

The following electronic version is for informational purposes only.  
The printed version remains the official version.

---

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

---

**MONDAY, APRIL 16, 1973**

**Afternoon Sitting**

[ [Page 2877](#) ]

**CONTENTS**

Afternoon sitting

**Routine proceedings**

Oral questions

Conference re labour-management relations. Mr. Nunweiler — [2877](#)

Development officer's report re Peace River area. Mr. Smith — [2877](#)

Project Quest expedition. Mr. Curtis — [2877](#)

Ferry food finances. Mrs. Jordan — [2878](#)

Maintenance and construction of roads to and on Indian reserves. Mr. Dent — [2878](#)

BCR boxcar shortage. Mr. Phillips — [2878](#)

Contract with Boeing for computer time. Mr. Smith — [2878](#)

Price of ferry meals. Mrs. Jordan — [2879](#)

Land Commission Act (Bill No. 42). Committee stage.

Mr. McClelland — [2879](#)

Mr. D.A. Anderson — [2880](#)

Mr. Phillips — [2880](#)

Hon. Mr. Stupich — [2880](#)

Mr. Wallace — [2881](#)

Mr. McClelland — [2881](#)

Mr. D.A. Anderson — [2881](#)

Mrs. Jordan — [2881](#)

Mr. D.A. Anderson — [2882](#)

Mr. Morrison — [2882](#)  
Mr. Wallace — [2882](#)  
Mr. McClelland — [2882](#)  
Mr. Phillips — [2883](#)  
Hon. Mr. Stupich — [2883](#)  
Mr. McClelland — [2883](#)  
Hon. Mr. Stupich — [2884](#)  
Mr. Phillips — [2884](#)  
Hon. Mr. Stupich — [2884](#)  
Mr. D.A. Anderson — [2884](#)  
Hon. Mr. Stupich — [2885](#)  
Mr. Wallace — [2885](#)  
Mrs. Jordan — [2885](#)  
Mr. Gardom — [2885](#)  
Hon. Mr. Stupich — [2886](#)  
Mr. Gardom — [2886](#)  
Hon. Mr. Stupich — [2886](#)  
Mr. Gardom — [2887](#)  
Hon. Mr. Stupich — [2887](#)  
Mr. Gardom — [2887](#)  
Hon. Mr. Stupich — [2888](#)  
Mr. Gardom — [2888](#)  
Mr. McGeer — [2889](#)  
Mr. Gardom — [2889](#)  
Hon. Mr. Stupich — [2890](#)  
Mr. McClelland — [2890](#)  
Mr. Phillips — [2891](#)  
Hon. Mr. Stupich — [2891](#)  
Mr. McClelland — [2892](#)  
Hon. Mr. Hall — [2892](#)  
Mr. D.A. Anderson — [2892](#)  
Mr. Gardom — [2893](#)  
Mr. Wallace — [2894](#)  
Hon. Mr. Stupich — [2894](#)  
Mr. Gardom — [2894](#)  
Hon. Mr. Stupich — [2894](#)  
Mr. Gardom — [2894](#)  
Hon. Mr. Stupich — [2894](#)  
Mr. Phillips — [2894](#)  
Hon. Mr. Stupich — [2895](#)

Mrs. Jordan — [2895](#)  
Hon. Mr. Stupich — [2895](#)  
Mrs. Jordan — [2895](#)  
Hon. Mr. Stupich — [2895](#)  
Mr. McClelland — [2896](#)  
Mr. Phillips — [2896](#)  
Mr. McClelland — [2896](#)  
Mr. Wallace — [2896](#)  
Mr. McClelland — [2896](#)  
Mr. Wallace — [2897](#)  
Hon. Mr. Stupich — [2897](#)  
Mr. Wallace — [2897](#)  
Mr. McClelland — [2897](#)  
Hon. Mr. Stupich — [2897](#)  
Mr. Williams — [2897](#)  
Hon. Mr. Stupich — [2897](#)  
Mr. Curtis — [2898](#)  
Mr. McClelland — [2898](#)  
Mr. Williams — [2898](#)  
Mr. McClelland — [2899](#)  
Hon. Mr. Macdonald — [2899](#)  
Mr. D.A. Anderson — [2900](#)  
Mr. McGeer — [2901](#)  
Hon. Mr. Stupich — [2902](#)  
Mr. Gardom — [2902](#)  
Mr. McClelland — [2903](#)  
Mr. Wallace — [2903](#)  
Mrs. Jordan — [2904](#)  
Mr. D.A. Anderson — [2904](#)  
Mr. Williams — [2904](#)  
Hon. Mr. Stupich — [2906](#)  
Mr. Williams — [2906](#)  
Hon. Mr. Stupich — [2906](#)  
Mr. Phillips — [2906](#)  
Division on section 16 — [2907](#)  
Mr. Williams — [2907](#)  
Mr. Wallace — [2907](#)  
Hon. Mr. Stupich — [2907](#)  
Mr. McClelland — [2908](#)  
Hon. Mr. Stupich — [2908](#)

