MR. KING: Mr. Speaker, in introducing the new Human Rights Act of British Columbia, I'm very pleased to announce that under this bill we have extended the coverage and the particular bases upon which discrimination might be viewed and dealt with by the Human Rights Commission. Under the old legislation and through experience we found that not every type of discrimination was recognized under the Act and that the enforcement procedures under the old Act were less than effective in terms of penalizing those people who did

violate the spirit and intent of the *Human Rights Act*.

We found also one of the very frequent criticisms of the previous legislation was to the effect that it was kind of a rearguard action. There was no real thrust developed by the Human Rights Branch to educate the people on the implications of the bill and what their obligations should be in terms of eliminating discrimination.

When I say this, Mr. Speaker, I certainly don't intend to infer any criticism upon the people involved in the Human Rights Branch of my department. They were certainly governed by the strictures of legislation and the strictures of departmental organization which prevented them from developing the kind of educational programmes which should be developed to get the message abroad in the Province of British Columbia on what type of action the employers and tenants should undertake, what kind of advertising they should do in terms of their relationship with the landlords and with their tenants.

So one of the prime thrusts of the new legislation is to extend the coverage to cover public facilities, also any rental accommodation that might be advertised publicly — whether it be commercial or a smaller unit. We have provided that protection will now be based and provided against discrimination with regard to race, religion, colour, nationality, ancestry, or place of origin; we have extended that to prevent discrimination in any kind of public facilities whatsoever. The criteria on which discrimination is judged now is the concept of reasonable cause. In other words, the only reason by which a landlord, who advertises public space, could deny access would be an obligation on his part to provide reasonable cause for restricting its access to any member of the public whatsoever. So in tenancy that's an important extension of protection, particularly, I would suggest, to lower income groups who more frequently are obliged to rent space in smaller units that are not of the commercial type. So this is an important advantage and an important extension of the protection of the *Human Rights Act*.

We have provided for a clearly spelled-out prohibition of discrimination in wages. There is a requirement that equal pay be provided to men as well as women. That's a departure from a situation which existed under the old Act. The sole criteria now is on-the-job classification and upon the capabilities and qualifications of the individuals, be they men or women. I think that conforms to the spirit of human rights.

We have attempted to provide that there will be no discrimination in employment advertising. There will be no further indication of sex in terms of advertisements for job opportunities — again this meets the spirit of the human rights legislation.

I would point out that previously discrimination was prohibited on the basis of race, religion, sex, colour, nationality, ancestry or place of origin, or age if over 45 years. But now far wider protection is given, based on common law principles ensuring the right of equality of opportunity for all. Recognizing that employment is a basic right necessary for survival in our society, the code maintains the principle of equality of opportunity based on bona fide qualifications rather than race or sex.

Specific protection has also been included under this new Act. I think this is a first, to my knowledge, for those people who may have been convicted in a summary conviction and are thus penalized in terms of employment.

We have all seen cases perhaps where employees have been dismissed from their employment simply by a summary conviction. I suggest, Mr. Speaker, that unless the crime for which they were convicted relates in any way to their employment and jeopardizes the security of the employer, then they have paid their debt to society. It should not fall to any employer to set himself up as a higher agency of law enforcement than the courts; he should not have the right to seek to assess additional economic penalties on workers. So this is an important addition

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to the new code and I think it's one that is long overdue, Mr. Speaker.

We have a section now which states that a trade union has the clear responsibility of ensuring that any contract negotiated with an employer will be free from discrimination. The trade union as well as the employer has an obligation and a requirement under the Act to recognize the principles of equality and to refrain from negotiating

any discriminatory rates of pay, whether they be based on any of the traditional concepts of sex, colour, ancestry or any other consideration.

The administration of the new Act is changed a good deal. We have sought to extend the personnel involved so that adequate information can be disseminated from the department. We have sought to grant more independence for the Human Rights Commission from the department.

We have similarly given the branch the right, indeed the responsibility, not only to act as an agency for education and persuasion but also to initiate actions of their own volition should discrimination be uncovered in any area. In other words, they are not restrained to a strictly responding role now; they have the authority and they will have the wherewithal to make themselves a vital force in the community, not only in terms of educating the public, employers and trade unions on what their obligations are under the concept of equality and human rights, but also in terms of coming to grips with violations, rather than sitting and waiting until a complaint is received from some individual who feels he has suffered as a result of discrimination.

This is a new and positive approach, I suggest; it recognizes the need — and I can't stress that too much, Mr. Speaker — that I think is quite apparent for a better educational job to be done in terms of persuading people to refrain from discrimination and to use the persuasive approach rather than a punitive one.

Indeed though, should this type of conciliatory approach fail, we have, under the enforcement sections of the bill, provided for tougher penalties, not only in terms of recovering lost salaries but also in terms of recovering, through summary conviction, insult to one's integrity and any mental anguish one could encounter to his detriment in the community through being discriminated against. I think this is an additional indication that this government is prepared to get the message across loud and clear.

It's not good enough simply to compensate someone for discrimination in terms of wages. I think it is necessary to bring forward a penalty for indulging in the kind of activity which could materially affect an individual or a minority's social standing in the community, their peace of mind and their self-respect as individuals. This is what the new and tougher penalties under the Act seek to achieve.

The boards of inquiry will be set up in such a way that they will be a vital community organ for coming to grips with discrimination in the communities rather than dealing with it as a centralized authority of government. I think this is something else again which will serve to make people at the community level aware and cognizant of their responsibility to treat their fellow man in a decent and respectful way.

This is just a rough outline of the Act. I think that some of the new concepts contained in it are long overdue. I think the procedures of the board are such that the whole question of human rights will be pursued a good deal more vigorously than has been the case heretofore.

Finally, I suggest that the penalties for flagrant and blatant abuses of human rights in this province will be met with up to \$5,000 fines in addition to the recovery of any lost income the person has suffered.

I suggest this type of approach to human rights should bring the focus of public attention on everyone's obligation to treat his fellow men as equals, to live up, Mr. Speaker, to what I submit is one of the finest encyclicals to come out of Rome when the Pope suggested that "every man is worthy of his hire." I think that is an assertion everyone can embrace. I think it is a goal incumbent upon all members of free societies to achieve and to strive toward.

I submit that this bill is a major step forward along that road. I commend it to the House for second reading, Mr. Speaker.

MR. G.B. GARDOM (Vancouver–Point Grey): Mr. Speaker, we are going to support the measure; there is no question of a doubt about that. It's an improvement upon the former legislation, but in itself it is still pretty thin soup. I think that the people in B.C. are continuing to be burned up with the very way this government fiddles around with law reform. The measure that has been proposed today is really one that has been in gestation for a

number of years.

I think perhaps the most significant thing about the bill is the areas of its silence. I would like to speak about three such areas which are most notable and certainly should have been contained within the principles of this legislation.

Firstly, the bill should have provided a right to sue the Crown. I think this very old hoary concept of "the Crown can do no wrong" and "government is umbrella-ed from the arm of the law" is something that should have perished with the divine right of kings.

Surely to goodness all of us agree that the citizen is the cornerstone in democracy. He should be fairly entitled to wage his case against government. And government, with its enormous resources and with the largest personnel and power to defend we have ever had in this province, should not be permitted to

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hide behind the door of that very archaic theory. I certainly would have hoped to find and am truly astonished that we do not find within this measure the right to sue the Crown.

Secondly, Mr. Speaker, it's appalling to me that we continue not to have legal aid for the needy in the Province of B.C. It's all very well to come out with a measure such as this, but with the advance of science and technology and improved economics, these things must never be at the sacrifice of values. If today's society, with its fabulous advances, is not able to come up with something that it was unable to do before, it surely should be subject to the very highest degree of censure.

The values that I am talking about are the dignity of the individual, the respect for law and order and, I would say, the very sacred responsibility of a contemporary society to nourish those things. I think it's a very clear lack of public morality when it doesn't.

The Economic Council of Canada said: "We are in times of dynamic change and social ferment and our decisions for policy actions are things of the present and not for the future." What we need, Mr. Speaker, is political action on legal aid in this province this very instant.

Unfortunately one of the characteristics of the law that has been one of its most serious burdens from the outset is its inaccessibility to the economically underprivileged. Now that gap has been closing, it's true, but not significantly. And I say it has been closing only as a result of the piecemeal contributions of time and effort by individuals and private organizations. The time has come for us in British Columbia to take on legal aid, not just as a social measure but entirely as a democratic right.

You know, it was way back in 1838 that Charles Dickens, through the mouth of the beadle in *Oliver Twist* said, "the law is a ass." I would suggest, Mr. Speaker, that it's surely the very height of assinity in this day and age not to create a means of access to the law that is equal to all.

Justice must not only be done but must appear to be done. There's no quarrel with, its being done within the walls of the law courts, but that is of very little comfort to those people who are unable to get through the doors. I'd say how very justifiable this criticism is with this affluent government and its billion dollar budget when it walks away from improving the citizen's means of access to the law.

Everyone has the right to see the light, Mr. Speaker. That's the job of all of us. For anyone to suggest for one minute that there is equal access to the courts in British Columbia would be rank hypocrisy. This is not any criticism of the lawyers or of the courts — they try. But the poor cannot afford the due process of law.

Again quoting the Economic Council of Canada, "Poverty in Canada is real; it is more than simple income deficiency; it carries with it a sense of entrapment and hopelessness and the poor tend to be collectively inarticulate." Those are very stark statements and raw facts by the Canadian economic council.

Unfortunately the poor view legal redress as a luxury. We say that it is everyone's right. We are calling for equal justice for all, not by relegating it to the charity of some but government-supported legal aid for all of those in need.

The requirement of need would have to be established. A certificate for legal aid could issue in pretty well every kind of legal case — accidents, contract cases — mandatory in the bulk of them and discretionary in certain other items.

However, Mr. Speaker, until such time as we do have a proper legal aid plan in the Province of British Columbia, there will not be equal access to the courts of our province, which is a disgraceful thing indeed.

Finally, Mr. Speaker, I would have hoped also as a third point that we would have found included within this legislation a direct reference to a need that is becoming more evident to the government — at least I'm sure from the numbers of letters that are sent to government Members and also from their taking a look at the daily papers — and that is that the public are clamouring for an ombudsman for the whole of the province.

It's very puzzling to me, when we're talking about human rights legislation, which this truly applies to, why we don't see built within this bill the right to have an ombudsman. Particularly, Mr. Speaker, with the ever-mounting role by the state which is going on daily in this province, we must have checks on the exercise of administrative authority. The red tape is growing, the bureaucracy is sky-rocketing and still no one has a hand to put on the brake to help poor old Joe Q. Citizen wade through this kind of maze.

You know, Mr. Speaker, long ago when common law remedies were found to be inadequate because they were oppressive or impossible, the court of equity was established, whose job it was to do the right thing, to do equity and to assist in fair discretion and to help and assist one over the hurdles and the burdens of precedent. That's what we need in B.C., an ombudsman with very wide powers to do equity in the realm of government, to assist and screen complaints and to funnel suggestions to appropriate government departments for action. His guideline would be fairness and his job to help; and I say to help to cure the effects of the impersonality of government, which is growing with the socialistic administration in British Columbia every minute of every hour of every day.

