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**Official Report of
DEBATES OF THE LEGISLATIVE ASSEMBLY**

(Hansard)

THURSDAY, JUNE 20, 1974

Afternoon Sitting

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THURSDAY, JUNE 20, 1974

The House met at 2 p.m.

Prayers.

Introduction of bills.

Oral questions.

POSSIBLE REFUNDS ON BODY SHOP SURCHARGES

MR. N.R. MORRISON (Victoria): My question is addressed to the Minister of Transportation and Communications. Now that ICBC has made arrangements with most body shops in British Columbia, on a bid basis, has ICBC established a policy yet regarding those people who had to pay surcharges to the body shops in order to have their cars repaired? Will they be able to apply to ICBC for a refund?

I understand that those people who did in fact sign work orders have no opportunity for a refund. But those people who did not sign work orders in order to get their cars repaired, will they have an area where they can apply for a refund?

HON. R.M. STRACHAN (Minister of Transport and Communications): I don't know of any procedures that could be used to provide for refunds. The directors have not considered it as yet.

MR. MORRISON: A supplemental. Would it be worthwhile for some of those people to indicate to you the problems they have had? Would you reconsider the possibility of a refund for those few areas where it wasn't settled and is now arranged?

HON. MR. STRACHAN: I'm familiar with what occurred, so I know the details of what was happening. As you indicated, most of the body shops had the individuals whom they were overcharging sign a document in which they agreed to pay this overcharge. We'll consider anything, but you know, I'm familiar with the situation.

MR. MORRISON: Mr. Speaker, in view of the fact that many cars were repaired and the towing costs were absorbed by ICBC in areas where they weren't settled, some of the people who didn't demand that kind of settlement, and did in fact pay overcharges, are anxious to know if they could have the same kind of treatment as the people whose cars were towed, for example to Duncan from Port Alberni, and the charges paid for by ICBC.

INDIAN LAND CLAIMS

MR. D.A. ANDERSON (Victoria): To the Minister of Lands, Forests and Water Resources: Mr. Speaker, yesterday I asked the Premier whether he'd replied to a letter from the Union of B.C. Indian Chiefs, a letter dated June 14, 1974, which requested that the government indicate whether or not there would be meetings between the government, the Indian chiefs and the federal government concerning land claims.

The Premier took the question as notice, but as the appropriate Minister is not in the House, may I ask whether the provincial government intends to meet with the Union of B.C. Indian Chiefs and the federal authorities with respect to Indian bands which have not signed treaties with the federal government or the predecessor

government?

HON. R.A. WILLIAMS (Minister of Lands, Forests and Water Resources): I think that a statement of the government will be forthcoming in the very near future regarding this question.

MR. D.A. ANDERSON: Mr. Speaker, it is the expectation of some Members at least that this session has perhaps not got more than four or five weeks left. May I ask the Minister whether we will see such a statement prior to the termination of this session, or whether or not we will simply have to wait until some press release announces it in mid-summer?

HON. R.A. WILLIAMS: Well, with the opposition fighting among itself the way it is, Mr. Speaker, there may well be time to present the data to the House.

MR. D.A. ANDERSON: Well, I agree that the right wing seems in total disarray. (Laughter.) I would like to, perhaps, suggest to the Minister that that is no reason for the government which holds such a large number of seats — and according to its own claim, such an enormous amount of support of the people of British Columbia — delaying a decision on a matter of fairly vital interest.

MR. SPEAKER: Excuse me, is this a speech or is there going to be a question?

MR. D.A. ANDERSON: I would just like to repeat the question. Could we perhaps have some sort of calendar?

MR. SPEAKER: I think you had an answer on that.

MR. D.A. ANDERSON: July, August? When do you expect, Mr. Minister, to present to either this Legislature or to the people of B.C. a date and a policy regarding Indian land claims, in particular with

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respect to bands that have not signed treaties with either the federal government or the predecessor or imperial government?

HON. R.A. WILLIAMS: I think the question's been answered, Mr. Speaker.

MR. SPEAKER: Yes, I can't see that you can press the same question and get a different answer.

CRIDGE CENTRE EXEMPT FROM RENT STABILIZATION COST

HON. L. NICOLSON (Minister of Housing): Mr. Speaker, yesterday the leader of the Conservative Party asked a question concerning Bishop Cridge Centre. It does have, as I suspected, a section 15 loan from Central Mortgage and Housing, and as a non-profit society, they are exempt from the rent stabilization Act by order-in-council 1905, June 6, 1974.

MR. D.A. ANDERSON: A question for the Attorney-General: in light of the fact that officials of the Attorney-General's department suggested that the Act does apply and the way to achieve some reduction in rent is by way of a public prosecution, and I dealt with two ladies who were involved in this just a short time ago — this is with respect to the Bishop Cridge housing, Mr. Minister — may I ask the Attorney-General whether he will consult with the Minister of Housing so that misleading information regarding possible prosecutions is not issued to the public due to the lack of communication between these two departments?

HON. A.B. MACDONALD (Attorney-General): Mr. Speaker, I'll be glad to consult because there's never been any misleading information issued by this government. We certainly wouldn't want anything like that to happen.

OCEAN FALLS-GOTTESMAN CONTRACT

MR. G.F. GIBSON (North Vancouver–Capilano): Mr. Speaker, I have a question for the Minister of Lands, Forests and Water Resources, following up on a question I asked two or three weeks ago. During his estimates he mentioned that there was a contract being renegotiated between Ocean Falls and the Gottesman company. I'd ask him if these negotiations are now substantially complete.

HON. R.A. WILLIAMS: They're in process, Mr. Speaker.

MR. GIBSON: On a supplementary, Mr. Speaker — would the Minister undertake to advise the House, if it's sitting at the time or make a public announcement if the House is not, when these negotiations are complete? Could he undertake to do that?

HON. R.A. WILLIAMS: I think the reports of the corporation will be made available in due course.

MR. GIBSON: But in a timely fashion, Mr. Speaker.

HON. R.A. WILLIAMS: Oh, yes.

OCEAN FALLS PAPER OUTPUT RESERVED FOR B.C. MARKET

MR. D.A. ANDERSON: In view of the fact that many weekly newspapers, in particular the Cowichan Leader, have to go to the United States to buy Canadian newsprint to bring back to Canada so that they can keep their struggling newspapers alive, may I ask the Minister whether in the renegotiation of this particular contract it will be made an exclusive contract to deal with all output? Or will some of the Ocean Falls output be reserved for the British Columbia market to deal with cases such as the one I've just described?

HON. R.A. WILLIAMS: It's not an exclusive contract at the moment, Mr. Speaker.

PUBLICATION OF ENVIRONMENTAL STUDY ON SAANICH MARINA

MR. D.A. ANDERSON: A further question to the same Minister. May I ask the Minister whether the environmental impact statements dealing with the new marina on the east coast of the Saanich Peninsula adjacent to the east Saanich Indian reserve will be made public so that the concern of the Indians in the area, and the Members of this particular band regarding the anti-fouling properties of 2,000 boats which will, in their view, destroy entirely all shellfish and other marine life in the area...? Will that study be made public in the near future so we can judge whether or not this is indeed a good idea?

HON. R.A. WILLIAMS: Certainly, Mr. Speaker, any reports within my jurisdiction will be made available and public.

RACIALLY DISCRIMINATORY TERMS IN PNE CORRESPONDENCE

MRS. P.J. JORDAN (North Okanagan): A further question to the Minister of Lands, Forests and Water Resources. The other day I asked him about the use of the racially discriminatory terms in relation to the

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issuing of space and the letter related to the issuing of space at the PNE. The Minister advised the House that he would look into this particular incident on why this term was used in the PNE under government jurisdiction — practising racial discrimination in terminology, and also how the spaces were being allotted. Would he report to the

House today?

HON. R.A. WILLIAMS: No, I'm sorry I haven't discussed that matter with the management at the PNE. As I indicated on a previous occasion, the board is an autonomous board and includes representatives from the city council and the Parks Board in the City of Vancouver.

I'm pleased at the turn of events and that the opposition is most concerned about discriminatory statements being made.

MRS. JORDAN: A supplementary, Mr. Speaker. Does this mean that the Minister's going to condone racial discrimination and bigotry in the PNE, which is under his jurisdiction?

MR. SPEAKER: Order, please. Order!

HON. R.A. WILLIAMS: No, but I'm pleased that the official opposition is repenting.

MR. SPEAKER: May I point out to the Hon. Members that question period is reserved for matters under the jurisdiction of the Minister? It's clear from the Act in question that it is an autonomous board and therefore not subject to this government — unless you want to change the statute.

MR. D.E. SMITH (North Peace River): Thank you, Mr. Speaker. My question is to the Hon. Minister of Lands, Forests and Water Resources.

AN HON. MEMBER: It's your day, Bob.

REPLIES TO LONG-STANDING QUESTIONS

MR. SMITH: Mr. Minister, I have on the order paper questions No. 165, 166, 167, 168, 169 and 170, which have been there for approximately two months. Would the Minister indicate when I might receive a reply to the questions I've asked?

HON. R.A. WILLIAMS: I would hope this evening, Mr. Speaker.

EXTENT OF BCTF TEACHER CONTROL

MR. D.A. ANDERSON: To the Minister of Education and Deputy Premier. May I ask the Minister whether she is now in a position to report to the House on a question raised fairly frequently over the last two months — namely, the right or the desire of the British Columbia Teachers' Federation to censure their own members in such a way that they would be barred from any possible teaching in British Columbia schools despite the fact that the Department of Education itself has no reason to object to their performance?

HON. E.E. DAILLY (Minister of Education): Yes, I have had a meeting with the B.C. Teachers' Federation over that particular concern. They were not in a position to carry on with too long a meeting because apparently they are at the present time discussing with their lawyers the constitutionality and legality of the actual motion passed. They will be in consultation and meeting with me again once that area is cleared up.

MR. D.A. ANDERSON: May I ask the Minister then, since we may not have many opportunities to question her again, whether we could have an assurance that the government will not permit qualified teachers, with which the Department of Education has no quarrel, to be barred from teaching in the Province of British Columbia by a decision of the executive of the B.C. Teachers' Federation?

HON. MRS. DAILLY: I am not prepared to give that assurance until I've had my meeting with the teachers' federation.

Orders of the day.

HON. MRS. DAILLY: Public bills and orders. Report on Bill 18, Mr. Speaker.

ENERGY AMENDMENT ACT, 1974

Bill 18 read a third time and passed.

HON. MRS. DAILLY: Report on Bill 31, Mr. Speaker.

MINERAL ROYALTIES ACT

MR. D.E. SMITH (North Peace River): Mr. Speaker, I wish to move an amendment to the motion to read Bill 31 now by striking out the word "now" and substituting therefore "six months hence."

Interjections.

MR. SMITH: It can be moved again in the third reading, as you well know, Mr. Attorney-General.

HON. A.B. MACDONALD (Attorney-General): Mr. Speaker, nevertheless, this matter in substance has been decided by the House. The vote in committee has been reported to you as Speaker rejecting the notion that this bill should be hoisted for six months.

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MR. SPEAKER: May I point out to the Hon. Attorney-General that he's faced with the situation that if a bill had not in any sense been changed between the time that motion was made in second reading to this time, then perhaps his point would be valid. But there have been amendments to the bill in the committee stage. Consequently I would have to say, with respect, that I think the amendment is in order.

MR. SMITH: Thank you, Mr. Speaker.

Speaking to the amendment, I'll be brief. I think that we have thoroughly canvassed the reasons why this bill should be hoisted for six months. We feel that it's probably the most important piece of legislation to come before this House with respect to the actual impact it will have on many individuals and people associated with the mining industry in the Province of British Columbia, who are at this very time concerned enough to be present in the capital on the legislative grounds concerning their position on Bill 31.

Certainly I don't intend to canvass again all the arguments and the reasons we have put forward, because debate has been extensive. It's obvious that the Minister has not listened to what we have had to say. It's regrettable.

I predict that the type of legislation you have introduced and seem to be concerned to jam down the throats of the industry in this province will result in not only a decline but the elimination of any new mining exploration and prospecting in the Province of British Columbia.

It is for that reason we think that this bill should go to the hands of a committee that would circulate throughout the province and get comments and criticisms and suggestions from the people who are most concerned. They are the individuals who will be directly affected by this legislation in the Province of British Columbia.

For that reason I move that the bill be hoisted six months.

MR. D.A. ANDERSON (Victoria): On the same point, Mr. Speaker.

It is the belief of our party that a six-month hoist would be desirable for this bill, particularly in the light of the amendments moved by the Minister himself very shortly after the bill was given second reading.

The bill has the potential for damaging the existing mining industry. But much more important and, I think,

much more damaging will be the effect that the bill has upon mine exploration, mine development and all the ancillary trades which are devoted not to actually mining, getting ore out of the ground, but of finding mines, setting them up and getting them in operation. It is a bill which evidence, as well as the reports we have received, indicates is an anti-conservationist bill, a bill which encourages high-grading, a bill that will result in the mining potential of this province being substantially reduced.

Finally, I'd like to say that the Minister himself so many times has called for a royal commission to look into the whole question of mining and mining taxation. His performance in this House saying that no such commission is now needed, his performance by way of constant amendments to, the bill which were put in at the committee stage, has indicated that he is not sure what the best course is. For these reasons I will be supporting the motion to hoist this bill for six months to allow for proper further study before damage is done to the industry.

MR. G.F. GIBSON (North Vancouver–Capilano): Mr. Speaker, I have to speak just briefly on this because it's another chance to allow the government to repent on the great mistake they're making, and another chance to advocate a six-month study to see just what the results of this legislation would have been as we see how the trend of exploration continues down in this province, as we see how the trend of prices continues onward in the world, and the general impact on the British Columbia economy.

The figures that have been tabled in this House show very clearly that the exploration industry is already effectively ruined in this province, Mr. Speaker. Claim-staking has fallen to less than 50 percent of year-ago levels, which were already low, in spite of the fact that this is the time of the highest metal prices in history.

Evidence has been introduced in this House in great detail to indicate that this legislation will have the effect of hurting the ordinary people of British Columbia.

The Minister stood on the steps of the Legislature just a few minutes ago and said to some people outside the House that Bill 31 was for the ordinary people of the province. Mr. Speaker, Bill 31 is a direct attack on the ordinary people of this province.

Bill 31 has already led to fewer jobs in this province. It has led to a very substantial disastrous decline in jobs in the exploration industry. It will lead to the high-grading of mines as the costs of mining go up because of this bill. It will lead to bad conservation practices as more and more ore is left in the ground.

It won't hurt the big companies, Mr. Speaker. The big companies will mine the high-grade ore, which is the only ore left to be economic, take their profits, invest elsewhere, in explorations going on in the Yukon and the Northwest Territories right now.

The people it will hurt will be the people who would have had those jobs if other mines had opened

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up. It hurts the ordinary people of this province, that's what it does.

It will hurt regional development, which has been one of the goals of this government. It will prolong for a lengthy period the time when the northwestern corner of British Columbia, which is the special concern of the Minister of Lands, Forests and Water Resources (Hon. R.A. Williams). It will prolong for a long time the time when that will be proper to open up.

MR. SPEAKER: May I point out to the Hon. Member that he has canvassed these same arguments both in the principle debate and in the previous motion made to the House. It would be appreciated if we could really confine it to the immediate question of why now again the same motion, after the amendments that have been made.

MR. GIBSON: Thank you, Mr. Speaker. I will attempt to be brief. The amendments that have been moved, unfortunately, in no way cure the bad principle and the bad effect of this bill. We had very much hoped that they would. This bill will lead to less revenue in the end, I'm afraid.

Getting back to that six-month period, we still have the case that the Minister, by this legislation, even as amended...I understand he believed that the amendments he introduced would — solve the constitutional question of this kind of taxation. I understand he said that to the press.

But I am afraid those amendments won't do that, Mr. Speaker. We are still going to have a quite unnecessary constitutional confrontation after the next federal election — a confrontation which could be avoided by suspending the third reading of this bill for six months and giving the Minister a chance to sit down with federal counterparts and work out a shared taxation in a reasonable way to the greater benefit of British Columbia.

I am very worried about what the results of that confrontation could be to British Columbia, to the people of British Columbia, to the second industry of the province and all of the people who work in it.

Finally, I will repeat one argument again because I very strongly believe it. The other reason that this bill should be suspended for six months is so that the government can have the courage to call an election in the meantime on this issue. This issue deserves it. This is the second industry in British Columbia; every job in the mining industry supports about 20 British Columbians, and that government is afraid to call an election on this issue. They should because it is the most important economic legislation that has been before the Legislature in this session. It is disgraceful and it should be suspended.

MRS. D. WEBSTER (Vancouver South): I would just like to remind the Member who spoke last of the ads by the B.C. Federation of Labour in the paper this morning: "Don't let the mining companies fool you. Organized labour supports Bill 31." Published by the B.C. Federation of Labour; 210,000 affiliated members.

MRS. P.J. JORDAN (North Okanagan): Mr. Speaker, in speaking to the motion to hoist this bill for six months of further study, I would just ask the Hon. Member who spoke previously if, in fact, she has been out on the lawn and talked to many of the union members who are out there and who are very concerned with their future as it is affected by this bill.

Interjections.

MRS. JORDAN: There are people from the constituency I represent out there, and they are no big mining company.

Mr. Speaker, in speaking to the motion, I don't intend to repeat in any way any of the arguments that have been presented in all the debate of Bill 31. But I would add just one more point that strengthens our conviction, and the conviction of the people in British Columbia, that this bill must be set aside and examined more fully for six months — that is the performance of the Minister himself, on behalf of this government, out on the steps of this Legislature less than one hour ago when the Minister proved that he was so unsure of his ground, so unsure of what was contained in his legislation and so unsure in his convictions that he couldn't even speak without a prepared statement.

At that time he gave, read, almost sang a statement that had been prepared by someone else, we assume, which didn't deal in any way with the details and the concerns around this bill. It didn't deal with the issues; it didn't deal with the facts. It proved to us beyond a shadow of a doubt that the Minister has not listened, is not convinced, and he is not completely aware of the effect this Act is going to have on the average family in British Columbia. That in itself, along with all the other arguments, should surely encourage the support of the backbenchers of this government, in their concern for the people of British Columbia, to support our amendment.

MR. W.R. BENNETT (Leader of the Opposition): Mr. Speaker, in speaking to this motion to delay this bill for six months, I think we have to take a realistic look at the mining economy, take a realistic look at what other jurisdictions are doing, and take a look at what even NDP Manitoba has done in meeting its responsibility to mining as a major part of their economic base. They have suspended their new

legislation for a year. The reasons given are the reasons we have asked this Minister to take the same action today:

(1) so that the public has a full opportunity and chance to participate in the discussion;

(2) so that the full economic impact and the chance for expertise be part of that decision instead of, as the Minister has said, based only on his own commitment to bring in these royalties without study. He didn't need an independent commission and he didn't need experts. He only needed his own blind belief and his commitment to a vendetta against the mining industry and the mining companies.

Mr. Speaker, what I say is....

Interjections.

MR. SPEAKER: Order.

HON. L.T. NIMSICK (Minister of Mines and Petroleum Resources): Point of order. I would like to have him withdraw that statement "a vendetta against the mining companies."

MR. BENNETT: Well, I'll soften it — which words would you rather have me use?

Interjections.

MR. SPEAKER: I don't think personal motives should be attributed to anyone in the House.

MR. BENNETT: The Minister has mentioned in this House in opening debate that some big mining companies had been ripping off the province and his commitment of long standing was to bring in these royalties, and that he didn't need commissions.

MR. SPEAKER: I think the Hon. Member realized that that doesn't thereby necessitate believing that it is a vendetta.

MR. BENNETT: His commitment is not a vendetta?

MR. SPEAKER: I think the Member should withdraw that.

MR. BENNETT: I would withdraw on that basis. To meet his long standing personal commitment — forget the big mining companies...It was his own statement that they were ripping off the province.

I believe that the public in B.C., just as the public in Manitoba, should have the opportunity to have full and open discussion as part of a public royal commission in which experts and all people would be invited to present their views and to present their rationalizations as to how British Columbia, through its government, can get maximum revenue while preserving the economy of the mineral industry in this province, while preserving the right of that industry to flourish and, indeed, continue to pay higher wages to the people who work within it, and to continue what we have had in the past — the encouragement of exploration and prospecting from the people of this province to search for new minerals, to help our economy. It is for this reason, Mr. Speaker, that I support this motion for suspension for six months.

MR. F.X. RICHTER (Boundary-Similkameen): Mr. Speaker, this is a very, very sad day for the miners, the prospectors and those people who want to try and develop a resource in this province. This is the day in which we can look for a continuous withdrawal from the development, exploration and discovery of our mineral wealth.

There is no one who would undertake to develop a programme to develop our mineral resource, one of our most important resource industries in this province, under the legislation contained in Bill 31.

There are other ways and means but, as I recall, the Minister in his earlier days as an opposition Member harangued me most unmercifully for my administration of the Mineral Act. He has done this over the years to former

Ministers before my time, wishing to put a cost factor in some form on the mining industry, in which he referred to getting a return on the resource.

Now there are many ways in which this could have been done in a much more palatable way. He's been advised of ways; he has all kinds of legislation by way of licence and other factors which don't conflict with the federal government. It would be my contention that the Minister has deliberately followed his political convictions, that he is going to operate the mining industry in this province on a state-ownership basis. This is the reason that this bill should be hoisted from second reading for six months.

I have to support those people who have to make a living in this, and who will find their jobs very rapidly sliding away to the point that they will have to go outside of British Columbia to get mining jobs.

MR. D.M. PHILLIPS (South Peace River): Mr. Speaker, this motion to hoist this bill for six months I feel is the last attempt we have to give the government a chance to take a second look, a chance to fulfil the promises they made during the election campaign for open government, to consult and to listen to the people of this province. This is their last chance.

Mr. Speaker, if they do not seize the opportunity to hoist this bill today and to listen to the voices of the thousands and thousands of concerned citizens

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throughout British Columbia, they will not only be derelict in their duty....

MR. D.E. LEWIS (Shuswap): Where are they?

MR. BENNETT: They all can't afford to come. They can't go get their way paid by your party in your demonstration. (Laughter.)

MR. PHILLIPS: They will not only be derelict in their duty, but they will do damage to the economy of this province which will take years and years to repair.

This government, Mr., Speaker, says they are a government for people. I think it's time this government recognized where the true natural resources of this province lie. The true and the most important natural resource of this province is in the initiative of the people. If this government puts this bill through, they will effectively kill that initiative and they will have effectively killed the greatest natural resource of not only this province but of any country in the world.

We have witnessed during past history where legislation and governments have killed the initiative of the people, and that is why those people do not enjoy the same standard of living that we enjoy here in British Columbia.

MR. SPEAKER: May I point out respectfully to the Hon. Member that we canvassed all this in general in the debate on Principle of the bill. We've canvassed it in particular sections and, really, the debate is supposed to be confined to a very narrow point at this stage in third reading.

MR. PHILLIPS: Mr. Speaker, I realize, but it saddens my heart to witness here this afternoon and see pass through this Legislature a bill that will kill the greatest natural resource that any country ever has, the initiative of its people.

HON. MR. NIMSICK: Mr. Speaker, I'd just like to correct a few items. I have never had any animosity toward the mining industry. I have never said that the mining industry ripped us off. The mining industry only did what the law allowed.

What the former Minister has stated was true — that for years I had advocated that the people should receive something for the resource that was being depleted and is non-replenishable. Over those years I placed questions on the order paper time and again asking how much royalty was paid on different minerals, and it was usually, in all

cases, nil. I advocated to the Minister what to do, time and again. If he was so sure that there were things which could have been done, he should have done it at that time.

Now that I have brought in this bill, it is something that I think is a wonderful day for the people of British Columbia.

MR. SPEAKER: The motion before the House is that the word "now" be struck out of the motion for third reading, and substituting therefore the words "six months hence."

Amendment negatived on the following division:

YEAS — 11

Smith	Bennett	Jordan
Fraser	Richter	McClelland
Morrison	Anderson, D.A.	Williams, L.A.
Gibson		Phillips

NAYS — 28

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

MR. SPEAKER: Now on the main question: those who support the third reading of Bill 31?

HON. MR. MACDONALD: Mr. Speaker, I think that everyone is here from the previous division. Nobody has left. Perhaps we might go ahead with this one.

