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Official Report of
DEBATES OF THE LEGISLATIVE ASSEMBLY
(Hansard)

WEDNESDAY, APRIL 18, 1973

Afternoon Sitting

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The House met at 2 p.m.

MR. SPEAKER: The Hon. Minister of Highways.

HON. R.M. STRACHAN (Minister of Highways): Mr. Speaker, I would like to introduce to the House a man who was one of the great Ministers of Education in this province when he was a Member of the former government, and with whom I sat for a time in opposition, down around there somewhere, 20 years ago this session, Mr. Bill Straith and Mrs. Straith.

MR. SPEAKER: The Hon. Minister of Health Services and Hospital Insurance.

HON. D.G. COCKE (Minister of Health Services and Hospital Insurance): Mr. Speaker, with leave of the House, I'd like to make a statement.

Leave granted.

HON. MR. COCKE: Mr. Speaker, today I am making a recommendation to cabinet that we establish a three-man commission and an inquiry into the use of pesticides in the province.

As you know, there has been a great deal of criticism on 2,4-D; 2,4,5-T and other herbicides. Therefore, I'd like to announce that I'll be asking cabinet, through the Public Inquiries Act, to appoint Prof. Courtland MacKenzie, M.D., chairman of the Department of Health Care and Epidemiology at UBC Medical School. Dr. MacKenzie is also a public member of the Pollution Control Board. Dr. Bill Oldham, Assistant Professor of Public Health Engineering, Department of Civil Engineering at UBC, will be a commissioner. The third member of the inquiry is yet to be appointed and/or suggested.

I think it's very important right now, Mr. Speaker, in that these two herbicides particularly, are getting a great deal of public attention. As a government, we feel that there should be some very definite direction established for our new policies.

MR. SPEAKER: The Hon. Member for Langley.

MR. R.H. McCLELLAND (Langley): Mr. Speaker, I'd just like the House to join with me in welcoming to the gallery my wife, and my mother who came out from Calgary and is spending a few days in British Columbia.

MR. SPEAKER: The Hon. Member for North Okanagan.

MRS. P.J. JORDAN (North Okanagan): Mr. Speaker, I would just like to refer back for a moment to the Minister of Health's statement, if I may. In light of the fact that he will be studying pesticides and herbicides, has he entertained any idea of placing someone on the committee who is familiar with agriculture and its problems?

I realize that public health must come first, but it would seem most unwise not to have anyone there related to agriculture, who would recognize the immediate problems.

HON. MR. COCKE: That's an excellent suggestion, Mr. Speaker. That's the reason we haven't named the third person. The person whom we would like to appoint, unfortunately, cannot communicate with us at the moment. Therefore I'm delaying the appointment of that person, but with that very thought you suggested in mind.

Introduction of bills.

Oral questions.

MR. SPEAKER: The Hon. Second Member for Victoria.

CONTRACT BETWEEN GOVERNMENT OF B.C.

AND SEATTLE CITY LIGHT

MR. D.A. ANDERSON (Victoria): Mr. Speaker, in view of the fact that Mr. Russell Train, who is at present with the American President's Council of Environmental Advisors, has stated that in the American government's view, a continuing contract exists between the Province of British Columbia and Seattle City Light, may I ask the Premier whether the government has had contact with Seattle City Light, their contractual partners, and informed them clearly of the desire of the Province of British Columbia to step out of our contractual obligations?

I HON. D. BARRETT (Premier): Mr. Speaker, this question has been asked before and answered before. I say again that we have instructed our federal government of the position that the Government of British Columbia has, that is, against the raising of the Ross Dam. We have asked the federal government, through protocol, to handle this problem for us.

MR. D.A. ANDERSON: Mr. Speaker, the point that I was trying to get across was that last week, Mr. Russell Train, who is the chairman of the environmental advisors to the President, has indicated that in his view, this is a contractual obligation between B.C. and Seattle City Light. In the light of this federal U.S. government position, may I ask the Premier once more whether he will get in touch with the contractual partners, namely Seattle City Light, and inform them of our desire not to proceed with the contract.

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MR. SPEAKER: Order, please. It is not within the jurisdiction of this government to proceed in that fashion when we have a federal government that deals directly with the foreign powers.

HON. MR. BARRETT: Mr. Speaker, if I may. I read in the newspaper that Mr. Davis was going to arrange meetings. We have not heard anything from Mr. Davis about the meetings he announced in the newspapers.

We respect our federal government. We're following protocol and we urge the federal government to continue on its course of action as requested by the Province of British Columbia — that is, to assure the United States, specifically the City of Seattle, that we do not wish this project to go ahead. We would welcome hearing from Mr. Davis as to a date when the meetings he announced will take place.

MR. D.A. ANDERSON: The question is, Mr. Speaker, have there been any negotiations on a contract which was signed by the then Premier of the Province of British Columbia? It's not something in the hands of the two senior governments because of the existing contract between Seattle City Light and the Province of B.C.

MR. SPEAKER: Negotiations with whom, Hon. Member?

MR. D.A. ANDERSON: Negotiations with Seattle City Light.

HON. MR. BARRETT: Mr. Speaker, we belong to a federal system of government. We have asked the federal government, who has the power to write treaties, to take action on this. If the Member is suggesting that we secede, I reject that suggestion completely. We're Canadians and we deal through Ottawa.

MR. D.A. ANDERSON: Mr. Speaker, the question that I've asked is a realistic one. The statement made on April 10 by Jack Davis has been made available to the Premier. This was a statement made in the federal House. The problem that we're faced with is that legalistic or jurisdictional excuses of this nature, which may well be leading this province into substantially greater expenditure than would otherwise be...

MR. SPEAKER: Order, please. This is not the time for speeches. I would point out to the Hon. Member that Beauchesne sets it out very clearly at pp. 147 and 148 that you cannot ask a Minister for the solution of a legal problem. Secondly, you can't ask for advice that deals with a question in another government and deals with a foreign power.

Both your questions relate to negotiations that are taking place at another level not the responsibility of this government.

The Hon. Member for Columbia River.

HELICOPTER CRASH AT PAVILION

MR. J.R. CHABOT (Columbia River): A question for the Minister of Lands, Forests and Water Resources: information has come out that there was a tragic accident in the Pavilion area, where a leased Northern helicopter crashed. Two civil servants from the B.C. Forest Service were involved. Does the Minister have any information to give the House regarding this tragedy?

HON. R.A. WILLIAMS (Minister of Lands, Forests and Water Resources): I certainly regret the tragedy. I haven't any information to provide the House at this time, unfortunately. But, I certainly will make any information that comes to my hands available to the Members of this House and to the public.

MR. CHABOT: Just a short supplementary question: I presume there will be some form of investigation and that the details will be made available to the Members of this assembly. I'd like to see the details.

HON. MR. WILLIAMS: Naturally, there will be the Ministry of Transport analysis. That's always made public, I understand. Our information will be as well.

MR. SPEAKER: The Hon, First Member for Vancouver–Point Grey.

RECOVERY OF AUDIT FEES

MR. P.L. McGEER (Vancouver–Point Grey): Mr. Speaker, a question to the Premier: in view of the Minty report tabled in the House yesterday, will the government be moving to recover fees from the chartered accountants who carried out the audit of that company and signed the balance statement?

HON. MR. BARRETT: That's a novel suggestion, Mr. Member, through you Mr. Speaker. The government has outlined the course of action it will follow. That is, it will initiate the further studies suggested in the Minty report. As I said yesterday, when those studies are complete, they will be made available to the Members of the public accounts committee. Then the decisions will be made on the completion of all those reports.

But to recover fees from a firm, based on the information we have now, would be inappropriate. Apparently, they were confined by the railway to the

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limited information they had. That's pointed out in the Minty report. I'm sure that the question was only meant to highlight the problems that have already been made known to the people of British Columbia, rather than any inference that the company that did the limited external audit was somehow acting improperly.

MR. SPEAKER: A supplementary?

MR. McGEER: A supplementary question to the Premier: yes. My question wasn't really directed at a way of highlighting what was done. Mr. Speaker, the signatures on that balance sheet indicated no limitations, just as the Commonwealth Trust balance sheet that was signed on a former occasion indicated no limitations.

I wonder if the Premier is prepared to take this up with the Institute of Chartered Accountants?

HON. MR. BARRETT: If you wish to submit a formal complaint to the Institute of Chartered Accountants, certainly any citizen can do that, as I understand it. At this moment we're not making any judgments or drawing any inferences. We've just made the report available to the Members. This is an open government. We're following through on Mr. Minty's recommendations. We're not looking to castigate anyone. We just want to establish good business practices in the Province of British Columbia. We need a business-like

government in this province. As a result, we will carry out the recommendations of the Minty report and table all the information — to all the Members of this House.

I hope the Member doesn't leave the impression that he is on some kind of witch hunt after that accounting firm. It would be a bad mistake in my opinion...

AN HON. MEMBER: It's a question of what appears to be imbalanced.

HON. MR. BARRETT: Well, if you wish to complain to the Institute of Chartered Accountants, I'm sure they'll receive your complaint, but we're not making judgments at this time. We are just looking at all the facts, just like all British Columbians are.

MR. SPEAKER: The Hon. Member for North Okanagan.

BOMB SWEEP

IN VERNON AREA

MRS. JORDAN: Mr. Speaker, I would like to address a question to the Hon. Provincial Secretary regarding the efforts made by myself and the people of the Vernon area and the Provincial Secretary to have the federal government sweep the Vernon military area for the potentially dangerous bomb. Has the Minister had any response from Ottawa as to whether or not they will carry out this sweep?

HON. E. HALL (Provincial Secretary): I have had no response to my wires being received to date.

MRS. JORDAN: A supplementary, Mr. Speaker. I wonder, in light of the fact that it is possible we may not have an opportunity to see the Provincial Secretary for a few days, if one way or another contact with Ottawa could be re-established next week. I might request that the Minister advise me, should I not be available, as to what their decision is — perhaps by next Friday.

HON. MR. HALL: Yes, I'll make that assurance.

MR. SPEAKER: The Hon. Second Member for Vancouver–Point Grey.

AUDITING RESTRICTIONS

MR. G.B. GARDOM (Vancouver–Point Grey): In Mr. Minty's report to the Hon. Minister of Finance, he says in page 8 that, according to the comptroller, E.M. Gunderson restricted the extent to which the external auditors could go in their auditing with the consequent limitation of fees charged. I would ask the Minister of Finance if he has asked Mr. Gunderson for the reason for this restriction.

HON. MR. BARRETT: I appreciate the thoroughness with which you read the report, Mr. Member, but I think it would be improper of me, at this point, to ask Mr. Gunderson, or anyone, a question. What I prefer to do is let the House handle this matter. As I said, the report would go to the Public Accounts Committee.

The Public Accounts Committee, under our standing orders, has the authority to subpoena witnesses. At the time when they have all the information in front of them, under the able chairmanship of the Member for Cariboo (Mr. Fraser), the Members will be able to call anyone that the committee wishes to discuss on any matter that is involved in the Minty Report or subsequent investigations.

MR. SPEAKER: Is there a supplemental?

MR. GARDOM: Yes, Mr. Speaker. It indicates that for 10 years auditors have not reported on the internal control difficulties. Who have been the auditors over the past 10 years? Do you have that information?

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HON. MR. BARRETT: Well, the auditors, as to the last...

MR. GARDOM: I know, that's obvious, but over the past 10 years?

HON. MR. BARRETT: I'm sorry I don't have that information. Unfortunately there isn't enough time to answer it on the order paper, I can certainly find out for you.

MR. SPEAKER: The Hon. Member for Oak Bay.

RIFLE INCIDENT

MR. G.S. WALLACE (Oak Bay): Mr. Speaker, the Attorney General wanted to be reminded about the incident I raised of the two soldiers with rifles in the tavern. I am wondering if he could tell us if charges will be laid?

HON. A.B. MACDONALD (Attorney General): I can't tell you that Mr. Speaker. I don't have to be reminded about it. I feel rather guilty that the external report on that incident has still not reached me because I wanted to present it before the end of this session. I have internal departmental information and I don't want to release that in part. Our requests for reports from outside the department itself have simply not come in and I asked yesterday that they be rushed. I am sorry about that.

MR. SPEAKER: The Hon. Member for North Okanagan.

ACQUISITION OF DEER-GRAZING LAND IN NORTH OKANAGAN

MRS. JORDAN: Thank you, Mr. Speaker, I would like to direct a question to the Hon. Minister of Lands, Forests and Water Resources; Recreation and Conservation. In regard to the much-debated Youngstrom property in the North Okanagan, has the Minister's department entered into dialogue with the property owner with the view to acquiring this land? Secondly, Mr. Speaker, has his department proceeded with a detailed study as to the suitability of this land as a winter grazing area for deer?

HON. R.A. WILLIAMS (Minister of Lands, Forests and Water Resources and Recreation and Conservation): I believe some studies are going on but beyond that I am not aware of any direct negotiations.

MR. SPEAKER: The Hon. Member for Comox has been trying to get my eye for a long time.

GLENSHIEL HOTEL PURCHASE

MS. K. SANFORD (Comox): Thank you, Mr. Speaker. This question is for the Minister of Public Works. I see by the *Victoria Colonist* this morning that the matter of the Glenshiel Hotel has still not been laid to rest and there is an article again today in the paper about this. There are claims in this paper, at least in this article, made by Members of the House that the Glenshiel Hotel was offered for sale to the government at a price of \$470,000 only last summer. I know that the Minister filed some information on this and I am rather surprised that this is appearing again today. I am wondering if the Minister would have any comment on that article today?

HON. W.L. HARTLEY (Minister of Public Works): Mr. Speaker, I am aware of that article.

Interjections by some Hon. Members.

HON. MR. HARTLEY: Of course I have no knowledge of the basis of the statement that was made by the Member for Columbia River (Mr. Chabot). When I saw this statement, I thought possibly I should check further. I tabled a letter yesterday from the National Trust dated as of yesterday, signed by the manager, T.B. Nash, of the National Trust, wherein he stated that the property had not been offered for sale by his concern since 1969.

This morning I checked to see if a separate individual sale might have been handled by the management of Glenshiel. I would like to read a statement with regard to that management. It is addressed to myself and regarding the Glenshiel Hotel, Victoria.

"I see in today's *Colonist* that Mr. Morrison states that he was offered the Glenshiel Hotel at \$470,000 in July last. That was 1969.

"At that time I was general manager of the Glenshiel Hotel with power of attorney and sole signing authority for the company on behalf of the owner who was at that time in Austria. I can therefore give positive assurance that no authority was given to me or any other person in the organization for such an offer to be made."

Signed by Frank Minns, General Manager.

Now, Mr. Speaker, if people are still going to run around and make accusations, I think they should start tabling some papers. We are an open government and we are prepared to make full disclosure of any dealings that we have made.

MR. SPEAKER: No speeches please. Is there a point of order?

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HON. MR. BARRETT: A question has been raised across the floor as to whether or not the Member would table. I think he should table and ask for leave.

MR. SPEAKER: Shall leave be granted, to table the document.

Leave granted.

AN HON. MEMBER: The other fellow won't table. And he won't come to order either.

MR. SPEAKER: Order, please. There is no way you can force a Member to table private correspondence.

HON. MR. MACDONALD: And he won't see a judge either; I'll tell you that.

MR. J.R. CHABOT (Columbia River): You refuse to say what happened to the \$110,000.

HON. MR. MACDONALD: You'll never see a judge on that.

Interjections by some Hon. Members.

MR. SPEAKER: Order, please.

HON. MR. BARRETT: I ask leave...

MR. SPEAKER: Order, please. I think someone is on their feet. Does the Hon. Member have a point of order?

MR. N.R. MORRISON (Victoria): Mr. Speaker, I was on my feet and I would like to make a statement on a point of privilege.

Leave granted.

MR. MORRISON: The Minister has tabled a letter from Mr. T.B. Nash, Manager of the National Trust Company, stating that the Glenshiel property that they had listed expired on December 31, 1969. The fact that the listing expired only shows that as of January 1, 1970 and later, National Trust did not have a listing. It does not establish that the Glenshiel property was not for sale after December 31, 1969. Indeed the Glenshiel property was discussed by a salesman in the summer of 1972.

HON. MR. MACDONALD: With no authority from anyone.

MR. MORRISON: Let me finish. The Minister further states that between 1969 and 1972 the Glenshiel Hotel had undergone substantial renovations from a 45-suite hotel to a 75-suite hotel; yet, the 1969 National Trust listing showed it as a 80-room hotel.

MR. CHABOT: Terrible discrepancy.

MR. MORRISON: Obviously the hotel was for sale in 1972 since it was, in fact, purchased by the government in that year. The Minister has not cleared his position nor has he offered this House a clear explanation. Only by the tabling of all relevant documents of sale will the public fully understand what has taken place.

MR. SPEAKER: Order. Order, please. This is not the time for speeches.

Orders of the day.

Interjections by some Hon. Members.

MR. SPEAKER: Order, please. I would like to go on with the next order of business. There have been statements made; there is no debate and no replies in my opinion. The Hon. Premier.

HON. D. BARRETT (Premier): I ask leave, Mr. Speaker, to proceed to public bills in the hands of private Members.

Leave granted.

HON. MR. BARRETT: Second reading of Bill No. 116.

GUARANTEE OF NATURAL JUSTICE ACT

MR. SPEAKER: The Hon. Member for Oak Bay.

MR. G.S. WALLACE (Oak Bay): Thank you, Mr. Speaker. This is a very straightforward bill. Really the essence of the bill is to ensure that statutory powers being exercised by anybody such as an administrative arm of government or a quasi-judicial or judicial body, that where the interests and rights of an individual are adversely affected — or are likely to be adversely affected — the basic rules of natural justice should apply.

The person likely to be affected should have adequate notice from the authority as to what that authority believes to be the case. He should have an opportunity to refute this information.

The bill attempts to provide assurance that the person can have representation either in writing or by personal appearance and that the individual affected would have a written statement of the decisions and the reasons for these decisions of that body.

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This bill is an attempt to give the individual in society a greater measure of assurance that he will have his say, that he will be heard, that he will have a chance to refute evidence which might be wrongly collected or inaccurate.

There is in our modern, highly-organized society nowadays inevitably more and more danger that the individual will get pushed aside or will have greater difficulty making sure that he gets his day in court, as it were. I think it is very important that he has the opportunity to state his point of view when his rights are affected, to be given a fair hearing and to be told openly and in writing the reasons for decisions which might be taken to his disadvantage.