We've got to have that kind of office established so the little fellow in our society can receive a helping hand and can receive some degree of assistance to

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wind his way through the abuses of petty officialdom.

So I say, Mr. Speaker, the government has come in with legislation but it is pretty thin stuff. If it had included in it the three measures that I'm speaking of, it would have found the widest of approbation, not only from the opposition side but. from all the people within our province.

[Mr. Dent in the Chair.]

MR. F.X. RICHTER (Leader of the Opposition): Mr. Speaker, this bill is somewhat different from the previous legislation; there are some additional provisions in it. The official opposition will be supporting the legislation, but in the course of moving through committee there are probably one or two points on which we would ask clarification in particular sections.

The success of this legislation, in my opinion, will be in the administration and in the interpretations placed on the provisions of the Act as it is applied throughout the province. We will be supporting the legislation.

MR. G.S. WALLACE (Oak Bay): This party also is impressed by many of the improvements which are contained in this bill and we will certainly support it. I would agree with the Member for Vancouver–Point Grey (Mr. Gardom) in that this party would be even happier if we had the right to sue the Crown and the institution of an ombudsman.

At least the Attorney General is on public record as having promised that the right to sue the Crown will be introduced in the form of a bill at the spring session. I hope that this statement of the Attorney General was reported correctly. I notice the Minister of Labour (Hon. Mr. King) is nodding his head, so it's reassuring that we will have the right to sue the Crown in the spring of next year.

Another point that has been brought to our attention and brought to the attention of every Member of the House is the communication from the British Columbia Civil Liberties Association, which is suggesting that we look at the possibility of having the commission responsible to the Legislature rather than to any one department of government. I have only received this letter today but it does seem to me that since the wide scope of this bill covers almost every aspect of human public activity it would not seem unreasonable for the Minister to reconsider whether or not the commission should be made responsible to the Legislature rather than to one department.

The Civil Liberties Association points out that the functions of the commission involve protection, enforcement and safeguards for minority groups, things which don't fall into any one department but in fact involve the function of the justice department, the Department of Human Resources and other departments. I would just say that this seems to me to be a very reasonable suggestion.

I would say in passing that the British Columbia Civil Liberties Association is a very useful agent for the legislators of this province in that they're always bringing forward some other point of view, which I think Members on both sides of the House should always read and consider attentively. I think their efforts are particularly useful to the non-legal Members of this House who sometimes are not aware of all the nuances of the legislation as it's introduced.

The emphasis in the bill that I like best of all, and which the Minister commented upon, was the educational role of the commission. I think in many ways the respect for human rights is a matter which has to be engendered in the public by education rather than by legislation. This is not for a moment to disregard the importance of this legislation and the very specific language which spells out rights in certain areas where perhaps they've been weak or non-existent before; I'm talking about the advertisements for jobs and accommodation.

I have to confess that the reason I think education is so important is that we made one of our own big blunders in our party earlier this year when we advertised for a research assistant. I honestly confess to the House that it never really crossed my mind — when we placed the ad which had two big headings; the top heading was "The Man" and the second heading was "The Job" — to exclude female applicants for that job. When this was drawn to our attention, it was painfully clear that the only real interpretation you could take from the ad was that we wanted only a man.

As it happened, we did interview several ladies and we finally chose a man who was the best person for the job. But I think education of the public is really a vital part of this bill and one which we like very much.

I was shaken in this House the other day when I raised a matter unrelated to this bill. The Premier obviously is basing a decision today on some unpleasant experiences he had as a caddy at a golf club about 30 years ago, where some golf course, quite unjustly, practised racial discrimination. I'm assuming that the government really is keen and wishes to practise what it preaches in this bill, but I have to say with the utmost regret that that was not the conclusion I came to the other day when the Premier made his most unfortunate remarks about the golf courses in this country.

I've made further inquiries, and as far as I can determine, Mr. Speaker, there is no golf course in the whole of British Columbia which practises racial discrimination. Yet it was very obvious when the Premier responded to debate the other day that he is

making judgments on a present situation about which the government might legislate based on some unfortunate discrimination which occurred many, many years ago.

I just say with respect, Mr. Speaker, that I hope the Premier rises above the righteous anger and indignation which he experienced as a caddy when he was a young man and realizes that he's living in a somewhat different world today. Certainly the different kind of world is exemplified in this bill. His response shows that we all are easily given to remembering events of many years ago which may or may not exist today. We have to make our important judgments and assessments, particularly as legislators, on the evidence and the real world that exists today, not on discrimination which occurred 30 years ago.

One of the other features of the bill which we think is forward-looking is stopping this discrimination against people over 45, opening up the possibility that they can obtain jobs, and not be prevented from obtaining these jobs because of difficulties in getting into a pension plan.

Time and time again I've encountered men and women who for no reason of their own have to find different work or change their occupations in the middle years of 45 and upwards. They just have a terrible time in our present society. So often, when I inquire into the specific reason, it seems that if they cannot enter the pension plan at the place of employment then they are prevented from obtaining work. The fact that this bill recognizes the unfair discrimination against people seeking work in this age group is to be commended.

The Minister has already talked about penalties and the access to damages which should result when a person's character or integrity is questioned due to racial or other reasons. The penalty of \$1,000 is certainly not out of line with the kind of insult that this can cause to individuals. If he has made any mistake in this bill it's that he has not made the penalty high enough.

One of the other points which the Minister has put very clearly in this bill, which we screamed and shouted about on the labour code, was section 18. You've made my day, Mr. Minister; you said you've been listening to us. section 18 says: "An appeal lies from a decision of a board of inquiry to the Supreme Court...." It goes even further and defines the two very clear principles: on a question of law and on "any finding of fact necessary to establish its jurisdiction that is manifestly incorrect."

I think, Mr. Speaker, that this shows either one of two things: the Minister really meant to put this in the labour code and forgot; or he didn't mean to put it in but he listened to all the eloquent pleas that the Members of the opposition placed and he's probably even read my private Member's bill about the guarantees of natural justice.

At any rate, we are not here to play games or to try and be smart-alecks as to who did what. The fact is that it's in the bill. We think this mechanism of appeal and the way in which it is clearly defined is an excellent idea.

In closing, I would like to say that I also welcome section 22 which exempts clearly-described private organizations. I was a little concerned that such organizations as the Caledonian Society might find great difficulty in processing memberships since the Caledonian Society is based on a certain kind of blood and it would make real problems for that kind of organization if it were not excluded from the provisions of this bill.

Interjections.

MR. WALLACE: A Member on my right tells me it's a racist organization, but it really isn't, Mr. Speaker. Some of the most broad-minded and hard-drinking individuals in society keep things like the Caledonian Society in action. I really think that the Minister showed a great deal of insight when he made these exclusions to the bill. Thank you.

MS. R. BROWN (Vancouver-Burrard): I too would like to rise in support of this bill. I think one of the really interesting things about this new human rights Act is that it repeals the old one. On numerous occasions I have had reason to say how bad the old human rights Act was; it really couldn't be amended or changed in any way but actually should be repealed.

I am also happy that the government has chosen this year, the year the United Nations has designated as Human Rights Year, to bring in its new human rights Act.

I think this is really a very tremendous bill. There are a couple of new concepts dealt with in the bill that I'm particularly happy with, one of which is the existence of reasonable cause as it applies to accommodation and jobs.

There are very many groups, Mr. Speaker who presented briefs and letters and requests to the Minister and to various Members of this government, asking to be covered by the human rights Act. I'm thinking now of the group that asked that sexual orientation be included in the Act, for example. Although the requests of these members were not spelled out in the Act by including the statement, "unless reasonable cause exists," we have, in fact, given them the protection they were asking for.

My one regret, Mr. Speaker, is that this concept was not extended to tenants. I realize that probably the reason why tenants were not dealt with more effectively in terms of eviction due to reasonable cause or whatever is because the Law Reform Commission is presently studying that. I certainly

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hope, if ever the Minister gets around — to amending this Act — maybe in the spring or after the Law Reform Commission brings down its report — that he will seriously look at the concept of eviction unless reasonable cause exists the same way he does with refusal to give accommodation or refusal for employment.

Some of the areas that please me even more, Mr. Speaker, is to see sex turning up in so many other sections in this Act, to see that sex is specifically outlined and stated as a ground on which discrimination cannot be permitted to exist. I certainly would like to compliment the Minister on this and, again, add just one more piece of recommendation.

In section 9, the section that deals primarily with exclusion which formerly occurred in cases of trade unions, employers' associations and this sort of thing, he states quite clearly that for the purposes of this section race, religion, colour, age, et cetera, are not included. He should also include the word "sex". I think it is very important that it be spelled out.

An example of this, Mr. Speaker, is the business that has been coming up continually before this House about the refusal of the liquor commission to hire women. The liquor commission is no longer using the excuse of the *Factories Act, 1966*; they are no longer saying that it has to do with lifting weights over 35 pounds. What they are saying is that an agreement was signed by the trade unions involved, and in this agreement it was agreed that no women were to be included.

I'm thinking of the tree planters; I'm thinking of the situation that occurred with the dietary aides at Riverview — all over the place, Mr. Speaker, where it specifically states that a contract was signed which said women should not be included here. I'm thinking of the reason given why women are not in the dining rooms on the ferry system: a contract was signed that said women should not be included here.

That is why, even though the section says, "every person has the right," and even though women were, by law, legislated to be "persons" a number of years ago, I think it still needs to be restated in this particular section that, under this section, sex does not include terms for discrimination.

I'm very pleased about the inclusion of political affiliation and criminal records as grounds under which discrimination can no longer be permitted to exist.

But maybe the most exciting thing about the Act, as the Hon. Member for Oak Bay (Mr. Wallace) pointed out, is the fact that the commission is now going to get into the business of education. In this respect I would like to bring to the attention of the Minister some of the things that are being done by the Ontario Human Rights Commission. Even the federal government is presently involved in the business of education, not so much educating the community in terms of not discriminating but educating the individuals themselves in the business of taking advantage of the opportunities that exist.

Further along this line I would like to suggest that when we get around to the administration of this Act,

recommendation 165 of the Royal Commission Report, Mr. Speaker, is a good one that the Minister should seriously consider. What this recommendation says in subsection (c) is that "the Human Rights Commission should include within its organization for a period of 7 to 10 years a division dealing specifically with the protection of women's rights."

I would very, very strongly like to urge the Minister to seriously consider implementing this recommendation, bearing in mind that it has a time limit on it, that the commission was not asking for perpetuity or into infinity but just saying for just this period of time — and I go back to my old analogy of the long-distance runner, Mr. Speaker — that there be this division dealing specifically with the protection of women's rights. This is the only way we're going to get caught up, so that you can start treating us equally. Really, to treat us equally now, when we are so far behind, is to continue the inequalities that exist.