MR. SPEAKER: May I point out to the House that, although you might all agree, it wouldn't be fair, in view of the fact that there may be Members still out on the lawn. They're entitled to their three minutes on this division. I wouldn't want them coming in a minute after we called it and complaining.

Bill 31 read a third time and passed on the following division:

YEAS — 28

Hall	Macdonald	Dailly
Strachan	Nimsick	Stupich
Brown	Sanford	D'Arcy
Cummings	Dent	Williams, R.A.
Cocke	King	Young

Radford	Nicolson	Skelly
Gabelmann	Gorst	Rolston
Anderson, G.H.	Barnes	Steves

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Kelly Webster Lewis
Liden

NAYS — 11

Bennett	Smith	Jordan
Fraser	Phillips	Richter
McClelland	Morrison	Anderson, D.A.
Williams, L.A.		Gibson

HON. MRS. DAILLY: Report on Bill 84, Mr. Speaker.

COMMUNITY RESOURCES ACT

Bill 84 read a third time and passed on the following division:

YEAS — 28

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

NAYS — 10

Smith	Jordan	Fraser
Phillips	Richter	McClelland
Morrison	Anderson, D.A.	Williams, L.A.
	Gibson	

HON. MRS. DAILLY: Report on Bill 105, Mr. Speaker.

LANDLORD AND TENANT ACT

Bill 105 read a third time and passed.

HON. MRS. DAILLY: Report on Bill 119, Mr. Speaker.

WORKMEN'S COMPENSATION
AMENDMENT ACT, 1974

Bill 119 read a third time and passed.

HON. MRS. DAILLY: Report on Bill 134, Mr. Speaker.

INSTITUTE OF TECHNOLOGY
(BRITISH COLUMBIA) ACT

HON. MRS. DAILLY: Report on Bill 141, Mr. Speaker.

STRATA TITLES ACT

Bill 141 read a third time and passed.

HON. MRS. DAILLY: Report on Bill 151, Mr. Speaker.

ASSESSMENT ACT

Bill 151 read a third time and passed.

HON. MRS. DAILLY: Report on Bill 157, Mr. Speaker.

UNIVERSITIES ACT

Bill 157 read a third time and passed.

HON. MRS. DAILLY: Report on Bill 159, Mr. Speaker.

CONSTITUTION AMENDMENT ACT, 1974

Bill 159 read a third time and passed.

HON. MRS. DAILLY: Second reading of Bill 163, Mr. Speaker.

AUDIT AMENDMENT ACT, 1974

HON. E. HALL (Provincial Secretary): Mr. Speaker, in moving second reading of Bill 163 I would explain the principle of this bill to the House. It is that for the purposes of the Audit Act special and emergency funds can be made available to the government during adjournment beyond a certain period of time. This fits in with the amendment to the Constitution Act which has just received third reading. If there are any questions I will be pleased to answer them in committee.

Motion approved.

HON. MR. HALL: Mr. Speaker, I ask leave to refer Bill 163 to a Committee of the Whole House for consideration forthwith.

Leave granted.

Bill 163 read a second time and referred to Committee of the Whole House forthwith.

HON. MRS. DAILLY: Committee on Bill 163, Mr. Speaker.

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AUDIT AMENDMENT ACT, 1974

The House in committee on Bill 163; Mr. Dent in the chair.

Section 1 approved.

Title approved.

HON. MR. HALL: Mr. Chairman, I move the committee rise and report the bill complete without amendment.

Motion approved.

The House resumed; Mr. Speaker in the chair.

Bill 163, Audit Amendment Act, 1974, reported complete without amendment, read a third time and passed.

HON. MRS. DAILLY: Committee on Bill 48, Mr. Speaker.

MINERAL AMENDMENT ACT, 1974

The House in committee on Bill 48; Mr. Dent in the chair.

On section 1.

MR. GIBSON: I have a few questions of the Minister on the definition section. I might say in passing that this is another one of those bills referred to yesterday by the Hon. Second Member for Vancouver–Point Grey (Mr. Gardom) that it would be very handy indeed if the amendments could be printed in a way overleaf from the existing sections so that Members could easily refer to it without going through the many....

MR. CHAIRMAN: Order, please! There are no amendments to this bill.

MR. GIBSON: This is the Mineral Amendment Act, Mr. Chairman. I'm saying the bill could be quickly printed in a way which would allow one to compare it with the section of the bill it is amending — that's just a representation to the Attorney-General (Hon. Mr. Macdonald).

I would ask the Minister two questions on the definition of "mineral" in this Act. First of all, why has the definition been changed? Secondly, why is it different from the mineral definition in Bill 31?

HON. MR. NIMSICK: We hope to be able to bring in structural materials under the Department of Mines, even to the extent of gravel and peat, hopefully in the future, if we do that then it could cover the whole works. If it was necessary we could use it.

MR. RICHTER: Mr. Chairman, on section 1, it is hoped by the Minister that this type of regulation and the whole Act amending the Mineral Act, Bill 48, is primarily regulatory. However, it is hoped by this method of definition that they will eliminate fractions that occurred previously under the former method of staking. I wish the Minister every success but I can't see that this is any solution to his real problem. I think this can only be proven by trial and error and certainly when this Act comes into effect there will probably be as many disputes under section 80 as there ever were before because of the fact that the whole form of staking is going to create some problem in what

they hope to obtain by block-staking.

HON. MR. NIMSICK: Mr. Chairman, I agree with the Hon. Member that there will be overlapping of the former way of staking, but this will eliminate any future fractions that happen in between the mines because it is directly north, south, east and west, and yet they give you an indication of how staking used to take place.

It took place in all different directions, and then you would get a little fraction in between. It created a lot of litigation sometimes in order for somebody to operate. Somebody would pick up a fraction and hold up a whole development. Now it will be done in this form where it will be straight north, south, east and west, and the person who stakes will be able to put in one post and that will be the information post and they can go in different directions from there.

They can put a stake in, but if the stake isn't directly north and south by walking it, which they might not be able to do, nevertheless, on the map it will be directly north and south, and east and west.

MR. GIBSON: Still on section 1, Mr. Chairman, there is a new thing defined here called a "unit" which refers to a square having the dimensions prescribed in the regulations. I wonder if the Minister could tell us at this time how large is a unit.

HON. MR. NIMSICK: It's 1,520 square feet.

MR. GIBSON: You mean 1,520 feet square.

HON. MR. NIMSICK: Yes, 1,520 feet square will be a unit. These units formerly could have been passed as claims, but your claim may include 40 units. That would be one claim. That's the way it will be worked. You might even make it smaller if you like. I mean you can have one unit which is a claim or you can have 40 units in a claim.

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MR. GIBSON: The units in a claim, I presume, would have to be contiguous.

HON. MR. NIMSICK: Oh, yes.

Sections 1 to 7 inclusive approved.

On section 8.

MR. GIBSON: On section 8, I'm a bit confused on this matter of fees, Mr. Chairman. The old system of fees, I believe, was \$2 per claim. Is that right, Mr. Minister? Two dollars per claim, I believe. Under this new system, it's to be \$20 per claim or unit, not exceeding the maximum of \$200. Now, what I'm curious about... Under the old system, let's say we're talking about 1,000 claims, the fee for registering these claims would have been \$2,000. Under the new system, with 40 units in each claim, overlooking for a moment that the units are smaller than the older claim, then that would be 25 claims to be registered and that would come under the maximum of \$200 apiece.

Let's see, that's \$5,000 as opposed to \$2,000. I'm just trying to figure out this logic. The effective cost of registering a claim, then, is being roughly doubled, 2.5 times as a matter of fact, if you go to the largest number of units possible per claim.

HON. MR. NIMSICK: The unit itself... "On completion of a survey, the surveyor shall forward to the Surveyor-General a copy of his original field notes and plan, verified by the affidavit, and accompanied by a fee of \$20 per claim, located on or before February 28, 1975, or unit not exceeding a maximum of \$200."

MR. GIBSON: It would be also \$20 per unit if there was only one unit in a claim.

HON. MR. NIMSICK: Yes, after February of next year.

Sections 8 and 9 approved.

On section 10.

MR. GIBSON: section 10 says: "No mineral claim or fractional claim shall be located after February 28, 1975, unless located in accordance with the regulations." I wonder if the Minister could tell us at this time a little bit about what the regulations might be. I have here a letter, and I'll just quote a brief instance:

"Many safeguards will have to be built into it to make it effective under cordillera and topographic conditions, such as witness-post staking and priority of staking under rush conditions. Will the time of planting even the first post rule, even if someone stakes in the middle of your group before the perimeter staking is completed...?" — et cetera.

Could the Minister say just how the regulations are going to provide for this kind of thing, specifically rush staking and witness-post staking?

HON. MR. NIMSICK: I haven't got all the regulations here that go into the staking, but I would take it that once you've set your location post in, and all the information is on that post, if you haven't got the other stakes in and somebody else has a stake in between, and you'd already recorded that claim, his claim would be not legal.

MR. GIBSON: One other question for the Minister, under this section. There are rumours among the prospecting fraternity that there will be some kind of moratorium declared on staking prior to the February, 1975, date when many of these regulations take effect. Could the Minister advise the House whether it is his intention to impose a moratorium?

HON. MR. NIMSICK: There is the intention of a moratorium in the fall or in the wintertime. During that time they'll try and change things over.

MR. GIBSON: Could the Minister say how long that moratorium would be, Mr. Chairman?

HON. MR. NIMSICK: I couldn't say right now how long we will need, but it will be during that slack period.

MR. RICHTER: Mr. Chairman, the Minister's reply to the Hon. Member for North Vancouver–Capilano regarding the event that someone stakes before the peripheral boundary is surveyed — would this then, Mr. Minister, call for a filing of a claim, under section 80, of a dispute if someone did stake within the peripheral boundary?

If, for instance, there was a previous staking, under the existing legislation, of one claim, and a unit or unit of claims was staked around that particular claim, what is the position of the original claim? Do I make myself clear? This is going to be a north-south staking, and there is a single claim.

HON. MR. NIMSICK: It would be excluded.

MR. RICHTER: It will be excluded. But will the fact that there are two stakers at virtually the same time that the original post has been planted, but the peripheral staking hasn't taken place and someone stakes over — overstaking...? Now, this will call for an investigation under section 80. This will still be the

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same case under this legislation we're discussing today.

HON. MR. NIMSICK: Certainly.

Sections 10 to 13 inclusive approved.

On section 14.

MR. GIBSON: On section 14, once again I'm asking a question of the Minister, seeking information. section 51 as amended, section 51(6), notes that a unit shall be deemed to be a mineral claim located before February 28, 1975, and section 7 provides that it's a mineral claim after February, 1975, and notes that no unit within that claim shall be grouped separately.

Now, in the past for the purposes of recording work it's been possible to group claims in ways out from the centre which have allowed the spreading of work concentrated in a relatively small area over a relatively large number of claims. This would be particularly important in, for example, a copper deposit when you're working in what you thought might be the centre but, nevertheless, because you thought it might be a large porphyry type it would be important to retain the ground all around. And section 6 would appear — and I ask the Minister about this — would appear that this kind of grouping can still be retained on claims registered before February, 1975, but section 7 would appear to say that after February, 1975, that will no longer be allowed and a change of a grouping of the units within a claim won't any longer be permitted on these new claims and units. Could the Minister confirm whether that's a correct interpretation?

HON. MR. NIMSICK: Once the new, modified system is put into force, when you stake you group your claims, and you can group both ways. If you put an identification post in or an informational post in, you could go to the east and have a group of claims, and you could go north and set a group of claims. You could have them all grouped around that informational post, but where they come together, then that would be one claim for one person rather than half a dozen claims all together.

MR. GIBSON: And the new claims could no longer be grouped separately, but the old claims would continue.

HON. MR. NIMSICK: The old claims would continue on.

Section 14 approved.

On section 15.

MR. GIBSON: section 15 kind of concerns me, Mr. Chairman. First of all, of course, it has this very serious penalty, the possibility of lifting a free-miners certificate. It would appear to possibly be very costly — the word "affidavit" being changed to the word "report." Could the Minister say what the word "report" means to him? Does he mean a specially done report, perhaps done by a professional engineer, a report on the property after it's been abandoned? Or does he mean, simply, the forwarding of all of the data already in the possession of the claim holder, in which case there's much less of a burden. But if a special report must be produced by an outside engineer in respect of every claim being abandoned, it would be a very, very costly thing for the individuals concerned.

HON. MR. NIMSICK: At the present time a report has to be done by a geologist, according to the old Act. I take it that the special report would also have to be done in the same way.

MR. GIBSON: It couldn't be simply the forwarding of field notes and that kind of thing. I had understood that that was the existing situation — that there wasn't a special report required.

HON. MR. NIMSICK: The report usually has to have a signature of a geologist at the present time. Changing this to a regulation, I suppose we could be more flexible in this if we wanted to. But right now I would take it that these same requirements would go on.

MR. GIBSON: But the general intention is not to make the requirements any more stringent than they are presently.

HON. MR. NIMSICK: No.

Sections 15 to 20 inclusive approved.

On section 21.

MR. CHAIRMAN: Before you proceed I would just ask the Hon. Members, both the Minister and those others who may speak, not to start speaking until they have actually got up to their feet and are speaking into the microphone.

MR. GIBSON: The concern I have here is section 21(b) which amends section 80(5). It currently reads:

"If a complaint under this section is proven to the satisfaction of the Minister, the sum deposited under subsection (3) shall be returned to the complainant."

This means that when someone makes a complaint and covers it with a deposit to ensure that it is not a

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specious or ill-taken complaint, if his complaint is proved correct, he is in effect charged for being a good citizen and making a complaint in the first place.

It seems to me, if a complaint is made that a claim in some way or other is not valid and it proves to be a good complaint, that a person should not be penalized for making it. That really does seem to me to be wrong.

We would be much better simply to leave the existing section 5, which provides that all of the complainant's money and all of his deposit will be returned to him if, in fact, his complaint has proved valid. Therefore, I would simply move that section 2 I (b) be deleted.

MR. CHAIRMAN: A motion to delete is out of order. The proper procedure is to speak against the section and vote against it.

MR. GIBSON: I'm not proposing to delete the whole section but simply subsection (b).

MR. CHAIRMAN: It is in order.

MR. GIBSON: As I say, Mr. Minister, I hope you might accept it. It seems to me to be reasonable that a person making a proper complaint should not be penalized.

HON. MR. NIMSICK: Wait. I'll see whether it is in order first. Is it in order?

MR. CHAIRMAN: The Chair is not ruling it out of order. If the Hon. Minister wishes to raise a point of order....

HON. MR. NIMSICK: The only point I would raise is that it decreases the money to the Crown.

We discussed this very thoroughly. These section 80 problems are very costly to the department. We felt that \$50 would be a further way of assisting the cost. I don't think that anyone who has a legitimate grievance....

MR. CHAIRMAN: Order, please. On further examination of this amendment it would appear that it would result in a reduction if the amendment were accepted, or it could result in a reduction of funds to the Crown. Therefore, I would rule it out of order in the hands of a private Member.

MR. D.A. ANDERSON: A quick point of procedure. The amendment may well be out of order, but the intention was not to wipe out the whole section but only a subsection thereof.

I am sure that the Minister would agree, to simply delete one part of the section, even though it might reduce the funds to the Crown. The Crown has all sorts of money; the Premier keeps boasting about it. Surely you wouldn't mind a minor amendment which would simply delete a subsection.

Therefore, would it not be possible to vote on it subsection by subsection so that we would give the Minister the opportunity to show his generosity to prospectors and, at the same time, allow the very legitimate consideration about loss of revenue to the Crown to be upheld?

HON. MR. NIMSICK: The information I have is that this is in accordance with the requirements of the survey or-general to put this in.

MR. CHAIRMAN: We cannot deal with the section in parts; we must deal with the whole section.

Sections 21 to 23 inclusive approved.

Title approved.

HON. MR. NIMSICK: I move the committee rise and report the bill complete without amendment.

Motion approved.

The House resumed; Mr. Speaker in the chair.

Bill 48, Mineral Amendment Act, 1974, reported complete without amendment, read a third time and passed.

HON. MR. HALL: Committee on Bill 92.

COAL ACT

The House in committee on Bill 92; Mr. Dent in the chair.

On section 1.

MR. GIBSON: Just a question of puzzlement. This Act is called the Coal Act, yet there is no definition of coal in the definition section. The Minister might have something to say about that; I'm kind of puzzled.

HON. MR. NIMSICK: There are "coal lands."

Sections 1 to 4 inclusive approved.

On section 5.

MR. GIBSON: I won't repeat the debate on the corresponding section of Bill 31, but would the Minister just for a moment justify the tremendous power of cancelling a free miner's certificate?

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HON. MR. NIMSICK: This is the same regulation which is in the Mineral Act. If you notice, we will mail a notice by registered mail and may require the free miner to forthwith renew his free miner's certificate. He will be well notified before anything is done. This is something in addition to what was done before. You could have cancelled it without going to that extent under the Mineral Act. This is similar to what is in the Mineral Act now.

Sections 5 to 7 inclusive approved.

On section 8.

HON. MR. NIMSICK: I move the amendment in my name on the order paper. (See appendix.)

Amendment approved.

Section 8 as amended approved.

On section 9.

MR. GIBSON: I would ask the Minister why he wishes to have the right to withhold consent on the transferal of leases. I can understand why he would want the transferal of leases to be registered in order that he would know who is the current holder. But why does he wish the right to withhold consent?

HON. MR. NIMSICK: For the simple reason that it might be in the best interest of the province to withhold consent.

MR. GIBSON: Could the Minister describe more particularly the circumstances that might lead to this?

HON. MR. NIMSICK: If you let them be transferred without them coming to the Minister, we would have no record of them to know what was happening to the transfer of our coal leases. The principal thing behind it is that.

MR. GIBSON: But surely that could be handled by requiring registration of the transfer of any lease. The right to withhold consent to the transfer of any lease is a much greater power. I would once again ask the Minister how he proposes to use it. Does he propose to use it, for example, to keep foreign companies out of the coal industry in British Columbia perhaps, or something of this kind? Does he have something in mind, or is this just wanting power for its own sake?

I felt that when you transfer most of these coal leases or licences over very large areas I think it is in the best interest of the province to know who they are being transferred to — and the whole problem. I feel that we should have the right to say that we don't want that lease transferred to so and so.

Section 9 approved.

On section 10.

MR. GIBSON: This is a very interesting section. This section would give the Lieutenant Governor-in-Council the power to authorize the Minister of Finance to make a loan to a licensee or lessee or to enter into an equity interest in some particular property. Could the Minister tell us if he contemplates somewhere down the road the province going into the coal business, or having to bail out any companies by way of loan at the moment? What does he have in mind in providing for this ability to take an equity interest?

HON. MR. NIMSICK: Is this section 12 you are talking about?

MR. GIBSON: section 10.

HON. MR. NIMSICK: I thought we went past 10. This is the same one you were speaking on a minute ago for assignment, transfer or subletting of any licence, permit or lease.

MR. GIBSON: No, section 10.

HON. MR. NIMSICK: This authorizes the Lieutenant-Governor-in-Council to approve loans or acquire interest and equity in property operations.

MR. GIBSON: That's right.

HON. MR. NIMSICK: That would be the cabinet. If we were to use any money we would have to have the whole cabinet's approval rather than just the Minister's. That shows you how I am so affable about not having the discretionary powers all to myself.

MR. GIBSON: Mr. Chairman, I appreciate that it would have to be the whole cabinet. I'm just asking the Minister what he foresees as to how this power might be used. Does he have a mine or two that he is thinking of

taking an equity interest in?

HON. MR. NIMSICK: We have had several indications already where they would like us to take an interest in developing a coal mine. We want the authority to do it if it is in the best interests of the public.

Sections 10 to 13 approved.

On section 14.

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HON. MR. NIMSICK: Mr. Chairman, I move the amendment standing in my name on the order paper to section 14. (See appendix.)

Amendment approved.

Section 14 as amended approved.

Sections 15 to 18 inclusive approved.

On section 19.

HON. MR. NIMSICK: Mr. Chairman, I move the amendment standing in my name on the order paper to section 19. (See appendix.)

Amendment approved.

Section 19 as amended approved.

Sections 20 to 22 inclusive approved.

On section 23.

HON. MR. NIMSICK: Mr. Chairman, I move the amendment standing in my name on the order paper to section 23. (See appendix.)

Amendment approved.

Section 23 as amended approved.

Section 24 approved.

On section 25.

HON. MR. NIMSICK: Mr. Chairman, I move the amendment standing in my name on the order paper to section 25. (See appendix.)

Amendment approved.

Section 25 as amended approved.

On section 26.

HON. MR. NIMSICK: Mr. Chairman, I move the amendment standing in my name on the order paper to section 25. (See appendix.)

Amendment approved.

On section 26 as amended.

MR. GIBSON: Mr. Chairman, section 26(3)(b)(ii) provides at its end that the Minister shall issue a lease. There is no definition anywhere, Mr. Chairman, in the Act that I am able to find as to what a lease means except that "lease" means "a valid and subsisting lease issued under section 26." I wonder if the Minister could tell us a little bit more about what a lease looks like, how many years it would cover and this sort of thing.

HON. MR. NIMSICK: This is a production lease. Before they can go into production they must apply for a production lease similar to what they do under the Mineral Act. The regulations would cover the length of time. In that section there the Minister, if they fulfil all the requirements, shall issue a lease....

MR. GIBSON: But for how long?

HON. MR. NIMSICK: I believe that we had discussed it, and the regulations were for 15 years.

Section 26 as amended approved.

Sections 27 to 30 inclusive approved.

On section 31.

MR. GIBSON: You're just going so fast, Mr. Chairman. I simply want to register my complete and utter opposition to the discretion contained in section 29 which, once again, is the order-in-council ability to set taxation at any level whatsoever.

Sections 31 to 36 inclusive approved.

On section 37.

HON. MR. NIMSICK: Mr. Chairman, I move the amendment standing in my name on the order paper to section 37. (See appendix.)

Amendment approved.

Section 37 as amended approved.

Sections 38 to 42 inclusive approved.

Title approved.

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

Motion approved.

The House resumed; Mr. Speaker in the Chair.

Bill 92 reported complete with amendments.

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

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

Leave granted.

Bill 92 read a third time and passed.

HON. MR. HALL: Mr. Speaker, committee on Bill 94.

PROSPECTORS ASSISTANCE ACT

The House in committee on Bill 94; Mr. Dent in the chair.

On section 1.

MR. A.V. FRASER (Cariboo): I just want to say, Mr. Chairman, that we are certainly opposed to this, because this will make civil servants out of the prospectors.

Section 1 approved.

On section 2.

HON. MR. NIMSICK: I move the amendment standing in my name on the order paper to section 2. (See appendix.)

MR. CHAIRMAN: Order, please. I don't see any amendments to Bill 94 on the order paper.

HON. MR. NIMSICK: They've made the wrong number there under 144. They've got another 144. That should have been 94. In section 2, line 2, we are adding after the word "mineral" the words "other than by hand-panning."

Amendment approved.

MR. D.A. ANDERSON: Wait a minute. I'm afraid that I missed it.

MR. CHAIRMAN: Well, according to the Minister, it is listed on the order paper as Bill 144; is that Placer Mining Act, or...?

MR. D.A. ANDERSON: Placer Mining Act, right. So it should be Bill 94?

Interjections.

MR. CHAIRMAN: I would refer the Hon. Minister to Bill 94, Prospectors Assistance Act.

MR. D.A. ANDERSON: Okay. So is the amendment that is listed on the order paper as an amendment to Bill 144: "The Hon. L.T. Nimsick to move in Committee of the Whole on Bill 144, intituled Placer Mining Act, the amendments as follows:" ...? Is that meant to be...?

HON. MR. NIMSICK: Oh, pardon me. That is the Placer Mining Act.

MR. D.A. ANDERSON: I'm still lost.

MR. CHAIRMAN: There are no amendments to this bill?

HON. MR. NIMSICK: No, there are no amendments to the Prospectors Assistance Act; pardon me.

MR. D.A. ANDERSON: That's the point I am trying to make, Mr. Chairman. We happily went on and passed an amendment to a bill that doesn't exist, and we passed an amendment to the title when apparently the bill doesn't exist. Now the whole thing is a mistake. I would like to know what we passed.

MR. CHAIRMAN: Order, please.

MR. D.A. ANDERSON: You said we passed something.

MR. CHAIRMAN: There is no amendment at the table. Shall section 2 pass?