Mr. Williams — [2908](#)

Hon. Mr. Barrett — [2909](#)

Report stage — [2909](#)

An Act to Amend the Stock Brands Act (Bill No. 108).

Committee, report and third reading — [2909](#)

An Act to Amend the Distress Area Assistance Act (Bill No. 178).

Committee, report and third reading — [2909](#)

---

The House met at 2:30 p.m.

Introduction of bills.

Oral questions.

**MR. SPEAKER:** The Hon. Member for Fort George.

### CONFERENCE RE LABOUR-MANAGEMENT RELATIONS

**MR. A.A. NUNWEILER (Fort George):** Mr. Speaker, I'd like to direct a question to the Hon. Minister of Labour. In regard to the conference he had last weekend, could he tell us whether any definite conclusions were reached between labour and management during the weekend? I'd also like to ask whether he would consider giving the House a report on it.

**HON. W.S. KING (Minister of Labour):** Mr. Speaker, the conference was of an exploratory nature. It was not based on an attempt to draw any definite conclusions or to achieve any definite agreements. However, I think the conference was very fruitful in terms of developing a good exchange of views between the various labour groups in the province and representatives of industry. Certainly there were the elements of some new ideas in terms of industrial relations that developed from those discussions.

But at this stage that's all that they are. They're simply some new propositions that were put forward. Certainly there was a good degree of receptivity on the part of both labour and management to these new proposals. Further to that, perhaps the main benefit of the conference was the opportunity afforded to departmental people to participate in a discussion on what policy should be and to listen to the exchange between labour and management.

**MR. SPEAKER:** The Hon. Member for North Peace River.

### DEVELOPMENT OFFICER'S REPORT RE PEACE RIVER AREA

**MR. D.E. SMITH (North Peace River):** Thank you. My question is addressed to the Hon. Minister of Industrial Development, Trade and Commerce. Some weeks ago the Department of Industrial Development sent a development officer to the Peace River country. Has the Minister received a report back from the development officer since the visit to the Peace River country by this representative of his department? If a report is received, will he make this report available to the House?

**HON. A.B. MACDONALD (Minister of Industrial Development, Trade and Commerce):** Mr. Speaker, we've received the report of the industrial officer, who was Jack McEwen. It was for the government. It will be reviewed by myself along with some of my colleagues. I'm not prepared to say at this time whether or not it will be

made public. It may be, but basically it's a report by an industrial officer to the government. Possibly it may be made public. I just don't want to commit myself on that last point.

**MR. SMITH:** A supplemental question to the Minister: did the report include any recommendations for specific assistance? If so, is the Minister prepared to indicate what direction this assistance will take?

**HON. MR. MACDONALD:** There are requests for suggestions of assistance in that report to which we'll be giving consideration.

**MR. SMITH:** At that time will the Minister release the information regarding assistance to the Members of the House?

**HON. MR. MACDONALD:** Yes, any requests or suggestions of assistance in that report will be made public. Of course their disposition will become known to the Members.

**MR. SPEAKER:** The Hon. Member for Saanich and the Islands.

### PROJECT QUEST EXPEDITION

**MR. H.A. CURTIS (Saanich and the Islands):** Mr. Speaker, to the Minister of Education: would the Hon. Minister indicate if her department was approached at any time with respect to Project Quest, which was the chartering of a passenger vessel to travel British Columbia's coast early in May and which, hopefully, would have involved 225 students. If the answer is "yes" was there any request for financial assistance in any way for this project?