I would like to support the call for more autonomy of the commission. I think that the present staff, for example — I'm particularly pleased with the director, and I think that the appointment of this particular person to be director of the *Human Rights Act* was an excellent one on the part of this government. I'm not as pleased with the fact that we're going to continue using industrial relations officers to do the investigation. I think we need people with some kind of special training, in terms of just appraising and making some kinds of decisions about the pros and cons of discrimination — when it exists and when it doesn't exist. I would like to suggest, if there is going to be a decision to continue using these officers, that we expand the kind of training they get, because certainly it is my belief that they are presently just not qualified, or they just do not have the training to deal with the kinds of subtleties involved in discrimination.

I'm very pleased that this Act is binding on the Crown. The Crown is one of the largest employers in this province, and they are among the worst offenders when it comes to discrimination, as was pointed out with the ad running for bindery workers, although that again was another case where a contract with a trade union had been negotiated on that.

I think that charity has to begin at home. To write an Act like this and not to bind it on the Crown was one of the things that made the last *Human Rights Act* so absolutely useless, because 90 per cent of the time when a complaint was filed it was against the Crown. And we found the Act was not binding on the

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Crown.

So I for one am expecting all sorts of exciting and revolutionary changes in the Public Service Commission as a result of this Act.

MR. WALLACE: Well said.

MS. BROWN: I'm also happy to see that another large employer — the universities — is going to be covered by this. The university which I worked for for some time before coming here — Simon Fraser — is a perfect example of the kind of really male chauvinist stronghold that we've got to get at with this kind of legislation, Mr. Speaker. I hope that the Minister — again I would sidetrack to say that I hope that the initiative given to the director in this Act and the initiative given to the commission in this Act will be used, and that they will not wait for complaints to be filed but initiate action themselves. To have a place of higher learning in this province with not one single female at the level of full professor, head of department, or whatever it is, makes me wonder what kind of higher learning is going on.

In closing, Mr. Speaker, I would like to say once again how really pleased I am with this Act, to congratulate the Minister and all the people who worked on it, and to tell him that he will certainly have my complete support if he will work on some of the very good advice that I've just given him. Thank you very much.

MR. D.A. ANDERSON (Victoria): Mr. Speaker, I congratulate the previous speaker, the Second Member for Vancouver-Burrard (Ms. Brown), for a very fine speech. I think she's hit the nail on the head in quite a number of

points.

I certainly agree that this is an improvement over the previous Act, and we will be supporting this in principle.

The question that comes up, of course, is why the Act does not go further in so many respects. The other question that comes up is the fact if we accept this Act and the intent of the Act, we will be engaged in amending a large number of bills and Acts. Indeed, I mention the word "bill" because one of them presented today by message, Mr. Speaker, includes discrimination in terms of place of origin which I would have thought that this bill we're discussing at the moment — the human rights code — would have exempted, namely the question of place of origin.

The fact is that we need in this province a large number of amendments.

Interjection.

MR. D.A. ANDERSON: The Minister has stated that I am quite wrong. I refer him to section 49 of the *Public Service Act*, Bill 116, presented this afternoon, where it states:

"The commission, in appointing a person to any position in the public service, shall appoint a Canadian citizen; but, if no qualified Canadian citizen applies for a position, the commission may appoint another person as a temporary appointment."

Now, that is a discrimination in terms of place of origin. Admittedly, it might be acceptable on other grounds, but my own view is that if you're going to accept the concept of bringing people to Canada (and many people in this room have come to Canada from other places), if they wish to become Canadians, if they wish to indicate their desire to become Canadians and are landed immigrants, we should permit them to not be discriminated against, as section 49 of Bill 116 introduced by the Hon. Provincial Secretary (Hon. Mr. Hall), *Public Service Act*, apparently does.

It's fine to say, as the Minister of Labour (Hon. Mr. King) has done, that I'm quite wrong. But I brought up a case, Mr. Speaker, last week. It's a case referred to by the Hon. Second Member for Vancouver-Burrard (Ms. Brown), and I thank her for the reference. It was a blatant case there of sexual discrimination. Starting salaries differed by 85 cents between men and women and, of course, women were the sex discriminated against. The difference in the salaries of those who had done their training was \$2.14. Yet there was nothing in the Act to indicate that they were for different jobs.

In actual fact, when the Hon. Provincial Secretary (Hon. Mr. Hall) spoke last Monday defending the Act, he stated that it was defensible, and he defended it on the grounds that they were for different jobs. So in addition to having a salary differential, which was discriminatory, we had job classifications which were discriminatory.

Finally we find out that the government had accepted this because of a union agreement which had this in it.

Now, I do think that the government's going to have to depart very rapidly from any deals with unions of this nature which lead to discrimination between the sexes. In this regard I was delighted to hear the words spoken earlier by the previous speaker, because it's precisely the type of situation that we get into where for some reason, from desire to have labour peace or from some other good cause, we accept discrimination.

I am very pleased to see the Member for Atlin (Mr. Calder) is here. He spoke eloquently in this House a number of years ago about the discrimination that occurs to northerners because of hiring-hall practices in Vancouver. He spoke very well. I must say at the time I was not a Member of the Legislature, but I remember how impressed I was by his statements, which pointed out that the convenience of the hiring

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hall in Vancouver — convenient for the big contractor, convenient for the big union involved — nevertheless was a tremendous hardship to people that were in the north and could not come to Vancouver and wait for a job.

And, of course, this meant particular discrimination against people of native Indian origin living in northern

British Columbia. They say southerners come up to take jobs because of union agreements, which they felt they should have an opportunity to take. I would only draw the attention of the House to the fine work that was done by the member for Atlin (Mr. Calder) in this regard in pointing this out some time ago, because it's precisely the type of thing which we hope this bill will go some way to alleviating.

Mr. Speaker, it's a pretty comprehensive bill. I would like to suggest, though, that it doesn't go far enough. I would like to suggest that the method of introducing this bill has been most unfortunate. The Member for Oak Bay (Mr. Wallace) pointed out that he had had comments from the B.C. Civil Liberties Association. I also have received them over the phone.

The opportunity that I have had as a trustee (as I am) of the B.C. Civil Liberties Association to send out copies of this bill to members of the public — Indian groups, for example, people of other races who might be affected by this — and to get their comments — what's wrong with it; what's right with it; where would you like it changed — in other words, the function of the opposition to probe a bill for weaknesses which may not appear in first reading, was denied to us, really, because of the way this bill was introduced. It was introduced late in the session and, of course, brought on for second reading and presumably committee stage very quickly.

If we are to have important pieces of legislation of this nature brought forward, we must have an opportunity, if we are to fulfill our functions correctly, particularly as there are few Members of the opposition, of consulting with groups in the public who could be affected by them.

I happen to be a white non-Anglo Saxon, but Protestant. Now there are other groups who have different backgrounds. They may wish to comment.

Perhaps I have had the advantage, Mr. Speaker, of having spent seven years of my life where white Protestants are in a distinct minority, and this perhaps helps me to understand occasionally some of the difficulties that are encountered.

Interjection.

MR. D.A. ANDERSON: The Premier points out that there can be political discrimination as well, and we certainly realize that in this House. (Laughter.) There's plenty of it.

What I would like to suggest, though, is that for legislation which is extremely important to some people — while perhaps I cannot fully understand their position and yet, in the nature of things, the opposition has to try to represent their views as best we can — we must have an opportunity of consultation. Now this has been denied in this instance because of the time factor. And while I'm sure that it's strictly an accident, it's something which we trust will not occur again.

If we are to avoid the difficulties that came with the previous legislation, if we are to avoid the difficulties we're already experiencing with legislation passed by this government, we must have an opportunity of having debate based on full information.

Now perhaps the Minister's not impressed by this argument. But I'd simply point out to him that a quick reading on page 3 of this Bill 100, in section 8 (2) (a) at the end of that line, there's a misprint, in my view. The word "or" occurs when it should be "of." I notice he is now turning to it.

It's a very, very minor point, but if there are typographical errors put in by those chauvinists down in the Queen's Printer, we should have an opportunity of picking them up. Perhaps there are more fundamental errors which could be picked up — errors in substance which could be picked up.

HON. MR. KING: It is corrected already.

MR. D.A. ANDERSON: Well, it's not corrected on the copy that I have, Mr. Minister. All I'm suggesting to you is that if there can be typographical errors — and I'm the first one to mention it in this House — maybe there are

other areas where there could be error which we would be better able to pick up in this Legislature were we able to have proper consultation with the public. We've not yet had that.

Mr. Speaker, I'd just like to close with comments about the plight of the person over 45 who is looking for another job. I have in my riding, in my constituency, a large number of such people who have come to this part of the world, to Victoria, from other parts of Canada, and sometimes other parts of the world. They find themselves generally, because of so-called pension provisions, to be virtually unemployable.

They have been able to have some success when it comes to dealing with some of the federal departments — not all. They have been able to have some success in private industry, but relatively little. It's a real problem for a person who may move here for health reasons or because his other job elsewhere has expired. He comes here to a better climate where he hopes to retire eventually, 15 or 20 years later, and he finds that he simply cannot get work — not because he's not qualified, not because he's not active

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and capable, but simply because pension provisions of a company or the government or some organization prevent him from getting a start. In some instances, of course, he finds the union activity acting against him as well.

These people do have a right to get employment if they're qualified, and I certainly hope that the Minister's assurances that vigorous steps are going to be taken under this Act to prevent the over-45s from being discriminated against the way they are.... I certainly hope that this will take place. I commend him for this. In my area, my constituency, it's a critical problem.

We don't have perhaps the range and depth of employment that some other areas do. If a person comes here looking for work he generally finds that he must take a far lower salary than he is entitled to simply because of the fact that he cannot get employment due to age — not due to qualifications, not due to skill or abilities, but only because of age. If this can be overcome, this new bill will indeed be a tremendous improvement over the old.

Mr. Speaker, I trust that with these comments the Minister will go and give us a day or two, perhaps, to continue our consultations with interested groups before bringing the bill on in committee stage. We hope that it won't come up too quickly. I have sent copies out to various people. I was at the university on Saturday with the Status of Women Action Group. People were very interested in the bill. Not one of them had a copy of it of the group that I was in — the seminar that I was in — and they were intrigued by it and wanted to look at it very closely.

I trust that the short opportunity we've had to send out copies will be matched by the Minister bringing it on for committee stage a little later so that replies can be received from these people. It's perhaps easier for a lawyer to read it quickly and come up with suggestions than it is for a layman, or a laywoman, in terms of the legal drafting. I trust that we won't have this bill put to us immediately, so that we can get the opportunity of getting comments from the public.

MR. E.O. BARNES (Vancouver Centre): Mr. Speaker, I rise in support of this bill, not to make a long speech, but just to express my pleasure at the efforts by the Minister in taking seriously this important area. As you know, in the past we've frustrated our citizens — those of us who have been concerned about human justice and concerned about equality among the citizens in this province — due to the fact that there just hasn't been any real vehicle available.

I think the *Human Rights Act* of the past was a mockery and a sham. It was mainly very well-written rhetoric that gave the impression of being a concerned document. But I'm here to tell you that after five years or more of working with community groups that were concerned about individual rights, I never saw a case prosecuted successfully under the old Act. I am no lawyer and I'm no expert in this field but just one who cared and who tried in vain over the years to get the chairman of that Act to implement some of the sections contained within it.