MR. D.A. ANDERSON: You've told us that we passed an amendment.

MR. CHAIRMAN: There will be no amendment shown.

Sections 2 and 3 approved.

On section 4.

MR. GIBSON: The section gives authority to the Minister to issue certain grants. I think he has in the estimates something like \$400,000 for these grants.

HON. MR. NIMSICK: No, \$100,000.

MR. CHAIRMAN: Order, please. Would the Hon. Minister rise before he answers so that the microphone will pick it up?

HON. MR. NIMSICK: Mr. Chairman, it is \$100,000 in the estimates.

MR. GIBSON: That makes my question even more pertinent, Mr. Chairman. It would seem then that he can only issue grants of this kind to a maximum of 25

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prospectors if he gives the maximum grant to each. There are going to be far many more prospectors than that out of work this summer because of Bill 31. They are sure going to be hammering on his door, some of them, saying that they've got to get work somewhere.

I would ask the Minister how many prospectors he thinks he can accommodate under this section. I would ask him as well what he is going to do to police these grants.

I have heard fear expressed in some circles that there may be people come along and ask for a \$4,000 grant and then go up and sit by the side of the lake, and have a nice summer, and dig up some old mineral reports out of the files somewhere, because there are mineral reports on most sections of the province, amend them as seems necessary, walk around the lake a couple of times and come back. No legitimate prospector would do this, Mr. Minister, so how are you going to make sure that someone who might want to rip off this grant won't be able to do it?

That's the second question. The first question is, how many genuine prospectors do you think you are going to be able to accommodate?

HON. MR. NIMSICK: Well, Mr. Chairman, previously they had a grubstake Act, and they had \$20,000 in it, I believe. I jumped it to \$100,000, and let me tell you that if there are more legitimate prospectors that apply I will be knocking at the door of the Finance Minister for more money to accommodate them.

SOME HON. MEMBERS: Hear, hear!

HON. MR. NIMSICK: As far as policing it goes, I told you the other day that I'm very careful with the public's money and I'm going to make sure, before any money is granted, that it is a legitimate prospector and the prospect is of some value and has some opportunity.

MR. GIBSON: Again to the Minister, I just point out to him, as he well knows, that there is really more help needed than under the terms of the legislation he now has, because if a team should go up under one of these grants

and stake out perhaps 40 claims per man, they've got to do \$200 work just to maintain those claims. So the Minister has no ongoing help on that once he has given them this initial help, and that is perhaps what he has in mind with section 6. He's really forcing them to do business with him once they have taken this initial seek money under section 4.

HON. MR. NIMSICK: Well, Mr. Chairman, we can extend that \$4,000 if we find that it is going to be of benefit to the prospector to go ahead and develop the claim further to prove what he has got. This is the point of that subsection (2) of section 4.

You've got to have some parameter by which to work to, and I'm certain that this is of great assistance to many prospectors. Our geologists are going to assist them in estimating their finds and claims.

MR. GIBSON: Well, I'm just going to tell the Minister that because of Bill 31 he's going to need a lot more money under this section than he figured on.

HON. MR. NIMSICK: I hope so.

MR. D.A. ANDERSON: Just a question to the Minister, Mr. Chairman. I was discussing this very Bill 94 with some prospectors who are presently not far away, namely outside on the lawn, and they were saying the whole thing is pretty fraudulent anyway, because as soon as they get the \$4,000 they are required to do work which sops up the \$4,000. I wonder whether the Minister would comment upon that.

They say there is no way that a legitimate prospector will be able to use this effectively because the amount is not particularly great, and just as soon as they take advantage of it, they are going to have to do that \$200 work per claim. It struck me that this was a fairly reasonable statement by these two prospectors I was speaking to who gave me this information.

Now perhaps the Minister would like to comment on it. The prospectors themselves feel that this bill really isn't all that valuable. Perhaps he would comment on why the government feels it is so valuable.

HON. MR. NIMSICK: Well, Mr. Chairman, there have always been work requirements under the old Act. This is the assistance Act, and under the grubstake Act all that the previous government would give them was a bite to eat to go out and they would still have to do work requirement on the claim. Now they can add their prospecting to the work requirement as well and all the costs that go toward doing the work requirement on the claim.

The purpose of this larger amount is to give them an opportunity to prove up on their claim. All many prospectors have is a showing, and then they've got to go to the companies and ask them to contribute in order that the claim could be developed further. But before a company or an individual will contribute, they immediately want to know what's in it for them and they will take a share of the claim.

Now we say that with the government doing this and giving them this opportunity, it will give them a lot better opportunity to know what is in the claim so that they can make a better deal and better

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negotiations and then maybe with the assistance of the government geologists see that they get a fair deal.

MR. D.A. ANDERSON: I appreciate the Minister's words. Certainly he's correct about the previous legislation. The two people I was speaking to were quite adamant about the poor previous legislation, and indeed one of them had previously been an executive member of the NDP in his area and had contributed money for the election of this government. He's not going to do it again. He now dislikes both the previous government and the present one.

The question still looks like one that is a pretty good one, namely under section 6. The government virtually has got the first right to purchase, lease or take an option and they feel that the actual grubstaking isn't all that realistic in view of the fact that once they start staking the money goes anyway. So they are still behind the eight-

ball, and they are not really getting the type of assistance which will make them in any way independent, and that's their gripe. They are not saying that this legislation is worse than the previous legislation. The previous legislation was not good, and the Minister is right there. But the bad previous legislation doesn't justify the fact that this legislation apparently will not do what the Minister thinks it is going to do, and I wonder whether the Minister's put his mind to it.

These men were quite adamant that this bill simply would not make the independent, small prospector anything but virtually a servant of the state. And they were pretty worried about that. They felt this was a bit of a fraudulent bill from their point of view.

I think the Minister's comments are perfectly correct as far as they go.

HON. MR. NIMSICK: Just to make a comment on that, I appreciate the Hon. Member's remarks in this regard. I have had many letters from prospectors who endorse this bill and think it is a good idea because at any time that an individual prospector comes to a businessman for a grubstake, the businessman usually makes arrangements that if he finds anything he gets a percentage of it, and companies do the same, if they are going to make a contribution of money. Now we don't intend to subsidize big companies via the prospector. We intend that the prospector is going to get a better deal out of this Act through the government assisting him in every way possible.

MR. D.A. ANDERSON: That's a laudable objective. There is no question that the businessman who stakes may well ask for a percentage, but there's a difference between a percentage of what is found and the right to purchase, lease or take an option on any mineral property referred to in clause (a), which is what we find in clause 6 of this bill.

The fact is that the prospectors feel that this is not something which makes them more independent, and it simply substitutes the shackles of the companies with the shackles of the government, and they're not all that sure they're much better off. What I would like the Minister to comment upon is how really they become more independent under this bill than they previously were.

HON. MR. NIMSICK: Well, I think they can become far more independent because they've got a friendly government to deal with, and a friendly Minister to deal with, and we are going to assist them in every way possible because I have been led to believe that the prospectors are the backbone of the mining industry of this province, and I believe this. Those are the people that we should be assisting and up until now they have been at the mercy of the industry without any consultation or any input from the government at all.

Now if we thought a claim was in some out-of-the-way place and it's going to cost socially a lot of money to put it into production, we may purchase that claim from the prospector, if it's a good claim, for the time being. Later on when the development of that claim is warranted, then we could negotiate with somebody to develop it.

MR. D.A. ANDERSON: How much would you pay for it?

HON. MR. NIMSICK: That would be under negotiation.

Sections 4 and 5 approved.

On section 6.

MR. RICHTER: Mr. Chairman, this section is a very, very disturbing section in that it is the section which gives leverage to the government to evaluate and to acquire the mineral claim because of the fact that it is the conditioner of the grant or assistance to the prospector. On the basis of this section alone we in this party must oppose the conditions set forth.

HON. MR. NIMSICK: I'm rather surprised, Mr. Chairman, that that attitude is taken — that a government elected by the people, that is the people, haven't got the same rights as the private sector in dealing with the prospectors. I'm sure that the intention of this is to assist the prospector in every way.

MR. D.A. ANDERSON: I appreciate the Minister's remarks, Mr. Chairman, but the fact is that legitimate

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prospectors are unlikely to use this bill. It's going to be the hippies who want a summer out there with a hammer in their hand. They are going to enjoy that.

HON. MR. NIMSICK: They won't get away with that.

MR. D.A. ANDERSON: Well, I don't know. It looks that way to me because the serious prospectors, many of whom are on the lawn, many of whom have spent 25 years in the business and know nothing else and that's why they're out there and they're so concerned, feel that section 6 is the type of thing which in connection with section 4 makes the thing quite impossible for them to take advantage of.

Anyway, I'd just like to know whether this first right to purchase means that a prospector can go to the private sector, can go to a foreign company, and arrange a deal for, say, whatever it might be worth — \$50,000, \$100,000, maybe a great deal less, maybe a great deal more — and the government will meet the best price that prospector can find on the private market. Or are you going to use this section 6 to make sure that he doesn't have the right to go out and get the best price, then in turn if you want it, to match that best price?

HON. MR. NIMSICK: We're not going to allow a government to get boxed into a position where I would commit the government to say we'll pay any price that a private company will pay because then that wouldn't be a good situation.

MR. D.A. ANDERSON: Why not?

HON. MR. NIMSICK: Any negotiation that goes on with a prospector has got to be in agreement with the prospector.

MR. D.A. ANDERSON: Right.

HON. MR. NIMSICK: The government is not going to dictate anything to the prospector; we're going to negotiate with the prospector if we feel that we want to purchase that claim.

MR. D.A. ANDERSON: Mr. Minister, those are stirring words and we appreciate hearing them. The fact is, of course, you're probably going to be dealing with a lucky hippy because prospectors won't be using this Act. But, say, one of these hippies is lucky and he finds something which is worthwhile. In other words, if he manages to find a private buyer, and the government thinks the price is too high, the government won't exercise any of these options and he will be at full liberty to sell to the private buyer and make the maximum amount that he can.

AN HON. MEMBER: Don't you believe it.

HON. MR. NIMSICK: Well, if the government feels that the prospect isn't worth purchasing, certainly he would be free to go ahead. But the regulations and the agreement when they receive the money will be negotiated with the prospector, and the prospector will have full knowledge of what he is expected to live up to and what the government is expected to live up to under the agreements made between the prospector and the government.

MR. D.A. ANDERSON: Here's the critical point, Mr. Minister: The agreement is clearly going to be the thing that determines whether this bill be used, and I rather doubt it, and whether it will be used at all by legitimate prospectors. The statement you've made indicates that despite this legislation, or under this legislation and regulation, you are going to come to agreements whereby it might be that the prospector could not take advantage of the highest market value of his particular claim if he eventually goes out and tries to sell it in the private sector. You will be making regulations and agreements with prospectors prior to giving them the \$4,000 which will indeed tie their hands in the case of any future sale.

HON. MR. NIMSICK: If the private sector loans \$4,000 or more to an individual prospector, they make

these agreements; they tie them to a certain percentage. I don't see why the government can't operate on a business-like basis with the prospectors. I'm sure the prospectors are going to get a better deal than they would otherwise.

MR. FRASER: Mr. Chairman, in spite of what the Minister says, under this section 6 any prospector might find places to prospect under the total domination of the provincial government. He may be forced to sell, he may be forced to join a partnership with a Crown agency, but whatever choice is made, he is no longer in a free-finder's position. This bill represents another link in the takeover machinery of this government. That's the reason we are opposed to this.

MR. GIBSON: Mr. Chairman, this is by far the most odious section of the bill; it's clearly a takeover section. The Minister talked about all the letters he has received from prospectors — I'd like to see a few of those letters. I haven't received a single letter from any prospector in favour of this prospectors Act, just as I didn't receive a single letter in favour of Bill 31.

HON. MR. NIMSICK: Have you received any against it?

MR. GIBSON: Yes, I've received letters against it.

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Let me read one of them now:

"On general principle, I'm strongly opposed to see the government becoming involved with mining. I'm sorry to see the government demanding a first refusal on a prospector's discovery. After all, if a mine is developed, the government would get a fair share in tax revenues.

"The plan of first refusal suggests that if it's any good, the government will take it over; if it's not, then the prospector will be faced with trying to sell it to some other company after it's been turned down by government geologists."

The Minister talks about this great big benevolent government, and how well it's going to deal with the prospectors and these terrible companies. Mr. Chairman, there's just one government and that government is a monopoly.

If it chooses to exercise its right, it's the only one that the prospector can deal with. As contrasted to the current situation, let me quote Mr. Tommy Elliot, manager of the B.C. and Yukon Chamber of Mines:

"There are about 1,000 prospectors in B.C., and they're all rugged individualists. The problem is that this bill is giving the province the first right to deal."

Now listen to this, Mr. Minister:

"In the past, the prospector could negotiate any deal and he had 90 major companies and he had 300 smaller stock companies to choose from. Any prospector accepting this new grubstake could be trapped in the bureaucracy and domination of the government. It's fundamentally wrong."

And so it is, Mr. Minister. You're trying to make yourself the only game in town. You're talking about big companies making rough deals with the prospector — that's going to be nothing compared to the kind of power you're going to have over them.

Interjections.

MR. GIBSON: That's for sure. Then, Mr. Minister, let me ask you, and I hope you can answer this: suppose you exercise your right of first refusal on some claims, because you didn't put that power in there just for fun, you're going to exercise your right of first refusal on some claims. Then what are you going to do? Is it going to be the government that will map it and drill it and then put it into production and build the mill and so on? Is it going to be the government that will do that? Are you going to form an exploration or development arm of the government —

any part of the government, not necessarily your department, anywhere in the government? Are you going to set something like that up? Is that your idea?

If it's not, why else would you have section 6? Could you answer that?

HON. MR. NIMSICK: Don't give me any ideas because they might be good ones and I might adopt them. But definitely, the prospector, if he doesn't want to take the money that the government is offering, there are no ties; he can do what he likes with his claims. But if he takes the money, the same as he takes it from a private business concern, then he must have some agreement with the government. And you'd be surprised how many prospectors already have come to me wanting the government to participate in his claim.

Now I'm not one who falls for every claim, you know, but there are plenty of them who would like the government to participate right now.

Interjections.

HON. MR. NIMSICK: No, without the private sector. There are many of them who think about the Province of British Columbia; they're good citizens and they feel that the government can give the maximum help to them.

MR. GIBSON: The Minister knows perfectly well, Mr. Chairman, that those prospectors can't sell those claims anywhere else with the mining climate that this government's created in this province. What absolute nonsense.

Now, something else here. The government seem to have two rights of first refusal under this section. The first is an option on any mineral property.

Now, let's say it doesn't exercise that option and the prospector takes it along to somebody else and forms an agreement with somebody else, drills some holes and spends quite a bit of money in proving up that property. Now the government has another option, so it would appear, has the first right — subsection (c) — has the first right to negotiate an agreement with the prospector whereby the Crown, or an agency designated by the Crown, agrees to develop or bring the mineral properties referred to in clause (a) into production.

In other words, Mr. Chairman, as I read it, the government is giving itself two kicks at the cat. That makes it absolutely impossible for anybody to get any support at that first stage. Why would anybody go in and help prove up that ground at the first stage if the government can come along as soon as something useful has been proved up and say, "Ah, ah, ah! We've got first rights here." That is what section (c) seems to say to me. It is just going to stop everything at the first stage unless the prospector will make the right deal with the government.

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Therefore, these two rights of first refusal in sequence seem to me to be that proverbial offer-you-can't-refuse. I would like the Minister to explain that.

HON. MR. NIMSICK: I think you are manoeuvring a lot of words into this section 6. We feel that the government have their geologists who can assist the prospector in negotiating. The government and the prospectors can be sort of partners in negotiations with somebody else who wants to develop the claim. We are not going to see the prospector get left out in the cold in regard to any claims. If we think that the claim is not worthy of the government taking any action in this regard, then he can go to a private company. But we will assist him to see that he gets a proper deal.

MR. GIBSON: But do you have one or two rights of first refusal? That's what I am getting at.

HON. MR. NIMSICK: I would say we only have one right of first refusal.

MR. GIBSON: So it is recorded that there is only one right of first refusal, just at one point in time. Is that

right, Mr. Minister? The Minister nods.

MR. D.A. ANDERSON: Clause 6(c) talks about an agency designated by the Crown to develop and bring mineral properties into production. As apparently we have no such agency at the present time, what is the reference in this section?

HON. MR. NIMSICK: Several provinces now have agencies to develop mineral claims. There is every possibility that, if the demand is there, you might have a bill at some future session which will set up an exploration and development agency of the government.

MR. D.A. ANDERSON: Well, that is interesting. It seems most interesting in light of the fact that the Minister and I have exchanged comments on this over the last 18 months quite frequently.

The agency is now right there in black and white; it is now at least in one Act even if it hasn't been set up in another. It is in anticipation of setting up such an agency and in anticipation of other legislation that we would like to know how far along the road the Minister is in setting up such an exploration and development agency such as the one in Manitoba, which is presumably the one he has in mind, the one Mr. Kiernans played such an influential part in establishing.

After all, if the agency is here in this bill, surely the bill to establish it and set it up cannot be far behind. Perhaps you would like to indicate just how far behind the government mineral development corporation actually is. How many months: six, three, two, tomorrow?

HON. MR. NIMSICK: I have no answer to that because that hasn't been discussed. The Hon. Member for North Vancouver–Capilano (Mr. Gibson) is the one who gave me the idea to think about.

Interjections.

MR. GIBSON: I sure can't be the one who gave him the idea about an agency because it is referred to right here in his bill: "...whereby the Crown, or an agency designated by the Crown, agrees to develop..." He has had that idea in his mind for quite a while. I think he should tell us where it stands because that is who these prospectors are going to be working for under this bill. I think he should tell us.

HON. MR. NIMSICK: There are agencies of the government today which we could designate for that purpose if we wished to. As I said before, the time and the need may come for a government exploration and development company to go into these things, the same as they have in Manitoba and Quebec. Quebec, they tell me, is quite successful with it.

[Mr. Liden in the chair.]

Section 6 approved on the following division:

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Hall	Dailly	Strachan
Nimsick	Nunweiler	Brown
Sanford	D'Arcy	Cummings
Dent	Williams, R.A.	Cocke
King	Young	Radford
Nicolson	Skelly	Gabelmann
Gorst	Rolston	Anderson, G.H.
Barnes	Steves	Kelly
Webster		Lewis

Bennett	Smith	Jordan
Fraser	Phillips	Richter
McClelland	Morrison	Anderson, D.A.
Williams, L.A.		Gibson

MR. SMITH: Mr. Chairman, when reporting to the House would you indicate that a division took place and ask leave to record it?

Sections 7 to 11 inclusive approved.

Title approved.

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HON. MR. NIMSICK: I move the committee rise and report the bill complete without amendment.

Motion approved.

The House resumed; Mr. Speaker in the chair.

Bill 94, Prospectors' Assistance Act, reported complete without amendment, read a third time and passed.

MR. SPEAKER: Shall leave be granted to record the division in committee?

Leave granted.

HON. MRS. DAILLY: Committee on Bill 132.

PETROLEUM AND NATURAL GAS AMENDMENT

The House in committee on Bill 132; Mr. Liden in the chair.

On section 1.

HON. MR. NIMSICK: I move the amendment standing in my name on the order paper. (See appendix.)

Amendment approved.

Section 1 as amended approved.

Sections 2 and 3 approved.

On section 4.

HON. MR. NIMSICK: I move the amendment standing in my name on the order paper. (See appendix.)

Amendment approved.

Section 4 as amended approved.

Sections 5 to 9 inclusive approved.

On section 10.

HON. MR. NIMSICK: I move the amendment standing in my name on the order paper. (See appendix.)

Amendment approved.

On section 10 as amended.

MR. SMITH: I just want to say that I think the industry will be happier with the Minister's approach with these amendments, saying that he has listened to what they had to say with respect to the fact that if he was going to increase the amount of rental charge per acre he should also increase the credit they may receive against the leases they have under their control.

You have increased the rentals and you have also increased the credit, not in this section but in another one. I think this is certainly acceptable to the industry. Before, you had increased the rentals but given no increase in the credit that they would have against them.

Section 10 as amended approved.

On section 11.

HON. MR. NIMSICK: I move the amendment standing in my name on the order paper. (See appendix.)

Amendment approved.

On section 11 as amended.

HON. MR. NIMSICK: There is a new section 11(a). I move the amendment entitled section 11(a) standing on the order paper in my name. (See appendix).

On section 11(a)

MR. SMITH: Here again there has been a change that was certainly one, I think, the companies themselves through the Canadian Petroleum Association were originally quite opposed to. There was too much discretionary power in the hands of the Minister. They did not know, with respect to new leases and old leases, exactly what attitude the Minister would take with respect to the idea of committing them to a drilling programme in advance of the time that they would have been prepared to drill, particularly when you take into consideration that most of the companies require lead time to line up seismic crews to do the seismic work, to contract drilling rigs and bid into the areas where they may have to drill.

This was a detriment to the drilling companies and the companies which controlled the leases. The new section now, as I understand it, really applies to new leased lands only. There will be in these leases a guarantee that they will have three years lead time before the Minister can exercise his discretionary powers to require the company to drill. Certainly this is an acceptable amendment.

But there is a question still in the minds with

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respect to the older leases presently in existence or in force. When the companies bid competitively to the Department of Mines and Petroleum Resources for the right to explore, they paid substantial bonus bids to acquire those lease rights in the Province of British Columbia. I am talking about leases already in existence.

Since the time they paid that substantial amount of bonus money to the government, you have changed the rules. You now say that under those leases you may require them to drill at your option. They are still concerned how stringent you are going to be in the application of this discretionary power which is in your hands. They feel — and I

think they have every right to feel — you have changed the goalposts after they have paid money to the government in good faith and intent to perform.

The process of setting up to drill is not something they can do overnight. The Minister knows that most of the area where we get our most productive potential for oil and natural gas is now out in the muskeg area. They are limited to three-and-a-half to four months of activity every year when the weather conditions are proper. After that, they can't even get into those areas.

They are, therefore, quite concerned. I think it would be wise for the Minister to spell out in some detail to the industry generally in the province under what circumstances the Minister intends to exercise the discretion that he has with respect to those leases which are already in force. Will he, for instance, step into one of the major companies or mining companies — it doesn't matter — three months down the road and say: "We deem that you must drill on certain given acreage that you have under lease by next June or a year from now"?

Certainly you could put them into a very difficult position. It may well be impossible for them to meet those terms. Under that situation, as I read the Act, that lease would then go back to the Crown. It would exhaust all their rights.

I submit that they have paid substantial money in the form of bonus bids to the Crown in good faith. I would think the Minister should take into consideration accessibility to the areas under lease; he should take into consideration the potential of success in that area as compared to other areas. He should also take into consideration the availability of pipelines or gas lines, as the case may be, in the area or adjacent to it. If they are successful in drilling, will they be able to tie in or will they have to put a tree on the well and cap it off for the time being?

I think he must realize that most of the seismic work and drilling is not done by the companies who originally purchased the rights from the government to explore; they bid that work out to private companies which are experts in that field. If the crews are committed, particularly in the seismic and drilling fields, then there is just no way they can fulfil the Minister's request if they can't get either seismic crews or drilling rigs for a specified time.

It is a matter of major concern to the companies. I think the Minister would be well advised to spell out in detail to the companies how he intends to handle this discretionary power with respect to old leases. They are quite happy with the idea of three years' lead time on new leases but they are concerned about some of the older ones.

HON. MR. NIMSICK: There is no intention of the government to be a dog in the manger or take a dog-in-the-manger attitude in this regard. It would only be where there were flagrant abuses of holding on to leases for long terms without drilling where this would be used. I am sure you will find the government will be leaning over backwards to cooperate with them as long as they are willing to cooperate as well.

Section 11(a) approved.

On section 12.

HON. MR. NIMSICK: I move the amendment standing in my name on the order paper. (See appendix.)

Amendment approved.

Section 12 as amended approved.

Sections 13 to 19 inclusive approved.

On section 20.

HON. MR. NIMSICK: Mr. Chairman, I move the amendment standing in my name on the order paper to section 20.(See appendix.)

Amendment approved.

Section 20 as amended approved.

On section 21.

HON. MR. NIMSICK: Mr. Chairman, I move the amendment standing in my name on the order paper to section 21. (See appendix.)

Amendment approved.

Section 21 as amended approved.

On section 22.