I am pleased to move second reading of Bill No. 116.

MR. SPEAKER: The Hon. Attorney General.

HON. A.B. MACDONALD (Attorney General): Mr. Speaker, I am not criticizing this bill because the whole subject of natural justice before statutory tribunals — which can be very despotic on occasion — is under active review. It's being considered not only by the Law Reform Commission but also by the Canadian Bar in its various branches. I want to second one member of my department — probably Mr. Dennis Shepherd — to the task of overseeing the various proposals of reform that are coming from these bodies, to initiate reform projects within the administration of justice himself, and to see that they are not long-range, theoretical studies but will produce fairly quick, pragmatic results in terms of legislation.

I am very interested in the bill. But we are not prepared, in view of the course of studies that is now being carried out, to accept it at this time. I move adjournment of this debate to the next sitting of the House.

Motion approved.

HON. MR. BARRETT: Second reading of Bill No. 119, Mr. Speaker.

AN ACT TO AMEND
THE BRITISH COLUMBIA
HYDRO AND POWER
AUTHORITY ACT

MR. SPEAKER: The Hon. Member for Vancouver Point Grey.

MR. P.L. McGEER (Vancouver–Point Grey): Mr Speaker, this bill is a very simple one which requires that the B.C. Hydro shall present to the Lieutenant-Governor-in-Council the annual budget giving detailed estimates of capital and operating expenses for each fiscal year by December 31 of the year preceding.

The objective of this particular bill is a fairly obvious one, Mr. Speaker. It is to lay before the Members of the House the capital budget of one of the important Crown corporations.

I think the necessity for a measure such as this was amply demonstrated by the report brought down yesterday, tabled in the House by the Premier, indicating the abuses that can take place in a Crown corporation when there are not the same kinds of review procedures developed in that corporation as we have in the Legislative Assembly itself.

MR. SPEAKER: The Hon. Premier.

HON. MR. BARRETT: I believe that the bill, although with good intent, violates standing orders — impost on the Crown. It's out of order.

MR. McGEER: Mr. Speaker, if I could speak to that point or order, I regret that we would try and produce a technical difficulty. If you wanted to carry what is an impost on the Crown to an absurdity, you could say the printing of paper is an impost on the Crown.

But quite clearly an annual budget is prepared by the B.C. Hydro — we have learned that. There would be no impost at all. It's a question of tabling that information in the House. The budget is prepared; it's an opportunity for us to see what that budget is. It's like the release of a confidential document. There's no cost involved in the preparation. Obviously the work has been done and must be done.

MR. SPEAKER: Hon. Member, I don't want a speech but I do want some assistance and advice from the House.

The first thing I don't know is whether it causes an expenditure of funds. Of course, I didn't know the

Hon. Member sat on the board of Hydro and knows whether they prepare a budget. I don't even know that. Perhaps somebody could enlighten me on that.

MR. McGEER: The Premier can answer that question. Perhaps the Premier can't even do that. But that's a part of the Public Accounts Committee. It's public testimony, Mr. Speaker.

MR. SPEAKER: If a Minister advises the House that it is an expenditure of public funds required by this Act, I have no other evidence but that to base it upon.

Interjection by an Hon. Member.

MR. SPEAKER: I cannot make a decision, Hon. Minister, without knowing whether it actually would cause an expenditure of funds.

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HON. MR. BARRETT: The basis of my asking for a ruling that it's out of order is because of that, Mr. Speaker.

MR. SPEAKER: I see. Then in the circumstances — that the only evidence I have is that it does cause an expenditure — it would be out of order under standing order 67. I must therefore rule it out of order.

HON. MR. BARRETT: Second reading of Bill No. 125, Mr. Speaker.

AN ACT TO PROVIDE FOR PUBLIC SCRUTINY

MR. G.B. GARDOM (Vancouver–Point Grey): Mr. Speaker, there's a great deal of excellent and wellconsidered precedent for this bill. It was by a Member of the House who in opposition was a fighting tiger. But then suddenly he made government and we saw him turn into nothing more than an amiable, ancient house cat snoozing behind the stove. (Laughter).

The object of this bill...

HON. MR. BARRETT: Mr. Speaker, on a point of order. I think this is out of order by way of plagiarism. (Laughter).

MR. GARDOM: Mr. Speaker, this bill just wants to do one thing. It wants to put a little sunshine into British Columbia.

HON. MR. BARRETT: On a rainy day.

MR. GARDOM: And the good government of British Columbia demands that light should be allowed to shine in the conduct of public business...

SOME HON. MEMBERS: Hear, hear!

MR. GARDOM: ...so that it may be executed without favouritism or political bias...

AN HON. MEMBER: Hear, hear!

MR. GARDOM: ...and in accordance with the highest standards of public morality.

AN HON. MEMBER: Hear, hear!

MR. GARDOM: And the Act is cited as "Sunshine Law Revisited." (Laughter). Some have suggested "The Son of Sunshine," but I'll leave that up to you.

We find that the tribunals and the boards and the commissions in this province, Mr. Speaker, are growing like Topsy. They should conduct their meetings in openness to the public at all times. They should make their records and their correspondence and their decisions and their awards open to inspection by interested persons at reasonable times and places. No award or decision of theirs should be valid, Mr. Speaker, and no expenditure of public funds shall be lawful unless made or authorized in conformity with this very, very remarkable bill.

I am delighted to move second reading. I indeed hope that I can receive a little bit of assistance today from the "Father of Sunshine" concerning this measure.

MR. SPEAKER: Under standing order 67 it interferes with the prerogatives of the Crown if no moneys of the Crown or the Crown revenue can be paid out authority under this Act.

MR. GARDOM: Oh, no, no. There's no possibility, if you'll see, Mr. Speaker, with all deference to your wisdom and ruling — which you have not yet made but are thinking about — but there's no award or decision to be valid and no expenditure of public funds to be lawful unless made in conformity with the statute.

The Attorney General was on his feet, Mr. Speaker, and he wasn't recognized.

MR. SPEAKER: I am sorry. I will be willing to recognize him. Perhaps we can get his wisdom in this matter.

HON. MR. MACDONALD: Mr. Speaker, I was simply going to acknowledge paternity (Laughter) and say that the bill is out of order as it stands.

But it's a very good principle. Possibly it might be disposed of in this way. I believe and I still believe that committees of this Legislature and tribunals should be open. Energy commissions should be open and city councils should do only a very limited bit of their business behind closed doors.

AN HON. MEMBER: The land commission and the insurance corporation?

HON. MR. MACDONALD: Yes. I believe this principle. We've gone a long way toward implementing it in the last eight months — but not as far as we want to go. We believe and we still say to the people of British Columbia that they should open up their hearts and let the sunshine in. I'll say that to the tribunals and the boards and the commissions.

I move adjournment of this debate until the next sitting of the House. (Laughter).

Motion approved.

HON. MR. BARRETT: Second reading of Bill No.

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127, Mr. Speaker.

AN ACT TO AMEND

THE AGE OF MAJORITY ACT

MR. D.A. ANDERSON (Victoria): Mr. Speaker, this bill is simply to put the legislation of this province in line with that of other provinces and cut down on the confusion that we have in this province dealing with the age of an infant and the age of a majority. We've already had three bills in this session which adjust one way or another ages of people under the age of 21 or under the age of 19. This is simply to put ours on a more regular basis with other provinces, so that uniformity prevails.

MR. SPEAKER: The Hon. Premier.

HON. MR. BARRETT: Mr. Speaker, I find much in this bill to commend it. The government intends to take the concept under advisement. I therefore move adjournment of this debate.

Motion approved.

HON. MR. BARRETT: Second reading of Bill 131, Mr. Speaker.

AN ACT TO AMEND THE
PUBLIC SCHOOLS ACT

MR. SPEAKER: The Hon. Member for Oak Bay.

MR. WALLACE: This bill is really very simple. The need for this amendment relates to the mobility of students in the later grades in school. They may wish to move from the school district where they and their parents reside to another school district, either for the purpose of acquiring a course which is not available in their home district or for other reasons, sometimes related to the social situation in the home.

This was drawn to my attention and I took the matter up in this school district 61. I must pay credit to one of the members of the administration of school district 61 who advised me in the drawing up of this amendment.

The amendment simply says that if the parents have paid the school tax, let us say, in Campbell River and the child moves to Victoria, it should be mandatory for the school district in Campbell River to transfer the funds to the Victoria school district, which is school district 61.

It's my information that at the present time, such transfer of funds is optional. If a child moves to Victoria from Campbell River — I'm just taking these as examples; it could be any other two towns — the school district in which the taxes have been paid has the option of transferring the funds. The child finds that when he or she wants to go to the school in the new school district, they have to pay \$380 or whatever the annual per capita cost of educating a student might be.

I think that this amendment is just a form of fair play. If one school district has been paid the taxes but is not, in fact, educating the child, the child being in another school district, then it should be mandatory that the appropriate funds be transferred. I move second reading of the amendment.

MR. SPEAKER: The Hon. Minister of Education.

HON. E.E. DAILLY (Minister of Education): Thank you, Mr. Speaker. I quite concur in the principle of mobility of students throughout our whole system. I know that this is the reason the Hon. Member has brought this bill to our attention.

As he says, at the moment it is optional in the Act. However, since I have assumed the office of the Minister, it has not been brought to my attention by any parent or student, to my office anyway, that school boards have not been concurring in this. However, as he has brought it to our attention through the essence of his bill, I would like to discuss it with the school trustees of the province and perhaps give consideration to legislation in the fall.

I move adjournment of this debate, Mr. Speaker.

Motion approved.

HON. MR. BARRETT: Second reading of Bill 135, Mr. Speaker.

AN ACT IN SUITS
AGAINST THE CROWN

MR. SPEAKER: The Hon. Second Member for Point Grey.

MR. G.B. GARDOM (Vancouver–Point Grey): Mr. Speaker, as long as I have been a Member of this House I have advocated this measure. As long as I continue to be a Member of this House, I shall continue to

advocate this measure.

Either we believe in equity and fairness and justice or we don't. Justice has been too long denied citizens who are wronged by their government. And that is still continuing in this province.

We've seen many very restrictive statutes come into being in this session, Mr. Speaker. I think that it is only fair that any individual who has suffered a loss as the result of a governmental action, has at least the right to his day in court against the government, the same way that his government has its right to a day in court against the citizen.

This has always been tilted in the Province of British Columbia against citizens, and that tilt

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continues. I think it's an absolute disgrace that it does. I would certainly urge that the government accept this bill or, failing that, accept it as their own bill and bring it in today, which could be done by consent.

MR. SPEAKER: This is, of course, out of order by reason of the fact that it interferes with the existing prerogatives of the Crown under both standing order 67 and standing order 1, also, referring to *Speakers' Decisions*, vol. 3, p. 19, under decision of March 28, 1931, by the Hon. Speaker Davie. I so rule it out of order.

AN HON. MEMBER: The thing that's most out of order is the lack of principle in bringing it in.

HON. MR. BARRETT: Second reading of Bill No. 154, Mr. Speaker.

AN ACT TO AMEND THE COUNTY COURTS ACT

MR. SPEAKER: The Hon. Second Member for Vancouver–Point Grey.

MR. GARDOM: The principle of this bill is to amend the County Courts Act to increase the jurisdiction of the county courts from \$3,000, as it is presently, to \$5,000 and to make that court available to do more work than it is presently doing.

This would relieve a number of lawsuits from the more congested supreme court lists. It's a measure that certainly is very consistent with the government amendment that came in in this session, Mr. Speaker, to increase the jurisdiction of the small claims courts from \$500 to \$1,000, which also was proposed over here at one stage.

This is just bringing it into line with current economic values. The \$3,000 limitation — if I can get the eye of some lawyer in here — I think that came in in the early Sixties — a long time away in any event. But, I believe it was in the 1960's. Well, we're 13 years after that, and this is a first-class suggestion. I indeed hope that I have the acquiescence of the Attorney General.

MR. SPEAKER: The Hon. Attorney General.

HON. MR. MACDONALD: Mr. Speaker, these are good suggestions, there's no doubt about it. We want to increase as much as we can the small claims. At a certain point there's a constitutional problem because it's not a federally-created court, as the Hon. Member will know.

There have been many good suggestions from that Hon. Member in these bills that he's put forward. You're breaking my heart in a way, and I move adjournment of this debate to the next sitting of the House.

Motion approved.

HON. MR. BARRETT: Second reading of Bill No. 155, Mr. Speaker.

CYRIL MORLEY SHELFORD

COMPENSATION ACT

MR. SPEAKER: The Hon. Member for Boundary-Similkameen.

MR. F.X. RICHTER (Boundary-Similkameen): Earlier in the session I spoke on this matter. I think it's a well known fact of the contribution that a Member makes over the course of years. Mr. Shelford was elected in 1952. He served until 1972, part of those years as a Minister of the Crown in the portfolio of agriculture. Due to an unfortunate circumstance in the line of duty as a Minister, he was injured.

The consequences have multiplied over the course of time, both financially and physically. Through the injury suffered last June, Mr. Shelford has had costs in excess of \$6,471 although it is contemplated that he will receive a certain degree of compensation to the extent of slightly over \$3,200 from his participation in an insurance policy carried by the government, there is quite a disparity between the amount which he will receive from the government insurance and the amount that he has spent. As I say, it has cost him over \$6,400.

His health is still considerably impaired. He has not been able to do some work that he felt he would be able to do, because of his condition. It was necessary for him to quit one job and go into hospital. Since that time, he has been attempting to carry on another job up in Terrace. On April 16, he was examined by two doctors again because of complications that are developing and attributed to his shoulders. The doctors have ascertained that his condition has not changed and is not likely to change in the future.

Presently he has three lumps which are developing in his hand and will ultimately have to be operated on. He also has two lumps developing in the shoulder which will also have to be operated on. The cause is attributed to nerve damage which is affecting the circulation and resulting in these growths, which will have to be removed.

In the past, situations have developed where Members of the Legislature... we have had other people who have been hurt in the course of their duties. The very fact that this bill, while it doesn't make any impost on the Crown without first being ascertained as to the worthiness of the award — if

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there is an award to be made by way to the recommendations of a judge, and the consideration of the recommendation by the cabinet which, in turn, would set a stipend if they so saw fit.

So, in making a passionate appeal to the government to accept this bill, to order the necessary investigation and along with that, on compassionate grounds, to consider some award to help a former member of the Legislature try to carry on in some form in which he will have a degree of security for himself and his family if, through this injury, he is not able to provide the necessary income for the future — I move second reading.

MR. SPEAKER: The Hon. Provincial Secretary.

HON. E. HALL (Provincial Secretary): I want to draw your attention, naturally, to the fact that the bill is out of order. But, in view of the subject matter of the bill, I think I should report to the Member moving the bill, and the House generally, that we are looking into the question of the insurance benefits and pension benefits for MLA's and cabinet Ministers, and we are looking at this case. But, I think you should rule accordingly. I wanted to make sure that the Member for Boundary-Similkameen had a statement in reply to his plea.

MR. SPEAKER: The Hon. Provincial Secretary is correct. The bill obviously authorizes the Minister to pay out of the Consolidated Revenue Fund compensation to be fixed by somebody else, and consequently would offend against standing order 67.

I must, regretfully, rule the bill out of order.

HON. MR. BARRETT: Bill No. 157, Mr. Speaker.

AN ACT TO AMEND THE
LABOUR RELATIONS ACT

MR. SPEAKER: The Hon. First Member for Vancouver–Point Grey.

MR. McGEER: Mr. Speaker, this bill provides for changes to be made in the make-up of the Labour Relations Board in British Columbia.

The changes are of two kinds. First, membership on the board shall be limited in time so that there is a turnover of the personnel. Secondly, that at all times there be representation on the board of members of Canadian unions. International unions have always been represented on the Labour Relations Board, but never Canadian unions, which is discrimination of a kind against Canada.

Mr. Speaker, in speaking further to the general principle of this bill, so many times we have heard in this House that we cannot utter any words in criticism of the Labour Relations Board, but boards which are appointed can never indefinitely run our lives — whether it has to do with the labour movement, whether it has to do with public utilities or whatever.

As a general principle, those whose authority it is to appoint boards must accept responsibility for the boards' actions. We've got so many new boards being created in British Columbia that I think the principle should be laid down clearly by someone at some time. We must never be in the position where appointed people have the authority over elected people. And certainly that should be the case with the Labour Relations Board, and that is why I will continue to stand up and criticize the actions of this, or any other board which is appointed in the Province of British Columbia.

Nevertheless, if boards are going to be appointed, whether we criticize them or not, every ship gets barnacles on it; and so every board will get barnacles on it unless the personnel are turned over — just the same way the Members of this House are turned over every time there is a provincial election. And we should never have any board in this province which does not rotate over. So, Mr. Speaker, I would say first of all that the bill is in order; the principle is in order, and the idea of giving Canadian unions an equal break is also in order.

I am happy to move second reading.

MR. SPEAKER: The Hon. Minister of Labour.

HON. W.S. KING (Minister of Labour): Mr. Speaker, the whole matter of the *Labour Relations Act* is currently under review. I have secured the services of three very prominent people to advise me, and we are conducting hearings and receiving the advice and recommendations of all sections of the labour movement and industry. I think it would be most inappropriate at this time to change the Act in any way when we are at the same time asking for advice on the changes that should be made. I think this would be an act of bad faith and the defeat of the concept of the review that is underway.

I therefore move adjournment of this debate until the next sitting of the House.

Motion approved.

HON. MR. BARRETT: Second reading of Bill No. 158, Mr. Speaker.

AN ACT TO AMEND THE TRADE-UNIONS ACT

MR. SPEAKER: The Hon. First Member for Vancouver–Point Grey.

MR. McGEER: Mr. Speaker, this Act would render

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illegal any arrangement made in a collective agreement in British Columbia that would prevent or restrict a member of a properly certified union under the *Labour Relations Act* doing work on any site within the Province of British Columbia.

Mr. Speaker, as Hon. Members well know, as it stands today a member of a Canadian union cannot legally appear on any major construction site in the Province of British Columbia because of restrictive agreements which are now generally accepted in the collective agreements that are signed.

The Teamster's union, for example, puts forward what it calls the standard B.C. contract. The standard B.C. contract of the Teamster's union precludes rival Canadian unions appearing on any construction site which involves the Building Trades Council. It is unfair, restrictive, disgraceful, unconscionable, Mr. Speaker, what bothers me most is the difficulty one has getting this particular point made publicly because the Press itself is in the hands of international unions.