I think the whole problem was put forth by Mr. Jack Sherlock, who is now retired, when he said himself that we had to get proof and when we got proof we couldn't substantiate it in court because of the nebulosity of the

sections and the ambiguity of the sections, and so forth. He himself was often frustrated.

This Act outlines specifically, As some of the Members have pointed out — particularly the Member for Vancouver Burrard (Ms. Brown) about being explicit in speaking of sex as being one of the areas in which there would be no discrimination — those areas that we're concerned about.

I think that in the long run we will be relying on the other sections that deal with public education, because we're not going to be able to name all of the areas; we would just go on ad infinitum. So probably the most important section of the human rights code is the one that will give the department the responsibility and the authority to involve itself in educational programmes for the public, Really, this Act will depend a great deal on good faith, the same as our Labour Code requires a lot of co-operation and sincerity on the part of the public.

To legislate in every area would be pretty nearly impossible, and I don't think that it's in the spirit that we would like our democratic society to function. I feel that the government has the responsibility, where there is no spirit of good will and confidence and trust, to take the lead with determination and diligence to ensure that each individual can have faith in the democratic system — by the government being an example, supporting those principles upon which a democratic society is based.

I'd just like to comment on one of the areas that too often is taken for granted in our competitive society as being normal and natural, and that is discrimination against the middle-aged individuals — particularly females who, for lack of advice or whatever, have allowed themselves to become victims of an exploitive society that tells them they've got to look like they're 21 when they're getting on.

They've raised their families and so forth, and they are finding themselves not being sought after and, say, they're around the age of 35, 40 or 45.

Interjections.

MR. BARNES: These women have probably played the game, Mr. Speaker, quite successfully.

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Interjections.

MR. BARNES: They've probably played the game quite successfully, Mr. Member...Miss...Ms. Member for Vancouver-Burrard (Ms. Brown).

Our society is pretty slippery and it's pretty manipulative. We've been telling these people that they should go out and do themselves up and buy all of the cosmetics and so forth. And then all of a sudden we tell them that no amount of cosmetics is going to save them and that they're no longer needed in the work force.

Now, I've got testimony to this fact: there are people who can no longer make it. I've had women come to me and say, "Should I put my age down so that I can get a job?"

I say, "Well, look. You have a right to be who you are. You have a right to a living. You don't need to put your age down — if you're 38 or 40, why don't you say you are?"

They say, "Well, I'm going to be turned down before I even get in the door."

That's right. You know, I'm telling it like it is. I think that people should have pride in themselves, and we could give them the impetus and the encouragement to have pride in themselves. And I feel they've got to demean themselves by telling lies about those great and glorious years in which they have existed upon the face of this earth. They've raised families and they've got daughters, sometimes, who are 22 and 25, and they're trying to be their twin. They can't have that.

I think that this Act will probably give people in our society a chance to enjoy better mental health, because I

think that the beginning of the end for this society is when on the one hand we say that it's great to have a good healthy family environment and we encourage people to do their part; then all of a sudden when the family's grown up and perhaps someone is a victim of circumstances that leaves him having to be the bread-winner, they are finding themselves having a very tough time. I think that is a disgrace and an insult to our citizens.

Certainly it's an insult when we get into the other areas of privacy, as the Member for Vancouver-Burrard (Ms. Brown) was talking about, about sexual orientation, which is a private matter where many of our people in the community have felt it their duty to involve themselves in making determinations in this area.

I think that the human rights code has an opportunity to come out front and take the leadership in areas that have been really exploited, because no one wants to be named, no one wants to be outspoken. People prefer to be quiet, but there are a lot of people who are being hurt.

One other thing, Mr. Speaker, is that the people who we're trying to assist quite often are those people who are afraid to stand up and speak on their own behalf. They're afraid because they don't want to be embarrassed and they don't want anyone to know that they are being discriminated against, for some strange reason.

Could you imagine me, Mr. Speaker, trying to hide and say, "I'm all right," when there's a big sign up there saying, "No blacks allowed"? If I were ashamed to go up and say I'm not allowed in there, then everybody would know it but me. They'd just say, "If you can't see that sign, I can. What are you going to say about it?"

I think that this is the kind of thing that is not too subtle. But somehow our people don't come forward. Too often you can see a blatant case of open discrimination where persons are being denied rights that they should have under the constitution but they are not prepared to go forward and sign a document or make a statement on their behalf. And they would not give you the authority to go and speak on their behalf if their name had to be used. I think that's indicative of a society that hasn't encouraged people to speak up.

I hope that we can change that, and I wish the director, Ms. Kathleen Ruff, the very best. I hope that she will approach her task dynamically and with imagination, and that she will have faith in those of us who believe that we have to rely on a lot of spirit and human commitment and support and try to stay as much as possible out of the courts and out of matters of adjudication when it's a question of concern for one another. This is one of the things that I hope, Mr. Speaker, the Act will bring to those of us who are fighting on behalf of our sisters and brothers.

HON. MR. BARRETT: Mr. Speaker, if this bill was passed 13 years ago, I wouldn't be in this House. I'd still be in jail because, Mr. Speaker, I left jail to come to this House and I don't know which is the better place. (Laughter.)

Seriously, Mr. Speaker, I was a young employee with the B.C. government and I was fired for being a CCFer.

SOME HON. MEMBERS: Shame!

HON. MR. BARRETT: Now, you know, Mr. Speaker, being a socialist in British Columbia is a bad thing with the establishment.

MR. GARDOM: You were a Waffler.

[Mr. Speaker in the chair.]

HON. MR. BARRETT: No, there was no Waffle then, and I was trying to get at the pancakes. And now the crêpes suzette — I've got the whole routine

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down. (Laughter.)

You know, Mr. Speaker, being a socialist in British Columbia was worse than being black. They had barriers

up for socialists in the province for many, many years. There, was a far more subtle form than colour discrimination or race or creed — it was politics.

You know, Mr. Speaker, when the opposition talks about politics, there was a civil servant who was approached by the former Minister of Health, Mr. Martin, and told to run for office and that his politics would be no barrier. At the time I was fired. I never kept it a secret about my politics; I was proud of my politics, and I was fired for my politics by the former government. Yet they hired all kinds of people in the civil service who had been active with the Social Credit Party, some of them defeated MLAs and defeated candidates. They tried to peddle a sanctimonious line, Mr. Speaker, that Socreds were clean but socialists were dirty.

Now, I never forgot that whole experience, Mr. Speaker, where I was denied the right to speak out freely in a society about what I believed in in terms of politics. I was threatened with my job, and when I didn't withdraw I was actually fired. The records show, Mr. Speaker, that there was nothing against my performance on the job, nothing against my professional commitment to that job, and at no time was there any complaint on the performance of my job. The only thing that was wrong with me was that I thought for myself and I thought socialist. And I was fired.

Now, I'm not angry that that unjust act was never rectified, Mr. Speaker, because I'm a forgiving person. But another person might have carried that scar throughout their whole life. All I decided was that if my boss fired me, I was going to fire my boss! (Laughter.) And that is exactly what took place. Now, Mr. Speaker, not everybody gets the opportunity of canning their boss. When you consider the lengths I had to go to can my boss, it's hardly worth it. So I'm glad this bill is in today just to say to all those people out there who are just as mad as I was that they don't have to go to this length to can their boss to get even.

So, Mr. Speaker, I welcome this day. But I do say that there still is a great deal of discrimination against socialists in this province. It goes back to the times of Parker Williams and Hawthornthwaite and those pioneers like Ginger Goodwin — Ginger Goodwin gave his life to the cause of socialism in this province. Throughout the history of this province, democratic socialists have always been relegated as something less than acceptable.

Well, we've arrived, Mr. Speaker. Who is it that brings in this bill? Despite all our enemies, despite all the attacks against us, do we respond in kind? No, Mr. Speaker, we're responding with love. We're allowing the people to be Socreds, and we forgive them for it. We're allowing them to be Liberals, and we forgive them for it. We allow them to be Tories and we forgive them for it, Mr. Speaker, for they know not what they do. (Laughter.)

So, Mr. Speaker, I support this bill in the hope that love will embrace our enemies and lead them to the paths of righteousness and socialism that is bringing the freedom to the people of British Columbia, Mr. Speaker. (Laughter.)

MR. GARDOM: Pass the hat. (Laughter.)

MR. L.A. WILLIAMS (West Vancouver–Howe Sound): I'm pleased that the Hon. Premier said what he did in his closing remarks, because I wasn't sure whether he was speaking for or against the bill.

I think he raised one of the major concerns that I have about the legislation in its present form. I supported it as being a small but significant step forward from what we had before. Yes, there's discrimination on political grounds, as well as those other grounds which are so clearly spelled out in this legislation.

If there's one thing that concerns me, Mr. Speaker, it is that we are bringing forward legislation which does spell out specific areas of discriminatory practices which are not to be condoned in this province.

Interjection.

MR. WILLIAMS: The Premier said we do have discrimination. Pick up any newspaper any day and what do you find? Man warring against man, Jew against Arab, Liberal against Conservative, Catholic against Protestant. The world is full of it and we are trying in a few pages of legislation to reverse the trend. It is a monstrous job, a job which these few sections are scarcely adequate to tackle.

If I have concern about this legislation it is because, involved in the words, is discrimination itself. Really what we have is a sort of discriminating discrimination enshrined in this legislation.

I'm pleased at the sections which give the commission worthwhile responsibilities. I'm pleased that we now have the opportunity under the commission and through its director to make direct inquiries and investigations into alleged discriminatory practices and to bring about settlements of those complaints. But I am distressed, Mr. Speaker, when I see that under the discriminatory practices section we find those words which all lawyers love, "reasonable cause."

This has always been, Mr. Speaker, the escape hatch for those people who, somehow or other, wish to avoid the responsibility of law or to bend the law to suit their purposes. Because it means that, rather

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than dealing in absolutes — we are adding those words "without reasonable cause" to indicate clearly that some person or group of persons, the commission or the director, is going to investigate and come up with a decision that what may have appeared to be discrimination to an individual who has had cause to complain is, upon investigation, to have been with "reasonable cause."

And what is "reasonable?" It certainly isn't reasonable to the black man or woman who feels discriminated against. It isn't reasonable to the socialist who feels discriminated against, or the Protestant, the Catholic, the Arab or the Jew. It's not reasonable to that individual; yet, we have that enshrined in this legislation.

I was astounded, quite frankly, to see in one section with regard to discrimination in the purchase of property that we start off with the brave words: "No person shall deny to any person or class of persons the opportunity to purchase any commercial unit or dwelling unit that is advertised or in any way offered for sale." That sounds great — until you get to the end of the section which says, "because of race, religion, colour, sex, ancestry, place of origin or marital status." Why do we have to have any "because of"? Why isn't it just prohibited to deny any person the right to buy property for their dwelling? Why isn't it just sufficient to say: "You shall not deny to any prospective tenant the right to rent property which is available to tenants"? Why do we have to modify it? Is it going to be all right to deny that person, not on the basis of race, colour, creed, ancestry or marital status but because he happens to have a beard? Yes, there are all kinds of coy ways in which discrimination can be practised and hidden. Indeed, the people who discriminate best are most often those who deceive the best. This has been our problem.