HON. MR. NIMSICK: section 22(a) is a new

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section. I move that amendment standing in my name on the order paper. (See appendix.)

Proposed section 22(a) approved.

Section 22 as amended approved.

Section 23 approved.

Title approved.

HON. MR. NIMSICK: Mr. Chairman, aren't there more amendments?

MR. CHAIRMAN: No, we dealt with all we could find.

MR. SMITH: What other amendments did the Hon. Minister have in mind?

HON. MR. NIMSICK: No, I just....

MR. SMITH: If he would like, I could suggest some.

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

Motion approved.

The House resumed; Mr. Speaker in the chair.

Bill 132 reported complete with amendments.

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

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

Leave granted.

Bill 132 read a third time and passed.

HON. MRS. DAILLY: Committee on Bill 144, Mr. Speaker.

The House in committee on Bill 144; Mr. Liden in the chair.

On section 1.

MR. GIBSON: Mr. Chairman, under section 1 at the end of the definition of "work" it is specified that work does not include the construction of buildings. I would ask the Minister why not, since the construction of buildings may well be work ancillary to the development of the placer lease.

HON. MR. NIMSICK: On a placer lease there is a ruling that you have to have a permit to put up any buildings.

MR. GIBSON: But why shouldn't it be counted as work?

HON. MR. NIMSICK: Why shouldn't it? Well, it might be a log cabin to live in on the lease. I'll agree that it is work but the work requirement on the lease does not include the construction of buildings — the work requirement on the lease.

MR. GIBSON: I just want to say that I think that is wrong.

Section 1 approved.

On section 2.

HON. MR. NIMSICK: Mr. Chairman, I move the amendment standing in my name on the order paper for section 2. (See appendix.)

Amendment approved.

On section 2 as amended.

MR. RICHTER: The particular amendment has certainly made this section more palatable as far as the person who is panning for gold not on a commercial basis. I can just imagine what would have happened had that amendment not gone in there. There would not only be those who are doing it for recreational purposes but others.... Let me tell you that if I found a nugget I know where it would go. Mr. Minister, you wouldn't know anything about that.

I would say that the provisions within this section and the whole atmosphere of not encouraging more placer mining and the difficulties they are going to have.... I see a great deal of hesitancy on the part of the people wanting to do placer mining today. It is going to be very difficult.

MR. GIBSON: Mr. Chairman, section 2(3) provides that "a free miner may enter and acquire location on wasteland within designated placer land." Presumably the Minister is going to designate placer land throughout the province on the basis of historical production areas; yet there may well be land that has placer potential, whether for gold or for other minerals, which hasn't historically been placer mined. There may well be land outside of such

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designated areas which could, in fact, be a good placer lease prospect.

I would ask the Minister... unless I have misread this section, there doesn't seem to be any way that a person could acquire a lease in such an area. Could the Minister tell us the procedure that a person might follow in such a case which would protect him? If he has simply to go to the Minister and ask the Minister to kindly designate the area, even if the Minister was prepared to do so, the free miner has no protection in that interim.

HON. MR. NIMSICK: Actually, the reason that we have designated areas is that there are certain areas of the province where you don't want any placer mining at all.

MR. GIBSON: I can appreciate that.

HON. MR. NIMSICK: Placer mining, as far as the province goes, is not a very big item. In some places they disallow placer mining altogether.

MR. GIBSON: I know that.

HON. MR. NIMSICK: We feel that there are still areas in British Columbia that can be placer mined. Of course, they've got to come under the regulations. It is difficult now to get a placer lease when you have to go through all the departments that you have to go through in order to get a placer lease if you want to work.

I don't know what protection you would give somebody if they thought there was "gold in them thar hills" and wanted it designated. I would suggest that they would have to apply to have another area designated. If we thought it was possible to designate it, we would. But if it was in an area in which we didn't want any placer mining, we would not allow it.

MR. GIBSON: If that were an area that you were prepared to consider, then, would the House have your undertaking that such an application would be held in strictest confidence? The secrecy would be the only protection the finder would have if there is no provision within the legislation.

HON. MR. NIMSICK: As far as I am concerned it would be in strictest secrecy. But in order to designate these you have got to go to different departments and have their okay as to whether they would allow placer mining in those areas.

I think that you could find a loophole in any law in this regard. To say that you can go and stake a claim on undesignated areas would not be correct either. If anybody finds any gold he had better cover it up and then apply to have it designated and see if it will be designated.

MR. FRASER: Just a short question to the Minister, Mr. Chairman. Who is going to be the boss here? The Minister of Mines hasn't been the boss over pollution problems with miners. Are you now saying that you will finally be the boss on granting placer permits and so on? Or are you going to let the Minister of Recreation be boss one day and Lands, Forests and Water Resources the next?

HON. MR. NIMSICK: We are in hopes of channelling the applications from our department through the other departments. If it gets knocked down by one of the departments, it wouldn't be allowed. Pollution control has got to come under the pollution control department; the fisheries have a say in it; the parks department has a say in it, and Lands and Forests have a say in it.

MR. FRASER: Environmental land use?

HON. MR. NIMSICK: It's one of those problems where you've got to go through a lot of channels. But rather than have the individuals go to each one of these departments and get clearance, we hope that to make it easier for him he can make the application to the Department of Mines and then we will channel the application through the other departments.

MR. FRASER: Thank you, Mr. Minister. Of course, that won't speed up anything at all. It will just mean that he deals with one office and not six or seven. But it really means that you haven't got much control over the issuing of placer permits. The Minister of Recreation can stop it or the Minister of Lands, Forests and Water Resources and so on.

HON. MR. NIMSICK: That might be a good idea.

Sections 2 to 5 inclusive approved.

On section 6.

MR. RICHTER: In section 6(3): "No free miner shall be issued more than two placer leases during a calendar year." This is a provision which could curtail a placer miner to a great degree.

For instance, in January of the year two placer leases are granted; by the end of February or the first part of March he finds out that one of those leases is not a producer. He has discovered through exploration that there is another area which may be more productive. Will the lessee then be able to relinquish one and take up another within that period of time while he may have been issued two leases? One would be revoked and the other one would be supplemented in its place.

I don't know whether the Minister is following me or not. But in the event that I had two valid placer

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claims or placer leases and I found that one of those was not a producer, but I do know of another area, can I substitute the lease on the first one to the area on the second one, providing everything is in order? I could go back and by relinquishing the one I still would just only have two. But can this be done?

HON. MR. NIMSICK: That's rather a hypothetical case. I'm sure that it would take him probably six months before he could prove the one was no good, and in the other six months he could work on the first one. But I would say, according to the law, he would only be allowed the two placer leases in one calendar year.

MR. RICHTER: Mr. Chairman, he could have a very substantial crew of men working on both leases at the one time. It would seem rather unfortunate that he would not be able to supplement one lease with the other with the consent of the Minister.

HON. MR. NIMSICK: The law reads that it's only two placer leases in any one calendar year. The purpose of this is that a person wouldn't be able to control miles and miles along one creek. Other people would have an opportunity of placer mining as well. This is the idea to restrict as much as possible so that more people could get involved. To me, placer mining is more of a recreational value than it is monetary — except maybe in the odd case.

MR. GIBSON: I fully support the Hon. Member for Boundary-Similkameen in his contention. This limit should be raised, in my opinion. Not only for the circumstances set forward by the Hon. Member for Boundary-Similkameen but also in the circumstance where the same set of deposits along a stream runs for longer than the distance that could be covered by two leases. That should be worked as a single operation. Therefore, I believe that the limit of two should definitely be raised.

HON. MR. NIMSICK: He can hold two or more than two. But you can only stake two in the one calendar year. Only two can be issued in the one calendar year to the one person. But if he had one and got two the next year, he could have three.

MR. GIBSON: He could hold any number then, as long as he accumulates them at two a year.

HON. MR. NIMSICK: It's not going to be that easy to get leases, I don't imagine, to work when you go through all the departments. It usually takes about six months to get through the departments to get a lease at all.

Section 6 approved.

On section 7.

MR. GIBSON: In section 7 it kind of bothers me that the Minister simply "may" issue a lease after all the regulations are complied with rather than "shall" issue a lease. Could the Minister explain why the wording should be thus? I mean, once everything's complied with, it seems to me....

HON. MR. NIMSICK: What section was that?

MR. GIBSON: Section 7, line 2. It seems to me that you should be required to issue that lease.

HON. MR. NIMSICK: We go through all the other departments. But there is no intent, if he passes all the requirements, that the lease will not be allowed.

MR. GIBSON: So this is basically to provide for other departments then?

HON. MR. NIMSICK: Yes.

MR. GIBSON: One other question then under this section. The maximum term of the lease has been shortened from about 20 years down to 10 years. Could the Minister explain why? In some cases deposits might last for more than 10 years.

HON. MR. NIMSICK: In the case of placer mining this is just a matter of timing. I think that after 10 years they can get renewal. It gives a chance to look over the situation.

Sections 7 to 9 inclusive approved.

On section 10.

MR. GIBSON: section 10(2) line 3, provides that work can't in effect be spread over more than three years. Could the Minister say why this should be the case when the lease is issuable for up to 10 years?

HON. MR. NIMSICK: If they've got a lease, we'd like to see them doing something with it. We'll give them three years, and we figure that that is a sufficient work requirement. Now they might do in the first year enough work for the whole 10 years and then leave the lease idle for all that time. We don't think that that's correct.

Sections 10 and 11 approved.

On section 12.

MR. GIBSON: Under section 12(3)(b) why does the Minister wish the right to approve the construction of the building, Mr. Chairman?

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HON. MR. NIMSICK: If it's built for some other purpose than for placer mining, we wouldn't allow it. Somebody might want to build a summer home on a placer lease, and this wouldn't be allowed.

MR. GIBSON: Would there be a requirement that plans be first submitted and that sort of thing? How will you draw a line between a bunkhouse and then a very nice bunkhouse and then a modest cottage?

HON. MR. NIMSICK: Well, there's always somebody who would try and get around the regulations, I know. But this is trying to protect us from these people.

Sections 12 to 15 inclusive approved.

On section 16.

MR. GIBSON: This is similar to the Coal Act question. I would ask the Minister why he wants to be able to have the consent on the transfer of leases, why he isn't simply satisfied with just registration of the transfer. Why does he want to have the right to withhold consent?

HON. MR. NIMSICK: We don't want trafficking in leases. The second point is that we want to keep a record of where these leases go and to whom they go. Maybe the individual that he's going to transfer the lease to — maybe we just think that it's not the proper thing to do.

MR. GIBSON: What kind of an individual would that be, Mr. Minister, that you wouldn't just think it the

proper thing to do? What kind of guidelines would those be?

HON. MR. NIMSICK: He may not even have a free miner's certificate.

MR. GIBSON: But in that case it would be natural. Look at the case where a lease might pass through an estate. The Minister could render that lease totally valueless by arbitrarily withholding his consent. That seems to me to be wrong.

HON. MR. NIMSICK: This is in practically all the Acts where to transfer leases, claims and all these things must go through the department. I don't feel as though these transfers should be exercised out in some office back in some other place. I think that the main office should know what's going on. They should be the ones that sign the transfer of the lease. I don't think there will be too much of a problem there. If anybody runs into difficulty, we could soon get that corrected,

MR. GIBSON: I will just say one more thing, Mr. Chairman. In what you might call the outside world that almost always says: "which consent shall not be unreasonably withheld." I think that that should be in here too.

Sections 16 to 18 inclusive approved.

On section 19.

MR. GIBSON: I just want to, as I have on each of these bills that have come before the House on minerals this session, register my strong opposition to the complete discretionary authority of the Minister to set the rate of taxation not governed by this House.

Sections 19 to 22 inclusive approved.

On section 23.

MR. GIBSON: section 23 provides for renewal of leases under the previous Placer-mining Act. I'm a little confused by the wording, Mr. Chairman. Is this a guarantee that a lease under the old Act will be renewed under the new Act, or will it be renewed under the terms of the old Act?

HON. MR. NIMSICK: It will be renewed under the new Act, but it would carry on under the old Act right to the expiry date.

MR. GIBSON: I see. Then we have a guaranteed renewal, do we?

HON. MR. NIMSICK: Subject to the new Act.

MR. GIBSON: Subject to the renewal terms of the new Act we have a guaranteed renewal.

Sections 23 and 24 approved.

Title approved.

HON. MR. NIMSICK: I move that the committee rise and report the bill complete with amendments.

Motion approved.

The House resumed; Mr. Speaker in the chair.

MR. CHAIRMAN: Mr. Speaker, the committee reports Bill 144 complete with amendment.

MR. SPEAKER: Thank you, Mr. Chairman. When shall the bill be considered as reported?

HON. MR. NIMSICK: With leave of the House,

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now, Mr. Speaker.

Leave granted.

Bill 144, Placer Mining Act, read a third time and passed.

HON. MRS. DAILLY: Committee on Bill 162.

STATUTE LAW AMENDMENT ACT, 1974

(continued)

The House in committee on Bill 162; Mr. Dent in the chair.

Sections 14 to 20 inclusive approved.

On section 21.

MR. R.H. McCLELLAND (Langley): Mr. Chairman, I'll be very brief on this section. We spoke at some length in the House earlier about the provisions of this section. What it provides for is simply a blatant subsidy for the Insurance Corporation of British Columbia through gasoline taxes.

I just want to remind this House of the kind of comments that the Minister of Transport and Communications made in this House on second reading of the bill to provide for the Insurance Corporation of British Columbia, He was very insistent at that time that never, never, never would one penny of tax money be used to shore up the ICBC. He said that only insurance costs and experience would be charged against the plan; the plan will be self-sustaining. All services rendered by any department of government or otherwise will be paid for from moneys belonging to the plan.

I wonder what is happening now with the services. And there are many services, Mr. Chairman, being provided to ICBC by the Motor Vehicle Branch, for instance. Are those services being charged for against the insurance corporation plan? What about all the other departments of government which are providing services for that plan — are they being charged against the plan on March 5, 1973 as the Minister said they would be?

On that same occasion the Minister said that there would be no hiding the costs of automobile insurance. Yet this is what we're doing now. From the consolidated revenue of the Province of British Columbia we are taking gasoline tax money and effectively hiding the cost of the automobile insurance.

I said in a debate earlier this session that the Minister hasn't got all the confidence that he professes to have in the structure of ICBC. I said that a company, a fledgling company set up as a Crown corporation by this government, which needs shoring up so early has to be an indication of the failure of this government to provide good sound business management to ICBC.

Later on, Mr. Chairman, on March 8, during the closing of second reading, in answer to some interjections by Members of this House with regard to the hiding of the true costs of the operation of ICBC, the Minister said that it's right in the legislation, nothing hidden, everything on top of the table.

Well, it might have been on top of the table in those days, but today that Minister has shoved the finances of ICBC underneath the table, and he's asking the people of British Columbia to subsidize that company, which is obviously faltering, with taxpayers' money. And the question to be asked is, what next?

What kind of tax subsidy will be going into ICBC next? I think it's fair to say now that this government has

not honoured its commitment to the people of British Columbia to keep the finances of ICBC honest and above board at all times.

HON. R.M. STRACHAN (Minister of Transport and Communications): Mr. Chairman, I reject out of hand the statements made by the Member. I agree I made those statements, but the Member ignored completely the statement that was made by the Premier that this is essentially to try and eliminate the many areas of discrimination which were built up as part of the private enterprise operation of insurance in the Province of British Columbia.

We adopted exactly the same territories and the same ratio between territories as was in operation by the private insurance companies. After a year's experience it's obvious to me that the people who are being discriminated against don't like it. And while they may have been willing to accept it from a private insurance company with headquarters somewhere else, they expect the government to accept the responsibility of removing discrimination wherever they can.

I notice in *The Calgary Herald* of April 30, 1974, an editorial which talks about the kind of discrimination that was part of the private insurance field. This same editorial from *The Calgary Herald*, of April 30, 1974, an editorial which talks about the kind of discrimination that was part of the private insurance field. This same editorial from *The Calgary Herald* talks about the government of that province. It says:

"That government is, for example, considering a proposition made by the Insurance Board of Canada to the seven non-socialist provinces. It calls for a form of no-fault insurance and poses a number of other changes.

"Although both sides have chosen to

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exclude the public from their deliberations so far, the proposal would seem to perpetuate the practice of setting rates for Calgary by underwriters in Toronto according to principles apparently established in the U.S."

This is *The Calgary Herald* in an editorial of April 30.

"The legislation calls for the tabling of financial reports."

I have already tabled the first annual report. You will notice that this same section allows for a widening of the basis on which financial reports are made. Until now it was limited to the questions that the superintendent of insurance required. But this allows for the widening of the financial report.

MR. BENNETT: Mr. Chairman, I would further like to mention that we are surprised that we can have such a fantastic explanation from the Minister about this section, after last year when the commitment was made in this House that this plan wouldn't be subsidized.

The Minister has said that this is to make it more equitable. Let me tell you that the young people who drive cars, who have to scratch for money for gasoline, aren't getting any benefit from paying their third premium every time they drive up to the gas pump. This doesn't strike the difference between the man who has a modest automobile, an automobile that isn't expensive, and the man who has the expensive Cadillac.

It just means that if you have an older car, if you have to drive a fair amount of way to go to work, if you are a working man who has to go 30 or 40 miles, you will pay higher premiums. The premiums won't be related to the value of the car, they will be related to the fact that you have to drive a long way to work. They will be related to the fact that an automobile is necessary in your life. This isn't the affluent person's limousine that's locked in the garage 99 per cent of the time; this is the necessary transportation of someone who uses his automobile every day for working purposes.

Now instead of an equitable premium based on the value of the car, they'll pay a third premium every time they drive to the gas pumps. The citizens of B.C. will now have the privilege of paying the highest gasoline prices in western Canada — higher than Alberta, higher than Saskatchewan — because the government and the Premier is not

meeting the commitment of the Minister that this plan wouldn't be subsidized. But realizing that a subsidy was necessary, has brought it in under the guise of aiding the motorist when in fact the very motorist who needs help is being penalized. The person who has to use his automobile is being penalized.

They're being penalized because there's no differential now between the modest automobile and the expensive limousine. It's only use.

There's no differential or no saving for the young now. They're the ones who have difficulty buying gas. They're the people who will realize that every time they go to the gas pump, they are paying for the blunders of ICBC. They're the ones who will realize that we don't have an honest series of premiums that they can understand.

There are three premiums: on the automobile, on the driver's certificate and now, every time they go to the gas pumps and fill 'er up, British Columbians will know they are filling up because this government couldn't meet its commitment to give us an accurate accounting on ICBC.

MR. L.A. WILLIAMS (West Vancouver–Howe Sound): I listened with interest to what the Hon. Minister had to say a few moments ago. He hasn't given any explanation at all for what is taking place here.

As a matter of fact, the attempt at an explanation proves quite clearly that the government is reversing the position it presented to this House when the legislation was first introduced. When the legislation was first introduced, we understood that everything was up on the table, that the insurance plan was going to be fully self-sustaining, that there weren't going to be any government revenues pumped into ICBC to make it work.

Now the government is saying, according to the Minister, that because they discriminated against motorists in various regions of the province, they are going to cure that discrimination not within Autoplan itself but by taking general revenues and pumping them into ICBC. That only intensifies the discrimination. What you are doing is taking general revenues produced by all the citizens of the province — or, at least, by all the motor vehicle users in the province — and pumping them into ICBC in order to overcome discriminatory practices which the Minister says he inherited from the private sector companies.

Everyone knew there were different rates; the government knew there were different rates in different parts of the province, that discrimination was part of the private insurance system. You took it in. Now, because you are faced with the problem of overcoming discrimination, you are going to use tax revenues for that very purpose.

That's a breach of the commitment the Minister made to this House. It's a breach of the guarantee which he gave to this House. His words are in *Hansard*. He guaranteed that this was not going to take place.

But there is another aspect to this that excites me. We are now told that the reason we are going to pump 10 cents out of every 15 cents of gasoline tax into ICBC is to cure discrimination. But the Premier of the province, when he was in Kamloops, said that this was the government's way of giving relief to the

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motorists of the province by reason of the increased gasoline price. Obviously, what you are going to do is to remove discrimination with respect to ICBC for some people and impose discrimination with regard to the government's commitment to provide relief from the increase in the cost of gasoline. You are going to replace one kind of discrimination with another.

The other startling aspect of this particular legislation — and the Minister and the government have been most silent in this area — is how much money they are going to pump into ICBC and how much they are going to reduce the premiums. What is the benefit to be to the motorists of British Columbia? Discrimination or not, when you take this kind of revenue — two-thirds of the gasoline tax — and pump it into ICBC, how much of a reduction are you going to give to the motorists of British Columbia through ICBC?

Unless and until we can nail down that figure, we will never know — but we will have good reason to

suspect. We will never know the extent to which this general tax revenue is in fact being used up to meet the excess of operating expenses of ICBC over its current premium income from the motor vehicle Autoplan.

It is also noteworthy that the government has been silent on the amount of revenues that we have pumped into ICBC, silent on the matter of the amount of insurance reduction that this will produce, and also silent on the other aspect: namely, what the portion will be of fees payable under the Motor-Vehicle Act, the Commercial Transport Act and the Motor Carrier Act. That is the other unknown factor: leaving the government with all the flexibility in the world.

We do have ICBC with a monstrous computer organization. They know precisely how many motor vehicles there are in this province. They know the categories into which they fall; they know the nature of the discriminatory insurance rates which exist; they must, with the information available to them today, be able to determine precisely what the reduction can be on March 1, 1975, for each of the motor vehicle insurance policies issued at that time by Autoplan.

Giving us that figure and giving us the amount they will inject out of this general revenue into ICBC, we will then be able to determine whether or not there is balance, or whether, in fact, in the mess of ICBC they have been able to cover up waste and inefficiency, the existence of which is so obvious to anyone who has been concerned with the operation of ICBC to date.

HON. MR. STRACHAN: I just want to say that we were given instructions; we know what the instructions were: to examine the operation of ICBC to see what can be done. We haven't got the figure yet. There is a vast amount of work to be done in extracting that kind of information. That is why we have no figures as to what can or cannot be done. We are examining all the different variables and bringing them together to determine how much is going to be required to do what. That is what we are working on now.

MR. BENNETT: Let's just take an average from a 1972 vehicle and the premium. We tried to work out what sort of cost people would have next year on a hypothetical basis.

This is an actual case. Say they pay \$172 to ICBC. If the saving next year on ICBC is, as has been suggested, \$40 to \$50....

HON. MR. STRACHAN: I didn't suggest that.

MR. BENNETT: It has been kicked around. Let's just use that hypothetically.

Taking that this vehicle would average 20,000 miles next year as an average family car and, even with the pollution control devices on it, it gets 16 miles to the gallon, that will be 1,250 gallons. A gasoline tax of 10 cents a gallon would be \$125 paid next year in extra gasoline premium. If their premium is reduced from \$172 to \$122 by even taking \$50 off it, they are still going to pay in the gasoline tax and the reduced premium \$252 against \$172. How are they saving money?

HON. MR. STRACHAN: There's no increase in the gas tax.

MR. BENNETT: Yes, because the revenues are increased and we have the highest gas prices in western Canada, The opportunity to take in more revenues.... Both Alberta and Saskatchewan have now lowered gas prices, because they are reducing the gasoline tax. Yesterday in Victoria, premium gas at Shell: 70.9 cents; in Regina 63.9 cents. It's seven cents cheaper. These were phone calls. In other stations it was seven cents, some eight cents and some six cents per gallon.

These figures show that obviously there is trouble in ICBC. This is not going to save the people money. You're not going to pass along savings to the people. It is going to pay the extra costs of that bureaucratic jungle you have created in ICBC.

I don't think you have taken any sort of approach to this other than a political approach to save

embarrassment over what is a jungle you have created. Take a look. It is going to cost more money for the people of British Columbia. Unless they take the trouble to take their mileage and make an assessment, they will never be able to figure the cost of ICBC to them.

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Take into consideration the fact that you are now penalizing the people regardless of vehicle, expensive or inexpensive. The people who must use their vehicles for work are not going to get the benefit of insurance based on the vehicle but insurance based on the fact that they are just unfortunate enough to have to use their vehicle for work. That's not equitable. I don't think you have thought this through. I think that this subsidy can only have been brought in with a political thought in mind, and that is to save embarrassment when the true costs of ICBC are brought out next year.