All of this I regret. A year ago, Mr. Speaker, the former Minister of Labour introduced legislation which attempted to deal with this situation. The legislation was badly drafted. The union people who appeared to complain against it had legitimate criticisms of that bill. They asked to have time to study and make corrections. No sooner had these union leaders left than they were presenting new contracts with the same restrictive clauses. One of the offenders once more, Mr. Speaker, was the Teamster's union, the good friends of the Premier and his cabinet, who admitted they had agreed to study the restrictive legislation, but also made it clear that they had absolutely no intention of changing their ways.

It became very clear listening to Senator Lawson, that the only way we would be able to remove the restrictions against Canadian unions was to bring down definite legislation in the House. That is the reason why this *Act to Amend the Trade-unions Act* has been brought forward by myself.

It's a bill for equality and fairness for Canadian unions. I think the time should pass when we discriminate against Canadian unions and, Mr. Speaker, I move second reading.

MR. SPEAKER: The Hon. Minister of Labour.

HON. MR. KING: Mr. Speaker, for one who poses as a freedom fighter for a particular section of the trade-union movement, I cannot help but wonder at the remarks made by the First Member for Point Grey.

He is suggesting, in the first instance, that politicians should retain some type of control over their preference of unions, which is the prerogative of working people. I completely reject that concept. I think that is a proper adjudication for an independent tribunal having no political axe to grind, and I say heaven help the working people of this province should their destiny in that respect ever come under the complete control of the politicians.

With respect to this Act, Mr. Speaker, the effect would be to negate many collective agreements which are presently in progress under federal jurisdiction, such as the railway industry, pipelines and so on. The end result would be to render these people completely devoid of trade union protection. If that is the Member's concept of protection for working people, once again I think it shows a very shallow understanding of the needs of working people in this province. I therefore move adjournment of this debate, Mr. Speaker.

Motion approved.

HON. MR. BARRETT: Second reading of Bill No. 166, Mr. Speaker.

AN ACT RESPECTING

RIGHTS OF NON-SMOKERS

MR. SPEAKER: The Hon. First Member for Vancouver-Point Grey.

MR. McGEER: Mr. Speaker, this very simple bill for clean air in British Columbia is *An Act Respecting Rights of Non-Smokers*. It provides that in any public building, half of the public area should be reserved with clean air for people who don't smoke.

HON. MR. BARRETT: Are you trying to ruin my marriage?

MR. McGEER: Mr. Speaker, I have no comment on the domestic situation of the Premier, except to say that people should be entitled to go and smoke in their own corner.

HON. MR. BARRETT: You are trying to ruin my marriage.

MR. McGEER: I very much admire the stand taken by the Minister of Health in announcing that May 31 will be officially recognized by order-in-council as Non-Smokers' Day. I know that the continuation of that tradition will be appreciated by a new organization in Washington called GASP. GASP, Mr. Speaker, stands for the Group Against Smokers' Pollution.

I only learned of their activities after I brought forward a bill myself. It's my understanding that they've been successful in having legislation introduced in a number of states in the United States that gives non-smokers the right to take a breath of fresh air. Mr. Speaker, I'm all out of wind and I move second reading.

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MR. SPEAKER: The Hon. Minister of Health Services and Hospital Insurance.

HON. D.G. COCKE (Minister of Health Services and Hospital Insurance): Mr. Speaker, we agree that there is a problem over this question of smoking. We also agree that there has to be a great job of education done. As a matter of fact, this government this year has had a parliamentary committee meet on the subject during this session. Mr. Speaker, I realize that we have to defend the rights of non-smokers, but then, on the other hand, we have to defend the rights of smokers.

So, Mr. Speaker, because of the threat to the Premier's matrimonial harmony, I move adjournment of debate until the next sitting of the House. (Laughter).

Motion approved.

HON. MR. BARRETT: Why don't you do it on a day that my wife's not here?

Second reading of Bill No. 167, Mr. Speaker.

ENVIRONMENTAL BILL OF RIGHTS ACT, 1973.

MR. SPEAKER: The Hon. Second Member for Vancouver–Point Grey.

MR. G.B. GARDOM (Vancouver–Point Grey): I can see even at home, Mr. Speaker, all the Hon. Premier does is nag nag, nag, nag, nag. (Laughter).

Mr. Speaker, before speaking to this bill with the Leader of the House, I'd very much like to acknowledge in the gallery two young ladies who contributed a very great deal to this session. They have been the guides to the House and have brought all of the students into the chamber and have given them excellent assistance. Furthermore, they are exceptionally pretty and I think we all revere that; we certainly do.

SOME HON. MEMBERS: Oh, oh.

MR. GARDOM: You don't agree with that? I certainly do.

Mr. Speaker, today people have the right to contribute and participate in a far more useful and meaningful manner in the decisions which shape their social and their environmental life. The bill that I am proposing here will provide a mechanism and guideline for such participation. Canadian law per se does not recognize that people really have any significant rights to a clean and healthy environment save and except the age-old law of nuisance which is difficult to interpret and even more difficult to enforce.

I think it should be declared the policy of this province and a matter of provincial concern that we can define as environmental rights the need to develop and maintain a high quality of the environment; to ensure for our people, now and for the future clean air, pure water, freedom from excessive noise and enjoyment of scenic, historic, natural and aesthetic values.

So it is proposed here that every person would be entitled to basic environmental rights, including the ones that I've mentioned, and that they be permitted to seek legal redress in the Supreme Court of British Columbia if their environmental rights are hurt by misuse of the environment.

The type of redress that is suggested is relief by way of injunction or damage, or both. I propose under the bill that it be made a tort, or a civil wrong, actionable without proof of damage for any person, corporation, municipality, provincial department or Crown agency, or any other instrumentality of the province to willfully violate the environmental rights of any person. I move second reading and I look forward to a great deal of support — as usual.

MR. SPEAKER: The Hon. Minister of Lands, Forests and Water Resources.

HON. R.A. WILLIAMS (Minister of Lands, Forests and Water Resources): Well, Mr. Speaker, I really enjoyed this bill when it was presented in 1971; I think there is much to be said for the argument that the Hon. Member makes. But I would draw your attention to the fact that in the *Journals* of 1971, p. 228, April 2, Mr. Speaker ruled the bill out of order in the hands of a private Member on the grounds that it infringed on the prerogative of the Crown.

MR. GARDOM: We've a much more liberal Speaker now, Mr. Minister.

MR. SPEAKER: I must agree with the Hon. Minister that the ruling of the previous Speaker in this instance was perfectly correct, as he always was correct. I must therefore rule it out of order.

MR. BARRETT: Second reading of Bill No. 170, Mr. Speaker.

AN ACT RESPECTING

THE FLUORIDATION OF WATER SUPPLIES.

MR. SPEAKER: The Hon. First Member for Vancouver–Point Grey.

MR. McGEER: Mr. Speaker, I was delighted to hear that little note about the infallibility of Speakers' decisions. I know that in this case there's a bill that is completely in order, Sir.

For the information of the House, Mr. Speaker, I'm going to try to restrict myself to three speeches a

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session in favour of fluoridation of water supplies. I know in this case that the Minister of Health Services has checked with the legislative council and found that the kind of amendments proposed in this Act would be very simply incorporated into the statute books of British Columbia and we can get on with the job.

The reason, Mr. Speaker, why I've tried to help out the Minister of Health Services in this way is because he's announced a denticare programme which even though partial will run the treasury about \$20 million a year. A fully fledged denticare programme in a province like British Columbia that has such a wretched state of dental health because of the lack of fluoride naturally in the water supplies will run many times that. That being the case, it becomes not only a good social measure, it becomes a wise economic measure on the part of the provincial government.

However, Mr. Speaker, I do sympathize with the political difficulty that the cabinet might have in attempting to impose fluoridation on the people. So this particular bill takes away all responsibility from the Minister and the cabinet and places that responsibility in the hands of the local council. They too are given discretion; if a majority of them wish to take the responsibility they can go ahead and order fluoridation of water supplies. On the other hand, if they wish to have the people decide themselves, they can permit a plebiscite.

In any event, the basic principle of the council's decision or the plebiscite decision is that it shall be a simple majority. We decide the outcome of elections, we decide the outcome in this House always on the basis of a simple majority — never the need to have 60 per cent of the Members voting in favour of something in order

for it to have assent. So the principle of simple majority rule is the soundest one in all democracy.

Finally, Mr. Speaker, to speak briefly about the merits of fluoridation itself, many people, particularly elderly ones who have dentures, feel that the time has passed when fluoridation of the water supply would be of any physical benefit to them. They have this reservation that maybe something is wrong with fluoride, maybe it will be injurious to their health.

But Mr. Speaker, what has been discovered as a result of studies now involving millions of people over decades of observation is that fluoridation, far from being harmful to elderly people, is helpful. It delays the onset of osteoporosis, a thinning of the bone which, if carried to extremes, can lead to spontaneous fractures of the hip and other difficulties of the bone. For some reason the fluoride ion is helpful in preventing this deterioration with age and so it's a measure that both young and old can benefit from.

I highly recommend it to the Minister and the people of British Columbia and move second reading.

MR. SPEAKER: The Hon. Minister of Health Services and Hospital Insurance.

HON. MR. COCKE: Mr. Speaker, we recognize as a government that 100 million people in North America are now drinking fluoridated water. We also recognize, however, that the responsibility of this government is not to pass the buck to the municipalities. The responsibility of this government is to provide for an educational programme for the people of B.C. so that they can decide how best to deal with their future.

Mr. Speaker, at the present time we have a preventive dental programme that is in the making. We are studying the whole question. As a matter of fact out of the five reports that I have requested we have had three in. I think that we're a bit premature here and therefore I move adjournment of this debate until the next sitting of the House.

Motion approved.

HON. MR. BARRETT: Second reading of Bill No. 171, Mr. Speaker.

AN ACT FOR THE RESTRICTION OF THE USE OF SPRING TRAPS

MR. SPEAKER: The Hon. Second Member for Vancouver–Point Grey.

MR. GARDOM: I think we'll all agree, Mr. Speaker, that we have as a society exercised very inhumane instruments of torture for the catching of furbearing animals. We need, really, an animal bill of rights to at least assure a quick death to some trapped animals instead of the many, many hours of agonizing and lingering suffering and the terror and the eventual death in the crude but very deadly leg-hold traps that are still in existence here. We need some legislation.

This is a good measure. It is one that has found favour in England. We find that there are restrictions on animal trapping in various forms in countries such as Austria, Finland, France, Ireland and Switzerland and that they are prohibited or restricted in a number of others — Norway, Sweden, Denmark, Greece, Hungary, Kenya, West Germany — just to mention a few.

We have been exceptionally slow in taking any positive steps whatsoever in British Columbia.

There can be extreme problems. One came to my attention yesterday which I gather is going to be reported in the Press. In the Victoria area a dog was found in an animal trap and eventually the poor animal, I believe, had to be shot. These animal traps are sufficiently strong not only to do in an animal, but also indeed to bring very, very serious injury to a child. They should be absolutely, 100 per cent prohibited — I'd say in all their forms — in metropolitan areas where there's a high congestion of population.

I am not suggesting here that trapping be eliminated because we know that there are people in the province who earn their livelihood that way. But there is no reason whatsoever that we have to carry on with inhumane methods; and those methods are being carried on.

The purpose of this bill is to make it an offence under the *Summary Convictions Act* if a person happens to use or have or sell a trap that is not a trap that can be approved by the Minister — and it seems to me the appropriate Minister would be the Minister of Recreation and Conservation (Hon. Mr. Williams).

I would therefore move second reading of this measure. It's high time that we did a bit of a job for the animals who can't speak for themselves.

MR. SPEAKER: The Hon. Minister of Lands, Forests and Water Resources.

HON. MR. WILLIAMS: Mr. Speaker, I am certainly sympathetic to much that the Member says. I would hope that we might achieve something in this regard.

As I indicated earlier, we're helping support financially research in Ontario with respect to humane trap systems. However, I note that in section 3, with reference to the *Summary Convictions Act*, that this may well be out of order.

MR. GARDOM: But you are prepared to consider it?

HON. MR. WILLIAMS: By all means.

MR. SPEAKER: I must, unfortunately, rule it out of order by reason of the fact that it imposes a penalty which cannot be done without sanction of the Crown — Vol. 3, *Speakers' Decisions*, p. 19.

HON. MR. BARRETT: Second reading of Bill No. 177, Mr. Speaker.

AN ACT TO

AMEND THE MUNICIPAL ACT

MR. SPEAKER: The Hon. Second Member for Victoria.

MR. D.A. ANDERSON (Victoria): Mr. Speaker, this bill is to put the resident elector and the tenant elector on the same basis as far as voting is concerned on petitions or other things under the provisions of the *Municipal Act*.

The original distinction was perhaps a holdover from a time when there were two classes of citizens — those who owned land and those who didn't; those who didn't were considered far less reliable, stable and otherwise good citizens than those who did.

But things have changed. Now 60 per cent of the people resident in my riding live in apartments — some, of course, are privately owned, but there are large numbers of people who take full part in community life and who don't own land at all. I am one of those people.

The bill would be putting these people, the tenants, in the same position as the residents who own land. I think that it's a long-overdue amendment to the *Municipal Act*.

I move second reading.

MR. SPEAKER: The Hon. Minister of Municipal Affairs.

HON. J.G. LORIMER (Minister of Municipal Affairs): We are certainly in sympathy with the intent of this bill. We are looking into the matter at the present time and have been for some months as the implementation of a system whereby the tenant electors and the property owners will have the same voting rights. The idea, of course, is to bring the municipal elections into line with provincial elections and other elections.

I move adjournment of this debate.

Motion approved.

HON. MR. BARRETT: Second reading of Bill No. 184, Mr. Speaker.

BRITISH COLUMBIA

MR. SPEAKER: The Hon. Member for Langley.

MR. R.H. McCLELLAND (Langley): Thank you, Mr. Speaker. It's been made very clear since the session opened that the official opposition has felt that the government's approach to land use planning in the province was anything but forthright. We felt that there was some doubt cast on the methods used by the government to develop an orderly system of planning in the province.

We also felt that statements by government Members, which we felt tended to make the people believe that local government was largely in the hands of real estate sharks and speculators and that the local system of government couldn't be trusted, Mr. Speaker, to develop that kind of planning process, was simply not correct.

With that in mind, Mr. Speaker, we introduced the bill entitled the British Columbia Planning Authority Act, 1973. Its major aim, Mr. Speaker, was to provide an orderly system of planning throughout British Columbia so that future generations of residents of our province would be assured that the land would always be used to its highest advantage.

If I could take just one minute, Mr. Speaker, to

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explain that in our opinion much legislation was already on the books of this province to protect that aim. The real danger, Mr. Speaker, of the exploitation of land ended in most parts of this province several years ago. Regional municipal planners have been at work in the Province of British Columbia and, wherever in the province an accepted plan was in force, depredations and rape of the land from the land speculators had been curbed already.

It was our opinion that the worst of the danger was well past, Mr. Speaker, before the government introduced its legislation.

In the proposal by the official opposition, Mr. Speaker, we recognize that many planners in the lower mainland have said that municipalities are consistently refusing to open up the kinds of land which should be protected to development. In fact some of them have said that since 1965-66, particularly in the lower mainland of British Columbia, some municipalities' farmland areas have actually increased rather than decreased since those years.

So in the proposal by the official opposition we have attempted to restore a system of checks and balances which have been denied in other approaches made by this government to this point; and also, Mr. Speaker, to recognize the need to include locally-elected officials and locally-elected government in the planning process and to provide what we consider to be a sensible, logical and orderly method of preserving key classifications of privately-held land.

Mr. Speaker, this proposal sets up a planning authority composed of members appointed by the regional districts, elected officials, as we've said in this House all session.

The authority will establish, in cooperation with the regional districts, a system of regional plans throughout the Province of British Columbia. And it will establish and administer regional parks, greenbelt and agricultural land programmes throughout the province. Also, Mr. Speaker, it will develop the kind of programmes that will help to increase agricultural productivity on privately-held agricultural land.

Mr. Speaker, in all cases under our bill the basic principles of appeal, public hearing, local participation and — most importantly — simple justice is paramount in this bill. Finally, Mr. Speaker, this bill recognizes

above all that private ownership of land is a highly desirable concept in any free society.

Mr. Speaker, I'll move second reading of Bill No. 184.

MR. SPEAKER: The Hon. Premier.

HON. MR. BARRETT: Mr. Speaker, I think the bill is out of order as it offends the standing order against the impost of expenditures on the Crown.

MR. SPEAKER: In a number of sections, the bill would alter the tax revenues of the province and would substitute incentive programmes and change the tax base. Consequently, that alone, aside from the other sections that deal with imposing duties upon a group to be formed by the Lieutenant-Governor-in-Council, would make it out of order in the hands of a private Member and without a message from Her Majesty.

Therefore, I must rule the bill out of order.

HON. MR. BARRETT: Mr. Speaker, I move we proceed to motions and adjourned debates on motions.

Motion approved.

HON. MR. BARRETT: I call Motion No. 44.

MR. SPEAKER: The Hon. Minister of Health Services and Hospital Insurance.

HON. MR. COCKE: Mr. Speaker, I move, seconded by the Hon. Provincial Secretary (Hon. Mr. Hall), that this House endorse the principle of providing up to \$2,250,000 for the purpose of implementing the unanimously-supported resolution of the House on February 14, 1973, regarding the building, staffing and maintaining of medical facilities for the rehabilitation, care and development of Vietnamese children; and that the required sum and other moneys that may be forthcoming from individuals and groups be utilized for this purpose, as indicated by the policy developed by a special committee of British Columbia legislators and representatives of interested groups, such as Red Cross, Save the Children Fund and other such groups, as designated by the Minister of Health Services and Hospital Insurance.

Mr. Speaker, I would like one word of explanation. You recall that there was another bill on the order paper. That bill indicated that we would provide ourselves with consultative services. We felt that the situation in Vietnam was somewhat less than stable and we therefore felt that it would be better in the hands of a committee of this House and other interested people in that area.

I've had agreement from the First Member for Victoria (Mr. Morrison), the Member for West Vancouver-Howe Sound (Mr. Williams), the Member for Oak Bay (Mr. Wallace) and the Member for Comox (Ms. Sanford) to sit on a committee of this House and to carefully supervise any work that might be done by this committee with respect to rehabilitation and medical care of children in Vietnam.