I would have welcomed the bill even more than I do now if I had found some positives, some absolutes — still leaving the right to the person to complain, still leaving the commission or the director of the commission to investigate and inquire and if they found that there was discrimination, to settle awarding of damages in addition to penalties in the case of awarding of damages and additional penalty as in the case of aggravated instances of discrimination. Let's have some absolutes.

Now I know it isn't possible to have absolutes in every case. But surely we should not be building into this legislation escape hatches for those people who, whatever their reason may be, deem it fit and proper to discriminate and to hide their discrimination.

Mr. Speaker, if I may say so to the Hon. Minister, I congratulate him. I trust, in the selection of the members of the commission and of the person who will fill the role of director, that he will be able to make the same kind of wise selection that he has commenced to make with regard to the Labour Relations Board. Because we have here, I think, the beginning of what may be our ombudsman. At least many of the roles that the commission and the director will perform will be, in a narrow field, similar to what an ombudsman is believed to be responsible for.

I think that they will need a great deal of support from the government and from the public in order to make their job function. I think that we on all sides of this House should, in supporting this legislation, make it clear to the people of the province that this legislation is but a small step forward. Really, the responsibility for its success does not lie in the words in this bill but in the open-hearted way in which the community will receive and recognize their responsibility to make it work.

MRS. D. WEBSTER (Vancouver South): I hadn't intended to speak on this bill because I thought that the Second Member for Vancouver-Burrard (Ms. Brown) had done such an excellent job. But after hearing the Member for West Vancouver-Howe Sound (Mr. Williams), I decided that it was better to let him know that some of the statements he makes are just a little bit picayune. Never before have we had a government that has been so conscious of trying to give the rights of people where they belong, trying to stand up for human rights in every sense of the word.

Many of our bills this year, this session and during the spring session, have projected sections in which discriminatory sections have been removed and in which we have tried to level things out. I feel that this government has done an excellent job on anti-discriminatory legislation in most of the Acts that it has put forward.

I recall one time hearing a great man say, "We live in an imperfect world and we must seek imperfect solutions to our problems." To speak of excellence, who is to decide what is excellence? Is the Member for West Vancouver-Howe Sound to decide what is excellence or is any other Member in this assembly to decide on what is the quality of excellence?

We must find the best solution at the proper time. If it is not perfect, then there is always a chance for it to be amended later or for something new to come in as time requires adjustment to it.

We have seen this happen just last week. The superannuation legislation was brought down in which widows will be given an opportunity to remarry without losing their superannuation. We have seen anti-discriminatory clauses in the labour legislation. We have seen anti-discriminatory clauses brought in in the adoption Act and so on and so on throughout a lot of the Acts that have been brought in this year and I think this is very fine. This is an umbrella Act for the others.

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HON. MR. KING: I would like to thank the Members for their comments on the human Rights Act. I have listened attentively to a number of suggestions that have come forward.

I would like to comment first of all on the suggestion of the Second Member for Victoria (Mr. D.A. Anderson) that section 49 of the *Civil Service Act*, I believe, contravenes the provisions of the new human rights Act. I would suggest to him that he is quite wrong in that assertion. Section 49 of the public service Act simply seeks to give preference of employment opportunity to Canadian citizens.

There is no reference whatsoever to national origin, race, religion or any other aspect. It simply deals with Canadian citizenship. And surely we have the right to give preference to our own citizens within the confines of our country, without offering equal opportunity to people in the Soviet Union or any other country, in terms of employment in this province.

I would suggest that any suggestion that that particular section is based on racial discrimination is dead wrong. I think in the Act it's made quite clear, Mr. Speaker, that we have....

MR. D.A. ANDERSON: Place of origin.

HON. MR. KING: There's no "place of origin" there. Citizenship in Canada is the only criterion. It doesn't matter whether the Canadian citizen has as his place of origin any other country in the world. The citizenship is the factor, not the racial background.

I would point out that in this Act we go further than that. We provide for associations or organizations to be developed to pursue and to expand upon the rights of racial groups, racial minorities and so on.

I think it was the Member for Oak Bay (Mr. Wallace) who spoke about the Caledonian Society and golf clubs and so on. I recognize that there are certain associations formed to advance the cultural and the social interests of particular racial groups and that's fine, provided there is nothing in their activities which contravenes the legitimate

interests of other racial groups also.

The only recommendation I could make to the Member for Oak Bay for improving the Caledonian Society would be to infuse a few more Irish people into the organization. Perhaps that would be a distinct improvement. (Laughter.) However, be that as it may, I want to assure the Member for Oak Bay that both the Hon. Minister of Transport and Communications (Hon. Mr. Strachan) and the Hon. Attorney General (Hon. Mr. Macdonald) would have had something to say had I sought to inhibit the legitimate interests of the Caledonian Society in any way.

The point was made by one of the opposition Members that the commission should bear direct responsibility to the Legislature rather than through any particular Ministry. I would suggest, Mr. Speaker, that it would be an unusual departure from precedent to have a situation where an agency of the Crown, such as the human rights commission, would have no direct voice answerable for its interest in the Legislature. I think that could create some real problems, if no department or no Minister were answerable for the whole function of the human rights commission and the director and the various panels that will be set up under the legislation.

I think the fact that it is certainly more independent, and certainly more divorced from the Department of Labour than was the case heretofore is an indication that we want this agency to function in the communities in an independent and aggressive way, free from any political interference. It's been structured in that particular way.

The Member for West Vancouver–Howe Sound (Mr. Williams), suggested that the "reasonable cause" proposition dilutes in some way the effectiveness of the Act. I want to point out that there has been an extension of the grounds upon which discrimination is prohibited. The "reasonable cause" factor does not in any way dilute any other of those basic causes, such as discrimination on the basis of race, religion, colour, sex, the fact that one might have been convicted. This is simply an additional expansion to come to grips with some of those more subtle nuances on which people are discriminated against.

I don't think discrimination can be approached in an absolute way. There are so many subtle forms of discrimination that an attempt to spell them all out in a definitive legislative way would in my view be a mistake. Obviously many of the subtleties couldn't be, wouldn't be recognized and hence wouldn't be covered by the Act.

So the "reasonable cause" formula, rather than diluting any of the traditional and more recognizable areas of discrimination, offers a broader area. It's a much broader area for any other subtle form of discrimination that might be conceived in society. So I think perhaps he misinterpreted the intent of that particular section.

The Hon. leader of the Liberal Party (Mr. D.A. Anderson) spoke some time ago — quite frankly I forget what he said; it couldn't have been too profound.

One of the points he did make was that he was concerned that perhaps there hadn't been enough opportunity for input. I'd just like to read to the House, Mr. Speaker, a letter that I have just received from the chairman of the British Columbia Civil Liberties Association. It says:

"Dear Mr. King:

"Thank you for your kind letter of October

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30. I have just finished going through your new Bill 100, and somewhat immodestly perhaps have checked it with respect to the 12 improvements which our association had urged to be made in the present Act. I am sure that my board of directors and the members of our association will feel most satisfied to realize that to all intents and purposes 11 of our 12 suggestions are in fact included in the new bill.

"On behalf of our association, may I offer you our congratulations on your new bill which introduces such important improvements over the present Act."

Now certainly that wouldn't indicate that we have failed to provide an opportunity for consultation and for

suggestions from those organizations directly involved in civil liberties and directly involved in fighting discrimination in all its forms.

I suggest, Mr. Speaker, that this belies the position put forward by the Hon. leader of the Liberal Party. As he was wrong in his interpretation of section 49 of the public service Act, so was he wrong in his premise in this regard. He seems to be maintaining his record very well today.

The lateness of the session, Mr. Speaker, I have no control over the amount of time the opposition may want to study the bill. We have had a heavy session in terms of labour legislation and I have attempted to bring forward the legislation as soon as practicable. I have no intention, personally, of placing any strictures upon the amount of time that opposition Members may want to debate the bill or consider it. So, with that, Mr. Speaker, I think it's obvious that this bill does go a long way to improve the whole area of the protection of human rights in this province. I suspect that we will continue to find areas that are not covered. Certainly we have demonstrated our interest in plugging those gaps.

We'll be receptive and we'll be sensitive to additional needs for change; we'll monitor those as we go along. I'll be anxious to hear any representations from any side of the House on additional methods of improving and strengthening this bill as we go along. With that, I would move second reading, Mr. Speaker, of Bill 100, *Human Rights Code of British Columbia Act*.

Motion approved.

Bill 100 read a second time and referred to a Committee of the Whole House at the next sitting after today.

HON. MR. BARRETT: Second reading of Bill 101, Mr. Speaker.

AN ACT TO AMEND THE MINERAL ACT

HON. MR. NIMSICK: Mr. Speaker, in moving second reading of this bill, these amendments apply to a great extent to Bill 44 which we passed at the last session of the Legislature. In clarifying some of the definitions with regard to a free miner's certificate, there was a question as to whether it was required to acquire title to a mining property. We've cleared that up: a free miner's certificate must be kept in good standing. Before it's disqualified, if a person was to forget, the inspector has got to notify the person that he hasn't renewed his free miner's certificate.

The right to use timber on Crown-granted claims is a subject to issue a free-use permit under the *Forest Act*. This wasn't quite clear.

The question of the rentals. At the time you record a claim now the rental is \$5 for the first year for the new claims, and this covers the recording which places the recording of claims for the first year in the same situation as it was previously, except that the work requirement, of course, still stays at \$200.

If they do the \$200 work it's to clarify also that the rental fee will be only \$10. If they fail to do the work and pay in lieu of work, they pay \$20 as a rental fee; and in the following year if they do twice the amount of work, they get a refund of the \$10 that they paid extra. One of the most important items of all in this bill was the one item, I think, that the industry was most perturbed about; it was in regard to the production lease.

MR. J.R. CHABOT (Columbia River): Royalties.

HON. MR. NIMSICK: Royalties aren't in this Act. This is the mineral Act.

AN HON. MEMBER: He doesn't know the difference.

HON. MR. NIMSICK: This doesn't deal with royalties.

Interjections.

HON. MR. NIMSICK: The industry had the idea that the Minister may or may not give a production lease once they've fulfilled all the requirements of the Act. It was never my intention that this should have been read into that bill. But seeing that they did read it into the bill — and they were quite emphatic about it — to clarify their minds I made an amendment in this bill which says that once they fulfil all the requirements, they will receive a production lease.

Interjection.

HON. MR. NIMSICK: This is Bill 101. This is the most important item, I'd say, in the bill, except for the clarification of other clauses. I move second

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reading of this bill, Mr. Speaker.

MR. RICHTER: In light of the fact that our statute books do not contain a consolidated statute taking in the provisions of Bill 44 along with this one, compared to the previous Act, it's rather difficult to analyse the effects that this new Bill 101 will have on the final consolidated Act.

Interjection.

MR. RICHTER: Well, of course, we look for it here within the statute books. However, there are probably some areas in which there is grave concern as far as the mining industry is concerned — mostly within the area of royalties, which they had anticipated would be in the legislation, plus the fact of the production permit. Now the Minister has stated quite rightly that this has been an area of concern. It's a matter of opinion as to how you interpret it. In this particular Act it's spelled out much more clearly. I know the Hon. Minister is a man of his word and he will stick by his explanation.