MR. D.A. ANDERSON: Much has been said of the fact that this is a radical departure from policies outlined by the Minister, commitments he made in this House and letters he wrote to the newspapers denouncing those who suspected or suggested that there would ever be any tax revenue put into ICBC. It is a total reversal and he has given absolutely no reason except, of course, that it was instructions from the Premier. I guess that is a pretty good reason.

He himself was committed to a totally different policy. You would think we would hear a little from him about it.

The talk of discrimination in the private sector: that he knew well before. Talk of a year's experience: that doesn't make a great deal of sense in light of what was previously known.

I question why we are passing an amendment at this time when we know full well that all insurance is paid up until, well into March of next year. Why are we making this amendment now so that money will be pumped in between the time that this is brought into force and next March? There is a large period of time there when we assumed that the insurance premiums paid this year would cover insurance costs and that, next year perhaps, some alteration might be made. Next year, perhaps in March, there might be some adjustment on gasoline price or gasoline tax to follow the line put forward by the Minister.

We have been told that this year's premiums were going to pay for this year's insurance. It is clear, according to the amendment, that is not going to be the case. What they want us to do is pay through the nose, starting now, for next year's insurance. I suspect it is not only for next year's insurance but also for this year's shortfall due to miscalculation of insurance and on premium. Otherwise, why would they be bringing this in now instead of in February of next year, which would be the logical time for a totally separate bill dealing with this particular thing?

I would just like to know why the Minister needs 80 cents to \$1 out of every fill-up that the average motorist gets at the pump. Why is it that he needs that now when this year they have already paid substantial amounts for their insurance premiums and for their insurance coverage?

It appears to me that a large amount of money will be siphoned off and we will be paying double from now until next March for insurance coverage. Why is this? Why is there a shortfall of such substantial proportions that this is needed at this time? Have the costs escalated surprisingly due to, perhaps, more generous payouts, higher administrative costs than expected or the fact that the computer systems are a great deal more expensive than originally envisaged? Why is it that we have to pay double between this time and the future?

It is an interesting thing, Mr. Chairman, that not so long ago on this same bill we were discussing the government's need to borrow \$100 million from a Boston bank. Yet in this section we are essentially transferring something up to \$100 million — I'm not sure of the exact figure because nobody does know what it is going to be — into ICBC. There is a certain curious similarity between the two sums involved. It would seem to me that were we not pumping this type of money into ICBC we might not have had to have that type of request go outside of B.C. down to the United States for borrowing, which took place earlier in the debate on this particular bill.

I wonder whether the Minister, before he asks us to vote on this section, will indicate why we are paying

double. Why, when we have already paid our Autoplan premiums and our licences for the car and our extra driver's insurance licence — we've collected these four pieces of paper, if you can find them, and stuck them in our wallets — are we starting to pay for next year's insurance premiums? Indeed, is it a case of paying for this year's shortfall due to the much greater costs that ICBC has as opposed to what was expected?

HON. MR. STRACHAN: I just want to point out that the reason the legislation is going through now is that we have all the calculation to do and we require the authority to do that. The renewal certificates must go out long before next February; they have to go out before December or some time.

MR. PHILLIPS: I'll tell you why this legislation is going through now. It's going through now because they have not been able to keep the promise to provide cheaper automobile insurance which they made during the election campaign. They are injecting mass amounts of public tax money to shore up the Insurance Corporation of British Columbia.

It becomes increasingly obvious that what this government says one month cannot be trusted the next month. It has been clearly pointed out here this afternoon that the Minister said there would be no subsidization of the Insurance Corporation of British Columbia.

It is not much wonder that this Minister has lost

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his credibility. This piece of legislation should be intitled the "Cover-up Act" because that is the purpose behind it: to cover up the inefficiencies of the Insurance Corporation of British Columbia. All the sins and mismanagement in this organization will now be covered up by vast amounts of the taxpayers' dollars.

I want to remind you, Mr. Chairman, that the afternoon before yesterday, while we were discussing the announcement of the Peace River power dam, the Premier of this province stood in this Legislature and piously announced that the Minister had made the announcement in the House and all the announcements of policy were made in this Legislature. I want to remind the House that during the Minister's estimates I tried for days to get an announcement from that Minister while his estimates were being debated on the floor of this Legislature if the Insurance Corporation was going to be used to subsidize the motorists of British Columbia. The Minister wouldn't give an answer.

What happened, Mr. Chairman? Our Premier goes outside of this Legislature, in the City of Kamloops, while we are in session, and shows a complete disregard for the rules of parliament and makes the announcement in the City of Kamloops.

In spite of what the Minister says, this government has already been subsidizing the Insurance Corporation of British Columbia. They have been subsidizing the Insurance Corporation of British Columbia by insuring government cars. They have been subsidizing it by work on the public service on the Insurance Corporation of British Columbia; I mention specifically the Motor Vehicle Branch. They have been subsidizing it by insuring the vehicles owned by Hydro and the British Columbia Railway.

The Insurance Corporation of British Columbia has been a disaster from the start. The startup costs were some four times the amount that they intended to expend on it. Is this gross injection of public tax money still going to subsidize the startup costs?

The Minister is twisting this around. He says this is his method of doing away with discrimination on the cost of automobile insurance in outlying areas. I want to tell you, Mr. Chairman, that the people who can least afford this will be paying the shot. The people with the big automobiles that sit at home in the garage and don't get driven much because they don't need them — and have two cars — they won't be paying. It's the little man who has an older car, the man who has to drive to work, the man who has to drive his family to school; they are the people who will be discriminated against by paying the highest price for gasoline anywhere in Canada.

Unfortunately, we will never know the true costs of the Insurance Corporation of British Columbia. British Columbia motorists will be paying the highest gasoline prices in western Canada. Gasoline taxes that would normally go into the construction of highways will now be used to subsidize the Insurance Corporation of British Columbia. Our highway system will deteriorate. What will happen, Mr. Chairman? More claims.

This is typical of this government.

I want to say that the Minister will not be removing discrimination, particularly against the northern area of the province. I'll tell you why. People living in the northern areas of this province have to travel great distances to go anywhere. They will be buying more gasoline; they will be paying more tax. In the long run the discrimination will be greater than it is now.

Most areas in the north pay more for their gasoline than they do in the south at the present time. In the wintertime, Mr. Chairman, as you know full well, the mileage on an automobile, when the temperature dips to — 30 degrees, dips in accordance with it. Many times when you are driving in — 30 degrees and — 40 degrees weather, which we have to do in the north, the mileage drops as low as five and eight miles a gallon.

Who will continue to be discriminated against? The very people whom he wants to help. I want to point out that it is not only going to be taxes; it is not only going to be money from the gasoline tax.

"The Lieutenant-Governor-in-Council may, by order, direct the Minister of Finance to pay to the corporation out of Consolidated Revenue Fund... (b) such portion as is considered advisable of the fees payable under the Motor-vehicle Act, Commercial Transport Act, and Motor Carrier Act.

This means that the tax revenue to the province not only from gasoline but to provide licences to automobiles and trucks will also be going to subsidize the Insurance Corporation of British Columbia. It's right there, Mr. Minister, in subsection (b).

When the Insurance Corporation of British Columbia was being established, this opposition warned of what the government was getting into. We warned the people and the taxpayers of British Columbia that they would never know the true operating costs of the Insurance Corporation. We also warned that this government would be subsidizing the Insurance Corporation of British Columbia in spite of the Minister's reassurances which, as we full well know, we can now take with a grain of salt.

Now in the dying days of this Legislature, the Minister is trying to rush this piece of legislation through. It should have been a separate bill and it should have had full time for debate.

MR. SMITH: It was interesting to listen to the comments of the Minister in defence of this particular section of this statute because it was the weakest defence we have heard by almost any Minister. He

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was great in second reading when the bill to set up the Insurance Corporation of British Columbia came before the House. He was haranguing the opposition and telling us that this would be, in fact, the greatest corporation in the Province of British Columbia, one that all British Columbians would be proud of. He had a lot to say about it then and how the fact that, no, not one cent of taxpayers' money would go to subsidize this corporation. Everything would be out in the open and above board. Not one cent. It's also in there:

"I fulfil the pledge I made that no public moneys be used to operate this corporation — no salary — but to be sure that every penny expended in the service of that corporation gets charged to that corporation and not to the public Treasury through the accounts of this province."

AN HON. MEMBER: A pledge.

MR. SMITH: A pledge; the Minister, April 11, 1973. Hon. Mr. Strachan, the Minister said:

"... no salary — but to make sure that every penny expended in the service of that corporation gets charged to that corporation and not to the public Treasury through the accounts of this province."

MR. PHILLIPS: "Trust us."

MR. SMITH: "Trust us." Yes, the pledge that no public money be used to operate this corporation. Now, if this section of the bill doesn't represent a 180-degree turn in the opposite direction, I don't know what does, Mr. Minister.

Now too long ago, you favoured the *Alaska Highway News* with a guest editorial which you were asked to write. You wrote a guest editorial and, of course, the topic of that editorial was the defence of Autoplan in the Province of British Columbia. The guest editorial is by the Hon. Robert Strachan, and I'll quote from the editorial:

"In about three weeks, B.C.'s universal auto insurance programme, Autoplan, will go into operation, reflecting public demand, by replacing the private auto insurance industry in this province. During recent years, the private industry has demonstrated through progressively poorer service and steadily rising costs that it was either unable or unwilling to meet the public's need for protection. The need to correct this situation prompted the government to step in.

"When it is fully operational, Autoplan will provide British Columbians with a sound package of coverage and service, including prompt claims settlement" — prompt claims settlement, Mr. Minister — "and no-fault accident benefits at a reasonable cost.

"We recognize that there will be problems at the outset. It would be folly to expect that an operation of this magnitude could be launched in such a short time, something less than one year between conception and birth, without problems. But these problems are being met. We are listening to the public and have made some changes to overcome weaknesses in the original plan pointed out by the public.

"We have also made the commitment that in the first year of Autoplan, no private passenger car owner will pay more for insurance than he or she paid for the same coverage under former plans. To accomplish this, we have established a system to refund appropriate amounts to people who prove that they paid less under their previous policy."

That's a beauty, isn't it, eh?

"We have also made a commitment that in this first year of Autoplan, no private passenger car owner will pay more for insurance than he or she paid for the same coverage under former programmes."

Interjections.

MR. SMITH: About the only thing he didn't say in the guest editorial that he wrote for the *Alaska Highway News* was, "Trust us."

Interjections.

MR. SPEAKER: Order, please! I'd ask the Hon. Member to confine his remarks to the details of section 21.

MR. SMITH: I am. I think this is very pertinent to section 21, Mr. Chairman, because it's interesting to stand in our place now and see this section before the House when all these statements were made a few short months ago by the Minister in charge of the development of Autoplan. One day it's all roses and it's going to be a tremendous success in the Province of British Columbia. A few months later, even before the plan is a year old, what have you done, Mr. Minister?

First of all, almost every driver in the Province of British Columbia, when you take the impact of the basic insurance premiums that they must pay and the driver's licence insurance that they are forced to carry, and perhaps a surcharge on that driver's licence, which in my opinion is illegal — these things all together — you find that most people in British Columbia now pay more than they've paid previously under private insurers for less coverage.

There's great dissatisfaction in the claims service

that you were so proud about that would provide the best service to British Columbians of any plan that could possibly be put into effect for their benefit.

Now, lo and behold, we find that in order to bail out the corporation you're going to plough public funds back into the corporation estimated at over \$100 million. If that isn't a rip-off of the people of this province, I don't know what is, Mr. Minister. You said you wouldn't do it and you're doing it, not after several years of operation but in less than one year of operation. This corporation which was to be the crown jewel of the NDP is in such a bad financial state that you'll plough at least \$100 million into it to bail it out.

There'll be no way for the taxpayers of this province to accurately adjudicate how much money actually was taken from them that should have been used to provide other benefits in order for the Minister to say that he has a workable plan for the motorists in the Province of British Columbia.

It's certainly a revelation, Mr. Minister — and the people of British Columbia shouldn't forget it — that in less than one year they're going to be ripped off for over \$100 million to bail out a corporation which is so badly set up and managed that the Minister can find no other solution to the problem.

If the government of this province was concerned about giving a resource dividend to the people of this province, why didn't they do as other provinces have done and give an outright reduction in the gasoline tax? Reduce it by 8 or 10 cents a gallon; that's all you had to do. Fair, above board, out in the open, where everybody could see it and everyone would know the amount of direct revenue the Crown would lose as a result of the reduction in the gasoline tax. Those people driving cars would have benefited by it.

Under this boondoggle, we'll never know, Mr. Minister, the amount of money through subsidy, through the inflation of premiums for the vehicles under the care and operation of the Crown, and through other devious methods you may dream up to subsidize this corporation, the cost of it to the taxpayers of the province.

That is why we object so strenuously. A Minister who has said that everything would be above board, who pledged that not one cent of taxpayers' money would go directly into this corporation has now done a flip-flop of 180 degrees. The taxpayers of the Province of British Columbia have no idea and will have no idea not only in the first year of operation but every year after that, as long as this plan is in effect, the genuine, true cost to the taxpayers of this province. That's a disgrace.

MR. L.A. WILLIAMS: Mr. Chairman, I would like the Minister to reconsider one of the answers he gave in respect as to why this legislation is before us now. He said this change had to take place at this particular time so they could make the calculations. That's nonsense. The Government of the Province of British Columbia, through the Department of Finance, knows right now what the present gasoline tax revenues are; and what they are anticipated to be. Easily forecastable.

Now all the ICBC has to do is take a look at its operations and say, "Well, okay, in order to eliminate the discrimination between classes of insured motor vehicle owners, we have to have this much money." They'll know whether it falls within the scope of the 10 cents of the gasoline tax, or whether they're going to need some additional moneys out of other funds of government. This is, of course, if they've already accepted the breach of the pledge that they gave to this House. They don't have to have the legislation passed now.

It's also significant, Mr. Chairman, that in this legislation, the Minister of Finance is to be ordered by the Lieutenant-Governor-in-Council to pay these moneys not for the period beginning March 1, 1975, or for the fiscal year beginning April 1, 1975 — the authority is here for the cabinet to order the Minister of Finance to pay this money to ICBC right now. You don't have to have the cash in the bank in order to make calculations, Mr. Chairman. You don't have to have cash in the bank for that purpose.

The other thing that the Minister said, which I found to be absolutely startling, in his defence of this amendment, was that ICBC was ordered to do this. I thought that when we passed the Insurance Corporation of

British Columbia Act we were establishing a corporation which would have its board of directors, in order to carry out the responsibility, spelled out in the legislation. But quite obviously the corporation and its board of directors are subject to the orders of someone else, namely the orders of the Premier. When he makes a change of policy, a political decision, then ICBC and its directors jump. The only question is, how high and how far?

MR. FRASER: I have a few remarks to make. We're dealing here with at least \$100 million of funds next year, as near as I can calculate it, a diversion of these funds from general revenue in to subsidize an insurance plan. On that basis, it's a good 5 per cent of the total budget of the Province of British Columbia.

I'd like to know what other departments of government are going to suffer because of this diversion. Are Education, Health, and Highways, all the rest of these departments, going to be reduced 5 to 10 per cent? They all need to have funds. They've had priority here for many years. It looks to me now they're going to lose it and I think this is really serious.

Or are we looking at a general tax increase? This is what alarms me because I don't think they will reduce the expenditure in Health and Education,

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which are two departments which spend 50 per cent of the government services.

The gas tax has always gone into general revenue and back out to help. Now we're diverting it into one item, just the insurance corporation. For that reason, I would like to hear where they are going to pick up the slack by taking this money and diverting it to the insurance corporation.

Section 21 approved on the following division:

YEAS — 25

Hall	D'Arcy	Gorst
Macdonald	Cummings	Rolston
Dailly	Williams, R.A.	Anderson, G.H.
Strachan	Cocke	Barnes
Nimsick	King	Steves
Stupich	Young	Kelly
Brown	Radford	Webster
Sanford	Nicolson	Liden
	Skelly	

NAY — 11

Bennett	Phillips	Morrison
Smith	Richter	Anderson, D.A.
Jordan	McClelland	Williams, L.A.
Fraser		Gibson

HON. MR. STRACHAN: Mr. Chairman, when you report to the Speaker, inform the Speaker that a division was held in committee on section 21, and ask leave that that division be recorded in the *Journals* of the House for posterity.

Sections 22 to 24 inclusive approved.

On section 25.

MRS. JORDAN: I wonder if the Minister would be prepared to give us an explanation. I understand that in section 25 he's referring to the Litter Act, and redefining the word 'Minister'. The scuttlebutt is that the Litter Act is being moved to the jurisdiction of the Minister of Lands, Forests and Water Resources (Hon. R.A. Williams) and will fall under pollution control.

Mr. Chairman, the original intent of putting the Litter Act under the Department of Recreation and Conservation was to have a very applicable means of carrying out enforcement at no great extra cost to the taxpayers of British Columbia.

This was through the form of active game wardens, park superintendents — the very force that is out in the field and is where the action is. There's much authority under the Act to extend that type of supervision to the forestry people or to anyone else the Minister might deem advisable.

So I ask, one, why it's being transferred, two, where it is being transferred and, three, how the Minister proposes that the intent of the Act will be carried out without the building of another bureaucracy.

HON. J. RADFORD (Minister of Recreation and Conservation): Essentially the objective is to transfer the Litter Act to the Pollution Control Branch and the Water Resources under the Minister of Lands, Forests and Water Resources (Hon. R.A. Williams), thus consolidating the responsibility for the various forms of pollution control which they have and the handling of waste materials and recycling under the Pollution Control Branch. This is a move that the Pollution Control Branch is making. The most suitable place for the Litter Act is under that branch for the upcoming plans that we do have.

MRS. JORDAN: Well, Mr. Minister, who is going to enforce the intent of the Act?

HON. MR. RADFORD: As I said, the Minister of Lands, Forests and Water Resources.

MRS. JORDAN: All by himself? All over the province?

HON. MR. RADFORD: No, it will be transferred to that department, as I said, under the Pollution Control Branch.

MRS. JORDAN: In essence, then, the Minister of Lands, Forests and Water Resources will now have jurisdiction in this respect over all the parks people in British Columbia, all the game-management people, the wildlife people.

HON. MR. RADFORD: Over just the aspects of the litter control Act.

MRS. JORDAN: Well, this is again entrenching more strongly than ever the Minister of Lands, Forests and Water Resources.

Sections 25 to 27 inclusive approved.

On section 28.

HON. MR. COCKE: Mr. Chairman, on section 28 I thought it would be advisable to advise the House just exactly what it means. It looks a little bit like housekeeping but it has a great deal more depth to it than housekeeping.

I think that first and foremost what section 28 does is to make the relevant sections of the Act applicable to all psych units in all general hospitals in

the province. One of the things we've been trying to do is to decentralize the whole programme of acute care for people mentally ill and get them back into their own communities. So I'm urging all general hospitals, where possible, to include acute care in their planning in their own areas.

Mr. Chairman....

Interjections.

HON. MR. COCKE: No, I want to use some of that time too.

Mr. Chairman, there's one other aspect to this — that any person involuntarily committed now has an appeal at the three-month time after admission. We're removing that limitation, Mr. Chairman. Along with that they will have access to an appeal at any time.

Another thing, too, with Riverside — that is, the acute care of those that are mentally ill — what we're doing in here as well is that now order-in-council patients will be treated.... There's been a great deal of coverage on this in the papers recently.

Order-in-council patients, as you know, have no appeal. But under the Criminal Code, a person found not guilty by reason of insanity is still going to have to be covered by order-in-council. But we feel that under the new Act, the Forensic Act, we'll be able to handle a great many of these people outside the court, but give them access to a judge in chambers and that sort of thing. So generally speaking this is just to make the Mental Health Act conform to the Forensic Services Act. It's an excellent amendment, Mr. Chairman. Therefore, I would ask that the House vote for section 28.

MR. McCLELLAND: As the Health critic, I agree with the Health Minister. (Laughter.)

Section 28 approved.

On section 29.

HON. MR. MACDONALD: I move the amendment standing in my name on the order paper.

Amendment approved.

On section 29 as amended.

MR. D.A. ANDERSON: Mr. Chairman, I was going to speak on something else but I'm fascinated at the way the Attorney-General moves an amendment to the Municipal Act which deals with the Department of Housing. This is really great stuff. It's clear that everybody knows who's in control.

This particular section, section 29, indicates that the Minister of Housing will now be entering into agreements with municipalities for things like lighting, sewers, curbing, roads — perhaps even schools, who knows? — the incidental works dealing with housing in any area within a municipality. I wonder whether he'd like to say a word or two on where the division is going to be between his department — which, as we know, has already taken over a large chunk of land in the University Endowment Land area — Municipal Affairs.

It would seem to me that Municipal Affairs would be a more appropriate department to deal with agreements with municipalities of this nature. But I'm open to suggestion. If the Minister can offer any reasonable explanation, we may even accept it.

HON. L. NICOLSON (Minister of Housing): This provides for a vehicle whereby the municipality and the Department of Housing can enter into an agreement for provision of services for housing purposes. This gives them an authorization which has to be given under the Municipal Act. We have that authority for our department under the

Housing Act.

MR. D.A. ANDERSON: All that, Mr. Chairman, I know. The point I'm trying to get across is that this indicates that the Department of Housing is moving further into the Department of Municipal Affairs. I'd like to know whether or not we're going to have revisions of the various areas responsibility.

This section, this amendment to the Municipal Act, would allow the Department of Housing to enter into agreements dealing with such things as roads, lighting, sewers, curbing, a whole raft of things that might come up. It would seem to me that these are essentially things that perhaps the Municipal Affairs department would more appropriately deal with the municipality on.

I just ask the same question: where is the dividing line going to be between your department, Mr. Minister, through you, Mr. Chairman, and that of the Minister who's travelling in Europe or wherever it may be — in other words, the Municipal Affairs Minister (Hon. Mr. Lorimer)?

HON. MR. NICOLSON: Mr. Chairman, there's always a lot of consultation between the two departments, both at the Ministerial and at the staff level. When we have meetings with the various municipalities that are affected in this manner, there will be representatives of both departments there. It is impossible to come up with a complete graduation between the two.

MR. D.A. ANDERSON: So you don't know.

Section 29 as amended approved.

Sections 30 to 34 inclusive approved.

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On section 35.

MR. SMITH: Well, I think, Mr. Attorney-General, that we're going to canvass that possibility for a little while this afternoon. It was the Attorney-General's firm conviction, in statements on a number of occasions when talking about this Act and other Acts in the Province of British Columbia, that he had no intention of creating a provincial police force. But it is certainly possible under section 35 of this Statute Amendment Act, Mr. Attorney-General.

I would suggest that it's not only possible but that it's probably your clear intention, at the end of the present contract with the RCMP which expires in April of 1976, to replace that force with a sheriffs force in the Province of British Columbia who will take over all of the responsibilities for providing police protection in this province.

I think that for the benefit of the public we should read what section 35 says:

"Section 3 of the Sheriffs, Act, being chapter 355 of the Revised Statutes of British Columbia, 1960 is amended by striking out the words 'or for any less or greater jurisdiction' in the second line and substituting the words 'and each sheriff has jurisdiction throughout the province to exercise all the powers and authority and perform all the duties imposed upon a sheriff under this or any other Act.'"

Now just what is your clear intention, Mr. Attorney-General with that particular amendment? If you do not intend to create a substantial police force by the use of sheriffs in the Province of British Columbia, then why do we hear reports of purchasing 50 vehicles, very high-powered cars, specially equipped to be used in police work in the Province of British Columbia? Why do we hear reports of the purchase of another 30 medium-sized police vehicles? And this is just a start.

Why do we hear reports of the purchase of guns and ammunition if you do not intend to create a very substantial police force in the Province of British Columbia?

It is obvious to anyone who reads the Acts which went through this Legislature and tried to interpret the intentions of the Attorney-General that we will in fact have a police force separate and distinct from the RCMP. You've already set up the training facilities needed at the BCIT. You are training officers at the present time.

Let's suppose that the immediate goal is for 50, 80 or 100 people to be employed as sheriffs in the Province of British Columbia. Is that just not a start towards the ultimate goal of perhaps 800, which would replace the existing RCMP in this province, particularly after their contract expires in 1976?

I think it is certainly a matter of genuine concern wherever I travel in the Province of British Columbia what your intentions are, because there is not only power in Acts which are above and beyond the Legislature...you have the power to go in and seize records and books, not under this section, but under other Acts of the Province of British Columbia. Is it your intention to use a sheriffs force to act upon behalf of the Crown in this matter? People have a right to ask these questions.