There has been some criticism around the whole question of providing care for people in other countries. To that question, I say that we've carried out a great deal of our responsibility to our own

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people and there are a great many people in that country who need some help. Providing we can do it and guarantee ourselves that the money will be used only for the use suggested in the resolution — and we're going to safeguard this money — we feel that we wish to go ahead with it.

MR. SPEAKER: Hon. Members, before you pass the question I would point out the wording "by the policy developed" — in the past tense — "by a special committee of British Columbia legislators and representatives of...other such groups, as designated..." Is that also in the past or in the future? I wonder if the matter could be altered to "to be developed by a special committee." Would that be accepted by the House? Is it agreed?

Motion approved.

HON. MR. BARRETT: Motion No. 45, Mr. Speaker.

MR. SPEAKER: The Hon. Provincial Secretary.

HON. MR. HALL: Mr. Speaker, I move Resolution 45, which appears on page 5 of the orders of the day today. I would advise the House that, following a series of discussions with the staff of this House itself, we would like to resolve that following prorogation of the House in the next little while that Ian Horne, Q.C., be appointed Clerk of the Legislative Assembly, substituting Mr. DeBeck, Q.C., and that E. George MacMinn be appointed Deputy Clerk and Law Clerk, substituting Mr. Horne, effective, as I say, upon prorogation of the present session.

We further resolve that Edward K. DeBeck, Q.C., be appointed Clerk Consultant and that there be appointed by His Honour the Lieutenant-Governor, by and with the advice of his Executive Council, a Clerk of Committees of the Legislative Assembly, such appointment to be ratified at the next session of the Legislative Assembly.

This resolution by no means, Mr. Speaker — and I want to say this only because there was a story in the Vancouver *Sun* which was a little unclear as to the real resolution...Mr. DeBeck will be remaining with us hopefully for a long, long time to come. Mr. DeBeck assures me that he has no intention of retiring, and I think that's splendid.

I think that an important thing that should be considered by the House is the fact that in the second paragraph we are considering...and if the resolution goes through, we will be appointing a Clerk of Committees. So our staff will be increased and we'll be able to handle the ever-growing load of work developed by the House committees, as they are going to be in a continuing situation.

I think this should receive the full support of the House. It may also afford us an opportunity of applauding the work that our staff do throughout this long session.

MR. SPEAKER: The Hon. Member for West Vancouver–Howe Sound.

MR. L.A. WILLIAMS (West Vancouver–Howe Sound): Thank you, Mr. Speaker. We certainly support the motion which the Hon. Provincial Secretary has placed before the House. It is indeed pleasurable to us all to find that Mr. DeBeck will continue to be available as a consultant to the Clerk and to the Members of the House.

May I just ask the Hon. Provincial Secretary if it is his intention, at some later date perhaps, to fill the vacancy of Clerk Assistant. We currently have three able representatives in the Clerk, the Deputy Clerk and the Clerk Assistant. Are we to have a Clerk Assistant in the future?

MR. SPEAKER: The Hon. Member for Boundary Similkameen.

MR. RICHTER: On behalf of the official opposition, I want to commend the government for this move. I think this is a real tribute to our Clerk of the House, Mr. DeBeck, who has put in so many years of faithful service. I think he's been an outstanding friend to each and every member of the House, regardless of their political affiliations. I'm particularly pleased and we will certainly support this motion in having Mr. Horne and Mr. MacMinn follow on, certainly in the same tradition as Mr. DeBeck has exhibited to the House.

I hope that whoever does fill the position as Clerk of Committees will have the opportunity of learning some of the tricks of the trade from our venerable House Clerk, Mr. DeBeck.

MR. SPEAKER: The Hon. Member for Oak Bay.

MR. WALLACE: Mr. Speaker, I'm sorry I was out of the House on Motion 44. I just want to reaffirm my support of my original statements some time ago.

On Motion 45, this party is more than pleased to support this motion. We couldn't function without the kind of help we get from the Clerks. There are all kinds of mistakes that I have been lucky enough to avoid making because of the Clerks. I think they do a tremendous job in the House. I'm most enthusiastic in supporting this resolution. I also think it is a very right and honourable gesture that Mr. DeBeck should be appointed Clerk

Consultant and I hope that he will long be spared to fill that role.

Furthermore, I look forward to the Clerk of Committees appointment because it is very obvious that the whole House favours the increased responsi-

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bility and utilization of committees in this House. I hope that we will find the same kind of person with the same abilities and capacity as we now have in our present Clerks.

I most strongly support the motion.

MR. SPEAKER: The Hon. Provincial Secretary closes the debate.

HON. MR. HALL: The question of the Hon. Member for West Vancouver–Howe Sound (Mr. Williams) is a difficult one to answer. Only time will tell whether or not we will need, in effect, a fifth person. We will have the Clerk Assistant, the Law Clerk, the Clerk of the House, and the Clerk of Committees. Only time will tell if we will need a fifth Clerk. I'm not sure on that one. You know as well as I, if not better than I, in terms of the legal work and the drafting work that is done, although I'm finding out more about it all the time.

But I do say that the procession will be getting a little longer. I move the resolution and call the question.

Motion approved.

HON. MR. BARRETT: Mr. Speaker, the next four motions are merely formal motions to move the matters referred to the four standing committees which are to continue after the House so that they can proceed. (See appendix).

MR. SPEAKER: Order. You mean Resolution No. 47.

HON. MR. BARRETT: The next four of them are called 47, 48, 49 and 50. They're motions to put the committees into action after the House prorogues. I will call them in order now, Mr. Speaker, but they're merely to put the committees in action.

HON. MR. BARRETT: No. 47.

Motion approved.

HON. MR. BARRETT: No. 48.

Motion approved.

HON. MR. BARRETT: No. 49.

Motion approved.

HON. MR. BARRETT: No. 50.

Motion approved.

HON. MR. BARRETT: Mr. Speaker, I move that the House proceed to adjourned debate on bills in committee.

Motion approved.

HON. MR. BARRETT: Mr. Speaker, adjourned debate on committee of Bill No. 35.

AUTOMOBILE INSURANCE ACT

(continued)

House in committee on Bill No. 35; Mr. Dent in the chair.

MR. CHAIRMAN: We're considering the amendment to section 16, subsection 8, standing in the name of the Hon. Member for South Peace River (Mr. Phillips). I recognize the Hon. Member for Langley.

MR. R.H. McCLELLAND (Langley): Mr. Chairman, speaking briefly to the amendment to section 16. We were given a dissertation before lunch and before we had a chance to cool down a little bit. I'm sure that the calmness that will prevail throughout the rest of this sitting will be a welcome change.

We were also given some so-called facts, Mr. Chairman. I'd like to give this House some facts as well about what's happening in the insurance industry. I would like to recall that yesterday in my office an independent insurance agent came in to see me. He was 67 years old. He has his own business.

He said that before August 30 he could have sold his business for around \$50,000. Today, if anyone was foolish enough to even buy it, he could probably get \$15,000 or \$20,000 for it. Mr. Chairman, the independent agents, regardless of what anyone on the other side of the House says, are now suffering a real financial loss from diminishing returns in their businesses. Many of them are not going to make it through to next March because of those diminishing returns.

We heard evidence from the Premier, Mr. Chairman, about somebody putting an ad in the paper and wanting to buy up all the small independent agents. Of course they want to buy them up because the price will never be better. Those are deflated prices right now. Do we really want to see the large companies swallowing up the small, independent agents? That's exactly what's going to happen, Mr. Chairman.

HON. D. BARRETT (Premier): Are they deflated now?

MR. McCLELLAND: They are being deflated rapidly right now. They're going to be deflated more as we approach March, 1974, of course, because they'll have no business left.

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Mr. Chairman, we are now seeing the independent agents having to count on reduced income because of the actions of this government. Yet their costs are exactly the same, if not more. Their only alternative right now is to lay off staff. Once again we see an action by this government contributing directly to unemployment.

Mr. Chairman, I read a letter in this House last week. I won't repeat that letter because I'm sure the Hon. highways Minister remembers the letter. This was a letter from the wife of an independent insurance agent. This agency involved two relatively young men in my constituency who have given the best parts of their lives to building a business, Mr. Chairman. That business is now their pension and their security. These men consider that their pension and their security are in severe jeopardy, particularly because of section 16 of this Act, which is the reason that this side of the House has proposed this amendment.

These agents wouldn't mind losing their business, Mr. Chairman, if they'd done it because of some kind of laziness or mismanagement. But to have their business taken away from them because of an act of government is hardly fair play. Mr. Chairman, what about the agents who have bank loans? What kind of a position are they in now with the diminishing return from their businesses right now?

Mr. Chairman, this government demonstrates time and time again that they really have little compassion for these small businessmen. I'd like to relate to the letter that the Member for South Peace (Mr. Phillips) started to talk about earlier today and didn't quite finish. It's a letter from the Premier of the province when he was the Leader of the Opposition to a lady in Victoria who was also, Mr. Chairman, the wife of an independent insurance agent. As the Member for South Peace pointed out, the Premier told the lady in this letter that his sympathies are very much with the insurance agent and his small business.

But he went on to say, Mr. Chairman:

"Our proposal for Crown-owned automobile insurance agencies would include the sale of British Columbia auto insurance through existing agents in competition with any other company that wished to stay in the field in British Columbia."

I'll just repeat that so that the whole House can get the import of this, Mr. Chairman: "Our proposal... would include the sale of British Columbia auto insurance through existing agents in competition with any other company that wished to stay in the field in British Columbia." That letter is from the Leader of the Opposition, now Premier of British Columbia.

"This scheme will not threaten your husband's income and is, in fact, the one that the B.C. government now uses in principle in handling the insurance of its own vehicles."

The two important statements in that letter have to do, first of all, with competition and secondly, with the lack of a threat to the agents' income. Yet, Mr. Speaker, we're seeing those incomes being threatened every day of the week. It's getting worse and will get worse right up until March, even though there has been indication that there will be a sop of some kind thrown to the agents to cover them over January and February.

The small agents are not satisfied with that sop that's been offered to them. In fact, they're not even sure what it is. But they're in serious trouble right now and it's because of direct actions by this government.

Mr. Chairman, this government doesn't understand why any person would want to work long, long hours and devote all of their lives and all of their savings, risk all of their future to have a little business of their own. Because, Mr. Chairman, the socialist philosophy demands that all of our citizens come under the protection and security of the state. But, Mr. Chairman, some of us would like to think for ourselves. Some of us would like to be masters of our own destiny and not necessarily come under the protection of the state at all times.

Mr. Chairman, we would just as soon have Big Brother mind his own business. Thank you, Mr. Chairman.

MR. CHAIRMAN: I recognize the Hon. Member for West Vancouver–Howe Sound.

MR. L.A. WILLIAMS (West Vancouver–Howe Sound): Thank you, Mr. Chairman. I wish to speak in support of the amendment to section 16 proposed by the Member for South Peace.

Under this legislation, the government is embarking upon an entirely new direction. While we have opposed what they are doing under this legislation, it is obvious that they are embarked on a new direction, and I can't comprehend why, when making this move, the government has taken such a punitive action towards the insurance agents in British Columbia.

We had a performance from the Hon. Premier before the luncheon adjournment, in which he successfully confused the position of insurance companies, who are insurance carriers, and agents and employees. It leads me to the conclusion that either the Premier does not understand what he is saying or, alternatively, he says what he does in order to cloud the issue. Because he spoke beside the amendment. It is not my intention to do that.

The fact of the matter is, Mr. Chairman, that independent agents have fulfilled their roles throughout all of the communities of British Columbia. They are businessmen in their own rights. They are not the

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employees of the insurance companies, and they have maintained their position in the industry solely because of their skill and ability in performing a service to their customers. So long as they have performed that service adequately, and managed their business properly, then they have stayed in business.

Yes, as the Premier pointed out, there have been agents who have been dismissed by insurance companies. But those dismissals have resulted, in most cases, from bad management practices on the part of agents, and it is the risk that they take in business.

But what we have under this legislation, and the reason that I support the amendment to provide compensation, is that we have only one employer. If you lose your rights to act as agent for this employer there is no other place for you to turn.

As well, under the specific subsection that is being amended there is the right for the cabinet to terminate an agent's right to do business at any time, without any cause being shown. Under this same section which is the

subject of debate, it is obvious that the only person who could take over such a business is some other agent who already qualifies under the section.

What we have is a clear indication from the government that so far as agents operating in the Province of British Columbia are concerned, they will be a steadily diminishing group of people within our midst. Indeed the amendments which were passed this morning, apparently giving the right to agents to dispose of their business by transfer or assignment, or other operation of law, are so restrictive as to ensure that such transfers can only go to someone who already, today, qualifies as an agent.

It is true, Mr. Chairman, and I'm glad that the Minister indicated that. I would ask him to look at this amendment to section 7(a) which indicates that the appointment must be given with consent, and only if the person is an agent of a corporation, or is qualified under subsection 2 to be appointed an agent.

So that is already in your legislation, Mr. Minister. Quite obviously, in bringing in this amendment, you have not carefully considered how you are restricting the identity of people to whom an agent may transfer his business.

Interjection by an Hon. Member.

MR. WILLIAMS: Mr. Chairman, I am pleased to hear the Minister say that he can appoint other agents. Well, then, Mr. Chairman, if you are going to expand the number of people to whom agencies may be transferred, then I suggest that you should also follow what you have done in the same Act, and bargain and negotiate with these agents to ensure that they receive proper compensation for what they will lose as a consequence of the steps being taken in this legislation.

It is noteworthy, when considering this matter of the payment of compensation by the Crown, that when you look at section 9, Mr. Chairman, you find that with respect to people engaged in the business of repair of motor vehicles and trailers the government is prepared to negotiate and bargain. Yet they are not prepared to negotiate and bargain with the agents who will sell this insurance.

Under one of the subsequent subsections, and it is also pertinent to this matter of compensation, Mr. Chairman, the government has complete authority to determine what the rate of commission to the agent will be, and to "increase, reduce, or otherwise vary" that commission.

Now, this has a very direct bearing upon the value of the agency business. So again the government is to have the complete unfettered authority to fiddle with commissions, and therefore to destroy the value of an agency. In those circumstances, if the government takes that kind of action, then the agent should be entitled to claim compensation for that action by the government.

As I said in an earlier debate on another matter altogether, this is not ensuring that the Crown will pay compensation. It does not automatically entitle every agent to compensation, but it gives each agent the opportunity of having his individual case examined, if necessary through the processes of arbitration, to have it determined whether there has been loss, and what the extent of that loss might be. I can't for the life of me, Mr. Chairman, understand why the government wouldn't accept this amendment. Indeed, if as the Premier suggested when he spoke this morning there isn't going to be any loss, then there is nothing for the Crown to worry about.

Why are they hesitant to allow these independent agents, these independent businessmen in each of the communities throughout the province, to have the right to have their individual case examined, appraised and, if necessary, submitted to arbitration? What does the government fear? Refusal to accept this amendment and to give these people this right only leads one to the conclusion that the matters placed in debate by the Members of the opposition are in fact true, and that what the Hon. Premier says is untrue, and that there is going to be loss.

We know, Mr. Chairman, very clearly, that one of the areas of loss for which the government has provided no answer is that of those agents whose business, or a significant part of whose business has been in the sale of insurance for commercial vehicles. Yes, the agents are going to be allowed to sell insurance and sell the licensing decals. That is for private passenger motor vehicles. But the Minister has made it very clear in statements that he has made outside this House that the agents are not going to be

able to sell the metal plates, and the metal plates are those which go with commercial vehicles. Metal plates, Mr. Chairman, are also sold, or have been in the past, and I expect will be in the future, at periodic intervals, when suddenly all of the passenger motor vehicles in the province come up for new plate issuance.

Now, whether that is on a three- or a five-year basis no one knows. But if that is to be the case, that the Insurance Corporation of this province is going to retain to itself the right to sell metal plates, then not only do they take the business of all commercial vehicles, and hence the insurance written for those vehicles, but also periodically will take all of the rights to sell insurance for private passenger vehicles as well.

This interferes in a very significant way with the business of some agents. So not only do we have a general impact upon insurance agents, but we have a very specific impact upon special agents. And it is those special agents who fall into that category, Mr. Chairman, to whom this particular amendment applies. As I say, if any one agent in the province is affected by this legislation, he should have the right to have that determined. The Crown should have no hesitation in extending it to them.

If the Minister is to suggest that the practices of the corporation will be such as to prevent any of the agents from suffering loss, then he had the perfect answer, but he hasn't given it yet, Mr. Chairman.

HON. R.M. STRACHAN (Minister of Highways): I haven't had a chance. You're always talking.

MR. WILLIAMS: Well, he has had his chance, Mr Chairman. It is interesting that when the Minister rose this morning he read a letter from the Insurance Agents Association — that great association — that great association that has deserted all the agents in this debate which has continued about this legislation.

Interjection by an Hon. Member.

MR. WILLIAMS: That's right. But he went to their annual meeting just a month ago; he was invited to attend their annual meeting — the Minister of Highways — and the annual meeting was packed. It was a dinner meeting and there was the Minister of Highways, the new tsar of insurance of British Columbia, and they were all there to listen to what he had to say. But what were the ground rules? — no questions, Mr. Chairman. No questions to the Minister.

HON. MR. STRACHAN: I had to get back to the House.

MR. WILLIAMS: You had to get back to the House. Well, you took the time to talk about Bill 42 and all the wonderful things you were doing there but you didn't tell them very much about the insurance legislation. Now you see, Mr. Chairman, he says that if we would hurry up and end the debate he could get up here in this House and give us the answers.

We have been asking him questions: what will the premiums be; what will the commission be; what will his arrangements with these agents be? All we have had is silence — no answers at all. That is why we are taking the time in debate to point out to all the Members of the committee — my, there aren't very many here on the government side — the problem that exists with respect to these independent insurance agents.

It is noteworthy, Mr. Chairman, in this regard that the insurance agents have been very circumspect in their approach to this subject. They have written to their own Members at length about the problem. I have a copy of a letter which was written to Mr. Colin Gabelmann, MLA for North Vancouver-Seymour. It's a lengthy, four-page letter detailing in the most intimate way the impact that this legislation will have upon this particular agent, his wife and children. He points out quite clearly that he is not going to be able to continue to function if this legislation is passed.