MR. WALLACE: Just to save time in committee, since this question of the production lease seems to be the only really contentious part of this bill: the Minister stated in introducing second reading that, in terms of a production lease, all the prospector or the company has to do is to meet certain specific requirements in regard to pollution control and other conditions. But, with respect, the section still could be interpreted as giving the Minister control over the issuance or non-issuance of such a production lease.

Could the Minister perhaps just clarify when he closes the debate that there are certain clearly defined, specific steps which can be undertaken, and once these are undertaken there would be no hesitation in allowing production to go forward?

I think the fear of the industry, as I understand it, was that there might be various reasons revealed, or otherwise, which would be used by the Minister to prevent a production lease being granted. But I understand from his statement today that this is not the case. Therefore, would he just reassure us that the various steps the company would have to fulfil are clearly defined, and that once they've met these conditions, there should not be any question about them being given the lease they seek?

MR. SPEAKER: The Hon. Minister closes the debate.

HON. MR. NIMSICK: As far as the production lease goes and getting into production, if it concerns other departments such as . the Pollution Control Board and the Recreation department, I have no control over those. They may be able to hold up any production lease.

Now the requirements are pretty well written out in the former bill, because we want to know exactly the feasibility of the mine, we want to know the plans and we want to know the social consequences of the mine going into production. And we want to know the life of the mine so that, if you're going to build a community that's

depending upon that mine, we can prolong it. We want to know that the metals are being taken out there to the maximum amount, rather than maybe just being creamed. These are the points that are quite definite in the former Act.

At no time did the industry say anything to me in regard to the points in question. All they wanted was a section in there stating that if they fulfilled all these requirements we wouldn't say, "You couldn't have a lease." I agree with you that if you want to manipulate words you might read something into it even today, and even into any Act where you can stop something from going ahead; but that's not my intention. The intention here was to clarify the industry's mind so that they would be able to do that.

I know that they're waiting for the question of royalties. I might say just on that point that royalties don't enter the picture in this bill. I had hoped that we would be able to bring in the question of royalties at this session, but the legal-beagles were a little bit slow and it came to the point where, if we brought in a bill such as that at the last few days of the session, it would neither be fair to the opposition nor fair to the industry. I feel that they should have an opportunity to consider any bill of that scope. At this late stage in the session I am opposed myself to bringing in a bill such as that.

AN HON. MEMBER: Early next session.

HON. MR. NIMSICK: Mr. Speaker, I move second reading of this bill.

Motion approved.

Bill 101 read a second time and referred to Committee of the Whole House at the next sitting after today.

HON. MR. BARRETT: Second reading of Bill 107, Mr. Speaker.

AN ACT TO AMEND THE MINERAL LAND TAX ACT

HON. MR. NIMSICK: Mr. Speaker, in moving second reading of this bill: if you remember, we passed the *Mineral Land Tax Act* at the last session, and there are two points in this bill. One is that we now include in the definition of minerals:

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construction stone, limestone, dolomite, marble, shale, clay, gravel, and all the other things that may be included in that. Also it gives the right to anyone who owns mineral rights in land to relinquish those mineral rights, at no cost to himself, to the Crown.

Interjections.

HON. MR. NIMSICK: The most amazing thing was that it is the railroads that want to surrender some of their mineral rights. I understand there are others too that have mineral rights and would like to surrender them ahead of time. They don't want to have a tax notice sent out to them and then be caught in default of taxes. So, before the tax notice comes, if they want to surrender their mineral rights this year, or before that time, they can do so.

MR. GARDOM: Which minerals were you referring to?

HON. MR. NIMSICK: The mineral rights where an individual or a company own the mineral rights in the land. Some of them own both the surface rights and the mineral rights. These are Crown-granted claims, and Crown-granted lands of long standing.

AN HON. MEMBER: It doesn't apply to Indian reserves?

HON. MR. NIMSICK: No, nothing there applies to Indian reserves.

I move second reading.

MR. RICHTER: Mr. Speaker, when the Minister winds up I would like him to advise us whether this also covers freehold mineral holdings, which originated many, many years ago.

I have the impression now that anyone who has a Crown-granted mineral claim — and, of course, this was covered in the previous Act too, as far as production leases are concerned — but with Crown-granted mineral claims there is really no percentage now in holding a Crown-granted mineral claim as such. The best thing is to be a benevolent sort of a person and turn it over to the provincial government, because they'll have it before very long, anyway.

AN HON. MEMBER: Hear, hear!

MR. P.L. McGEER (Vancouver–Point Grey): Mr. Speaker, section 2 of this Act.... We'll debate the individual sections in committee, but it seems to me that there is an ominous principle in this Act. The first is that we are going to enlarge considerably the definition of "mineral," so we'll get a lot more people under an umbrella. The next thing is that you say if they want to give the Crown their mineral rights, they can go ahead and do so. Well, I don't know what would ever prevent anybody from giving something voluntarily to the Crown.

When a government brings something like this in, it just naturally makes people like myself a little bit suspicious. Just what kind of a taxation stunt are you going to pull that will make people want to give you the mineral lease before you even ask them? What kind of friendly persuasion do you have in mind as you hold a blackjack over their heads? It just has an aroma about it. I was going to say an odour, but I thought maybe the Speaker would take offence to that description.

Here you are in one section enlarging the definition so that you gather more and more people inside the pen, and then you say, "Surrender your mineral rights now before you get the tax notice." And we don't know what kind of tax notice is going to come out. So here's some fellow who may have worked all his life to discover a gold mine. There he is, not quite in a position to develop it and bring it into production, but suddenly he gets a dark letter from the socialist government....

MR. GARDOM: A red letter.

MR. McGEER: Dark red. (Laughter.) None of this pinko stuff — they're in now.

So certainly he decides, "Maybe if I don't give all this up to the Crown so they can develop it and reap the benefit of my hard work, they're going to send me a tax notice, and before I know it they'll be taking it from me and trying to collect back taxes as well." That's what it seems to me is the principle of this particular bill.

Perhaps there are all kinds of good reasons for this that we don't understand which the Minister hasn't yet explained. But if it were just an honest transaction between the government and hard-working citizens of the province, you wouldn't expect to find this kind of wording in an Act. I think the Minister owes the House just a little bit better explanation.

You know, Mr. Speaker, I hope you give us one and it will be clear, because it was Oscar Wilde who said, "To make oneself clear is to be found out." I really think that's why we get such persistent bafflegab from the government benches, and I think that we ought to have an opportunity to find the Minister out.

AN HON. MEMBER: Come clean, Leo.

MR. GARDOM: I just want to make one small observation while considering this bill, Mr. Speaker. I don't know whose bailiwick or responsibility this is, but once again we find that the 1973 amendments are not within the chamber. This makes it exceptionally

awkward for all of the Members, and I do wish that whoever is responsible for having the statutes in this chamber and up to date would get to it and get them in here.

AN HON. MEMBER: Hear, hear!

MR. SPEAKER: I quite agree. I agree with the Hon. Member. I may point out that I have asked the library to send in the 1973 statutes. They should be in there at each side and I have sent a note out immediately.

The Hon. Minister of Mines closes the debate.

HON. MR. NIMSICK: Mr. Speaker, in reply to the Hon. Member for Boundary-Similkameen (Mr. Richter), I couldn't help but catch that last little phrase that he added there, but I don't think that he really meant it.

The idea of this amendment didn't come on my request. It came on the request of a railroad company, because they said there was no provision in the Act to surrender the mineral rights to the province, and they wanted this right.

Interjection.

HON. MR. NIMSICK: No, in our statute there was no provision made that they would surrender, and they wanted it. I imagine it was a lawyer like yourself that did this, because I'll tell you the lawyers are the greatest people of all to figure out these questions.

MR. GARDOM: You're attacking your son, your own son.

HON. MR. NIMSICK: I know. But there are others, too, Mr. Speaker, who I am sure probably own land that has mineral rights with it, but have no minerals.

AN HON. MEMBER: Yes, the Indian people throughout the province.

HON. MR. NIMSICK: With regard to the taxes that we placed in this bill in regard to 25 cents an acre and up to \$1 an acre on the railroad company, they may not want to pay it so they can return the mineral rights to the Crown and that will save them paying it.

Now, when you speak of giving a tax notice and then collecting taxes, if you don't pay your taxes on your home you sure will lose your home. I have stated that the railroad companies didn't want to go to the extent of being billed and then having to surrender or wanting to surrender, so they asked me to bring in an amendment that would provide that they would be able to surrender their rights.

AN HON. MEMBER: Why?

HON. MR. NIMSICK: So that they wouldn't have to pay taxes on the mineral rights — that's why.

I move second reading.

Motion approved.

Bill 107 read a second time and referred to Committee of the Whole House at the next sitting after today.

HON. E.E. DAILLY (Minister of Education): Second reading of Bill 105, Mr. Speaker.

AN ACT TO AMEND THE HOSPITAL ACT

HON. D.G. COCKE (Minister of Health Services and Hospital Insurance): Mr. Speaker, Bill 105 is,

generally speaking, housekeeping. There are a number of principles here so it is very difficult to discuss the principle of the bill other than to say that we want to first work with the definitions. There have been a great many concerns over what definition for chronic illness should be used, and so on and so forth. So we are indicating there that when we're talking about chronic care for people we're talking now specifically about extended care and rehabilitative hospitals. We felt that that should be amended now in section 3. It was overlooked at the time we began working in that direction.

Now, there is another section in the bill, Mr. Speaker, that deals with hospital societies and their board representation, et cetera. A number of hospitals such as the Vancouver General, by virtue of its size, and the Royal Jubilee, by virtue of its size, and the Royal Inland at Kamloops, have had for some years more than one government representative. We felt, under the circumstances, that because the law, up until now, has only permitted one representative, we should bring in an amendment here that would permit the kinds of things that are actually going on. So therefore that amendment.

Section 3 is just permitting the chief inspector, who happens to be my Deputy, to himself have a deputy chief inspector to act in his capacity when he's not available. Lately he's been travelling out of the province a good deal, Mr. Speaker, going down to Ottawa and talking to the Ottawatonians (if that's what they're called) about cost-sharing and things like that, having some success with their deliberations, but so far not coming anywhere near B.C.

Section 4 of the bill deals with section 42 of the Act. For a number of years now labour negotiations have been going on with the B.C. Hospital Employees' Union and other unions in the hospitals.

Under that Act at that time, under section 42,

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they had to resolve the negotiations by November 30. I don't think ever in history did they actually resolve negotiations by November 30. We have amended that very redundant section to not indicate that date any longer. When they don't fulfil the requirements of the Act and it still goes on, then something has to be done about the Act. Therefore, that is housekeeping in that legislative section.

Then section 5. When the *Public Works Fair Employment Act* was put last session, it wasn't thought that that Act had anything to do with hospital construction. We have a number of small hospitals in outlying areas where it certainly isn't in the best interests to go seeking unionized contractors in the larger areas. We are just taking that *Public Works Fair Employment Act* out of our Hospital Act, seeing to it that it is not in a position where it takes hospitals into consideration. We are opting out of that area of law so that hospitals have the right to deal with the smaller contractors in their own area. It doesn't apply to very many areas but it applies to some.