MR. CHAIRMAN: Order, please! I would ask the Hon. Member to try to relate his remarks more directly to this particular section.

MR. SMITH: Relating my remarks directly to this section, I've made a few suppositions as to what the Attorney-General might have in mind. I ask him to clearly tell the public of the Province of British Columbia just what he does intend in the Province of British Columbia with respect to the powers and the authority that the sheriffs force, or whatever force you wish to name it, will perform on behalf of the Department of the Attorney-General in this province both now, in the immediate future and after the contract with the RCMP comes up for renewal in 1976. I think you owe that to the people of the province.

HON. MR. MACDONALD: I have given a clear explanation, but I'm ready to make it again because there's been a lot of mischievous and false canards circulated throughout this province.

I got a report from Kamloops. I'm not worried about it politically, but Grace McCarthy is up there using scare tactics and saying that the sheriffs force is a private army. And it's false, false, false! Mischievous! Don't try to scare people when we're depoliticizing the court process.

Interjections.

HON. MR. MACDONALD: All right. I'll tell you again, once more and with feeling. I'll tell you that the sheriff's officers are court officers, that we do not want....

Interjections.

HON. MR. MACDONALD: They are court officers, civilian in nature and they will be doing the transportation of prisoners to and from courts, and court security, and things of that kind which should not be a police function.

They are not ordering equipment that is police-type equipment. The cars that you speak about, the 50 — I haven't heard about any additional 30 but they could be needed in time as we will have a force in time of about 200 maybe of these sheriffs, and it's going to take time.... I've been asked to go

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to the graduating class of about 35, I think, at the end of the month. Maybe I can make it if this debate does not go on too long, if these canards are not repeated time after time by the official opposition. They are not specially equipped cars. They do have a tabulator showing the speedometer every two miles. That's not a specialty with police cars. Any policeman would laugh at it. There are no bullets being purchased. There are no jackboots being ordered. No night sticks have been requisitioned.

MR. FRASER: Spurs?

HON. MR. MACDONALD: No spurs except for the Cariboo. (Laughter.) Now just a minute. On that one, we do have a cattle rustling problem in the Cariboo. You know that, but that's police work. That's nothing to do with the new sheriff's force. This does not alter in any way the duties and powers of sheriffs under the existing Sheriffs Act. If you will read the amendment it does say that because they are court officers their jurisdiction doesn't cease when they leave one county and happen to be working out of another court in another county. I'm supposed to come back down to ground because the Hon. Member for Boundary-Similkameen (Mr. Richter) says I should. I'm not really worried about these scare tactics that have been employed by a little desperate right wing fringe group leeching onto that great Social Credit Party. It's not going over.

I move the amendment.

MR. L.A. WILLIAMS: Mr. Chairman, I don't want to excite the Attorney-General again. Perhaps he could just nod his head. Will the Attorney-General assure us that no sheriff's posses are going to present themselves at the doorsteps of former Social Credit cabinet Ministers and exercise the kind of authority that the police in this province have seen fit to? (Laughter.) Just nod your head.

Sections 35 to 39 inclusive approved.

On section 40.

MR. RICHTER: I wonder if I may ask the Minister a question in relation to this section, particularly subsection (1): "No person shall carry on the business of taxidermist or tan unless he is licensed to do so under this Act." How will this affect the native Indians? They harvest the animals on the reservations and they don't have to have a licence on the reservation to carry a firearm. They bring the animal home and skin the animal. Traditionally one of their crafts is the tanning of hides. How will this affect them in this respect? Secondly, how will this affect the individual farmer who wants to tan the moose hide and turn it into rawhide, such as I have done in the past, on his own farm? Is this on the basis of a commercial operation or does it affect the individuals?

HON. MR. RADFORD: It's only for those carrying out taxidermy as a business. As you know, licences for a taxidermist are no longer required. We now are saying that they are going to be required to stop any black marketing of mounted heads that is going on in some areas so that they will have to now record game that has been brought in, and we can keep a closer watch on the game that is being harvested and being brought to their point of business to be mounted. But it is not the intent to cause any problems to people who are tanning hides or anything like that.

MR. RICHTER: When you say it will not apply to tanners, there are many people who send deer hides and that to tanners. They will be required to have permits and the individual sending the hide in to be tanned will be required to send their licence number, and so on.

HON. MR. RADFORD: I'm saying, Mr. Member, that those people who are doing it as a hobby will not be required to the confines of this Act, but people that are in the business of taxidermy will be required to have a licence and report such.

Section 41 approved.

On section 42.

HON. MR. MACDONALD: Mr. Chairman, I move the amendment standing in my name on the order paper.

Amendment approved.

Section 42 as amended approved.

Title approved.

HON. MR. MACDONALD: Mr. Chairman, I move the committee rise and report the bill with amendment.

Motion approved.

The House resumed; Mr. Speaker in the chair.

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

HON. MR. MACDONALD: I ask leave that the same be considered now.

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Leave granted.

Bill 162, Statute Law Amendment Act, read a third time and passed.

HON. MR. MACDONALD: Bill 1, Mr. Speaker. (Laughter.)

MR. SPEAKER: Bill 1 has not been printed for some reason.

MRS. DAILLY: Mr. Speaker, I would like to move to motions and to adjourn debates on motions. Motion 36, Mr. Speaker.

MR. SPEAKER: We can only do so by leave of the House.

Leave granted.

On motion 36.

HON. MR. HALL: Mr. Speaker, I move motion 36 standing in my name on the order paper. (See appendix.)

Motion approved.

HON. MRS. DAILLY: Motion 37.

HON. MR. HALL: I move motion 37 standing in my name on the order paper. (See appendix.)

Motion approved.

HON. MRS. DAILLY: Adjourned debate on motion 32.

MR. D.A. ANDERSON: I was hoping Mr. Speaker, that some time might go by before I was called upon to speak on this one again. It is a very important motion and it is regrettable that it comes up at this stage of the session. I have a few notes here and, if people are willing to spend some time on it, I am quite willing to do so myself.

The point at which we left off yesterday was the proposal that we have this motion sent back to committee so that we could have proper consultation and discussion by that committee of the various points made in the House. I would like to spend a moment or two outlining the purpose of having a House committee examine a proposal for change of rules and why it is tremendously important for that committee's proposal to be looked at very carefully by the whole House.

First of all, it is clear from everything said on the government side that the committee could only have made a mistake in its analysis of the situation that exists in other jurisdictions. The statement was made frequently that the procedures recommended were essentially those of other Legislatures, in particular that of the federal House. The call frequently went up. The Member for Shuswap (Mr. Lewis) who is not here, kept yakking about the federal House. The suggestion was that somehow we were doing much the same thing. The statement was made that the Quebec House has essentially the same rules as are being proposed through motion 32.

Of course, Mr. Speaker, this has been shown through the debate in this House not to be the case. The fact is

that the Quebec House and the federal House have the device of subcommittees of the House, if you like to call them that — subcommittees of the Committee of the Whole House — which permit unlimited debate at the committee stage and provide any Member of the party, whether a Member of the committee or not, the opportunity of posing whatever questions he likes to the Ministers concerned, the departmental officials concerned and such other persons as the committee desires to call before it.

In addition — and I speak from experience here — committees have the opportunity to have their own expert staff. Lawyers are sometimes hired, accountants are hired, people knowledgeable in insurance are invited to attend and present their views on the legislation. Special interest groups can do the same thing. This is true of estimates, of course, as well. It is up to the committee itself, which is a non-partisan committee essentially in most instances that has been my experience to examine estimates and the Minister's statements and to get to the bottom of it.

When the committee itself has had a good look at things and feels they have really done what they can, the proposal of the committee and the estimates come back in and are considered by the whole House.

This is also the case in Quebec where you have the 10-hour limitation per department. Yet in a subcommittee of the House you have what is essentially unlimited debate.

I press this point upon you, Mr. Speaker, because we are proposing in this motion to devote 135 hours to estimates. We have been told by the Premier, by the Provincial Secretary and by others in positions of authority in this government that we are full-time MLAs. If you work out 135 hours and you have a 34-hour week, which is not unreasonable in situations such as Committee of the Whole, you find that all these estimates, which is really the most important section of our examination of government and

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Ministerial activity, all takes place in your 34-hour week in four weeks.

What we are saying is that the bulk of the work that we do as MLAs in terms of checking the excesses or otherwise of the executive and in terms of examining the more that \$2 billion worth of expenditure by government Ministers and government departments is to be done in less than one month out of the twelve months which we are meant to operate as MLAs. It seems unreasonable to the opposition, and I'm sure any government backbencher who looks at this thing dispassionately would agree. If the government wishes to have only 135 hours of debate, it is quite possible to have a system set up as is done in Quebec, the federal House, in Great Britain, in Australia, and I could list a few other Commonwealth countries, and will, further on in the debate if it is necessary to continue this debate and if the government does not accept this perfectly reasonable amendment. I can list many others, and will, and read excerpts from their rules.

It is critically important that we do not accept the 135-hour limitation with all the difficulties it involves, without having what the Member for Columbia River (Mr. Chabot) called the safety valve of subcommittees. The suggestion that somehow or another we are simply doing what other legislatures and other parliaments have done is just wrong. It has been shown to be wrong by the debate in this Legislature since this motion was first proposed.

I urge Members to read and reread, as they will probably have a certain amount of time to reread, the remarks of the Hon. Second Member for Vancouver–Point Grey (Mr. Gardom). If you have the opportunity of questioning in subcommittee, a limitation on the total time that the Committee of the Whole takes — the 135-hour limitation — might be acceptable. But to have no opportunity for a Member who has a particular interest or feels there is a particular problem to follow it up and get to the bottom of it is, I think, to act in a thoroughly irresponsible manner.

Mr. Speaker, at this time I would like to make another point. When you talk about limitations in other legislatures and parliaments, you have to consider what they are up against. There happens to be roughly about five times as many Members in the federal House as there are in this House. There happens to be a budget which is roughly 10 times the size of this one. Multiply those two figures together and you get about 50 times the need or the opportunity for taking up the time of the main House. Thus has been developed a system of committees.

We in this Legislature cannot really compare ourselves to the federal House when we have a problem that is one-fiftieth in terms of magnitude when we deal with estimates of government departments. To suggest that somehow this is simply a kind of housekeeping and a bringing-us-up-to-date with other legislatures and, in particular, with the federal parliament is just simply to misunderstand what the situation happens to be in the federal House.

Yet, despite the fact that there is, as I said, 50 times the amount of business transacted times the number of Members — you have a factor of 50:1 — you nevertheless have a system of committees which essentially allows unlimited debate at the estimate stage. That is the point which every single government Member missed when he or she stood up to defend this motion. This is the point which I think the Hon. Provincial Secretary (Hon. Mr. Hall), the man who is known for his reasonable and willing acceptance of ideas which have not come to him originally, will be happy at this time to accept. Clearly, when he spoke, he didn't mention it either. He was unaware that there were these distinctions; he was unaware that the committee had missed the point when they started to deal with the question of limitation on debate.

Another point which I would like to make to the House in urging this amendment to be accepted and the hoist of this particular motion until such time as the committee has reconsidered it is that the only way rule changes work effectively is where there is general agreement. I refer again to the experience of other jurisdictions. As the House of Commons is constantly being thrown at us, I would like to quote briefly from *The Parliamentarian*, the journal of the General Council of the Commonwealth Parliamentary Association, volume for 1968, page 5. Here it says, talking of Canada's 28th parliament:

"The first session of Canada's 28th parliament opened without agreement having been reached on the rules of procedure which would govern the important matter of the estimates. At dissolution on April 23, 1968, the House of Commons had been operating under provisional rules. During processional discussions, the House leaders had failed to reach agreement on the adoption of these provisional rules.

"Agreement was reached, however, on September 20, when the Hon. D.S. Macdonald, president of the Privy Council, announced that the provisional rules would apply during the first part of the session. In consequence he placed two motions on the notice paper, one for the appointment of a special committee to consider fundamental changes in the rules and procedures, with instructions to complete this work and report by December 1, 1968 and another for the appointment of a special committee to consider whether the House should make arrangements for the better

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scrutiny of instruments made under the authority of statute. After debate, both motions were adopted unanimously."

I'll skip four pages and make a reference to the committees:

"At present there are more standing committees than there are committee clerks, a procedural problem. But now that all estimates and most bills will be considered in standing committees, it is likely that the number will be increased so that each committee will have its own clerk.

"Committees now have and sometimes use the power to hire professional personnel such as lawyers and economists on a short-term basis to help with investigations."

There is more there dealing with committee clerks which really isn't totally pertinent but it does point out a couple of points, Mr. Speaker, which I would like you to ponder on and I would like the Provincial Secretary to consider. It was by unanimous consent that fundamental alterations of the rules were brought in on a trial basis. There was no question whatsoever of introducing a major series of changes which were opposed by opposition parties and by the House leaders, in that case namely Stanley Knowles and Mr. Baldwin for the Conservatives. It simply was not done to bring in a series of rule changes of critical importance to the opposition — far more important to the opposition than to the Government — and not to have their agreement.

Before the Provincial Secretary mentions the debate that took place in 1969 where there was disagreement about rule changes, I will refer to it to myself, namely the celebrated arguments that took place over rule 75(c) which

I have here and am tempted to read but will avoid this unless tempted.

Rule 75(c) was a closure rule. It was brought in after extensive debate. It is a closure rule dealing with the breakdown of House leaders' agreement dealing with time allocation. The situation was that rule 75(c) would indicate that if, under rules 75(a) and (b), which deal with general agreement on time allocation, there was a failure to reach agreement, there could be under 75(c) a guillotine motion brought in by a government Minister.

On that there was general debate; on that there was three weeks of argument. I felt that 75(c) was a useless bit of legislation. It turned out to be such in practice. It was legally faulty. The Hon. Donald Macdonald who pushed it forward was adopting much the same spirit of belligerence as the Provincial Secretary seems to be with this motion 32. It was pointless for that rule to be pushed forward, but it was. I spent most of the debate doing other things. I was not impressed with the performance of the House Leader at that time.

The point I am trying to make is this: there was general agreement of all party House leaders dealing with the question of experimental consideration of rules which all parties in the House agreed should be tried. It is a totally different situation, attitude and spirit of cooperation and friendliness with the opposition than we find today with this particular motion 32.

The problem we face is that the allocation of time is being brought in by a government which we know — whether or not they intend to use it this way — could be used to totally frustrate the opposition when it comes to examination of what you might call the touchy points in estimates debates.

It is no secret that there have been periods during the estimates debates of this year when there have been very severe differences of opinion between government and opposition. It is no secret that the government Ministers have not particularly liked the continued examination by the opposition of certain aspects of their activities. That is fair enough; they are not meant to like it. Otherwise, we would perhaps not be doing our job.

For them to bring in rule changes which would permit a government Member to get up and speak for half an hour, be replied to for half an hour from the Minister, and then have an opposition Member perhaps for half an hour, then the Minister for another half hour — in other words, to have three-quarters of the time taken up by government Ministers or backbenchers in defence of government Ministers, obviously to us is unacceptable. It completely destroys the whole concept of estimates as I have experienced it in the last two years in this House and as it happened elsewhere in the federal House where I was again involved in the examination of estimates. It just would destroy the period of time which tradition gives to the opposition on behalf of the general public of the Province of British Columbia to examine what the executive is doing and to make sure that the Crown, represented by the cabinet, is acting properly and in the best interests of the people.

Why should this limitation take place when it is essentially unnecessary? We are told we are full-time MLAs; we are told that we have 12 months to do the people's business. We are paid accordingly. I thank the Ministers for their generosity in paying us so well — me in particular. But could I ask the question: why is it, if this is the case, that we are going to limit estimates to less than one month out of the 12 when that is such a critical part of what the opposition is sent to Victoria to do?

My hon. friend from Peace River comes here from perhaps the most remote part of the province. He travels further than anybody. He comes here for a specific purpose: to look at legislation and estimates, and presumably to make one or two speeches in the throne speech and/or the budget. Those are

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essentially the duties given to the Hon. Member for Peace River, along with the opportunity of questioning on matters of urgent public importance during question period. But perhaps the most important collective duty that he and I and other opposition Members share is this business of checking on the Crown and on Crown spending. Constitutional history is littered with cases of conflict between the people's representatives, who are essentially the opposition Members — and certainly are in this House where tight control apparently is maintained over the backbench — and the Crown that spends that \$2 billion-plus.

Why should we cut this down to less than one-twelfth of the time that we are paid for as MLAs? It makes no sense to me and I don't think it makes any sense to my friend from Peace River or other Members of the opposition.

Why is it that when tradition demands that changes of this nature be put forward by unanimous consent, that changes should come forward only after the most diligent search for common ground, we find we have a motion such as this one being thrust down our throats on the very last day or two days of the session. It may go on two or three more if this motion stays on the floor.

The difficulty we face is this: Members from the opposition have explained time after time how this rule could be misused. We know full well that three-quarters of the time in estimates could be taken up by government Members or Ministers regardless of the impartiality or otherwise of the Chair. He could be Solomon himself and still, under these rules, three-quarters of the time would go to the government one way or another. As soon as a government Minister got into trouble you can be sure that those backbenchers would be coming in there and putting all of the wagons in a circle and protecting him — getting in there and asking questions, patting him on the back for all sorts of things which were irrelevant to the major issues of analysis of spending which the opposition has a duty of bringing forward.

We put that forward to you time after time, Mr. Speaker, and to the other Members of the House. It is because of this fatal flaw in motion 32 that we simply cannot accept it and feel that it must be given some further study.

The only arguments that have been put forward by the government are arguments that have been based on practice elsewhere. I don't know the practice in every jurisdiction in the British Commonwealth but those that have been most frequently referred to turn out to be quite different from the proposals of the Provincial Secretary and of the committee which operated under the terms of the original resolution.

The fact is that if this motion passes, if the committee does not examine the other jurisdictions' attempts to get around the difficulties that we have raised, we will be handing over to the government most of the opportunity of carrying out the type of check on executive abuse that it is our duty to check upon.

We cannot do that in any conscience and the Provincial Secretary knows it. He knows full well how he would have risen to his feet and bitterly denounced any attempt by the previous government to bring in a motion such as this. He knows full well that at least the previous government, which had many sins so well outlined by the absent Conservative leader (Mr. Wallace), at least permitted debate at four in the morning or five in the morning or six in the morning if a Member had the strength to stay on his feet long enough to make the point that he wished to make.

Sure there were games played and occasionally Members got cut off from debate. We all remember the story of the previous Premier getting up and saying, "Well, if you'll just sit down I'll answer that question," and the Member sat down and of course the vote was called. There were all sorts of little games like that. But essentially the opportunity was present, even under the previous regime, to have this type of examination of estimates of Ministers.

It's no accident that the celebrated efforts of the present Premier to get a question answered by a Minister took place, I believe, in the early hours of the morning. The present member for Coquitlam (Hon. Mr. Barrett) asked the same question 67 times because he failed to get an answer, and he was able to do that because he had the option and he had the stamina to speak late at night and early in the morning. And you, Mr. Speaker, remember those days well.

The worst thing about this particular piece of legislation is that it denies even that opportunity of a Member trying to get some particular question answered and trying to get a particular point across. It simply denies it because he can be sure that if there's anything at all sticky for a government Minister in the questioning from the opposition, all he has to do is whistle up the troops and they'll leap to their feet and praise him in the same manner that the Member for Shuswap (Mr. Lewis) got up to divert attention from the problems of the Minister of Agriculture (Hon. Mr. Stupich) during his debate. But at least in that debate this year, despite the diversions of the Member for Shuswap and the other Members of the government back bench, we in the opposition were able to continue to press and press and press on points which we felt were important. We were able to do it because there was no time that we were working against, there was no clock that we had to constantly watch to make sure that we were not denying

opportunities to other Members to question other Ministers later in the debate.

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There's one other point which clearly was overlooked by the committee and that is this. We have had in this session a throne speech which lasted very few days. Very few people spoke. You remember, Mr. Speaker, that you recognized me and I indicated that I did not intend to speak in the throne speech debate. You were surprised, but it was a decision that I took and in retrospect it was a right decision. It was on February 5, 1974, Mr. Speaker.

We have options which we can use. If we wish, we can abandon the budget debate; if we wish, we can abandon the throne debate; if we wish we can abandon the debate on any particular Minister's estimates. But lock us into this sort of time straight-jacket, as is proposed, and the debates are going to become more and more and more formal, stylized and structured, less and less effective in terms of the true spirit of the British parliamentary system. There is no reason whatsoever for us to accept such a limitation and I think there is no reason either for the government to do the same.

Government backbenchers have constantly said that this somehow equates with Ottawa. It in no way does. There is absolutely no way that this system, which has, as I mentioned, one-fifth of the Members and one-tenth of the budget equates with that of the federal House. It is not in the slightest bit similar to that in Quebec because the safety valve of the committees or subcommittees has been totally wiped out.

The proposal that the government is bringing forward we think could, and well might, make a farce of the estimates debate, result in government Ministers having their estimates passed without scrutiny by the House, which I believe would be unconstitutional, and would indeed cause the functioning of this Legislature to become virtually absurd with respect to estimates.

In all seriousness we suggest that the government Ministers responsible, in particular the Provincial Secretary, and the backbench consider well what they are doing. This motion is unnecessary for many months to come. It's a long time before we'll be having throne speech debates, budget debates, estimates debates. It's a motion which is wrong in principle, which has been explained in terms which are not accurate and which indeed are quite wrong. Comparisons have been made which are totally fallacious. To send this motion back to the committee for re-examination will be the just and honourable thing for the Provincial Secretary to do.

It's not a monumental request to say the committee overlooked certain matters, that we did not realize that other jurisdictions where rule changes have taken place have done this in a spirit of cooperation rather than by use of government majorities, and for him to simply say, let's try and work something out.

A final point, Mr. Speaker, before I take my seat on this particular amendment. The last five months have been met by some with a certain amount of bitterness. Tempers have risen high and we're all tired at this particular stage. It's been a lengthy session. The Minister of Health (Hon. Mr. Cocke) often makes mistakes, gets the wrong bill up, talks on the wrong thing. The Chairman of the committee passed an amendment to the title of a bill which apparently didn't exist earlier today, and after it was passed he couldn't quite understand what we had passed. It's been a lengthy session. Now let's have this very damaging motion delayed until we can have informal discussions, friendly exchanges....

HON. D.D. STUPICH (Minister of Agriculture): Friendly?

MR. D.A. ANDERSON: The Minister of Agriculture hasn't been here but it's quite possible to have friendly exchanges and I've had them even with him. But the point is that this type of motion at this time is simply asking for trouble. It's not the right climate or mood to try and get general agreement or the rule changes. If you don't get general agreement, it won't work. If you put in rules which the opposition cannot accept, the opposition will not accept those rules. You know the results of that, Mr. Speaker. You and I know the results of that.

The fact is that a system which will not work, which is deliberately designed, as we see it, to emasculate the efforts of the opposition on perhaps their most traditional and most important role, simply cannot be successful in

this Legislature or elsewhere. To delay it back to committee in no way reflects upon the members of the committee. That's the purpose of having a committee report brought back to the House, where other people can have a look at it. The other 45 people who weren't on the committee can say a word or two. What's come out of this debate in the Legislature has indicated pretty clearly that this thing should not proceed.

I urge Members to think before they vote on this amendment. To delay it is no discredit to the Provincial Secretary or any member of the committee. To delay it gives the opportunity, perhaps, of working something out between the parties or party leaders or party Whips or whatever it might be, which is generally acceptable, and certainly more acceptable than this bit of dictatorial legislation.

We think that to vote not to send it back to committee would be a serious mistake and I would urge all Members to think long before they act in such a way as to effectively take the guts out of one of the most important part of our operations as a Legislature.

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MR. PHILLIPS: Mr. Speaker, it really saddens me to have to speak on a measure as important as this measure before this Legislature in the dying hours of one of the longest legislative sessions in British Columbia. Motion 32 is that the report of the Select Standing Committee on Standing Orders and Private Bills be accepted; the amendment, simply asking that it be referred back to the committee for further study, should be an acceptable motion to the government.

This report, if adopted, will render the official opposition and all other opposition parties in this Legislature completely ineffectual.

Today, Mr. Speaker, if this amendment is not accepted, will go down in history not only as the day that the longest session in the history of British Columbia ended but as the day, Mr. Speaker, that democracy effectively died in British Columbia.