So they haven't been lobbying all the Members. They haven't been spending thousands of dollars in an attempt to have the government see their position clearly. Yet they get no answers; they get no change in this legislation. But they could be satisfied if the Hon. Minister would just give them that fundamental right, when in danger of having their business confiscated by government action, to have an independent review to see whether they have suffered loss and, if they have, be compensated.

It is no great problem, Mr. Chairman, to determine what the value may be of an insurance agency. As a matter of fact the government, through the Department of Finance, does it very handily. In the case of the death

of an insurance agent, the succession duty department of this government has no difficulty in establishing the value of the agency upon which the beneficiaries will pay succession duties.

Well, if the Department of Finance, through the succession duty department, can determine the value of an agency, then there is a clear indication to the government what the value of these agencies are today. They will easily be able to determine, by the application of the same methods of calculation, whether there has been any loss or not. Why do they hesitate to accept even the calculating methods used by a department of the government?

What is wrong with an independent appraisal of that loss? I trust that the Hon. Minister is gazing for some light so that when this debate is finished he can provide us with these answers. Why will you not

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compensate these businessmen who may — "may," I say, Mr. Chairman, — suffer loss as a result of your actions? Why will you not permit this amendment to pass so that there will be a method of determining both the fact of loss and the amount thereof?

MR. CHAIRMAN: The Member for North Peace River.

MR. D.E. SMITH (North Peace River): Mr. Chairman, listening to the debate on this amendment both earlier today and this afternoon, but particularly earlier today before we adjourned for the lunch-hour break, it is very apparent to me that the Minister and the Premier do not really understand the relationship of an agent and an agency as it relates to the general insurance industry. You know, the cavalier attitude of both the Minister of Highways and the Premier leads one to suspect that they really have no appreciation for the position of the individual agent in the business of servicing the auto insurance and the general insurance industry.

The suggestion has been made that since the insurance agent will suffer no loss, why should he be compensated? But the facts of the matter are this, Mr. Chairman: any person licensed to sell general insurance in the Province of British Columbia is licensed and may represent at the present time two, three, four, six, eight companies as an agent. In that position, while he could run into disagreements with one of the companies over his performance or whatever, he can still write general insurance and car insurance, auto, fire-and-theft and casualty on behalf of the other companies that he represents.

Now the situation is going to be completely opposite under this legislation in that the only way that this agent will be able to sell car insurance in the Province of British Columbia as a licensed agent will be under the jurisdiction of the Crown corporation. If they don't approve his licence or if they revoke it or cancel it or fail to renew it, he has no option — he is out of the business of writing auto insurance in the Province of British Columbia.

Earlier today a remark was made by one of the Members speaking in this debate suggesting that surely the cabinet must have a conscience in this matter. Then the remark was made that perhaps they have no conscience. I'll not say that, but I'll say this: they have a very selective conscience with respect to what they consider to be a right and proper procedure.

There is nothing improper about this amendment. As a matter of fact, the number of times when it might have to be used would, if the government is fair to the agents, that represent them in the Province of British Columbia, be only on the odd occasion. What an agent fears most of all is the fact that he does not know what his remuneration will be. He knows now that the rate of renewal commission that is being paid to him is going down every month from now until next March. His income is dropping. He does not know how much the government will pay him in commission to write or underwrite their insurance plan. He doesn't even have a guarantee that they won't revoke his licence in six months or a year down the road.

Now, it is a very simple process for the government to use the general insurance agents in the Province of British Columbia at this particular time because they are the people that are trained in this business and in the business of underwriting auto insurance. But there is no guarantee that six months or a year down the road the government may decide to invoke a union shop or a union contract upon all the people involved in the insurance industry and give them the opportunity — or the choice — of joining the union or losing their contract.

The amendment that was proposed by the Member for South Peace River only suggests that in cases where there is a dispute and it looks like an agent, for no reason of his own perhaps, will lose the right to represent the Crown corporation, an independent appraiser would look at the situation and, if he feels the agent has a case, make a suitable award to him.

Certainly every agent in the province would feel much better about the proposition if this small amendment were accepted by the Minister. It seems incredible to me, Mr. Chairman, that an amendment of this nature, which the government cabinet Ministers and the Premier have tried to play down with their arguments, would be unacceptable. Because it would be a form of guarantee between the new Crown corporation and the general insurance agents in the Province of British Columbia that he would not be unjustly deprived of an income for his wife and his family because of some disagreement or some misunderstanding which would result in some bureaucrat deciding that his agency licence would not be renewed.

Certainly there's good reason for this amendment and there should be good reason for the government to accept it in the spirit in which it has been offered.

MR. CHAIRMAN: I recognize the Hon. Minister of Highways.

HON. MR. STRACHAN: I can assure you I am not going to accept this amendment, to start off with, for a very good reason. There isn't a private insurance company in the world that pays compensation to any agent when that company revokes the licence of that agent to sell that particular company's insurance. That's the first point.

I've listened to the moaners and the groaners across the way. I am sure glad that they're not going to have anything to do with running this insurance

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corporation, because they would certainly have bungled it, loused it up and made it impossible for it to operate. And listening to the way you talk it's obvious that there's a deep-seated hope in each of you that it doesn't work.

I can assure you that everything that I can do to make it work I will do.

Interjection by an Hon. Member.

HON. MR. STRACHAN: Yes, that's what worries you. You don't want it to work. You are agreeing with what I said. You don't want it to work. It'll worry you if it works, won't it?

Interjection by an Hon. Member.

HON. MR. STRACHAN: He says we're not prepared to negotiate and bargain. Why does he think we're having meetings with the representatives of the agents? We're negotiating and bargaining. That's what we're doing.

Now, I know and I agree that from now until the first of March next year there will be diminishing returns. But in that January-February period of next year they will get as much income as they normally would get in a full 12 months. This is a reorganization of the automobile insurance field, with some completely new procedures. That's what I want you to recognize. There's some completely new procedures involved in this because for the first time...

Interjection by an Hon. Member.

HON. MR. STRACHAN: I listened to that Member. I wonder if he would just let me explain what this is all about so you won't make a fool of yourself and you won't look back on what you say after you leave here and realize how stupid you have been.

We're involved in some completely new procedures which for the first time relate...

MR. SMITH: Point of order.

MR. CHAIRMAN: Order, please. Would you state your point of order?

MR. SMITH: There's been a lot of acrimony in all the debates in this House, but for an Hon. Minister to call a Member of the opposition stupid is completely unacceptable in this House. I'd ask him to withdraw that statement.

AN HON. MEMBER: Unconditionally.

MR. SMITH: Unconditionally.

HON. MR. STRACHAN: I didn't say he was stupid.

MR. SMITH: You did.

HON. MR. STRACHAN: I said I wanted him to listen so he wouldn't go out and say...

MR. SMITH: I ask the Member as an Hon. Member of this House to withdraw.

HON. MR. STRACHAN: I didn't say he was stupid. There's a Member that sat there and said we have no conscience and so did that Member.

MR. SMITH: I said a collective conscience.

HON. MR. STRACHAN: I've listened to garbage from over there all session.

MR. CHAIRMAN: Order, please. I would respond to the point of order made by the Hon. Member for North Peace River.

Interjections by some Hon. Members.

MR. CHAIRMAN: Order, please. I would appeal to both sides of the House to restore the proper level of decorum that is due to a proper Legislative Assembly.

I would ask the Minister if he would withdraw, in the spirit of good will, the remarks imputing stupidity to any Member of this House.

HON. MR. STRACHAN: In the spirit of good will in which I've been participating in this debate. That's what you asked me to do, Mr. Chairman.

I will repeat what I said. I asked the Member to listen so that when he leaves this House he will not make statements which, when he looks back on them a year from now, will make him realize how stupid he has been. Now that's all I asked you to do, is to listen so that when you leave this House you will not make stupid statements. That's all. I didn't say you were stupid. But I'll withdraw any accusations against the stupidity of the individual.

However, as I was saying, this is a completely...

Interjections by some Hon. Members.

MR. CHAIRMAN: Order, please! The Hon. Minister of Highways has the floor.

Interjection by an Hon. Member.

HON. MR. STRACHAN: I withdrew it.

MR. CHAIRMAN: Order, please! The Hon.

Minister of Highways has the floor.

Interjection by an Hon. Member.

HON. MR. STRACHAN: I withdrew any accusation I made as to the Hon. Member. Now I said that! What more do you want?

MR. CHAIRMAN: Order, please. Would the Hon. Minister confine his remarks to the amendment before the House, and would the other Members observe standing order 17, part 2, and not interrupt the Hon. Minister while he is speaking.

HON. MR. STRACHAN: We're embarking on a completely new procedure in the handling of automobile insurance. For the first time it will be tied to the licence plates and will be tied to the renewal — it will be tied to the driver's licence. This requires completely new procedures and a reorganization of the industry. I recognize that. The agents know that.

But I will predict that a couple of years from now, after it's been in operation, the agents will be doing very well. This is why I cannot understand the moaning and the groaning that's been going on.

Now as I told you, I am negotiating and bargaining with them. They talk about the reduction in the commission. About 10 years ago the commission that was paid the agent was 22 per cent. Because of a change in the market situation, the commission was reduced, I think first of all to 17 per cent, and then down in a couple of jumps. There is a further change in the market situation and that will be recognized.

There's continual harping over compensation. I remember when I used to buy insurance to cover my hospital bill and I borrowed from a private agent. The government of this province brought in a hospital insurance plan. It was compulsory. It covered every person in the province.

AN HON. MEMBER: It was voluntary.

HON. MR. STRACHAN: It was not. The hospital insurance was compulsory. Every person in this province had to pay his premium. I didn't hear any complaints then about compensation for the insurance companies and they had the whole field to themselves. When the government brought in legislation there was no talk about compensation then.

I want to say this, that we are in negotiation now. I have already assured the agents there will be a substantially larger market. It may not be public knowledge yet but the...

AN HON. MEMBER: It'll be a larger market.

HON. MR. STRACHAN: A substantially larger share of the market — and it's a continually enlarging market. I wish you'd looked at some of the statistics before you got up and said some of the things you've been saying.

MR. D.M. PHILLIPS (South Peace River): I'll stand behind anything I say.

HON. MR. STRACHAN: It'll bury you.

It's not generally known but the Motor-Vehicle Branch is being transferred to my jurisdiction. Because it is related to the insurance — the plates and the licences — it will allow me then to change procedures within the Motor-Vehicle Branch to overcome some of the objections that the agents have made as to what's available to them because of licence plates. It means that in any year when a complete renewal of licence plates is necessary, we can work out arrangements with the insurance agents to overcome any problem that might evolve out of that.

I want to make it very clear to the Members of this House that we are going into the insurance business. We're going into the general insurance business too, as I indicated. I'm telling you, and I've already told the agents, we need agents. That's why I'm rejecting this amendment. I suggest that two years from now you'll look back in wonderment at some of the things that were said. You'll say it was the greatest thing that ever happened to the province.

I now call for the question on the amendment.

MR. CHAIRMAN: I recognize the Hon. Member for South Peace River on the amendment.

MR. PHILLIPS: Well, Mr. Chairman, I had said my piece on the amendment until such time as both the Minister of Highways and the Premier had to get on their feet and twist a few things around to give the impression that the new government insurance is treating everybody just the same as an individual insurance company treats them.

The truth is, Mr. Chairman, that by not accepting this amendment the government has developed an insensitive and cavalier attitude towards the needs and the objections of the independent businessmen in this province who have been previously selling insurance in good faith and who have been previously building up their businesses, many of them so that they could sell it some day and maybe retire.

The rights of the individual have been completely overlooked by this arrogant government, Mr. Chairman — completely overlooked. The Premier referred to the jungle of free enterprise. Let me tell you the facts, Mr. Chairman, and the reason that we should still push for this amendment.

Under the present set-up, an agent who deals with one insurance company and for some reason or another the agent and the insurance company whose

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policies this agent sells decide that they do not see eye-to-eye, then the agent or the insurance company, either one, has the right to terminate the agreement. But, Mr. Chairman, the difference now is that that insurance agent could go to one of the many insurance companies in North America and Canada and have the opportunity to handle some other company's insurance. There was no great personal loss to this agent and his agency.

That's why the situation is now different, Mr. Chairman, very different. Now, Mr. Chairman, there is only going to be one monopolistic insurance company handling automobile insurance in British Columbia. The difference now is that if this agency is terminated, there is no other company that he can go to. In other words, he is o-u-t — out of business.

That is why, Mr. Chairman, we must have this amendment — to protect that individual's rights. There is no other insurance company for him to go to.

With many of the agencies that I have talked to, about 40 to 60 per cent of their business is selling automobile insurance. It's unfortunate that the Premier has gone hard in the head since coming to power. That's the only thing I can think about it. He's become completely insensitive to the little people.

Mr. Chairman, if the government does not accept this amendment, I can only come to the conclusion that the government has two sets of standards: one set of standards they deal with when they're dealing with labour unions and labour legislation, and another set of standards when they're dealing with the small independent businessmen in this province. Two sets of standards, if they do not accept this amendment, Mr. Chairman. There is no other way that I will be able to see the government.

You know, Mr. Chairman, when the government talks about labour legislation, they want to protect the rights of the individual. All I'm trying to do here this afternoon, Mr. Chairman, via this amendment, is ask the government to have some understanding of the rights of the hundreds and hundreds of independent insurance agencies in this province.

Mr. Chairman, it will be a very, very sad day here in this last day of this long Legislature if the government does not accept this amendment. I would have to think that they have had a hardening of the conscience cells.

In many instances, Mr. Chairman, we are dealing with individual agents. In many instances, it is individual people who sell automobile insurance that I am trying to protect. In other instances, it may be a partnership. These are the people that I am trying to protect by this simple amendment.

I don't know what the criteria are going to be for the cancellation of a licence under this monopolistic government-owned insurance corporation. This is what frightens these people, Mr. Chairman. This is why this

amendment should be accepted. These people are not employees of any insurance company. They are agents of the insurance companies' merchandise, which are the policies they sell.

When the government will not support this simple amendment that I have, Mr. Chairman, I have to think that it is the desire of the government to make these insurance agents become employees of the government. I have to think that this is the ultimate aim.

When the Premier was talking this morning, he was talking about large insurance companies with their head offices in New York and Chicago. I'd like to tell you, Mr. Chairman, that there are many insurance companies with their head offices in Canada, in Manitoba.

The other people that I would like to protect, Mr. Chairman, are the people who have the largest percentage of their business handling commercial vehicles. These people...

MR. CHAIRMAN: Order, please. The matter which the Hon. Member is discussing has already been dealt with by other Members of this assembly on the debate on this amendment. I would ask him, if he has no further information to add, that he take his seat. The matter of individual rights and commercial vehicles and so on has already been examined.

MR. PHILLIPS: But these people, Mr. Chairman, that I'm talking about have about 80 per cent of their business in commercial vehicles, and they have already been dismissed without compensation.

Interjection by an Hon. Member.

MR. PHILLIPS: You didn't listen to what I said — they have already been dismissed.

MR. CHAIRMAN: Order, please. I would point out to the Hon. Member that this particular point has been dealt with at length by another Member in debate on this amendment. I'd ask you not to discuss it further.

MR. PHILLIPS: Mr. Chairman, I'm going to ask the Premier and the Minister once again in the name of justice, in the name of democracy, and in the name of decency to accept this amendment.

I'm going to ask, Mr. Chairman, that the government backbenchers who have been pushed around during this session of the legislature, whipped into shape, I'm going to ask them to vote with their conscience. Mr. Chairman, for the Minister of Highways to stand in this legislature and say to people who are fighting for the rights of the individuals in this Province of British Columbia that we are moaners and groaners is beyond comprehension. Somehow, Mr. Chairman, since that Member became a Minister, he has developed a very

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callous attitude toward the rights of the individual, toward giving proper compensation.

MR. CHAIRMAN: Order, please. I've asked the Hon. Member to confine his remarks to the amendment.

MR. PHILLIPS: I am certainly confining my remarks to the amendment. I'm confining my remarks to the amendment a lot more than the Premier did when he made a tirade on the floor of this House just before we prorogued at one o'clock. And I didn't hear anybody bringing the Premier to order when he got up and ranted and raved like a maniac.

MR. C. LIDEN (Delta): Who is the maniac?

MR. PHILLIPS: Mr. Chairman, the Minister of Highways (Hon. Mr. Strachan) says, via this amendment that we're trying to see that this insurance company will not work. That statement again, Mr. Chairman, is insensitive. And in the next breath the Minister of Highways says he cannot accept this amendment because he is negotiating with the agents in this province. Mr. Chairman, the Minister of Highways wants to negotiate from a clear position of absolute and total power. He wants to have the axe hanging over the heads of the insurance agents in this province.

MR. CHAIRMAN: Point of order. Would the Hon Member be seated? Would you state your point of

order please?

HON. MR. STRACHAN: I draw to your attention that this amendment is out of order.

MR. CHAIRMAN: The point is well made. This particular amendment is out of order under standing order No. 67 inasmuch as it involves the expenditure of money by the Crown. Therefore, I rule the amendment out of order and ask the Hon Member...

MR. PHILLIPS: Well, Mr. Chairman, finally you've got around to using closure in this legislature.

SOME HON. MEMBERS: Oh, Oh!

MR. PHILLIPS: You've tried to do it before, you waited until the last day to bring in closure — steamroller tactics. You've got too much power on that side of the House. The people are going to find out, Mr. Chairman. You go ahead, close debate in this House if you want. You go ahead, close the Member off...trying to fight for the rights of the individual That's why you bring closure...

MR. CHAIRMAN: Would the Hon. Member be seated?

MR. PHILLIPS: I don't know whether I will or not. When that Minister of Highways uses closure in this House to shut off debate while I'm fighting for the rights on individuals in this province...

MR. CHAIRMAN: Would the Hon. Member be seated? Will he obey the Chair?

MR. PHILLIPS: May I continue on with my debate?

MR. CHAIRMAN: I've asked the Hon. Member to be seated.

MR. PHILLIPS: May I continue on with my debate?

MR. CHAIRMAN: Would the Hon. Member be seated please?

MR. PHILLIPS: The Minister of Highways used closure here this afternoon.

MR. CHAIRMAN: Would the Hon. Member be seated please! I order you to be seated!

MR. PHILLIPS: You're really going to use closure, eh?

MR. CHAIRMAN: I'm ordering you to be seated.

MR. PHILLIPS: You're going to use closure. Well that's fine, you go ahead and use closure. You've been going to do it all this Legislature, so you're finally getting around to it.

MR. CHAIRMAN: I would ask the Hon. Member to take a seat and be quiet.