**HON. E.E. DAILLY (Minister of Education):** Hon. Member, yes, we were approached and a request was made for financial assistance, which we were not able to give to them. The departmental budget does not allow, in my estimates, for that type of expenditure.

The whole matter of these kinds of trips, which are beginning to grow across the province, is one which I would like to discuss with my cabinet colleagues for the future.

[ [Page 2878](#) ]

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

### FERRY FOOD FINANCES

**MRS. P.J. JORDAN (North Okanagan):** Thank you, Mr. Speaker. On this bright sunny day I'd like to address a question to the charmer of highways — or rather, the Minister of Highways: has the ferry system brought in a plan of portion control in the food operations on the ferry system? Is the food operation of the ferry system currently a profit picture, or is the food system designed merely to break even?

**HON. R.M. STRACHAN (Minister of Highways):** The food system is designed to provide food, basically. (Laughter).

Interjections by some Hon. Members.

**MRS. JORDAN:** May I ask a supplementary?

**MR. SPEAKER:** Is this part of the same diet? (Laughter).

**MRS. JORDAN:** Oh, yes, Mr. Speaker. I would like to have him answer my question. Is the Minister planning to institute a system of portion control on the ferry system, and is the food serving system designed to merely break even?

**HON. MR. STRACHAN:** I think every food provider has a system of portion control. When you order two eggs, you get two eggs. (Laughter). There are measured portions put out.

**MRS. JORDAN:** I have a supplementary.

**MR. SPEAKER:** I'm sorry, I think you've had your ration today. (Laughter). The Hon. Member for Skeena.

**MRS. JORDAN:** This is another question in relation to the same subject, Mr. Speaker.

**MR. SPEAKER:** I rather think that that is not urgent and important. We've had two on it. I'll return to you later if we have time. The Hon. Member for Skeena next, followed by the Member for Point Grey.

## MAINTENANCE AND CONSTRUCTION OF ROADS TO AND ON INDIAN RESERVES

**MR. H.D. DENT (Skeena):** I would direct a question to the Hon. Minister of Highways: I understand that there are negotiations going on at the present time between the Department of Highways and the Department of Indian Affairs in regard to the maintenance and possible construction of roads to Indian reserves and on Indian reserves. Could the Hon. Minister give us some indication of how these negotiations are proceeding?

**HON. MR. STRACHAN:** I formalized these meetings in a letter to the Indian Affairs Branch, to which I have not yet received a reply.

**MR. SPEAKER:** Does the Member for Point Grey have a question? The Member for South Peace River, then.

## BCR BOXCAR SHORTAGE

**MR. D.M. PHILLIPS (South Peace River):** I would like to ask the Hon. Premier if he is aware that one of the wood processing plants in my area is closing down as of tomorrow because of a shortage of boxcars. Is the Premier aware of that?

**HON. D. BARRETT (Premier):** I will have a significant announcement to make to the House tomorrow at 2 o'clock on that matter.

**MR. PHILLIPS:** Would the Premier be prepared to give the same instructions to the British Columbia Railway with regard to Northwest Wood Preservers that you give to them with regard to supplying boxcars for the Chetwynd forest industry, due to the economy of the area?

**HON. MR. BARRETT:** Everybody. I'll have a significant announcement to make tomorrow at 2 o'clock.

**MR. SPEAKER:** The Hon. Member for North Peace River.

## CONTRACT WITH BOEING FOR COMPUTER TIME

**MR. SMITH:** Thank you. My question is to the Hon. Minister of Highways: has the Minister contracted with the Boeing Corporation of Seattle for computer time with respect to the introduction of the auto insurance plan in British Columbia?

**HON. MR. STRACHAN:** Not to the best of my knowledge.

**MRS. JORDAN:** What does that mean?

**HON. MR. STRACHAN:** It means that I know of no agreement with the Boeing Company of Seattle to do any work for the automobile insurance.

**MR. SMITH:** A supplemental question: has the

[ [Page 2879](#) ]

Minister contracted with any corporation, Boeing or perhaps IBM or anyone else, to supply computer time for the installation of this programme?