Mr. Speaker, since coming to power the government has played with the opposition like a bullfighter plays with a bull. During this session, Mr. Speaker, we have witnessed three sittings a day without time to eat, from 10 o'clock in the morning until 11 o'clock at night — legislation by starvation.

Then, Mr. Speaker, we have had Friday night and Saturday sessions, and I call it legislation by complete exhaustion.

Then we witnessed during this last session of the legislature the use of the cut-off button which is legislation by gagging.

I urge the Provincial Secretary (Hon. Mr. Hall) to take a second look. Far more damaging have we seen by these 10 o'clock till 11 o'clock sittings...far more damaging than certainly the few night sittings that we used to have during the previous administration.

Now that the bullfighter has played with the bull, we have this final blow to democracy in this, the greatest province in all Canada. The sword through the heart. The final stab. We have, in effect, closure.

During the past two years of the reign of power of this government they have passed legislation giving unto the cabinet Ministers broad and sweeping powers — a term that has been used many times by the opposition and more or less adopted by the government. Now this motion to adopt a report that could limit debate on Ministers' estimates to 135 hours.

Mr. Speaker, I would like for just a moment to urge the Provincial Secretary to take a second look and refer this back to committee. I want to point out to you that if you take 135 hours and divide it by 19 cabinet Ministers, which there will be very shortly in the government, it comes to exactly 7.10 hours per cabinet Minister. Or, in other words, 426 minutes per Minister. If you divide that by 55 Members in this Legislature - and there will be more after

redistribution, there will be more than 55 Members — but if you divide it by 55 Members, that comes to exactly 7.75 minutes per Member.

Now, Mr. Speaker, you know as well as I know that the Minister, in starting off his estimates, can take up to 30 minutes to 45 minutes. In effect this could almost squeeze out debate entirely on many of the Ministers' estimates, which in essence is Supply.

You full well know other jurisdictions that have a limitation on debate on the expenditures of the taxpayers' money have an escape clause. They have adopted a method of debating Committee of Supply in a committee. If this motion is adopted by this government, the opposition will be muzzled and not able to eat into the heart of government expenditures, not able to properly scrutinize government spending, and not able to check into the operations of government Crown corporations.

If this motion is passed, how can the interests of the taxpayers in this great province of ours be protected by good opposition and scrutinization? If this report is passed it will effectively tie the hands of the opposition behind their backs. They will not be able to burrow into the focal point of government spending; they will not be able to get to the core of government operations. If this report is adopted it will weaken our opportunities and our articulation of the intricacies of this Legislature.

If this report is adopted, without going back to the committee, Legislature will become a tool of Big Brother government. Our messages to the taxpayer will be weakened and watered down. What do we have to look forward to? Mr. Speaker, the next move will be a complete dictatorship in the Province of British Columbia.

It appears to me that if the government doesn't take the opportunity to refer this report back to the committee, I have no alternative but to think that this government, along with its other legislation, has been hell-bent on a crash course to eradicate democracy from British Columbia.

Mr. Speaker, if this report is adopted, I have to think that the next move by this government, with such an overwhelming majority, will be no free elections whatsoever.

This government was stopped short in its tracks by a lengthy debate on Bill 42 and by democracy and free speech and free debate in this Legislature. The people of this province got the message. The government at that time did listen to the will of the people, and they brought in various amendments to Bill 42 to make it not quite as harsh as it was in its original form.

If the government does not accept this bill, I have to feel that the Premier of this province has become a turncoat on democracy — that man who stood during the election campaign and said that we would have open government, that man who stood during the election campaign in August of '72 and said, "We will

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understand the problems and the trials and the tribulations of the opposition and we will make things easier for them."

I want to tell you that if this motion becomes law, if this amendment is not to be referred back to the committee, and if the motion becomes law, what will we have to think of those misleading promises of our Premier to treat the opposition with respect and to have open government? It could have been a pledge — as a matter of fact, I think it was a pledge.

Now that same Premier, and I'm sure it's from his direction, wants to effectively banish free speech in the Province of British Columbia. He has effectively squelched and muzzled his own back bench.

I believe, and I have no alternative but to believe this, that if this motion passes in this Legislature tonight, in the dying hours of this, the longest session in British Columbia's history, that this motion has been nothing but an evil and a sinister plot to bring the Waffle Manifesto and socialism into full force, and the forerunner of communism

in British Columbia.

If this motion is adopted by this Legislature tonight, I have no alternative but to think that it has been a well-planned, well-calculated and predetermined plan of this government.

Interjections.

MR. PHILLIPS: Mr. Speaker, it is all well and good for the government to treat this matter frivolously, but I want to tell you that gallons of blood have flowed in the world to establish democracy. Lives have been lost on the plains of various countries; lives have been lost in the cities. Lives have been lost in the air above us from people fighting for democracy; lives have been lost on the cruel seas in this world of ours — fighting for freedom of speech, fighting for democracy, all of which could effectively be killed by this motion. All of those lives will have been lost for naught if this government accepts this motion here this evening.

Where next are we heading, Mr. Speaker?

The Attorney-General scoffs at the fact that we are establishing a police state here in British Columbia. But after listening to some of the false promises of the Premier and of the Minister of Transport and Communications (Hon. Mr. Strachan), how can we believe them, Mr. Speaker?

Next there will be one name on the ballot. Freedom of speech will be gone from British Columbia and freedom of assembly will be eradicated from this great democratic province of ours.

HON. MR. LAUK (Minister of Industrial Development, Trade and Commerce): Is this your farewell speech?

MR. PHILLIPS: It's little wonder that immigrants from depressed countries of Europe stay awake at nights, really in anguish at what has happened in British Columbia, their newly adopted land. They have seen this suppression of freedom before.

Through this amendment, Mr. Speaker, the government has the opportunity not to lose face but to take a second look.

I want to tell you that the longest session in history will be remembered for the strangulation of democracy. This session won't be remembered for the egg-and-chicken war, for the charges of corruption, for the Gottesman deal, for Bill 31, nor for charges of lying. This session will go down in history as a session that effectively strangulized democracy in British Columbia! (Laughter.)

AN HON. MEMBER: Strangulized?

Interjections.

MR. SPEAKER: Order, please! Would the Hon. Members let the Member for South Peace River continue?

MR. PHILLIPS: Mr. Speaker, it has been said by the communist world that they shall conquer without firing a single shot; and when we witness what has been happening in this great Province of British Columbia, I can see exactly how it will be done.

HON. MR. LAUK: Is this the Waldo Manifesto?

MR. PHILLIPS: The next method to be brought in, Mr. Speaker, will be the curtailment of election expenses, while the socialist party will go out and with their great force of unpaid party workers will have spent, in effect, thousands and thousands more dollars on an election than a party that may not have that great workforce in the unions. (Laughter.)

It saddens my heart here this evening to listen to the triviality with which that government is treating this very

serious motion. I would suggest that if this motion comes to pass, tomorrow morning the flag on that flagpole in front of the parliament buildings be hung at half mast to commemorate the death of democracy in this great province of ours.

What will be next, Mr. Speaker? When will they take over the media? When will they control the press?

Interjections.

MR. PHILLIPS: Mr. Speaker, the Member for Comox (Ms. Sanford), who laughs the loudest in this Legislature tonight, was the first one among the government who said that private ownership of land was not in the best interests of the state. She laughs

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loudest tonight, as democracy dies.

Mr. Speaker, can you imagine the Members of this Legislature having less than eight minutes to discuss the estimates of the incompetent Minister of Education (Hon. Mrs. Dailly)?

Can you imagine the Members of the opposition effectively being curtailed from speaking at all on the estimates of the frivolous Attorney-General (Hon. Mr. Macdonald), of the domineering Minister of Lands, Forests and Water Resources (Hon. R.A. Williams) or of the dangerous and inexperienced Minister of Finance (Hon. Mr. Barrett), the prince of investment in this province and the social worker billionaire?

Can you imagine having seven-and-one-half minutes to discuss the estimates of the land-grabbing Minister of Agriculture (Hon. Mr. Stupich), the visionless Minister of Public Works (Hon. Mr. Hartley), the king-making Provincial Secretary (Hon. Mr. Hall) or the superficial Minister of Mines (Hon. Mr. Nimsick)?

This government has changed the direction of the economy of this province in the 20 months they have been government. When we dig into the heart of their legislation, when we try and seek out their motives and when we do an effective job of it — even though it sometimes may take longer than in the past — now they want to effectively muzzle us.

Can you imagine spending seven-and-one-half minutes, Mr. Speaker, debating the estimates of the witch-hunting Minister of Consumer Services (Hon. Ms. Young) or the high-flying Minister of Highways (Hon. Mr. Lea) or the engineering Minister of Labour (Hon. Mr. King) or the paralytic Minister of economic development (Hon. Mr. Lauk)?

HON. MR. LAUK: I've got a job for you at the PNE. (Laughter.)

MR. PHILLIPS: No, Mr. Speaker, their sins will be buried under the rubble of a back-bench fleet of manure spreaders! (Laughter.)

If this motion by this government passes, Dr. Mason Gaffney and his think tank will be the ones that advise the government where they shall go, not the Legislature.

If this motion passes, Mr. Speaker, it will be known as an assassination of democracy.

HON. W.S. KING (Minister of Labour): Go get a job haunting a house. (Laughter.)

MR. PHILLIPS: It will be known as a massacre of freedom of speech. This motion, Mr. Speaker, will be known as the strangulation of the opposition, the slaughter of open debate

MR. SPEAKER: Order, please. The Hon. Member, I hope, is addressing himself to the amendment before the House, which is to refer the motion back to a committee for further consideration.

MR. PHILLIPS: Mr. Speaker, if this motion is not referred back to the committee...

MR. SPEAKER: Oh, now we've got back to the amendment.

MR. PHILLIPS: ...the guillotine will fall tonight on good parliamentary procedure. It will be the poisoning of a way of life that British Columbians have known since they entered Confederation.

This motion will be known as the liquidation of liberty. Taxpayers of this province will be disfranchised, and self-government of the people by the people will go out the window!

MR. L.A. WILLIAMS: Having already spoken to the main motion, I will do my very best to limit myself to the amendment to send this report back to the committee for consideration.

It was interesting to listen to the remarks of the Member for South Peace River (Mr. Phillips) and to recall, based upon research that I have done, that 72 years ago the Houses of Parliament in London adopted for the first time, a standing order, provisions which limited debate on supply. It's their standing order 18. The motion to make that part of their standing orders was also brought at the closing of a lengthy, heavy and exhausting session.

As you read the debate of men like Balfour, Disraeli and the tremendous orators who were in the House in those days, it is significant how much the delegates that raged were identical with the debate that raged today. Even the same words were used — "guillotine" and "closure" and "the end of democracy" and so on.

Recalling that the same words were used back in 1902 doesn't mean that the situation has changed. One must consider the rules of this House, as of any parliament, as a unit, and they must be taken into account with the nature of the government and the requirements of legislators. In 1902 the government in London was under very serious attack from about 80 Irish nationalist Members. They had to take steps in order to bring about some control of debates in their House.

I don't think that we have the same situation here, and I think that it is a mistake to carry into our standing orders limitations of this kind without at least having gone as far as they did in Britain. I don't expect that if we refer this report back to the committee the details of the limitations of debate that are contained in this report would change very much.

I'm surprised, quite frankly, when you look at the details of limitation on debates, that any committee

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sitting for as few days as this committee sat could take unto itself this serious responsibility, how they could clothe themselves in the kind of wisdom that is required when it is to be contemplated that the democratic functioning of an institution such as this is being tampered with.

I'm really quite frankly surprised that the Hon. Provincial Secretary (Hon. Mr. Hall), whom I admired in opposition, and the Hon. Attorney-General (Hon. Mr. MacDonald) digressing onto the main motion, Mr. Speaker, and I don't wish to do that.

Let me just say in conclusion that if we have to have some limitations, if we have to change our rules in order to make them accord with our responsibilities and our obligations, then let us make certain that what we are doing is right before and our obligations, then let us make certain that what we are doing is right. The one way of making certain that we are right before contained in this report from the committee are in fact to be distinguished with the kind of wisdom that they have taken unto themselves.

As I said, in 1902 the British parliament accepted standing order 18 limiting debate in Committee of Supply. But, Mr. Speaker, that move wasn't taken until they had tried those limiting provisions for four years. They were brought to bear upon the discussions in supply at Westminster by sessional orders for four years. They had the opportunity of testing how they would work for four years before they were adopted standard orders. adopted in

standing orders. their basic recommendation is that the standing orders be amended now in this particular way.

You know in a very few lines it says: "Your committee has considered the several matters referred to it under motion 29 and passed on May 6, 1974, and recommends an amendment to the standing orders." On May 6 the matter was referred to the committee. It reported on May 23, recommending that the standing orders be changed. With all the greatest respect to the members of that committee I don't believe that the examinations they made into the consequences of limitations of debate can in any way compare with a four-year trial such 'as was experienced In Britain before they limited themselves with respect to the debate on supply.

I would urge the government to send this report back to the committee so that it can consider not only the specific limiting sections but can also reconsider the recommendation that the standing orders be changed now. Perhaps with a second look — a second look which this government has found so advantageous over the past year and a half on many other occasions — the committee might bring back before this house a report and a recommendation which will be acceptable to Members on both sides.

Even if the committee has done its deliberations well, let me assure you of this, Mr. Speaker: no standing committee can be given the right to dictate to the House what we will do with regard to regulation of our procedures — regardless of who may be on that committee. This House must make this decision.

I hope that all Members, when considering the amendment for the reference of this report back to the committee, will set aside any partisan positions and recognize that what we are doing is affecting the future of this assembly for many years.

Now it could be suggested that we have changed our standing orders so that we can change them again. We've been a long time with the standing orders we have, and we could be an equally long time before we get changes. The government always controls this right to change these rules because it must go to a committee or be brought by a motion to the floor of this House, and the government controls that.

This government will change. I say to the people and government today: when you come back to our position after the next election, do you want to be faced with this kind of limitation? I don't want to be faced with it in debating your supply, and I doubt very much that you want to be faced with those limitations when debating the supply requirements of some other government.

MR. BENNETT: Mr. Speaker, just a brief statement. In supporting the motion to refer this back to committee I think we should take a good look in this, the last hour of this sitting to consider that the rights of parliament have been won over many centuries and hard-won. The power of the purse and the spending of a government is perhaps the most fundamental of all the powers of parliament in this day of budgets that go over \$2 billion and which will increase more and more for this government and governments of the future.

Conditions of the past and the rules that have stood the test of time are even more important today in time of large budgets and complicated spending. They are more important than they were when life was simpler and the moneys expended were more easily identifiable, more easily controlled and more easily explained to the public.

I would think, Mr. Speaker, that all Members in this House, remembering that this government will not always be the government — and that in turn some of them may return as opposition Members — would want the privilege of examining the spending of any future government, as we must have.

While it may be convenient to control debate in the throne speech and the budget speech, the detailed estimates and the chance for all Members of this Legislature to question departmental spending of the Ministers is important. Years it took to develop this right, and the rules that have stood the test of time

should not be cast aside on the report of a committee that sat briefly.

As much as we respect the Members that served on that committee, in deference to history, in deference to the system, we must consider the action we're taking here as being important. I think it would show the good sense of the government and of this House to refer it back to the committee at this time.

MR. GIBSON: Mr. Speaker, as the most junior Member of this House I can't bring to this debate the historical perspective of my colleagues and others who have spoken. But as one who does hope for the honour of being here in future sessions I nevertheless have some concern. I want to rise to speak in favour of this amendment. The package that has been brought forward by the committee after just two days of sitting is an unbalanced one and therefore should be referred back to the committee for further study.

It's not only unbalanced but it's too final I concur with the Hon. Member for West Vancouver–Howe Sound (Mr. L.A. Williams) that in a case like this, where there is not only no unanimity but bitter differences in matters as fundamental as rules of this House, at the very most these new rules should take the form of sessional orders rather than standing orders so that they might be tried out and given a proper test before being given permanence.

Beyond that the report is all give and no take — or rather, I beg your pardon, all take and no give. It's entirely in favour of the government; it's entirely enhancing the powers of the government to the detriment of the powers of the opposition. There was no consideration given to ways in which the rights of private Members might be enhanced and the general rights of the opposition might be made more consequential as opposed to the already enormous powers of the government.

The danger, particularly in the field of the estimates, has been very well canvassed by the Hon. Second Member for Victoria (Mr. D.A. Anderson).

I think the government should take those thoughts to heart and should very seriously consider referring this matter back to committee for consideration over the adjournment, which is probably until the fall, in order that the committee might report back to the House and at least suggest that these matters, if not changed in substance, be at least changed to merely sessional rather than standing orders. The situation we find ourselves in in debating this motion is, I believe, very sad and very unnecessary.

Interjection.

MR. GIBSON: No, Mr. Minister, through you, Mr. Speaker, I don't believe the opposition did make it necessary. I think the opposition has been doing its job this session. The government has indeed had all the control and has mismanaged the House. And that is why we find ourselves in this position.

I say that it is sad, and it is unnecessary, and the government is going much too far in trying to force these measures through the House. Government power, it seems to me, Mr. Speaker, must always be checked and this motion would seriously weaken the capacity of the opposition to undertake that duty. Therefore I very much support and earnestly entreat the government to support the concept that this could well be referred back to the committee to report, after an adjournment, to the House in the fall.

MR. FRASER: Mr. Speaker, I just want to rise in support of the amendment to say that motion 32 should be referred back to committee and lost forever. All it is is straight closure of democracy in this province.

I would like to remind this government, Mr. Speaker, that we had this happen in Canada in 1956. I want to remind them what happened then. If you can't remember, I think a lot of them in the government benches — particularly cabinet — weren't even in Canada then. But believe me, they cleaned out the government of the day and a government was returned with the highest majority of any government in this country, because they took a position on closure and opposed it. I predict the same thing is going to happen to this government over this position.

I would like to say that this government has all the controls in the world — 38 members out of 55. Just because the leader of this government lost control of this House they now want to come with a backhanded swat and shut down on us this way. And that, believe me, is the worst thing that has ever happened in this B.C. Legislature — what's happening here tonight.

I want to tell you, Mr. Speaker, that I was in the last war. I fought for democracy for this country. I've been in public life for 25 years and I never thought that I'd end up in public life seeing a display like we've got here tonight. You close off debate of an opposition that is small enough as it is, and now you want to make it smaller. It's absolutely disgraceful and shameful and every Member over there should stand tonight and bow their heads in shame! I'll tell you, the people of British Columbia are going to know about this and in no uncertain terms from now on.

It's an absolute disgrace to this country that we should be cut down to 135 hours in supply. We're going absolutely backwards, Mr. Speaker! The business of this provincial Legislature increases all the time with money spent, and because of money spent by the government, revenues received and expenditures, naturally it causes more debate in this

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Legislature. And here we have this socialist government tell us we can have less time. It's absolutely ridiculous!

I can assure you, Mr. Speaker, we're seeing history here tonight, because if they don't withdraw this motion or send it back to committee, I predict the defeat of this government a lot sooner than I ever thought it would happen.

MRS. JORDAN: Mr. Speaker, I'm sure nothing I can say can speak more eloquently than all the Members and my colleague on my left now, who did fight to put his life on the line for democracy and freedom.

Interjection.

MR. FRASER: Well, you're a disgrace if you didn't vote for this!

HON. MR. KING: You're sick.

MR. FRASER: Your government's sick!

MRS. JORDAN: I'm afraid, Mr. Minister of Labour (Hon. Mr. King), the people who are sick in British Columbia are the people who are sitting in those cabinet benches.

Interjections.

MR. SPEAKER: Order, please! Let the Hon. Member speak.

MRS. JORDAN: Mr. Speaker, in the debate in this past session it is only by constant debate, it is only by pressure by many Members of this House, that some matters of extreme public interest have been revealed. This type of scrutiny, this type of pressure, is going to be cut off. The only way the people of British Columbia really have of getting two sides of the question as to what goes on within these chambers and what goes on as policy of any government is from the words from the opposition as well as the words from the government. And this will now be cut off.

There is much one can say, but I think I can only sum it up by saying that tonight I feel an unparalleled sadness, not only for the people of British Columbia, not only for their rights and our rights as citizens, but for the Members that sit on that side of the House who would dare in a democracy to impose this type of legislation, and who would dare after five meetings of a committee that couldn't bring in a unanimous report on this issue to stand up in this House after its own motion and refuse to even have the situation examined any further.

I can only sum it up by saying in my own way that to me this signifies not only hypocrisy which the words of this government have expressed in public and by what it practices here, but they are absolutely afraid, fearful and terrified of public scrutiny and scrutiny from the opposition, and it is the most blatant and naked reaching for power that we have seen in this province by a power-hungry government.

Amendment negated on the following division:

Bennett Phillips	Morrison
Smith Richter	Anderson, D.A.
Jordan McClelland	Williams, L.A.
Fraser	Gibson

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Hall	Cummings	Skelly
Macdonald	Dent	Gorst
Dailly	Williams, R.A.	Rolston
Strachan	Cocke	Anderson, G.H.
Nimsick	King	Barnes
Stupich	Young	Steves
Brown	Radford	Kelly
Sanford	Lauk	Webster
D'Arcy	Nicolson	Liden

AN HON. MEMBER: Recorded.

MR. BENNETT: By the rejection of this last motion, the last act of this parliament is to limit free speech, open discussion and full disclosure of government spending. There has been a lot of discussion about disclosure and a lot of discussion about open government. Yet, in the last Act of this parliament, we put a restriction on such action as can be taken on behalf of the public of this province, the people whom we represent. I cannot participate in a vote on such action.

SOME HON. MEMBERS: Oh, oh!

MR. D.A. ANDERSON: Mr. Speaker, it's with great regret that I get up to speak on the main motion, having spoken earlier this evening upon the amendment. The fact of the matter is, as we have pointed out, that the only defence of the government for the proposals which they are attempting to introduce into our standing orders is based upon parallels which turn out to be faulty in other legislatures and Parliaments.

The proposals they have put forward to us have been explained in fairly dispassionate terms by some Members and in more passionate terms by others in terms of what it does to the opposition, not in terms of some piece of legislation which may or may not be approved by the opposition but in terms of the

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fundamental institution of the legislative chamber and the procedures which we follow as Members of that chamber in attempting to arrive at legislation and consideration of estimates and other matters which we were charged by the electorate to do.

It's with the — deepest of regret that I again get up to indicate why this motion should be defeated. I had the earlier hope that perhaps the best and most honourable course for all concerned, which would result in no loss of face for any Member or any Minister, would be for the motion to be sent back to committee on the grounds that the discussion we had heard in this chamber indicated that the reasoning was faulty. Parallels were totally inexact and the resolution was in itself something that should not be considered or if considered, as my colleague from West Vancouver—Howe Sound (Mr. L.A. Williams) pointed out, should be considered on the most tentative or temporary basis and should be reconsidered after some experimentation with it.

All our proposals, which I think were reasonable ones, have been rejected by a government which for some reason, after making clear in statement after statement that MLAs are to be regarded as full-time servants of the public, has decided that the major portion of our efforts will be restricted and curbed in a manner which we find in opposition to be quite unacceptable.

The statement has been made seconds ago by the Minister of Lands, Forests and Water Resources that this is like every other parliament in Canada. I had hoped I would not have to go over that ground again. It is not the same; it is totally different, sir. The fact of the matter is that committee structures exist elsewhere which don't exist here for the purpose of consideration of estimates. That's the specific point upon which I limited my intervention earlier this evening. The Quebec House and the federal House have a system of committees which take care of the problems that we have outlined to you this evening. For the government Ministers again after the debate we've had to date to insist that somehow it's the same as elsewhere, somehow it's the same as the federal House where you have 10 times the budget and five times the Members, is, of course, quite wrong.

Surely the purpose of our debate and our attempts to get government to consider a matter which is just as important to opposition as it is to government — indeed, far more important to opposition than it is to government — should be to try and point out to the Minister that the bland statement — that it's just the same as elsewhere — is false. We have done that time after time.

Let me repeat: subcommittees exist in other Legislatures and parliaments which permit virtually unlimited debate upon estimates of Ministers. If a Member is a member of that committee, he can attend that committee....

Interjections.

MR. D.A. ANDERSON: Well, I am not sure which recent dictatorship, formerly a member of the British Commonwealth, has a variation on it, Mr. Minister, but I would not like to think it's the Province of British Columbia.