Interjections by some Hon. Members.

MR. CHAIRMAN: Before we proceed, would the Hon. Member be seated. I just want to comment on the decision that was made before we proceed. I have known that this particular amendment was out of order all the time and I have resisted the temptation to say so because I believed that the mood of the House was to debate this particular amendment, even though it was out of order. I believed it would be done in a spirit of goodwill. However, I did not expect that the reaction would be quite so violent when it finally was drawn to the attention of the Chair that this was in fact out of order.

But, I would ask that the debate continue on section 16, on the main section, in a spirit of

goodwill. The amendment is clearly out of order — I've ruled it out of order. If the Member is not satisfied with the ruling, he may appeal it.

MR. PHILLIPS: Well I challenge the ruling, Mr. Chairman.

MR. CHAIRMAN: The ruling has been challenged.

House resumed; Mr. Speaker in the chair.

MR. CHAIRMAN: Mr. Speaker, the committee reports that on debate of section 16, the amendment on the order paper in the name of the Hon. Member for South Peace River was ruled out of order by the Chair.

MR. SPEAKER: On what grounds was it out of order?

MR. CHAIRMAN: I ruled it out of order on the grounds provided under standing order 67 inasmuch as it involved expenditure of money by the Crown.

MR. SPEAKER: On the amendment by a private Member?

MR. CHAIRMAN: Yes — on amendment by a private Member, not by message.

MR. SPEAKER: Thank you, I think the House is apprised of the situation. The question is whether the Chairman's ruling shall be sustained.

Interjection by an Hon. Member.

MR. SPEAKER: Order, please. I have no power under our standing orders to debate the point of order. I can only ask the House to make its ruling, either sustaining the Chairman's ruling or defeating his ruling. That's the only power the Speaker has when a report comes from committee. I cannot determine the issue myself. I can only deal with the question of whether the House will decide in favour of the chairman's ruling or not. Is that understood?

The question is whether the Chairman's ruling shall be sustained.

Mr. Chairman's ruling sustained on the following division:

YEAS — 41

Hall	Macdonald	Barrett
Dailly	Strachan	Nimsick
Stupich	Nunweiler	Nicolson
Brown	Radford	Sanford
D'Arcy	Cummings	Levi
Lorimer	Williams, R.A.	Cocke
King	Calder	Hartley
Skelly	Lauk	Lea
Young	Lockstead	Gorst
Rolston	Anderson, D.A.	Barnes
Steves	Kelly	Webster
Lewis	Liden	Curtis
Wallace	Gardom	Williams, L.A.
Anderson, G.H.	McGeer	

NAYS — 9

Richter	Bennett	Chabot
Jordan	Smith	Fraser

PAIRED

Brousson

Gabelman

MR. SPEAKER: Before we proceed I would like to make this note to the Hon. Members.

All resolutions, motions, amendments and petitions that are on the order paper are there, whether they are in order or out of order, until they are drawn to the attention of the Chair. And only then, under our rules, are they ruled out of order.

The reason for this salutary practice is that the Crown may, through a Minister while debate is in progress, adopt a very good resolution or amendment. So, therefore it should not be attributed to the Chairman when he follows the duty prescribed to him.

AUTOMOBILE INSURANCE ACT

(continued)

House in committee; Mr. Dent in the chair.

On section 16.

MR. CHAIRMAN: I recognize the Hon. Member for North Okanagan on section 16 as amended.

MRS. P.J. JORDAN (North Okanagan): Mr. Chairman, I think the position of this party has been amply explained. We stand firmly for equity and fair treatment to people who are hurt by legislation of a government, and in this case it is this government. I must say that I am amazed the way the Minister of Highways (Hon. Mr. Strachan) and that government react under these circumstances.

First of all, we notice that every time we zero in on what is really the essence of the concern on the part of the opposition...

MR. CHAIRMAN: Order, please. I would ask the Hon. Member to confine her remarks to the section before us — section 16 as amended.

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MRS. JORDAN: ...which in essence denies the right of equity and fair treatment to agents who suffer from the action of this government.

Mr. Chairman, speaking to that section, I would say that I am appalled that the reason the Minister of Highways gives for his refusal to consider in any way fair treatment for those people is the fact that the big insurance companies don't have similar consideration. It is astonishing. In fact, I would suggest that it is unprecedented in parliamentary history the way this government uses whatever vehicle they can in the assumption that the ways justify the means.

That Minister has stood up in this House and talked about insurance companies. He's literally stripped them naked, Mr. Chairman. He's endeavoured to strip them of their self respect; he's endeavoured to strip them of their credibility. This government has endeavoured to strip them of their assets. Then all of a sudden, Mr. Chairman, he dresses them all up again when it is convenient and hides behind their skirts. I would suggest that that's an action unbecoming to a Minister, let alone a government.

He just can't make up his mind whether he's for or agin' them. When it's convenient, he'll strip them; when it's convenient he'll dress them up again and hide behind their skirts.

Mr. Chairman, every Member in this House has files full of letters from small agents in British Columbia. Many of us represent people who have very recently expanded their agencies either through greater capital

investment, larger staff, or purchasing other agencies. Many of them have commitments into the hundreds of thousands of dollars. Many in the area that I represent have commitments in the \$30,000 and \$40,000 area. And it doesn't really matter, Mr. Chairman, whether it is \$100,000 or \$30,000 or \$1,000 — it's the principle that has been violated that is the point of issue — and it is violated in this section.

I represent a company that I can think of right now, a young agent in the North Okanagan, part of the business community, who only this last April, a year ago, purchased an older man's agency for a sum of well over \$25,000. It was agreed that this capital should be paid over a period of time and that the older agent should then work in the office of the new agency. This was an amicable arrangement; it was a fair arrangement. Mr. Chairman, it was done within the framework of the law, and it was a morally recognized and acceptable arrangement.

But where does that agent and his family stand today? He's got a debt of well over \$25,000. He is committed to employ the previous agent and his staff, and he is in a position where, as the Minister himself admits, their returns are grossly down at this time.

Under this section what sort of compensation does he get for a debt that he must pay off regardless of what this government does? And in this section...

MR. CHAIRMAN: Hon. Member, the amendment on compensation was ruled out of order. I would ask you not to discuss it any further.

MRS. JORDAN: I'm speaking to the section and the fact that it lacks compensation, Mr. Chairman. That's all right, isn't it?

MR. CHAIRMAN: You must be strictly relevant and speak to the content of the thing, and not to what it ought to contain. That's a matter for amendment and the amendment was ruled out of order. I would ask you to confine your remarks to the section.

MRS. JORDAN: Well, Mr. Chairman, if you speak to the content of this situation, there is nothing to talk about except just the stripping of the rights and the assets of small people in this province. If that is the way the Chairman wishes to confine the debate, then that's how it will be handled.

But we are trying to point out to the Minister, in hopes that some semblance of reality and fair play will get through to him and he'll come out from hiding behind the skirts of the big companies that he likes to knock down all the time, to be aware of what his actions are doing.

The Minister says that these amendments have come in through consultation with the agents. The Premier and the Minister are on record, both on the television and at public meetings with these people, as stating that they really didn't care — they were going to have government automobile insurance, regardless. And that's just what they did. It is only through the efforts of this opposition and the small people in the business that even that position was backed-up the little way that it is in this section and amendment.

Mr. Chairman, that Minister, who has had a lifelong period of dedication to public service, must have the errors of his ways pointed out to him. He mustn't let momentary power go to his head. He must get down on the ground with his feet and with the people whom he is hurting so badly in this province.

As I said before, it is not good enough for the Minister to stand up in this House and say "There's going to be great profit for agents that work for the government in the future," Mr. Chairman. What do they eat today? What do they pay their overhead with today? With what do they pay their capital debts that they acquired in good faith, believing that we had a government in British Columbia that would honour contracts and honour the rights of the individual?

The Minister doesn't answer that question in this

section, Mr. Chairman. The only reason there are amendments on this order paper today is because the opposition have had to push and shove and hammer in an effort to try and make this government come to some sense of

reality and to grips with what, in fact, does happen to people when you bring in ill-conceived and ill-thought-out and emotional, philosophical legislation.

Mr. Chairman, what do these MLAs go home and tell their small agents? This action has pitted children against children. If the Chairman has any doubt, I suggest that he go out into the province — and I'll show him some of the places to go — where high school students are arguing and friendships are breaking up in small communities because one child is the child of an insurance agent and the other child is a child of a group that has benefited beyond equity in relation to other actions by this government. No government, Mr. Chairman, has the right to bring in legislation that is going to have this type of ramification.

I'd ask the Premier of this province, in speaking to this section, instead of going into an emotional tirade when the opposition hits where it should hit — on the point and in conscience, and in the conscience of that Premier — not to wave his arms, not to indulge in insulting comments with Members and not to debase the debate.

MR. CHAIRMAN: Order, please. Would the Hon. Member please confine her remarks to the section.

MRS. JORDAN: I am starting to wind up, Mr. Chairman. Instead of doing that, Mr. Chairman, in speaking to this section, let the Premier of this province stand up and show his knowledge of what this legislation and this section has done to a small group of people in the province and to their rights.

Let him give us and them an answer that is going to allow them to pay their bills today, is going to give them an idea of what type of a future they have, and is going to stop this unbelievable situation where children of families in different professions and job venues in the province are in a position where they are breaking up their own friendships because of the actions of this government.

MR. CHAIRMAN: I recognize the Hon. Member for West Vancouver–Howe Sound on section 16 as amended.

MR. WILLIAMS: Thank you, Mr. Chairman. The Hon. Minister of Highways gave some answers when he, spoke a few moments ago; I want to bring him back to the question of the right of agents to deal with metal plates. The Hon. Minister indicated that discussions were going on with the insurance agents with respect to the manner in which metal plates might be handled on those...

Interjection by an Hon. Member.

MR. WILLIAMS: O.K. You've clarified that, Mr. Minister. I didn't understand you. I understood that you were negotiating and bargaining with the agents concerning the matter of metal plate renewals for private passenger vehicles from time to time. If I'm wrong would you please correct me?

May I specifically ask the Minister whether or not he has under negotiation a programme whereby the insurance agent representing the corporation will be able to continue to provide service for and sell insurance for commercial vehicles, either with the issuance of license plates or still permitting the license plates to be purchased through the Motor Vehicle Branch?

It seems to me there is a great deal of misunderstanding in the general community about this, certainly amongst agents, and I think it is important that it be cleared up.

HON. MR. STRACHAN: I said two things. I said negotiations are going on in discussions with the agents' representatives with regard to a substantially-enlarged share of the market. That is what I said.

Secondly, I told you that the Motor Vehicle Branch was being transferred to my jurisdiction and, in the reorganization of the Motor Vehicle Branch, we will be able to overcome some of the organizational problems that are related to the agents' share of the market. We are still doing two things: one, examining the operation of the Motor Vehicle Branch and two, discussing with the agents their need for a substantially larger share of the market.

As you know, I've already said they will have a substantially larger share of the market. The two are separate, but related — if you get what I mean.

MR. WILLIAMS: Well, I think the Minister can perhaps be clearer than that. I appreciate what he says, but is this change, and are these discussions directed to preserving or remedying an anticipated problem by those agents who are substantially in the commercial vehicle field?

HON. MR. STRACHAN: Yes.

MR. L.A. WILLIAMS: The answer is yes. Thank you.

MR. CHAIRMAN: Shall section 16, as amended, pass?

Section 16 approved with amendment.

Sections 17 to 45 approved with amendments.

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On section 46.

MR. CHAIRMAN: The Hon. Member for North Peace River on section 46.

MR. SMITH: I move the amendment standing in my name on the order paper, which would add a new subsection to section 46, to be known as subsection (4) of section 46.

This amendment would provide for the payment of the annual premium — or the total yearly premium, I should say — for the insurance that is to be underwritten by this corporation on a basis other than annually. In other words, the same provision that is extended to people who purchase insurance from private insurers today would be extended by this amendment to the new Crown corporation, and the election would be to the individual as to whether he should have to pay his insurance in one sum annually or monthly, quarterly or semi-annually.

I think that if we set up a provision where everyone must at a certain date, probably the 31st day of March, provide for the payment on an annual basis of their licence fee or of the licence plate — part of which the cost of insurance would be attached to the premium paid — plus a renewal of their driver's license — part of which premium will be as a result of this insurance scheme — that we are putting a tremendous impost upon individuals, particularly those people who have a number of drivers in one family. While they may only have one vehicle to license they could have, in this day and age with a number of teenagers, four or five people renewing their driver's licence at the same time.

So it would seem to me that the payment of the premium in one annual instalment, falling due at one particular time — probably the end of March of each year — will result in an injustice and a hardship to people that is not presently a part of the process of paying for car insurance premiums.

That is why I move this amendment.

MR. CHAIRMAN: The Hon. Minister of Highways.

HON. MR. STRACHAN: Well, Mr. Chairman, the Member raised a good point. No question about that. We've already had some discussions with the agents and Mr. Forting, my advisor, has had some substantial discussions with them. There is no doubt in my mind that we will work out some procedure that will leave it pretty free as to how it is accomplished.

I'm not prepared to accept the amendment but I appreciate and agree with the Member that some process has to be worked out. I can't accept the amendment; I don't think it belongs in the legislation as part of the regulations. So it's really capable of being worked out in different areas according to the different availabilities of processes.

MR. SMITH: Mr. Chairman, do I have the Minister's commitment then that by the regulations or some means you will try to work out a method in which a person can pay for his premiums other than annually?

HON. MR. STRACHAN: We're already working on it.

MR. CHAIRMAN: Shall the amendment pass?

Amendment negatived.

Sections 46 to 82 inclusive approved with amendment.

Title approved.

HON. MR. STRACHAN: Mr. Chairman, I move the committee rise and report the bill complete with amendments.

Motion approved.

The House resumed; Mr. Speaker in the chair.

MR. CHAIRMAN: The committee reports divisions in committee and asks that they be recorded in the *Journals* of the House.

Leave granted.

Bill No. 35 reported complete with amendment.

MR. SPEAKER: When shall the bill be considered as reported?

HON. MR. STRACHAN: With leave of the House now, Mr. Speaker.

Leave granted.

Bill No. 35 read a third time and passed on the following division:

YEAS — 37

Hall	Macdonald	Barrett
Dailly	Strachan	Nimsick
Stupich	Nunweiler	Nicolson
Brown	Radford	Sanford
D'Arcy	Cummings	Dent
Levi	Lorimer	Williams, R.A.
Cocke	King	Calder
Hartley	Skelly	Gabelmann
Lauk	Lea	Young
Lockstead	Gorst	Rolston
Anderson, G.H.	Steves	Barnes

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Liden	Lewis	Webster
Kelly		

NAYS — 16

Richter	Bennett	Chabot
Jordan	Smith	Fraser
Phillips	McClelland	Schroeder
McGeer	Anderson, D.A.	Williams, L.A.

HON. MR. BARRETT: Committee on Bill No. 34, Mr. Speaker.

INSURANCE CORPORATION
OF BRITISH COLUMBIA ACT

House in Committee on Bill No. 34; Mr. Dent in the chair.

Section 1 approved.

On section 2.

MR. CHAIRMAN: I recognize the Hon. Member for North Peace River.

MR. SMITH: Section 2, Mr. Chairman, provides for the establishment of the corporation and the corporate officers who will act on behalf of it. I notice that we have a Minister of the Crown who is going to be one of the appointed people to represent the corporation and four other members appointed by Lieutenant-Governor-in-Council. So it seems that one of the Ministers will not only represent the Province of British Columbia as a Minister of the Crown but they will also be the tsar of the Insurance Corporation of British Columbia.

The one thing that I would bring to the attention of the House is this, that there's a great inconsistency in the approach that is taken by the government between this Act and other Acts of a similar nature that we have passed during this legislative session.

For instance, a quorum under this section of the Act is three out of five — in other words, a majority of the members. A quorum under the *Energy Act* — two out of seven, Mr. Chairman, way less than a majority. I would hope that the government would see fit in all their legislation, including not only this Act but other Acts that come before the House, to make sure that whoever may be representing the corporation as either officers or directors, when dealing with matters that come before and in the purview of the corporation, at least a majority of the appointed directors and officers will be required before they can make a majority decision.

MR. CHAIRMAN: I recognize the Hon. Second Member for Victoria.

MR. D.A. ANDERSON (Victoria): Section 2(6), Mr. Chairman, provides that a director who is a Member of the Legislative Assembly may, despite the *Constitution Act*, accept payments made to him under subsection (3). Subsection (3) talks about remuneration for his services. I would like to record this party's objection to setting up a board of this nature which includes a Minister of the Crown as well as perhaps other MLAs on the board of directors where they will be paid additionally to their remuneration from the House and from the *Constitution Act*.

I believe it is bad in principle to establish the Crown or the Crown corporations such as this one, paying Members of this assembly separately and independently and in addition to the pay they receive as Members of the assembly.

We don't wish to put an amendment in; in fact it would be very difficult to amend. We simply state our objections here and trust that the Minister will have a look at this. If he accepts it — after all it deals with finances and he has to accept it — I wonder whether he would perhaps ask that voting on this be subsection by subsection so we could vote down subsection (6).

HON. MR. STRACHAN: Well, I explained this the other day. As a Member of the Legislative Assembly, any MLA, a Minister especially, if he accepted even expense payments for work done on behalf of the automobile insurance...

MR. D.A. ANDERSON: I don't mind expense payments but something else — you know what I mean.

HON. MR. STRACHAN: Well, that has to be in there in order they be allowed to accept expense payments.

MR. D.A. ANDERSON: No, there are two things in this section.

HON. MR. STRACHAN: No, it has to be in there and that's it. Otherwise you couldn't accept.

MR. D.A. ANDERSON: The problem is, Mr. Minister...and I'll try and be brief. Clearly you didn't understand the point I'm making: out-of-pocket expenses, fine; normal expenses, fine; but remuneration for services is something else and there are two things referred to in section 3. We object to the second, which is remuneration for services. We do not object to the point you made which is reimbursement of expenses.

HON. MR. STRACHAN: No, there isn't.

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MR. D.A. ANDERSON: But there is, under this section.

MR. CHAIRMAN: The Hon. First Member for Vancouver–Point Grey.

MR. P.L. McGEER (Vancouver–Point Grey): Mr. Chairman, perhaps the Minister could then tell us what the difference is between this particular bill and this section and the terms of reference that we now have for the B.C. Railway and the B.C. Hydro, where Ministers can serve on the Board of Directors and perhaps do incur expenses, for all we know, travelling and in other ways. Why would this be different?