**HON. MR. STRACHAN:** IBM are doing a specific job for us at the present time.

**MR.—SMITH:** A supplemental question: does the "specific job" have anything to do with the introduction of an auto insurance plan in the Province of British Columbia?

**HON. MR. STRACHAN:** Of course. I took that for granted in my answer. I thought you would understand that. Yes.

**MR. SPEAKER:** The Hon. Member for North Okanagan, I hope on another subject besides food.

### PRICE OF FERRY MEALS

**MRS. JORDAN:** It's a subject for the Minister of Highways, Mr. Speaker. I'm sure you wouldn't want to upset our plans to get some information from this Minister. Would the Minister please confirm whether he has, in fact, the intention of increasing meal prices on the ferries in view of the fact that the Minister has already indicated that there would be no increase in prices on these ferries?

**HON. MR. STRACHAN:** I said that there would be no increase in fares. I stick by that.

**MRS. JORDAN:** Food prices, Mr. Minister.

**HON. MR. STRACHAN:** I have no statement to make at this time.

**MRS. JORDAN:** We can assume then that food prices are going up, in spite of the Minister's statement.

**HON. MR. STRACHAN:** Will you resign your seat if some of them come down?

**MRS. JORDAN:** No. (Laughter). Why are you so anxious to get rid of me all the time? I must bother you.

Orders of the day.

**HON. D. BARRETT (Premier):** Mr. Speaker, I move we proceed to public bills and orders and then committee on Bill 42.

Motion approved.

### LAND COMMISSION ACT (continued)

House in committee on Bill No. 42; Mr. Dent in the chair.

On section 2.

**MR. CHAIRMAN:** I recognize the Hon. Member for Langley.

**MR. R.H. McCLELLAND (Langley):** Thank you, Mr. Chairman. Speaking to section 2 as amended, I

would just like to make a brief statement with regard to this bill and with regard to the attitude we intend to take throughout the rest of the third reading of the bill, if I may, Mr. Chairman.

One of the first things that we think should happen with regard to the method by which a commission would be appointed is that elected officials be used rather than appointed commissioners. We feel that then the people that are out in the communities, the members of the regional districts and the members of the municipal councils, can have a far greater input to the planning process throughout British Columbia if that procedure was followed.

Mr. Chairman, I would just like to say with regard to this bill that it seems to us in the official opposition that this is really a totally new bill from that which was debated in second reading. Therefore, it makes quite a lot of difference toward the way we approach this bill. The method by which the amendments were brought in made it very difficult for the opposition to develop a positive approach.

Mr. Chairman, we don't want to delay the proceedings in this bill; we would like to see them go through as quickly as possible so that we can all go home and so that the legislative process can be speeded up as much as possible. With that in mind, Mr. Chairman, I would just like to remind the House that the official opposition did propose a positive alternative to some of the measures in this bill in the form of another bill, Bill No. 184, which is not yet printed but which is on the order paper.

We have to recognize that, regardless of the amendments to this bill, there is no possible way in which we can agree with the government on the principle of Bill 42. We recognize also that we are going to be at loggerheads with regard to this stand — one side of the House as it relates to the other. For that reason I would like to ask the permission, Mr. Chairman, of the government to spend half an hour or an hour debating the principle of Bill No. 184 so that we could recognize those loggerheads and allow the people to decide which method they like best. Do they want to go the route of Bill 42 or would they sooner go the route of the bill we have proposed as an alternative? That bill we believe, Mr. Chairman....

**MR. CHAIRMAN:** Order, please. We are dealing

[ [Page 2880](#) ]

only with section 2 as amended of Bill 42. Any other proposal must come up at another time. I ask you to confine your remarks to this section.

**MR. McCLELLAND:** I understand that, Mr. Chairman. I am only begging your indulgence for one moment to offer you an alternative that could considerably expedite the business of this House.

**MR. CHAIRMAN:** The point is, Hon. Member, that the principle of the bill has already been decided upon by the House and the House has instructed the committee to consider the bill section by section, which we are now doing.

**MR. McCLELLAND:** That is exactly what I am saying to you — that the principle of the bill has been decided by this House. We now have a different bill before us than that which was debated in second reading. We can't agree with the principle of the House, and we are offering a different method.

Interjection by an Hon. Member.