The fact is that in the federal House constantly referred to, you have a committee structure which permits the examination by Members, first, of that committee and, secondly, any other Member who wishes to attend. I know this system because I've worked in it. It's a system that was introduced and accepted by every opposition party in the Legislature, adopted unanimously by every Member of that parliament.

You have a totally different situation here. You have the government attempting to ram through a motion which totally affects the rights and the position of the opposition. You have a situation which is indeed as different as night is from day.

The point for the Minister to realize is that you have none of the opportunities offered in the Quebec House, federal House and elsewhere to have the type of examination that we would like, and none of the opportunity of having a Minister before a smaller committee so that the time of the committee of the House could be minimized. That's the system that works elsewhere; that's why it works elsewhere. To suggest somehow that we have a system in this motion which is that of the federal House, or any other House that I know of, is just simply untrue. It is not that way.

The opportunity we had to have a second look at it has been denied, but I'd like to draw attention of Members to the procedure which presently exists in our rules, if indeed the government decides that a debate on any issue has taken too long. The Hon. Minister of Lands, Forests and Water Resources echoed this particular rule when, a moment ago, he called for the question. It's rule 46, Mr. Speaker. It's a rule perhaps of which you're aware but of which other Members of the government benches are clearly unaware. It's called rule 46, closure of debate. This is how it reads:

"46(1) After a question has been proposed, a Member rising in his place may claim to move 'That the question be now put' and, unless it shall appear to the Chair that such motion is an abuse of the rules of the House, or an infringement of the rights of the minority, the question, 'That the question be now put' shall be put forthwith, and decided without amendment or debate.

"46(2) When the motion, 'That the question be now put,' has been carried, and the question consequent thereon has been decided, any further motion may be made (the assent of the

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Chair as aforesaid not having been withheld) which may be requisite to bring to a decision any question already proposed from the Chair. Such motions shall be put forthwith and decided without amendment or debate.

"46(4) This motion can be made on an amendment or on the stages of a bill, or an amendments to bills in Committee of the Whole when the Deputy Speaker is in the chair."

So, in other words, within existing rule 46, the government has every opportunity it needs to curb what it considers to be excessive debate on any particular debate, either in committee or elsewhere in this House, at any stage. They know they have this power.

Why is it, then, that we are going to put a series of shackles upon debate elsewhere which, presumably because the government does not want to use rule 46 because it feels they may not get away with it, they wish nevertheless to have curbed? Why is it that this proposal before us is indeed to curb debate in a general sense to 135 hours or a curb on individual Ministers due to time being used by other Ministers.

There exists in our rules, Mr. Speaker, everything the government needs to cut off any debate that it wishes to cut off. If it has the guts to use this particular rule, and it is used by many legislatures, it can stop any debate that it finds undesirably long or difficult.

On that point, I'd like to mention the closure rule as used by the British House. The guillotine, as it's called in the British House, arose in the last century when they had some 80-odd Members, Irish nationalists, all of whom continued to filibuster and filibuster and filibuster for days. Perhaps 80 Members filibustering is a different situation than this government or any Canadian government has ever found itself up against.

It was a continuous discussion of 41 hours, a continuous sitting of 41 hours. The bill had been under discussion for five days. On that particular day, February 21, 1881, the motion that I have indicated to you — that we have in rule 46 — was put to the House of Commons at Westminster.

Now this guillotine is the deterrent which the legislatures elsewhere have used and used frequently. In Great Britain, again, in the years 1907 to 1913 there were 23 allocations of time orders, and in the session 1961-62 there were three time-allocation motions affecting five different bills.

So this type of device can be used. The article goes on to say.... I'm quoting, I should inform you, Mr. Speaker from *Parliamentary Affairs*, summer of 1970, published by the Hansard Society for Parliamentary Government in Great Britain. It goes on to say: "The parliamentary system as we now understand it could hardly exist if the guillotine were applied without good cause."

That's precisely what you're trying to do in your time-allocation motion where you do not have to give cause for cutting off any debate except for totally mechanical excuse that the hands of the clock have turned a certain number of hours. It literally makes no sense at all for us to embark upon that type of completely mechanical, arbitrary and dictatorial decision in advance when there exist in the rules that we now have every opportunity for any government that wishes to use it to curb debate on any debate of any estimate or any bill where we find that that has proceeded too far and where the government feels that indeed it has been subjected to unnecessary obstruction and harassment.

The motion we have before us is quite a different thing. There is no need for the government to justify closure. There will be no need for the government to give reasons as to why it wishes to prevent certain Ministers from having certain aspects of their department questioned further. It's a mechanical device quite different from that in other parliaments and will result, I feel, in the rights of the opposition being substantially altered, indeed trampled upon.

I have urged earlier that this motion be sent back to committee for re-examination. I think that if we look at this further, we realize that in the way things presently are in this Legislature, the budget and throne debate are in comparison relatively minor debates through historical development.

We find that estimates have expanded perhaps because government has expanded its operations — and, in particular, has expanded its operations into business. We look back in the history of this session which, let's face it, is yet to be five months long — which is not extremely onerous for people who are considered to be full-time Members and are paid accordingly — and I think that the government can realize that we in the opposition find it just impossible to accept.

Why should this House, representing the people of B.C., spend what is equivalent to one month out of the 12 for which we are paid considering the most important section of the government operations — namely the examination of estimates? Why should we, as representatives of the people, be restricted to questioning in this area for a one-month period out of the 12 in the year? It just makes no sense at all.

I thought, Mr. Speaker, that when we adjourn — and we may adjourn tonight, I'm not sure — this session will be notable for a number of things, probably the most notable being the length of the session. But I suspect that if this motion passes and these rule changes are written into the standing orders of the Legislative Assembly of British Columbia, this session will be noted for something far different and far less attractive — namely, the first time that the opposition of the Legislature of British Columbia has been so circumscribed in carrying out its duties.

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There have been many occasions before that Members of the government have been critical, justly critical, of the previous administration for its attitude towards the opposition. But I doubt whether anything done by any government previously will equal in historical importance the establishment of a time limitation on estimates during the Committee of the Whole with absolutely no offsetting system of committees to permit further examination if Members so desire.

Mr. Speaker, in many respects this is not a partisan debate. It's a debate affecting the rules of the House, which is something on which all Members should be able to judge, regardless of whether they find themselves in the Liberal Party, NDP or any other party at present not represented. It's not something which we should be influenced by depending on whether or not, through the accidents of history and will of the electorate, we temporarily occupy government benches or opposition benches. We cannot tell and we should not judge according to that.

What we should do is attempt to examine dispassionately what it does to our system, what it does to the parliamentary democracy — which I must say in all innocence I thought would be improved by the present government when they were elected on August 30 of 1972.

I find instead that in the guise of making an executive more efficient, in the excuse of sparing Ministers the embarrassment of explaining things which opposition would like them to explain and which perhaps they are not capable of properly explaining, I find instead that we have tonight a savage attack upon the principles on which this House is founded.

We are few in the opposition and perhaps fewer tonight than the opposition has ever been in the last couple of years. But it is important to realize that this is not a question of numbers; it's not a question of party; it's not a question of which side of the House one sits on. It's a question of what we are doing to the institution with this motion.

In my view, what we are doing to the institution is that we are taking away one of its most important functions and preventing that from operating in the best interests of the people of British Columbia.

Now I have heard constant references to other Legislatures. The fact is that given reasonable examination of the documents.... Mr. Speaker, I could read you quotes from *Responsible Government in Ontario*; *Journals of the House of Commons of Canada*; *Rules, Debates, Legislative Process and Responsible Government of Ontario*;

I could read you innumerable ones, but it really isn't necessary because a survey of the literature shows pretty clearly that wherever you have an effective system of limitation on Committee of the Whole, at the same time there is established an effective system of subcommittees which permit proper examination. This is the issue which we feel the committee really overlooked in its deliberations. This is the area which completely breaks down in the comparisons and parallels with other legislatures.

I rose, as I said earlier, with sadness because this is an extremely damaging motion. I do not believe that this group of people who presently occupy the government benches would ever have accepted such a motion had they been in opposition. I don't believe that in their hearts they think that they should accept it now that they are government. If they do, all I can say is that the old saying that "power corrupts and absolute power corrupts absolutely" is indeed once more proven true.

The situation we face is where a government which has a majority also has a responsibility to permit the opposition to work effectively.

When the Premier spoke — and spoke, I felt, with heart-felt feeling — on the needs of the opposition having research staff and decent office space, having increases in salary, I thought he really meant that he wanted us to operate effectively as oppositions operate elsewhere. But we find with this proposal of the committee and of the Provincial Secretary that we're being taken so far back that all those minor improvements stand as relatively insignificant.

We are going back to a system where the government will take control of the one area of examination of its activities which traditionally is the responsibility of the opposition. We are going back to a system where the government, in cahoots with the government backbench, can destroy the effectiveness of opposition questioning on estimates.

Mr. Speaker, I am sure you personally find this as distasteful a motion as I do. But if we vote on it tonight, this session of the Legislature will not be known for being the lengthiest in B.C. history; it will be known for being one of the worst.

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

HON. MR. HALL: Mr. Speaker, I won't detain you long. I want, if I may, to sum up, as they say in the movies, "the story so far" and to remind you that not too long ago in this House after a long sitting — I think a sitting with some acrimony in it — a suggestion happened across the floor that we should do something about the rules of the House. All Members, including the opposition, applauded. I took the advantage of my position in preparing a motion, the results of which we are debating today. That motion simply put a number of problem areas that could be discussed.

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The committee met, but the committee didn't meet in a vacuum. Much has been made that the committee met five or six times. We are legislators; we may have some experience. A man who has been here 10 minutes has told us of his experiences for over 1 1/2 hours.

We've all had conversations for years about what should happen. Some of us have taken the trouble to find out. There is a Provincial Library, research assistants, clerks, the Law Clerk, the Clerk of the House and the Clerk-consultant, all of whom provide information for those Members who want it.

Those documents that the Member for Victoria (Mr. D.A. Anderson) just mentioned were available to us. I think he thinks that he is the only one who reads them. That is a sad thought, when you think about it.

However, the committee met and came up with a number of proposals.

Listening to the debate, it seems to me that we can probably divide it into three parts. I think it is fair to say that those three parts are the miscellany of the motion such as the cut-off button and the private bills, which received unanimous decision in the committee; the other part was what happens when the Mace is on the table. Nobody said a word about it because everybody knows in every other legislature that there are exactly the same provisions. In fact, the provisions that we are debating are as good or better than anywhere else: unlimited time for the leaders of the parties.

But we come to the question of estimates. We heard those brave freedom fighters from Columbia River (Mr. Chabot) and from Vancouver–Point Grey. They didn't attend all of the meetings. The official opposition wasn't represented at the opening meeting in which we decided how we were going to go about our business. There are the freedom fighters — gone, gone.

What we said is that we should look everywhere. We found that everywhere has a limitation on the debate in estimates. Everywhere! It is a complete distortion, Mr. Member. While you may say that estimates go to subcommittees in other jurisdictions, they must report back within a given period of time. Don't leave the idea that it is unlimited; don't leave the idea that it is a free-for-all. Even allowing, Mr. Member, for the fact that we shouldn't look at other jurisdictions because we should do our own thing. Let's look where we have been.

We are providing in this rule more time, and more sittings than have ever been consumed in the history of this Legislature for estimates. More time! You don't know, do you? You don't know. More time.

And, Mr. Speaker, we heard from other Members who talked about Gestapo tactics and talked about laying down their lives. I don't think I have to go into that kind of thing. What that really does is to prove that we were really right when, in a moment of clear conscience, all of us banged our tables in support of a rule change. All of us. But some of us drifted back to the old ways and we had the kind of mindless speech we got from South Peace (Mr. Phillips).

We are finishing in that cubicle over there the 11th tape — 540 hours of debate in this session. That is more time than has ever been spent before.

The Member who just lectured us is on record in every newspaper in the lower mainland, and in this province, I suppose, if they chose to pick up the wire service, of saying that he has no respect for this House and no respect for the Chair. Yet we are supposed to listen to him, to heed and learn from somebody who has said that.

MR. D.A. ANDERSON: Put it in context.

HON. MR. HALL: I don't want to be too long, Mr. Speaker. We could go through the book and show what Manitoba does. We could name Commonwealth country after Commonwealth country. There are exactly the same or similar provisions.

Some of the Members over on the other side said tonight that this session will be remembered for this rule change. We are going to close down for a short while, Mr. Speaker. I want to tell you what these last five months may be remembered for. They will be remembered for charges, completely unfounded, of inside trading in shares jointly and severally by this cabinet. Corruption. It took four days to get one Member to eat that word.

We have been charged with affecting prices on the markets; we've been charged with being involved in a black market in pulp distribution; we've been charged with feathering our own nests. We've been charged with doubling our salaries over and over again until the geometric progression that comes out of that, if you listen to CJOR or CKLG is unbelievable. All started by hints and rumours.

We've had the now classic parliamentary expression in this House, "Why won't you tell the whole truth?" In question period after question period. That's what we've had; that's what this session will be remembered for. That's what you birds over there will be remembered for just as soon as there is an election.

I've been around long enough to know how they think out there. I'm telling you, you're on the wrong track —

all of you. Make no mistake about it.

Mr. Speaker, I think it is time that we did perhaps depart from each other's company for a little while. Therefore, I move that this motion now be put.

Motion approved on the following division:

YEAS — 27

Hall Macdonald Dailly

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Strachan	Nimsick	Stupich
Brown	Sanford	D'Arcy
Cummings	Dent	Williams, R.A.
Cocke	King	Young
Radford	Lauk	Nicolson
Skelly	Gorst	Rolston
Anderson, G.H.	Barnes	Steves
Kelly	Webster	Liden

NAYS — 3

Anderson, D.A. Williams, L.A. Gibson

HON. MRS. DAILLY: Would all Hon. Members please remain in their seats?

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

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

DEPUTY CLERK:

Succession Duty Amendment Act, 1974

Recreational Land Green Belt Encouragement Act

British Columbia Harbours Board Amendment Act, 1974

Energy Amendment Act, 1974

British Columbia-Alberta Boundary Act

Mineral Royalties Act Mineral Amendment Act, 1974

An Act to Amend the Vancouver Charter

An Act to Amend the British Columbia School Trustees Association Incorporation Act

Department of Economic Development Act

Debtor Assistance Act

Human Resources Facilities Development Act

Community Resources Act

Public Officials and Employees Disclosure Act

Public Works Fair Employment Amendment Act, 1974

Police Act Coal Act

Prospectors Assistance Act

Income Tax Amendment Act, 1974

Summary Convictions Amendment Act, 1974

Landlord and Tenant Act

Community Care Facilities Licensing Amendment Act, 1974

Tuberculosis Institutions Amendment Act, 1974

Accelerated Park Development Fund Amendment Act, 1974

Forest Amendment Act, 1974

Workmen's Compensation Amendment Act, 1974

Land Registry, Amendment Act, 1974

Real Estate Amendment Act, 1974

Trade Practices Act

Petroleum and Natural Gas Amendment Act, 1974

Leasehold and Conversion Mortgage Loan Act, 1974

Institute of Technology (British Columbia) Act

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Strata Titles Act

Placer Mining Act

An Act to Ratify an Agreement Bearing Date the 16th Day of November, 1964, between the City of Prince Rupert, Canadian National Railway Company and Her Majesty the Queen in Her Right of Her Province of British Columbia Amendment Act, 1974

Development Corporation of British Columbia Amendment Act, 1974

Assessment Authority of British Columbia Act

Logging Tax Amendment Act, 1974,

Assessment Act

Municipalities Enabling and Validating Amendment Act 1974

Interpretation Act

Landlord and Tenant Amendment Act, 1974

Universities Act

Economic Policy Analysis Institute of British Columbia Act

Constitution Amendment Act, 1974

Statute Law Amendment Act, 1974

Audit Amendment Act, 1974

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

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

HON. MRS. DAILLY: I move that the House at its rising do stand adjourned until it appears to the satisfaction of Mr. Speaker, after consultation with the government, that the public interest requires that the House shall meet.

Mr. Speaker may give notice that he is so satisfied and thereupon the House shall meet at the time stated in such notice and shall transact its business as if it had been duly adjourned to that time.

And that in the event of Mr. Speaker being unable to act owing to illness or other cause, the Deputy Speaker shall act in his stead for the purpose of this order.

Motion approved.

Hon. Mr. Strachan files answers to questions.

MR. SPEAKER: Before we adjourn I also just want to file my fourth report on legislative procedure, dated today's date.

Motion approved.

Hon. Mrs. Dailly moves adjournment of the House.

The House adjourned at 8:15 p.m.

APPENDIX

The following amendments are referred to on page 4295 et seq.:

92 The Hon. L.T. Nimsick to move, in Committee of the Whole on Bill (No. 92) intituled Coal Act, to amend as follows:

Section 8, lines 1 and 2: By deleting the words "may consent to the surrender of all or part of a licence or lease", and substituting the words "shall consent to the surrender of a licence or part of a lease".

Section 14, line 1: By deleting the word "A", and substituting the words "Unless the area of a licence location is less than one square mile, a".

Section 19, line 46: By deleting the word "shall", and substituting the word may section 19, line 48: By adding, after line 48, the following words:

"(6) Where the licensee files, and the minister approves, the information and data required under subsection (2) (e) within the period approved by the minister under subsection (4), the minister shall refund to the licensee the deposit paid under subsection (5)."

Section 23, lines 8 and 9: By deleting the words "pro rate, as of the date of the grouping, the amount of rentals required to be paid, and the amount of", and substituting the words "consolidate, as of the date of the grouping, the date the rentals are required to be paid, and the value of the".

Section 25, line 2: By deleting all the words in line 2, and substituting the words "of licence locations, and, where the licence locations are within a grid area, the".

Section 26, lines 32 and 33: By deleting the words "by reason that there is not a market for the coal".

Section 37, lines 1 to 4: By deleting all the words in lines 1, 2, 3, and 4, and substituting the following words:

" (11) Notwithstanding the repeal of the Coal Act, 1960, a licence issued under that Act and valid and subsisting on the day before the date this subsection comes into force shall, until the expiration of the term for which the licence was issued or last renewed, remain valid and subsisting under and subject to that Act."

Section 37, lines 24 and 25: By deleting the words "may be prescribed in the regulations", and substituting the words "he may prescribe, and, notwithstanding subsection (4), may allow a location to contain less than four units".

The following amendments are referred to on page 4303 et seq.:

132 The Hon. L. T. Nimsick to move, in Committee of the Whole on Bill (No. 132) intituled Petroleum and Natural Gas Amendment Act, 1974, to amend as follows:

Section 1, line 88: By deleting all the words in lines 88 to 92, and substituting the following words:

"owner' means a person, including an occupant and the Crown in the right of the Province, who has a valid and subsisting right with respect to or interest in the surface of land, and when used with reference to a well

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includes each person entitled to produce and dispose of petroleum and natural gas;".

Section 4, line 48: By adding, after the word "land," the words "other than Crown land,".

Section 4, line 64: By deleting the words ", on the date this section comes into force, ".

Section 4, line 67: By adding, after the word "force," the words "or after the date he acquires the right, whichever occurs later,".

Section 10, line 8: By deleting the words "fifty cents", and substituting the words "one dollar".

Section 10, line 13: By deleting the words "one dollar and fifty cents", and substituting the words "three dollars".

Section 10, lines 17 and 18: By deleting the words "fifty cents", and substituting the words "one dollar".

Section 10, lines 28 and 29: By deleting the words "petroleum and natural-gas".

Section 10, line 31: By deleting the word "No", and substituting the words "Except for the purposes of subsection (1) (d), no".

Section 11 : By adding, after section 11, the following as section 11 A:

"Amends s. 75.

"11A. section 75 is amended by striking out the words 'seventy-five cents' in the last line, and substituting the words 'one dollar and fifty cents'".

Section 12, line 3: By deleting all the words in lines 3 to 21, and substituting the following:

"78. (1) Where, in the opinion of the Minister, a lease location is not being developed sufficiently, the Minister may, except during the three years next following the date of issue of the ' lease, require the holder of the lease to submit, within thirty days from the date of the request, a plan for the development of the lease location.

"(2) Where the holder of a lease does not comply with a request by the Minister under subsection (1), or where the Minister is of the opinion that a development plan submitted under subsection (1) is not adequate for the purposes of developing a lease location, the Minister may give notice to the holder of the lease requiring him to commence the drilling of a well on the lease location.

"(3) A notice under subsection (2) may specify

(a) a spacing area in the lease location in which the well is to be drilled;

(b) the depth to which the well is to be drilled; and

(c) the time within which the drilling of the well is to commence, but in specifying the period of time within which to commence the drilling of the well, the Minister will give due regard to the conditions of accessibility of the lease location, and to the availability of drilling equipment, and in no event shall the notice be less than three months.

"(4) Upon receipt of the notice referred to in subsection (1), the holder of the lease shall

(a) commence the drilling of the well on the location of the lease and within time specified in the notice and thereafter continuously and diligently drill the well; or

(b) notwithstanding section 77 (2), surrender all of the location of the lease excepting those spacing areas on which there is a well capable of producing petroleum or natural gas, and excepting any part of the location of the lease included in a lease extended under section 77 (4) or (7).

(5) Where a well has been drilled pursuant to a notice under subsection (2),

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and has been abandoned or completed, the Minister may at any time, except during the six months following the date of the abandonment or completion, order the drilling of another well on the lease location."

Section 20, lines 3 and 4: By deleting the words "abandon a well or a test-hole, or any equipment with respect thereto, " and substituting the words "be deemed to have abandoned a well or test-hole".

Section 21, line 11: By adding, after the word "may", the words ", after giving sixty days' notice to the holder of the location,".

Section 22: By adding, after section 22, the following as section 22A:

"Enacts s. 156.

"22A. The Act is further amended by adding, after section 155, the following as section 156:

'Transition.

'156. A permit is not required to comply with section 50 (1) as amended by section 6 of the *Petroleum and Natural Gas Amendment Act, 1974*, until

(a) the anniversary date of his permit next following the date this section comes into force; or

(b) the date the amount of excess work, recorded by him under section 56 before the date this section is proclaimed, is insufficient to satisfy the work requirement under section 50 (1) before the date section 6 of the *Petroleum and Natural Gas Amendment Act, 1974* comes into force, whichever date last occurs."

The following amendment is referred to on page 4305:

144 The Hon. L. T. Nimsick to move, in Committee of the Whole on Bill (No. 144) intituled Placer Mining Act, to amend as follows:

Section 2, line 2: By adding, after the word "minerals", the words ", other than by hand panning".

The following amendments are referred to on page 4309 et seq.:

162 The Hon. A. B. Macdonald to move, in Committee of the Whole on Bill (No. 162) intituled *Statute Law Amendment Act, 1974*, to amend as follows:

By adding after section 29, the following as section 29A: "Amends *Pacific Great Eastern Incorporation Act*.

"29A. section 15 of the *Pacific Great Eastern Incorporation Act*, being chapter 36 of the Statutes of British Columbia, 1912, is amended

(a) by striking out the word 'The' in the first line and substituting the words 'Subject to the prior approval of the Lieutenant-Governor in Council, the';

(b) by inserting after the word 'securities' in the third line, the words ', debts, or obligations';

(c) by striking out the words 'company authorized to carry on any business incidental to the working of a railway, or to any business which the Company is authorized to carry on:' in the fifth to seventh lines, and substituting the words 'corporation or business; and

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(d) in clause (a), by inserting, after the word 'securities' in the sixth line, the words ', debts, or obligations'."

Section 42: By adding after subsection (4), the following as subsection (5):

"(5) section 29A (b), (c), and (d) shall be deemed to have come into force on the first day of November, 1973, and is retroactive to the extent necessary to give it full force and effect on and after that date."

The following motions are referred to on page 4320:

36 The Hon. Ernest Hall to move—

Resolved, That the Clerk of the House be directed to pay to Rosemary Brown the full allowance and

expenses to which she would have been entitled had she attended all sittings of the Session, pursuant to section 68 of the *Constitution Act*, being chapter 71, R.S.B.C. 1960.

37 The Hon. Ernest Hall to move-

Resolved, That the Clerk of the House be directed to pay to Gordon Fulerton Gibson the full allowance and expenses to which he would have been entitled had he attended all sittings of the Session, pursuant to section 68 of the *Constitution Act*, being chapter 71, R.S.B.C. 1960.

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