HON. MR. STRACHAN: For the very simple reason that I have given a guarantee that there shall be no subsidy of any kind toward the insurance company. If I took, for instance, Department of Highways expenses to travel or do any work for the automobile insurance or the insurance corporation, then I would, in effect, be subsidizing the operation of the insurance. That is why that has to be in there. So any time I spend travelling or anything else on behalf of the insurance company will be charged to the insurance company.

MR. McGEER: Mr. Chairman, is the Minister giving us a flat guarantee, recorded now, that no MLA and no Minister will be paid a stipend from the insurance corporation?

HON. MR. STRACHAN: I'm giving you that absolute guarantee.

MR. CHAIRMAN: Shall section 2 pass?

Section 2 approved.

Sections 3 and 4 approved.

On section 5.

MR. CHAIRMAN: The Hon. Member for North Peace River on section 5.

MR. SMITH: This section deals with the objects and the powers of the corporation and, subject to the approval of the Lieutenant-Governor, allows this new corporation to carry on both within and without the province the business of insurance and reinsurance in all its classes. In other words, we've heard from the Minister this afternoon that they intend to enter into the general insurance business in the Province of British Columbia.

The original intent when the present government campaigned was to indicate their desire to go into the auto insurance field. They have now said that they're going into the general insurance field and that they may, in one section of this Act, section (f), enter into collective agreements or carry on business jointly on any class of insurance with other insurers, whether within or without the province; and if they do, the *Insurance Act* does not apply to such agreements.

[Ms. Young in the chair.]

I suggest to you that it is a genuine concern, Madam Chairman. I suggest to you that it is a genuine concern of the Members of the opposition that this section and these subsections were written into the Act with the express purpose in mind of joining into what I would term an unholy alliance with the Provinces of Saskatchewan and Manitoba to set up an insurance cartel, financed by the Province of British Columbia — that happens to be in a better financial position than the other two provinces — and effectively take over the entire general insurance industry in those three provinces. As such, we certainly oppose that section of the Act.

MS. CHAIRMAN: The Hon. Second Member for Vancouver–Point Grey.

MR. G.B. GARDOM (Vancouver–Point Grey): Thanks, very much. I was up a moment ago under section 5. Under 5, I direct the attention of the Minister to 5(e) and (f). Under 5(e) it gives the corporation the power — I don't know whether it is intended or not — to set up its own facilities for treatment and perhaps even insist on treatment, say, by salaried government doctors or physiotherapists or what have you. I'm asking whether that is the intention under 5(e).

Then under 5(f) once again...I'm sorry, 5(b). I had the wrong section, Mr. Minister.

Under 5(b) you are dealing with facilities for treatment, right? O.K.

Now my remarks are now to 5(e). Under 5(e) once again we find this very, very nasty and upsetting word in British Columbia statutes — expropriation. It gives you the power here to move 100 per cent on to private property or into business, and you've already made certain sides of this business so tenuous that almost any offer is one that can't be refused. I would ask whether or not if expropriation should not include as a complementary word to it, "compensation."

HON. MR. STRACHAN: Under the laws of this province I always considered expropriation did include compensation. Under this clause, for example, the corporation is authorized to provide or to cooperate with others to provide rehabilitation

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services for persons injured under a contract or plan that gives coverage for bodily injury. Such a programme would have to be designed so as not to conflict with, or overlap with, the Medicare programme.

MR. GARDOM: But that's what's intended.

HON. MR. STRACHAN: Yes.

MS. CHAIRMAN: The Hon. Member for Langley.

MR. McCLELLAND: I have a question, Madam Chairman, to the Minister. Perhaps he would tell us under what conditions the insurance corporation would consider that expropriation was advisable. Certainly the major job of the corporation will be insurance and reinsurance and, we suppose, the autobody repair business as well — well, you've given yourselves the right to go into the autobody repair business. "Repairing any property insured" is right in this section. Under what conditions would the expropriation procedures take place? That was the question I asked.

HON. MR. STRACHAN: I can't imagine any.

MS. CHAIRMAN: Shall section 5 pass?

Section 5 approved.

On section 6.

MS. CHAIRMAN: The Hon. Second Member for Vancouver–Point Grey.

MR. GARDOM: Dealing with 6, Madam Chairman, the powers in this Act, combined with the fact that the orders-in-council can change regulations, are extremely broad. By prescribing forms and information required the corporation has the ability to create very difficult conditions for a claimant or a prospective policy

holder. And there is not any regulation required to establish forms which will formulate the basis for a policy-holder's right to recover.

I think that this is a terribly important point, because coverage has always been defined. This has been the experience of people who purchase premiums. They have an idea of what they are buying when they get the particular forms, and coverage has got to be made apparent.

So I would like to have some assurance from the Minister that the exact kind of coverage the government proposes to extend by the government plan will be made totally known and will be totally available to the insured motorist in B.C. under the plan.

HON. MR. STRACHAN: Yes, that will be very clear in the regulations.

MR. GARDOM: Well, you're going to do it by regulations — because that form has not come forward yet.

HON. MR. STRACHAN: None of the insurance Acts that go through this House contain the coverage.

MR. GARDOM: Now, another thing within this particular section under (8)...there are very broad powers relating to the conduct of the affairs here of the corporation, without any review, or by publication. Under the *Regulations Act*, which was the first bill introduced by the Attorney General this year, this statute is excluded. Now surely to goodness the regulations of the Insurance Corporation of B.C. Act, should be published. But under the Attorney General's bill he stopped you from doing that.

HON. MR. STRACHAN: I wasn't aware of that. It's an interesting thought.

MR. GARDOM: Yes, but it is wrong though, isn't it, because I think it is your intention to publish it.

HON. MR. STRACHAN: It will be published.

MR. GARDOM: We have your assurance? Good.

MS. CHAIRMAN: Shall section 6 pass?

Section 6 approved.

Section 7 approved.

On section 8.

MS. CHAIRMAN: The Hon. Member for North Peace River.

MR. SMITH: It seems unfortunate that the government would consider writing into this Act a provision which provides that agents or adjusters may be appointed and, if so, the provisions of the *Insurance Act* do not apply to such agents or adjusters.

I'm wondering under what conditions the Minister would consider appointing someone to act as an agent or an adjuster, particularly as an agent, for the new corporation who was not a licensed agent under the terms and definitions of the *Insurance Act*. What is the purpose of that, Mr. Minister?

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HON. MR. STRACHAN: Well I made that fairly clear, I thought, when I introduced the bill originally. The basic, simple, passenger automobile insurance will be available at government offices. The type of form will be of the simple-choice coverage. Therefore that individual would not require the full licenced agent experience. There will be a training school for them. That's what we have in mind.

Sections 8 and 9 approved.

On section 10.

MS. CHAIRMAN: The Hon. Second Member for Vancouver–Point Grey.

MR. GARDOM: Once again under 10 we find that this corporation does not provide the right to the public to sue the corporation, if they so choose. Secondly under section 10, you talked a little bit earlier this afternoon under the other Act that there would not be a necessity to pay this insurance premium tax or the tax dealing with the fire marshal. Yet, under your 10(4) you say that you will pay every government tax or impost. So that's wrong and you should adjust one to the other. They don't balance out.

HON. MR. STRACHAN: I'll take a look at it.

Sections 10 to 12 inclusive approved.

On section 13.

MR. CHAIRMAN: The Hon. Second Member for Vancouver–Point Grey.

MR. GARDOM: Now this deals with advances from Consolidated Revenue Fund and it talks about, in the last two lines of this section, that these advances are to be repaid upon such terms as may be approved by the cabinet. Well, you don't have to approve any type of repayment at all. There's not a defined method or a mode of repayment stipulated in this statute. There's not any irrevocable obligation to repay. What you've given yourself here is a totally elastic situation and there's no way that you can give assurance to the people of the Province of British Columbia that these amounts will ever be repaid to the Consolidated Revenue Fund.

HON. MR. STRACHAN: There's a later section which makes it clear it's only an advance.

MR. GARDOM: Oh, no.

HON. MR. STRACHAN: Yes, there is.

MR. GARDOM: Oh, no, no, no. But, that's not a responsibility to repay. With every respect, there is not. It's to be repaid upon such terms as may be approved. If there are not any terms approved, there's not any need for repayment.

Sections 12 to 20 inclusive approved with amendment.

On section 21.

MS. CHAIRMAN: The Hon. Second Member for Vancouver–Point Grey.

MR. GARDOM: On section 21, Madam Chairman. Getting back to this point again, here the Lieutenant-Governor may order that: "...there be paid to the corporation out of the Consolidated Revenue Fund..." so there's no question that you have provided the mechanism here for this corporation to be subsidized from consolidated revenue without the specific requirement to repay because section 13 only provides for temporary advances, which you agreed with, which should be repaid. But there is not a mandatory obligation upon you to repay.

HON. MR. STRACHAN: Madam Chairman, this section is a clear indication to the insurance buyer of British Columbia that the whole strength of the province stands behind the Insurance Corporation of British Columbia. That's basically what that is.

Section 21 approved.

On section 22.

MS. CHAIRMAN: The Hon. Second Member for Vancouver–Point Grey.

MR. GARDOM: On 22, Madam Chairman. Insurance companies probably hold around \$100 or more in municipal and other public securities. The rates are not high, but the companies have been a great market source.

Now I am going to ask the Hon. Minister whether or not he's going to make this a source for municipal and other public securities — the funds that will be generated by this B.C. Insurance Corporation.

HON. MR. STRACHAN: I have discussed this with the...

MR. GARDOM: Otherwise you're destroying a market.

HON. MR. STRACHAN: Yes. I've discussed this with other insurance operations. They have a diversified portfolio and certainly, I would expect that we

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would follow the same procedures.

Sections 22 and 23 approved.

On section 24.

HON. MR. STRACHAN: Madam Chairman, I move the amendment to section 24 standing in my name on the order paper.

On the amendment.

MS. CHAIRMAN: The Hon. Member for North Peace River.

MR. SMITH: I have got the amendment, section 24(3). The section that I want to speak about basically, Madam Chairman, is section 24(1), and that is the fact that if this insurance corporation decides to go into whatever particular classification of insurance they decide...

MS. CHAIRMAN: Hon. Member, we're dealing with the amendment now on the order paper, which is section (3).

MR. SMITH: I'll talk about the section as amended if you like. I thought it was amended.

MS. CHAIRMAN: No, it was not amended.

HON. MR. STRACHAN: I just moved the amendment.

MS. CHAIRMAN: Shall the amendment pass?

Amendment approved.

On 24 as amended

MS. CHAIRMAN: The Hon. Member for North Peace River.

MR. SMITH: Speaking to section 24(1), the provision that the corporation may enter into any class of insurance. If they so do, then any "municipality, association, board, commission or society to which a grant or advance may be made or the borrowings of which may be guaranteed by Her Majesty in right of the province, or all the members of which or a majority of members of which are appointed by the Lieutenant-Governor-in-Council, shall, if that class of insurance is required..." et cetera, et cetera...purchase that insurance from the corporation.

There's been a great deal of discussion and debate about this section. This section is one that we certainly do not approve of because it's a matter that if you decide you enter that class of insurance, whatever the classification may be, then anyone who receives any of these grants or guarantees from the province has no choice but to purchase their insurance from the corporation.

I would like the Minister to clarify just exactly what he thinks that section means. Some people seem to feel that under that section even people who receive a homeowner grant in the Province of British Columbia would be required to purchase general insurance from this corporation if the general insurance was available from the corporation. I think that perhaps a literal interpretation is a correct interpretation of that section.

HON. MR. STRACHAN: Madam Chairman, the section specifically says that this will apply to a corporation, a municipality, an association, a board, a commission or a society. Now in none of those can you possibly get an interpretation that that's an individual who gets the homeowner grant.

Let me assure you, under no consideration, under no circumstances will it apply to an individual who gets the homeowner grant. How's that?

MR. GARDOM: You won't force them to take insurance they don't want?

AN HON. MEMBER: That's right. Do you agree to that?

HON. MR. STRACHAN: He said it could be interpreted to apply to anyone who gets the homeowner grant.

MR. GARDOM: But you won't force him to take...

HON. MR. STRACHAN: No way. It applies to a commission, a society, a board and so on. That's all.

MR. SMITH: Or, Mr. Minister, any board where you have appointed the majority of the members of that board, which could include the PNE and so on. Right?

HON. MR. STRACHAN: We'll take a look at that.

MS. CHAIRMAN: Shall section 24 as amended pass?

Section 24 approved.

Sections 25 to 29 inclusive approved.

On section 30.

MS. CHAIRMAN: The Hon. Member for Columbia

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River.

MR. J.R. CHABOT (Columbia River): I know, Madam Chairman, that the Lieutenant-Governor will be here in about 10 minutes. I know that he was here on January 25, which is a long time ago.

MS. CHAIRMAN: What year? (Laughter.)

MR. CHABOT: At that particular time he read to his loyal subjects — and we're talking about regulations — in a speech in which he expected his government to carry out that there would be a B.C. Bill of Rights. We haven't seen that B.C. Bill of Rights come forward in this session. I want to make sure that this section 30 — the regulations that are provided for the protection of the government and for the protection of their corporation — also enshrines in it the protection of the people of British Columbia.

Sections 30 to 34 inclusive approved with amendment.

Title approved.

HON. MR. STRACHAN: Madam Chairman, I move the committee rise and report the bill complete with amendments.

Motion approved.

The House resumed; Mr. Speaker in the chair.

Bill No. 34 *Insurance Corporation of British Columbia Act*, reported complete with amendments.

MR. SPEAKER: When shall the bill be read a third time?

HON. MR. STRACHAN: By leave of the House, now, Mr. Speaker.

Leave granted.

Bill No. 34 read a third time and passed on the following division:

YEAS — 36

Hall	Macdonald	Barrett
Dailly	Strachan	Nimsick
Stupich	Nunweiler	Nicolson
Brown	Radford	Sanford
D'Arcy	Cummings	Dent
Levi	Lorimer	Williams, R.A.
Cocke	King	Hartley
Skelly	Gabelmann	Lauk
Lea	Young	Lockstead
Gorst	Rolston	Anderson, G.H.
Barnes	Steves	Kelly
Webster	Lewis	Liden

NAYS — 16

Richter	Bennett	Chabot
Jordan	Smith	Fraser
Phillips	McClelland	Schroeder
McGeer	Anderson, D.A.	Williams, L.A.
Gardom	Brousson	Curtis
Wallace		

PAIRED

Morrison

Calder

Presenting reports.

Mr. Fraser from the Select Standing Committee on Public Accounts and Printing presented the committee's first report, which was taken as read and received. (See appendix).

Ms. Brown from the Select Standing Committee on Social Welfare and Education presented the committee's first report, which was taken as read and received. (See appendix).

MR. SPEAKER: The Hon. Member for Kamloops.

MR. G.H. ANDERSON (Kamloops): Mr. Speaker, I have the honour to present the first report of the Select Standing Committee on Agriculture, and I move that the report be read and received.

MR. SPEAKER: The Hon. Member for North Okanagan.

MRS. P.J. JORDAN (North Okanagan): Mr. Speaker, on a point of order, I feel that the House should

know that yesterday the Hon. Members of this committee received a panned noted suggesting there would be a meeting of this committee yesterday afternoon.

MR. SPEAKER: Order. Hon. Member, we were in the middle of a vote and I don't know to which you were referring and I have to finish what I was doing before we consider your point of order, unless it has something to do with that.

I think the Hon. Member, on that last motion meant the motion to read, "taken as read and received." Is that correct? The Hon. Member for Kamloops.

MR. G.H. ANDERSON: I move that the report be read and received.

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MR. SPEAKER: Do you mean actually read out in the House or taken as read and received?

MR. G.H. ANDERSON: I move that the report be read and received.

MR. SPEAKER: Hon. Member, let's get this clear. Is the Member asking that the whole report be read out now in the House or taken as read?

MR. G.H. ANDERSON: Read and received, Mr. Speaker. (Laughter).

Motion approved.

CLERK ASSISTANT: Legislative committee room, April 18, 1973.

Mr. Speaker, Your Select Standing Committee on Agriculture begs leave to report as follows:

On February 21, 1973, on the motion of the Hon. D.D. Stupich it was ordered:

That this House authorize the Select Standing Committee on Agriculture to inquire into the question of government financial assistance for the operation of a wholesale outlet to service member run, bulk-buying food cooperatives in British Columbia.

The committee shall have the power to send for persons, papers and records and to hear representation from such organizations and individuals as may, in their discretion, appear necessary, and shall report its findings and recommendations to the House.

(1) In its inquiring your committee held two public hearings on the question of government financial assistance for the operation of a wholesale outlet to service member-run, bulk-buying food cooperatives in British Columbia. Appearing before the committee were:

(a) Mr. Dana Weber and Mrs. Lis Kenny who presented a brief on behalf of Fed-Up Co-operative Wholesalers.

(b) Mr. Alan A. Parker who spoke as an observer from B.C. Central Credit Union and as a member of the Kitsilano Co-op.

(c) Mr. Paul Phillips of the Amor de Cosmos Co-op.

(d) Mr. R.H. Boyes, President of Federated Cooperatives Limited, assisted by Messrs. W.E. Bergen and R.B. Johnson, presented a brief on behalf of Federated Co-operatives Limited.

(2) At the first sitting of the committee a brief was presented by the Fed-Up Co-operative Wholesalers requesting government financial assistance for operation of supplying member-operated co-op clubs in various centres around the province. The evidence they presented of their activities over the past two years indicates to your committee a steady growth in the member-run, food-buying co-operatives for people who are mainly of low income. Their business practices seem reasonably sound but their growth hampered by the lack of funds that would enable them to purchase in bulk quantities and receive full advantage of beneficial discounts.

Therefore, the Select Standing Committee on Agriculture has considered the request of the Fed-up Co-operative in British Columbia and, in the opinion of your committee, the request of this organization has merit and is worthy of favourable consideration.

G.H. Anderson, Chairman, Select Standing Committee on Agriculture.

MR. G.H. ANDERSON: Mr. Speaker, I move the rules be suspended and the report adopted.

MR. SPEAKER: The Hon. Member for North Okanagan.

MRS. JORDAN: Thank you, Mr. Speaker. In relation to this report as submitted by the chairman of the agriculture committee, I feel that the House should know that yesterday afternoon members of this committee received a penned note that there would be a meeting of this committee between 3:30 p.m. and 4 p.m. When the Hon. Member for North Okanagan went to attend that committee there was no such meeting.