Interjection.

HON. MR. COCKE: That's right. So, Mr. Speaker, with that, I'll let the debate go raring and roaring on and move second reading in a few minutes.

MR. RICHTER: In light of the fact that the Hon. Member for Langley (Mr. McClelland) is unavoidably absent today, I would move adjournment of this debate until the next sitting of the House.

Motion approved.

HON. MR. BARRETT: Is the Member for Langley handling 109 as well, Mr. Leader?

MR. RICHTER: Yes.

HON. MR. BARRETT: Second reading of Bill 114, Mr. Speaker.

AN ACT TO AMEND

THE PUBLIC SCHOOLS ACT

HON. E.E. DAILLY (Minister of Education): Primarily in this bill there are just housekeeping amendments, housecleaning up some cobwebs left over from the former administration.

However, aside from the general clean-up regulations in the Act, we also have, as you have had time to notice, a number of amendments which are necessary to correlate with the *Municipal Act* amendments. I know you have already debated that in first reading so I don't think it is necessary for me to explain and go through item by item. Even on general first reading the basic changes are applicable and correlate with the *Municipal Act*.

I am delighted, of course, that with the school boards we are now able to have everyone declared an elector. I think this means truly democratic participation in our school-board votes for the future.

The other major section of this Act has to deal with the restoration of the compulsory membership for the B.C. Teachers' Federation. This is not something new which we are bringing in; the B.C. teachers were given the right to compulsory membership back in 1948. I think we are all aware that in 1971, I believe, it was withdrawn by the former government for various reasons.

We feel very strongly that the teachers are a professional organization. At their last convention an overwhelming majority of them supported the idea of going back to compulsory membership. I sat in on their last convention and listened to the debate. I was made quite aware that that was the majority feeling of their members.

I think we should realize that it is really for the benefit of the children of British Columbia that the teachers had this right restored. Once again they now have a chance to really police their own ranks professionally. I am not saying that they did not do that in the last two years when they had compulsory membership withdrawn but it certainly did not make their job as easy.

Now the teachers have to belong to the B.C. Teachers' Federation and they have to abide by a certain professional code of ethics. I see the great advantage of this in the fact that they once again will be able to ensure that all the teachers who are teaching in the province must abide by the professional code of ethics which they themselves draw up. I always feel it is better for the teachers themselves to police their own ranks when it comes to professional ethics. I do hope that we will look at this restoration in that very positive way when the debate ensues.

The other major point in the amendments before you has to do with the basic levy. As most of you are aware, we are now bringing in an amendment to this Act in reference to the basic levy, which simply means that all districts in the province will be liable for having a basic levy placed upon them.

I know many of you know the finance formula, those who have been in the House for a number of years particularly. Each board is assessed a basic levy under the finance formula. The government approves the basic operating budget for each district and then picks up the difference between the basic levy as it applies to the district and the approved operating budget.

We have anomalies in our province which we consider are not creating an equitable financial system throughout the province. For instance, we

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have certain districts which, because of their high assessment rolls, have not had to reach even the basic levy; other districts have to pay their own local taxation on top of that basic levy.

To explain it more clearly I would like to give you examples of the present situation which we consider should be rectified by voting for this amendment. We'll take the district of Lillooet. Its current basic levy is 13.20 mills and their total levy for school tax last year was 15.54 mills. The provincial average is 32.76 mills. So you can see that the basic levy applicable to all boards in the province is 24.7, but Lillooet, with the high assessment feature of their district, did not even have to come up in their total mill rate to the basic levy.

We are suggesting to you that this does not create equity. Other districts involved this year would be the Gulf Islands, Kitimat, Fort Nelson and Vancouver Island West. We are suggesting in the amendments to the Act before you that these areas be phased in gradually to lift their basic levy. We do not think it is fair to immediately insist that these districts come up to the 24.7 levy next year; we realize this would have too much of an effect immediately on the large corporations and the small businessmen in the areas. But we do feel, in the interests of equity, that all districts should be phased in to at least producing the basic levy.

I know you will probably be asking me what happens to the money that will be accruing when this is brought in. The intent of the government will be to take that extra money which accrues from each of these districts and place it in consolidated revenue. The government will then return the moneys from consolidated revenue to the various districts in the province. We feel that this is the only fair way to go.

We probably will be faced with further anomalies as the years go on. We think this is the time now to bring in this legislation in preparation for it. That is the basic reason for that amendment and I would certainly hope in the interest of equity that we will have support for it.

The Member for Oak Bay (Mr. Wallace) I am sure will be interested to see that there are some amendments relative to questions he brought up on the payment of tuition. It certainly is not what you wanted in its entirety but I think it is an improvement. We are no longer going to charge fees or give school boards the right to charge fees for any student who never completed grade 12 but has left school and wants to return. In the past a board could charge any adult or young person a fee if they returned into the system. We think this is not the way to encourage people on in recurrent education. So that has been eliminated.

The matter of moving from district to district, you will note in the amendment, will be handled through regulation. What we are hoping is that in the regulations we will meet with the school boards and discuss a better means of settling the payment between two districts if one child moves to another district.

Each district, as I said before when we were debating the private Members' bills, varies in its student cost. Our main intent will be to see that we can make the burden on the parent as minimal as possible. Instead of laying it down in black and white, we will be able to work this out through regulation.

I really do not think that there are any other major amendments here that need any elaboration now. We certainly can deal with them section by section when we do the various clauses.

MR. H.W. SCHROEDER (Chilliwack): In reviewing Bill 114, *An Act to Amend the Public Schools Act*, we are delighted with many sections; we have questions with some sections. Once again, it is a bill that tries to make a lot of corrections in one issue and, as a result, it's a little difficult to find a single principle in the bill. In debating it, it's almost impossible to do it without going into the sections.

However, I was interested in what the Minister had to say about moving towards democracy. We welcome any move that would assure a real sense of democracy, particularly in the area of elections of trustees and representatives to the school boards.

There is going to be a change in the list of electors. We know this as a result of a bill that's before the House, the *Municipal Act*. There's going to be a new list of electors and, from the list of municipal electors, it shall be determined who is going to be on the valid electors list for school-board elections.

I am just concerned about one thing: in moving toward democracy, have we really taken enough steps in the right direction when we change the meaning or classification of electors from an owner-elect or a tenant-elect to a resident-elect? I am aware of the fact that only a small percentage of the funds raised for school purposes actually come through property taxes. However, perhaps 9 or 10 per cent does come through direct land taxation. As long as we have a formula which allows us to raise the funds by land taxation, I don't think we are moving in the direction of democracy to remove the right to vote of those persons who had that right to vote by virtue of their land ownership.

For instance, we can now have a man who has an apartment building of 14 suites. He has 14 different tenants in that apartment building and all 14 of them have the right to vote because they are resident electors. The owner of the building himself has the one vote to which he is entitled — one man, one vote. However, it is his property against which there is an assessment and from which the taxation is being extracted. It seems to me that it is not really democratic to give his tenants 14 votes when the taxation is

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against the property, the owner only having one vote. I can see the problem is a difficult one. I believe that the children of tenants of apartment houses should have just as much say as to what will happen, who shall be their representative on school boards, as the owner does.

I think that the answer, Mr. Speaker, is that we need to move as quickly as possible toward the removal of even the 10 per cent of revenue for schools from the property tax itself; we should find a new way of taxation so that it is more equitable. I don't know whether it would be better to do it on an income basis or whether it should be done on the basis of how many children are actually in school. In an era when it is becoming more popular to have fewer children, we must find a way to gain our revenues on a more equitable basis, I believe, than ownership.

Another matter that comes up in the bill is not just the fact that the electors list is going to be changed but the qualifications of those who are running for trustee and representatives are also being changed.

Now, as I understand the bill, Mr. Speaker, no longer is residency one of the qualifications to be a trustee or representative in any given school district. No longer is it a qualification that you must be a resident of that district but now you can be a resident of any district. Someone from the Peace River country could become a trustee in a school district — fairly urban, right in Vancouver. I see this as raising perhaps more questions than it answers. I would like the Minister, when she closes the debate, to give us some reasons as to why this particular move has taken place.

I also noticed that the right to vote has been taken away from absentee-owners, also from corporation agents — which corporation agents represent the corporations which also have assessments against their property. They contribute largely, I believe, to the funds that are being used in the expenditures of the operation of schools.

I also have a question about why you need no longer to be a Canadian or British subject in school matters. If we are going to run for a Member of the Legislature, we need to be a Canadian citizen or a British subject. If we are going to be on the voters list, the provincial voters list, we need to be a Canadian citizen or British subject and I want to know why, in school matters, is it no longer necessary.

I noted, with interest, the section that talks about the compulsion to join the B.C. Teachers' Federation. The Minister, in her opening remarks, noted that at the convention at which she was in attendance, the teachers voted in vast majority to maintain compulsory membership in the B.C. Teachers' Federation. I am wondering was that convention not a delegate convention and was there not a small representation of the teachers' actual membership there? And was it not perhaps 10 per cent of the teachers that voted for the entire membership and can we really know for certain that a vast majority of the teachers really wish to be forced into membership in the B.C. Teachers' Federation?

I have no objection to membership in the B.C. Teachers' Federation. I understand that the advantages by far outweigh the costs. For this reason the teachers themselves, even when they had the opportunity to opt out of membership in the B.C. Teachers' Federation, elected to remain in membership. I think that the figures are something like 96 or perhaps 97 per cent of the teachers stayed right there. Some opted out. Just a few did. Undoubtedly the ones that did, did it for personal reasons. Maybe some of them for reasons that it was against their conscience and I am wondering if we shouldn't include in this compulsion to join the B.C. Teachers' Federation the same exemption that we have in the Labour Code and that is to give a person whose conscience is hurt by membership the chance to opt out.

Once again, I think we are talking about very, very few teachers, but I think that when we are concerned

under a bill like the human rights bill about the rights of minorities, I think we should protect their rights in a bill such as this and at least prove to the people of British Columbia that we can be consistent in this regard.

The reason given for absolute membership in the B.C. Teachers' Federation is a good argument. It says "it would be easier to discipline the membership if all were members". I can see the problem if you give a teacher the option of opting out of membership if they happen to be a teacher who needs the discipline which the B.C. Teachers' Federation can give them. They could excuse themselves from membership just to get out of that discipline. I can see the problem and I don't have an answer for that particular problem. Nonetheless, I think that the freedom of every individual needs at least some recognition. Let's be consistent in this business of compulsion.

I was interested in the section that talks about expulsion of teachers from their jobs as teachers by the B.C. Teachers' Federation. Without going back to the section and reading what is involved, I notice that a student, in being expelled from school, first has the right to be given written notice of expulsion and to have the right to meet together with the parents and a member of the school board, as I understand it, and perhaps members of the school staff, to explain the reason for expulsion before it can be enacted. That's great!

But I'm wondering why the same opportunity is not given to a teacher who is up for expulsion — if I can use that phrase. Should he or she not be given the right by a written letter to have an audience with a

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member of the board and perhaps some other members of the staff without having an arbitrary decision made by the B.C. Teachers' Federation, who after all is not the employer but only a representative of the employees?

There were a few more questions that came up. One is the recovery of fees for out-of-district pupils. It's a ticklish problem. I've listened to debate in question period and at other times when the Hon. Member for Oak Bay has discussed this problem with the Minister. I think, Mr. Speaker, that although there is an attempt made in the bill to rectify this problem, I don't think that it's really going to do the job.

The reason I say that is that on an increasing basis, when the world is shrinking and it's far easier to move from one school district to another, we are going to have to find a way whereby the expense, or the fee for that student's education, is not recoverable only from the parent. After all, the parent is on that list of electors in some municipality. That parent is already contributing to the cost of education in some means or other.

Because the student moves to another area, does that mean that the parent should assume double responsibility and contribute in the municipality where he lives as well as the area where the student is attending? I think not. I think there should be some measure of control so that students are not encouraged to move from one district to another, but why not recover let's say 40 per cent or 30 per cent? Work out the formula according to some tests, Madam Minister, but let the parent be responsible for maybe a third of the additional cost of the education and let the department transfer the funds from one district to another on some recognized basis.

I would like the Minister, Mr. Speaker, to explain to me why work that is done for the school district in its repairs or its construction is not subjected to the *Public Works Fair Employment Act*. I think that we are giving either special treatment or preferential treatment. Once again we are taking one segment of the work force and saying, "When you're doing a job for the government over here, you've got to belong to the union, friend, but as long as you're going to be doing it for the schools," — and I noticed in my study it appeared in another bill as well — "when you're doing it over here, you do not have to belong to the union."

They offer some protections. They say that fair wages will be paid and fair working conditions must be maintained. But why have this exemption? I don't understand and I'd like to have the question answered.

The only other area of any import that I see in the bill is the one on the equalization of taxation, where the areas which have heavy industrial tax bases, whose mill rates are low, will be taxed at a constant levy and the funds that come in, the excess funds that come in from that district are going to be taken into a consolidated fund and disbursed at the will of the Minister.

I would like to say that that's a good extra source of revenue. Perhaps those revenues that are taken in, which we have not been realizing before, could be designated to special projects. For instance, perhaps that revenue that we have not been experiencing before and which basically comes from the industrial segment, might be earmarked for independent schools. This is just a hint.

I know that the cost of education is rising. I know the graph shows that perhaps by 1985 the cost of education alone will nearly equal the entire budget of 1973. In spite of this, I think when we have extra revenue that we haven't realized before, we could be designating those funds for those people who are helping us in the educational field, whose curriculums are equal to ours, who again have a desire for recognition of their individual freedoms. But this is just a suggestion.

Thank you very much, Mr. Speaker.

MR. McGEER: Mr. Speaker, I don't intend to debate this bill at any length, but there are a number of interesting changes that the Minister of Education has brought forward.

Interjections.

MR. McGEER: Speaking on those aspects that deal directly with education, Mr. Speaker — I hope I can be heard in this chamber — we're disappointed that the government has failed to follow through to any significant extent on the pledge that it made during the last election.

Interjections.

MR. McGEER: May we have some order, Mr. Speaker, please? (Laughter.)

MR. SPEAKER: Order!

MR. McGEER: I think it would help if the government would listen occasionally, you know.

HON. MR. BARRETT: How can we? You keep running out of the House.

MR. SPEAKER: How much order do you want?

MR. McGEER: Mr. Speaker, I don't think the Premier likes to be reminded of the promises that he made the electorate.

Interjections.

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HON. MR. BARRETT: That's right. Stick around and you'll hear the answers.

MR. McGEER: One of the commitments that he made was to remove school taxes from residential land. We're still in the position in British Columbia where the people who can least afford to pay are bearing the heaviest burden of this property tax for educational purposes. I refer to those people who lack sufficient funds to own their own home and qualify for the homeowner's grant and thereby must pay educational costs as a portion of the rent that they have to meet each month.

When we engage in the sort of manipulation that goes with partial coverage of education costs when a student moves from one district to another, or when someone decides to return to school after having left the educational system and worked for a few years, what we're really doing is making a gesture to those people who are already paying a tax which they resent and which they quite properly feel is not a just tax.

MR. SPEAKER: Excuse me, Hon. Member, you called for order a minute ago. I was wondering if I might call for order now. On the question of what you are discussing, is it in the bill somewhere? I may have missed it.

AN HON. MEMBER: Of course it is.

MR. McGEER: Of course it is, Mr. Speaker.

MR. SPEAKER: What section are you referring to?

MR. McGEER: Well I don't want to go into the individual sections now, but the whole question....

MR. SPEAKER: You might go into it long enough for me to find out what principle you are discussing.

MR. McGEER: Do you want me to debate it section by section, Mr. Speaker?

MR. SPEAKER: Not really. I just want to know if there's some principle in the bill that I missed.

MR. McGEER: Well, why don't you read section 32 for a start?

MR. SPEAKER: Thank you.

MR. D.A. ANDERSON: That will keep him quiet for awhile.

MR. McGEER: It's an amendment to section 201 of the Act, page 8 of Bill 114, top left hand side of the page.

MR. SPEAKER: Thank you very much. I'll read it while you keep talking. (Laughter.)

MR. D.A. ANDERSON: Let him read it first.

MR. McGEER: What this deals with is the basic levy for educational purposes. The problem that is raised by this particular section, even though it's amended, is that we're failing to get at the real problems created by educational tax being on the land.

I refer again to the commitments that the Premier made before he got into office about removing educational taxes from the land. The fact is that he's been in power now for three sessions, with three opportunities to make some progress; the fact is that he's got over \$300 million more in revenue this year than he declared to us in his budget. At no time has the Premier or Minister of Finance been in a better position to implement policies and promises in the educational line than that Premier and that Minister of Finance today.

Interjection.

MR. McGEER: Yes, I think it's well to remind the Premier of his promises on the eve of his party's convention. Of course we have this tremendous rush to finish this session so that he and his colleagues can attend that convention and not have it conflict at all with the time in the House.

HON. MR. BARRETT: We wouldn't want you to miss your plane.

MR. McGEER: We wouldn't want you to miss a convention either. And we wouldn't want you to forget the promises that you made to the electorate. We wouldn't want the public to be under any delusion, Mr. Speaker, that the financial wherewithal is there for the government to implement the promises that it made to the public of British Columbia. I presume those promises had something to do with the election. Perhaps I'm wrong.

MR. SPEAKER: Excuse me, Hon. Member. I take it you're complaining in the burden of your speech of the omission to put something in a section of the bill. Really, you are not debating what you referred me to at page 8, but something which the government did not put in the bill.

MR. McGEER: No, Mr. Speaker, it's really the method that is used in that section and the particular disadvantage that that method brings to some of the disadvantaged people in British Columbia. That was

what I was addressing my remarks to.

MR. SPEAKER: I gather you have pretty well covered it. Now can we get on to the principles of the bill?

MR. McGEER: Well, certainly now I'd like to discuss another principle. Mr. Speaker, this one was referred to by the Minister and the Member for Chilliwack (Mr. Schroeder). It's on page 7, the lower right hand side, section 31, and it refers to the lack of application of the *Public Works Fair Employment Act*.

It's interesting to me, Mr. Speaker, that the Minister of Education really doesn't believe in that Act. It seems as though the Minister of Health (Hon. Mr. Cocke) didn't believe in the Act either, because there was a similar section in a bill that was just adjourned by the House.

It seems as though those two Ministers, unlike the Minister of Labour (Hon. Mr. King) and the other cabinet colleagues, are prepared to accept everything which the opposition Members said in this House when that Act was first introduced when it applies to their interests — in the case of the Minister of Education, of course, it's when it applies to schools — then they believed what the opposition says. But as long as it isn't their own particular ox that's being gored, they're quite happy to have the application of this Act foisted upon others.

I'll tell you, Mr. Speaker, the day after that particular Act was passed, I was telephoned by a small businessman in British Columbia who happened to be doing business with a Crown corporation — not with a hospital, not with a school — and he wouldn't permit his name to be used publicly. He was called up the morning after that Act was passed for third reading in the House, before it had received royal assent, by a union leader who phoned up the manager of the firm and told him that he'd better get his employees signed up with his union or else.

Now it so happened that the employees of that particular firm were getting better wages than the union contract demanded and there was no way that they wanted to belong to that particular union. They had a free choice, but it was a straight question of intimidation which was the immediate consequence of the Act. Of course that particular union official must have been informed directly of what was going on in government or he would not have been in a position to put that kind of telephone call through before the bill received royal assent.

Now I just want to tell you that this is the consequence of some of the legislation that has been passed, that when it comes to the Minister of Education or the Minister of Hospital Insurance, they want to be certain that they don't have to be on the receiving end of that kind of thing. And so they bring in legislation to exempt themselves from the effects of that particular Act.

Why is it, Mr. Speaker, that the Minister of Education would want to exempt herself, or the Minister of Hospital Insurance would want to exempt himself? They want to exempt themselves, Mr. Speaker, to be spared the burden of school districts coming down and complaining directly to them of the harm that this particular legislation would do in their areas. It's exactly the kind of thing that the Members of the opposition discussed when the bill itself was brought up last spring.

Like the Member for Chilliwack (Mr. Schroeder), Mr. Speaker, I was disappointed that the financial sections of this particular Act — and if you look through the Act you will find them, as the Member for Chilliwack did — didn't mention some measure of support for independent schools. I certainly don't want to discuss the question of support for independent schools under this particular Act. But the question was raised by the Member for Chilliwack and I want to take a moment or two to express my support for the general concept and my disappointment once more that the Minister of Education has not seen fit to provide some measure of assistance to the independent schools who relieve her of the cost of educating some 25,000 school children in British Columbia.

Finally, Mr. Speaker, on the question of section 147, compulsory membership in the B.C. Teachers' Federation, the former government removed the compulsory clause which existed for almost 20 years, I haven't had any information directly as to the consequences of that change, but I gather that nearly all of the teachers opted to remain with the B.C. Teachers' Federation.

Since that was the case, I wonder if the Minister of Education might explain why there was the request that the compulsory clause be re-introduced. Because it strikes me that the federation might be just a little bit stronger if it had the overwhelming majority of its membership there on an entirely voluntary basis. Then there would be no question that the people who are members of that federation did so out of an honest desire to be members and an uncompromising respect for the organization and what it attempts to achieve.

I'm against compulsion of any kind in a free society, although I think we recognize that there are certain forms of compulsion which must be put forward in our legislation. Whether this is one of those areas where compulsion is absolutely essential is not clear to me from what the Minister has said. So perhaps, in winding up the debate, she could give us some idea of exactly how many people did opt out of the B.C. Teachers' Federation and what harm it did by having those people follow their independent course.

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Mr. Wallace moves adjournment of the debate.

Motion approved.

WEATHER MODIFICATION ACTIVITY ACT

Hon. Mr. Williams presents a message from His Honour the Administrator: a bill intituled *Weather Modification Activity Act*.

Bill 118 read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

Hon. Mr. Barrett moves adjournment of the House.

Motion approved.

The House adjourned at 5:53 p.m.

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