MR. SPEAKER: Order, please. May I point out to the Hon. Member that what either transpires or does not transpire in committee is not the business of the House but is settled in the committee and not in the House. Consequently it would be out of order for the Hon. Member to raise that point at this stage in these proceedings.

MRS. JORDAN: Well, speaking to the report, Mr. Speaker, we must bring before this House the fact that there has been no input in this report by the Members of the opposition, nor has there been any discussion about this report by the Members of the opposition. This committee chairman has taken arbitrary powers for committee usage. He has abused the rights of the Members, and the opposition have been denied their rights and responsibilities to fulfil their duties as members of this committee.

MR. SPEAKER: Hon. Member. On a point of order. If the Hon. Member does not wish the rules to be suspended and the report adopted, the obvious method is to refuse to give leave; otherwise the rules will be suspended and the report adopted. There is the choice; so I ask the House whether the rules shall be suspended and the report adopted.

Leave not granted.

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MR. SPEAKER: The rules have not been suspended and the report cannot be adopted. It must be put on the order paper for the next sitting of the House. Are there any further reports?

The Hon. Member for Prince Rupert.

Mr. Lea from the Special Committee on Television Broadcasting presented the committee's second report which was taken as read and received. (See appendix).

Hon. Mr. Hall files the twenty-third annual report of the B.C. Indian Advisory Committee under the director of the *Indian Advisory Act* for the year ended December 31, 1972.

HON. MR. BARRETT: Mr. Speaker, I think his Honour is available to enter the Chamber.

MR. SPEAKER: Thank you, Mr. Premier.

HON. MR. BARRETT: Mr. Speaker, may we have a few moments recess until His Honour comes?

MR. SPEAKER: I declare a short recess.

HON. MR. BARRETT: Right in our seats, Mr. Speaker.

MR. SPEAKER: Would Hon. Members remain in their seats?

The House took recess at 5:52 p.m.

The House resumed at 5:56 p.m.; Mr. Speaker in the chair.

MR. SPEAKER: His Hon. the Lieutenant-Governor is approaching. Would all Members please rise ?

His Honour the Lieutenant-Governor entered the House and took his place in the chair.

CLERK-ASSISTANT OF THE HOUSE:

Regulations Act

An Act to Amend the Constitutional Questions Determination Act

Companies Act An Act to Amend the Securities Act, 1967

Iron Bounty Act Repeal Act

Copper Bounty Act Repeal Act

An Act to Amend the Petroleum and Natural Gas Act, 1965

Cattle Industry Development Act

An Act to Amend the Social Assistance Act

Insurance Corporation of British Columbia Act

Automobile Insurance Act

An Act to Amend the Farmers' Land-clearing Assistance Act

An Act to Amend the Infants Act

An Act to Amend the Adoption Act

An Act to Amend the Equal Guardianship of Infants Act

Land Commission Act

An Act to Amend the Change of Name Act

An Act to Amend the Mineral Act

Sexual Sterilization Act Repeal Act

An Act to Amend the Coroners Act

Mineral Property Taxation Act Repeal Act

Debt Collection Act

An Act to Amend the Small Claims Act

An Act to Amend the Vancouver Charter

An Act to Amend the Vancouver Stock Exchange Act

Corporation Capital Tax Act

Mineral Land Tax Act

An Act to Amend the Coloured Gasoline Tax Act

An Act to Amend the Gasoline Tax Act, 1948

An Act to Amend the Gasoline Tax Act, 1958

An Act to Amend the Motive-fuel Use Tax Act

An Act to Amend the Social Services Tax Act

An Act to Amend the Gift Tax Act

An Act to Amend the Assessment Equalization Act

An Act to Amend the Provincial Home-owner Grant Act

An Act to Amend the Municipalities Aid Act

An Act to Amend the Revenue Act

Housing Incentive Fund Act

Community Recreational Facilities Fund Act

Special Funds Appropriation Act, 1973

British Columbia Economic Research Fund Act

An Act to Amend the Evidence Act

An Act to Amend the Landlord and Tenant Act

Development Corporation of British Columbia Act

Pacific National Exhibition Incorporation Act

Ambulance Service Act

An Act to Amend the Stock Brands Act

An Act to Amend the Mortgage Brokers Act

An Act to Amend the Medical Act

An Act to Amend the Protection of Children Act

An Act to Amend the Land Registry Act

An Act to Amend the Medical Grant Act

An Act to Amend the Municipal Finance Authority of British Columbia Act

An Act to Amend the Government Liquor Act

An Act to Amend the Health Act

Fair Sales Practices Act

An Act to Amend the Strata Titles Act

An Act to Amend the Conditional Sales Act, 1961

An Act to Amend the Bills of Sale Act, 1961

An Act to Amend the Workmen's Compensation Act, 1968

An Act to Amend the Hospital Act

An Act to Amend the Hearing-aid Regulation Act

An Act to Amend the Supreme Court Act

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An Act to Amend the Credit Unions Act, 1961

An Act to Amend the Succession Duty Act

An Act to Amend the Income Tax Act, 1962

Water Utilities Act

Telecommunications Utilities Act

Energy Act

An Act to Amend the Provincial Home Acquisition Act

An Act to Amend the Logging Tax Act

An Act to Amend the British Columbia Railway Company Construction Loan Act

An Act to Amend the Payment of Wages Act

Public Works Fair Employment Act

An Act to Amend the Public Schools Act

An Act to Amend the Civil Service Superannuation Act

Enact to Amend the College Pension Act

An Act to Amend the Teachers' Pensions Act, 1961

An Act to Amend the Municipal Superannuation Act

An Act to Amend the Motor-vehicle Act

Ocean Falls Corporation Act

Ocean Falls Corporation Appropriation Act

An Act to Amend the Community Care Facilities Licensing Act

An Act to Amend the Placer-mining Act

Alcohol and Drug Commission Act

An Act to Amend the Park Act

An Act to Amend the Municipal Act

An Act to Amend the Municipalities Enabling and Validating Act

An Act to Amend the Distress Area Assistance Act

British Columbia Cellulose Company Act

An Act to Amend the Constitution Act

Mobile Home Tax Act

Statute Law Amendment Act, 1973

CLERK OF THE HOUSE: In Her Majesty's name, His Honour the Lieutenant-Governor doth assent to these bills.

HON. W. OWEN (Lieutenant-Governor): Mr. Speaker and Members of the Legislative Assembly:

It is with great pleasure that I address you for the first time since my appointment as representative in this Province of Her Majesty the Queen. Your deliberations during the Second Session of the Thirtieth Parliament have resulted in a record number of bills and I express my appreciation at this time for your careful and detailed consideration of the legislation. This legislation lays the foundation for the course of action required to face the changes demanded by the present, and to implement my government's plans for the future of this province, where our citizens may fully realize their highest potential and live in harmony with the environment and with their fellow men.

Important and far-reaching measures have been enacted to develop and preserve the parks, green belts, and agricultural land in the province, to ensure the orderly and proper development of our natural resources, to control and regulate our energy resources, to encourage the development of industries, including the preservation of important existing industries in the north-west part of the province, to increase financial assistance to homeowners, farmers and municipalities, and assistance by way of other programmes for the benefit of our citizens of all ages, and to inaugurate a publicly owned automobile insurance plan. These are but the highlights of an imaginative and progressive people oriented programme of legislation brought in by my government since the opening day of this session.

Members of the Legislative Assembly, I thank you for your earnest deliberations and labours, the results of which are now embodied in this body of legislation. Hon. Members, I now relieve you of your legislative duties, and I trust that the blessing of Divine Providence will accompany you to your respective homes.

HON. E. HALL (Provincial Secretary): Mr. Speaker and Members of the Legislative Assembly, it is His Honour the Lieutenant-Governor's will and pleasure that the Legislative Assembly be prorogued until it shall please His Honour to summon the same for dispatch of business.

This provincial Legislative Assembly is hereby prorogued accordingly.

His Honour the Lieutenant-Governor was pleased to retire from the chamber.

The House prorogued at 6:05 p.m.

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APPENDIX

LEGISLATIVE COMMITTEE ROOM,

April 17, 1973

MR. SPEAKER:

Your Select Standing Committee on Public Accounts begs leave to report as follows:

Your Committee, chaired by A.V. Fraser, had seven meetings. We summoned, for the first time, officials of B.C. Railway and B.C. Hydro and examined them concerning fiscal policies for the year ended March 31,

1972. There were opportunities to examine vouchers supplied by Comptroller-General Jack W. Minty.

Your Committee summoned Dr. Willard E. Ireland, Chairman of the Public Documents Committee, established by the Public Documents Disposal Act, Revised Statutes of British Columbia, 1960, chapter 134.

Dr. Ireland reported that whereas an imperfect report to the House dated March 29, 1972, made it impossible to carry out instructions by the Select Standing Committee on Public Accounts and Printing, your Committee having heard the submission on behalf of the Public Documents Committee reconfirms the recommendation that, in accordance with provisions of the Public Documents Disposal Act, approval be given for the destruction of various public documents as listed in the submission to the Public Documents Committee for 1971 in so far as the following departments of Government are concerned: Agriculture; Commercial Transport; Education-Curriculum Resources Branch, Registrar's Branch, Research and Standards Branch; Finance; Health Services and Hospital Insurance-Division of V.D. Control, Division of Laboratories, Division of TB. Control, Division of Vital Statistics, Health Branch (Local Health Services), Health Branch (Central Office), Environmental Engineering Division, British Columbia Hospital Insurance Service (Hospital Construction Division); Provincial Secretary-Government House; and Public Works-Safety Engineering Services Division.

Further, your Committee having heard the submission on behalf of the Public Documents Committee recommends that, in accordance with the provisions of the *Public Documents Disposal Act*, approval be given for the destruction of various public documents as listed in the submission of the Public Documents Committee for 1972 in so far as the following departments of Government are concerned: Agriculture; Attorney-General-Land Registry, Prince George; Education-Correspondence Branch, Curriculum Resources Branch, Registrar; Finance-General; Health Services and Hospital Insurance-Division of Laboratories, Local Health Services, Division of V.D. Control, Health Branch (Central Office), BCHIS, Division of Vital Statistics; Highways and Public Works-Accounts; Industrial Development, Trade, and Commerce; Lands, Forests, and Water Resources-Forest Service; and Municipal Affairs.

All of which is respectfully submitted.

A.V. FRASER, *Chairman*

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APPENDIX

LEGISLATIVE COMMITTEE ROOM,

April 18, 1973

MR. SPEAKER:

Your Select Standing Committee on Social Welfare and Education begs leave to report as follows:

The Committee would like to establish that it does not accept the arguments put forward by the advertising interests which appeared before this Committee; namely, that advertising is geared solely to brand changes rather than to the development of new markets. The Committee is aware that there are many studies in existence which prove the contrary, as well as the fact that much research is being done in the field geared to making advertising a more effective tool in the development of new markets. This Committee was more concerned by the growth in the number of young people who were beginning to drink and smoke than it was by the veteran smokers and drinkers cognizant of the fact that the young people were more vulnerable and susceptible to the wiles of advertising than were the veterans.

Because of this awareness of the power of the advertising media on the youth, the Committee would have liked to recommend a complete ban on advertising of all alcohol and tobacco products throughout the Province. However, the Committee recognizes the ineffectiveness of such a ban unless there is also a Federal and indeed international ban covering the advertising of these throughout the continent and the rest of the world. For these reasons, therefore, the Committee makes the following recommendations:

(1) That representation be made to the Federal Government immediately, asking that it implement its ban on the advertising of these products, and work toward supporting a national and international advertising ban.

(2) That representation be made to the other provinces asking that they lend support to recommendation (1), and contact the Federal Government to this effect.

(3) That all cigarette packages, as well as all cigarette advertising in the print media, be required to carry:

(a) In the advertising colour;

(b) On the front of the package;

(c) In a space at least equal to the brand name on the sign or package a health warning which reads: "That cigarette smoking is dangerous to your health has been determined by the National Health and Welfare Department of Canada".

(4) That the association of cigarette companies with promotion geared to healthy athletic events be ended.

(5) That the allocation of Provincial Government funds be made in consultation with the Citizens' Advisory Committee to the Alcohol and Drug Commission, and further that the emphasis of this expenditure be on counter advertising, research, education, rehabilitation, sports, and cultural activities.

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(g): 6. The Committee endorses the Morrow Commission recommendations on Code of Advertising 3 (a) to

(a) Advertisements shall not encourage the consumption of alcoholic beverages per se, but may encourage the preference of existing customers for a particular brand or brands:

(b) Advertisements shall not attribute to alcoholic beverages or any claim, direct or implied, of healthful, nutritive, curative, dietetic, stimulative, or sedative qualities or properties:

(c) Advertisements shall not make any direct or implied appeal to minors:

(d) Advertisements shall not convey the impression that the consumption of alcoholic beverages is conducive to social prestige, business success, popularity with the opposite sex, or escape from personal problems:

(e) Women (and men) may not be included in illustrations unless they are depicted as persons of maturity, dignity, and moderation, and are engaged in dignified activities of a wholesome nature, consistent with accepted modern-day standards. Women (men) will not be shown in immodest, vulgar, or provocative dress or situations and there shall be no exploitation or utilization of the female (male) form as the primary theme:

(f) Advertising premiums of any nature, except recipe books and descriptions of alcoholic beverages, are expressly prohibited:

(g) Whenever any reference or implication of any nature is made regarding the origin of a product, the country where the alcoholic beverages are distilled, compounded, manufactured, mixed, blended, or bottled, as the case may be, the same shall be clearly specified in any advertisements thereof.

7. Consult with the residents of the Indian reserves in our Province to ask them to consider a ban on alcohol and tobacco products on billboards on their reserve.

8. That the ban on billboard, radio, and television media continue.

All of which is respectfully submitted.

ROSEMARY BROWN, *Chairman*

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APPENDIX

LEGISLATIVE COMMITTEE ROOM,

April 18, 1973

MR. SPEAKER:

Your Special Committee on Television Broadcasting begs leave to report as follows:

Pursuant to motion of February 12, 1973, your Special Committee on Television Broadcasting was ordered convened to study the following matter:

Resolved, That a Special Committee on Television Broadcasting be appointed to examine into educational television and the obtaining of broadcast facilities for dissemination of proceedings of the Legislature during its sessions and that it be composed of Ms. Young, Messrs. Curtis, Smith, McClelland, D. A. Anderson, Steves, G. H. Anderson, Lea, the Hon. W. L. Hartley, and the Hon. Eileen E. Dailly, and that the Committee report its recommendations to the House:

That the said Committee consult with and advise the Speaker with respect to placement and use of television within the chamber should cameras be permitted to record the proceedings.

The organizational meeting was held on Tuesday, February 20, 1973. Mr. Graham Lea, M.L.A., was elected as chairman and Mr. Gerald H. Anderson, M.L.A., as secretary.

The Committee held five meetings and the following individuals and groups appeared before it with submissions:
Metro Media, Vancouver;
John B. Hall, Senior Electrical Engineer, Department of Public Works;
Alan J. Hodgson, Architect Consultant, Victoria;
Hon. Gordon H. Dowding, Speaker.

The Committee recommends that Mr. Speaker assign Mr. Maurice Chazottes to work with the Department of Public Works to obtain proposals from three or four TV. system suppliers in order that the Public Works Department can present to this Committee during the fall session a number of proposed methods of remotely operated camera systems. Further, that the Department keep in mind the findings of the subcommittee report to Mr. Speaker.

The Committee also recommends that the Committee be reconvened in the fall with the same terms of reference and membership.

All of which is respectfully submitted.

GRAHAM LEA, *Chairman*

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APPENDIX

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That this House authorize the Select Standing Committee on Social Welfare and Education, upon prorogation of the House, to examine into and study the following matters, namely:

1. The present system of delivery of home care and related health services in this Province as follows:

- (a) To ascertain the relationship of reduced acute-care hospitalization and home care; and
- (b) To ascertain the relationship of need for extended care or special care where home care is provided.

2. Home care with a view to co-coordinating activities of the voluntary sector, the Health Department, and activities of the Department of Rehabilitation and Social Improvement.

3. Consider financing of all levels of home care.

4. Complete, as may be deemed necessary, the consideration of any matters referred to the said Committee during the present session of the Legislative Assembly.

The chairman of the said Committee shall, between sessions, file with Mr. Speaker a monthly report setting forth particulars of the meetings and a general statement of the activities and expenses of the Committee during the preceding month.

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48

That this House authorize the Select Standing Committee on Agriculture, upon prorogation of the House, to examine into and study the following matters, namely:

1. Complete its investigation of tree-fruit marketing in British Columbia.

2. Investigate vegetable growing and marketing practices in Interior and Coast regions with a view to improving economic return.

3. Investigate range use with regard to wildlife, domestic animals, and the forest industry.

4. Consider such facets of the agricultural potential of the Peace River area as the Committee may deem appropriate.

5. Investigate availability of pension plans for those employed in the farming industry.

The chairman of the said Committee shall, between sessions, file with Mr. Speaker a monthly report setting forth particulars of the meetings and a general statement of the activities and expenses of the Committee during the preceding month.

APPENDIX

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That this House authorize the Select Standing Committee on Municipal Matters, upon prorogation of the House, to examine into and study the following matters, namely:

1. The question of the future development, including the development of community plans, of the Gulf Islands and such other islands in the vicinity as the Committee may consider appropriate.

2. The existing sections of the *Municipal Act* and other Acts affecting local government, and any orders made under these Acts, with a view to recommending any changes considered appropriate which may have an effect on the future development of the said island.

The chairman of the said Committee shall, between sessions, file with Mr. Speaker a monthly report setting forth particulars of the meetings and a general statement of the activities and expenses of the Committee during the preceding month.

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That this House authorize the Select Standing Committee on Forestry and Fisheries, upon prorogation of the House, to examine into and study the following matters, namely:

The existing Forest Service guidelines with respect to stream bank and shoreline protection, and to examine existing and past practices in the field with a view toward improving said practices.

The chairman of the said Committee shall, between sessions, file with Mr. Speaker a monthly report setting forth particulars of the meetings and a general statement of the activities and expenses of the Committee during the preceding month.

ERRATUM

The following correction was received after *Hansard* went to press.

The line should be corrected to read as shown:

Page 2133, col. 2, line 30.

\$64 million more going into the economy. There will

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