**MR. McCLELLAND:** The Premier indicates that he is not prepared to listen to that.

**MR. CHAIRMAN:** I would ask the Hon. Member to confine his remarks to the section before us. The House has clearly instructed us to consider this bill section by section, which we must do. I would ask you to....

**MR. McCLELLAND:** I was asking that we back off from this for a moment, debate the other bill and let the people decide which is the best way to approach this whole problem.

**MR. CHAIRMAN:** Order, please. A motion has been passed by the House....



**MR. McCLELLAND:** All right. Speaking to section 2, Mr. Chairman, the point is that we cannot support Bill 42, nor can many of the people in the community. We cannot support the principle of an appointed, political commission. We would ask the government, in the light of that argument, to consider the possibility of using already-elected officials to run this commission so that the local people can take part in the planning process throughout the Province of British Columbia rather than a faceless and appointed and political commission.

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

**MR. D.A. ANDERSON (Victoria):** Mr. Chairman, on section 2 in particular and the bill in general, the point we would like to make is that we have put an amendment forward on section 2; and the reason we are putting forward amendments on this Act is to make sure the Act comes out as good as this House can make it. We lost on the point of principle in second reading and therefore we are putting forward amendments, unlike the official opposition.

Our point is this: we can do nothing now about the government's decision to press ahead with this bill and with the many unfortunate aspects, as we see it, in this bill. However, we will be putting forward amendments because, regardless of the fact that we did not support this bill on second reading, we have a responsibility to the public to make this a better bill if we possibly can at third reading. Therefore, I would like to point out that our putting forward amendments will be to improve the bill, and I trust they will be accepted by the government in that spirit.

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

**MR. D.M. PHILLIPS (South Peace River):** I want to add as strongly as I can to the words of my colleague here from Langley that this is one of the main principles of this bill that we were definitely against. This land Act is still a poor Act. You still are creating a bureaucracy here which will stay in power at their pleasure and over which the elected people of this province will have no say. What we are suggesting is that the members of this land commission be elected officials so that they will be responsible to the people of this province.

The people you are going to appoint will become part of the bureaucracy that you are building up during this legislative session, and it all fits in together. I don't care how you disguise it; we are against it and the people of British Columbia are against it. We are not going to delay the House by trying to point out the error of your ways. We are going to do it as strongly as we can. You are bent on creating a bureaucracy which will take years to unwind, when you are defeated after the next election.

**MR. CHAIRMAN:** I recognize the Hon. Minister of Agriculture.

**HON. D.D. STUPICH (Minister of Agriculture):** Mr. Chairman, just on a couple of points. I think there is general acceptance in the community now of this idea of preserving farmland, and with respect....

Interjection by an Hon. Member.

**HON. MR. STUPICH:** I said in the community as a whole; I wasn't thinking of the opposition party as such. With respect to electing members as opposed to

[ [Page 2881](#) ]

naming them: if the community accepts the idea that this has to work for the good of the whole community, then obviously the people named to the commission must be people who are dedicated to the idea of making the whole programme work.

By leaving it open to election it is quite conceivable that people might be elected who would not be in there trying to make this programme work. The only way it can work is that it has to be responsible — it has to be responsible to the cabinet and in turn responsible to the Legislature.

On the matter of amendments: the government made it clear right from the very beginning — right from day

one — that we would consider amendments; we would listen to arguments. We made it clear during the whole debate that we were listening. We said from the beginning that we would welcome suggestions; we would even welcome amendments, but that we were saving ours until there was the maximum opportunity for input into these amendments. We are pleased that the second opposition party has reacted, in that it has introduced amendments at this time. Certainly these are being considered and will be discussed. We are disappointed, of course, that the official opposition party did not see fit to introduce any amendments.

**MR. CHAIRMAN:** I recognize the Hon. Member for Oak Bay.

**MR. G.S. WALLACE (Oak Bay):** Mr. Chairman, I think it is appropriate that this party at the start of this afternoon's debate also makes its position clear, although it is speaking to section 2. Our feeling also is that we need not go over a lot of ground that was covered. We have no wish to obstruct.

We feel however that the bill, however much it has been improved — and we commend the government for these amendments that have been made — is still not acceptable to us. As we go through the committee reading I will try to point out to the House the sections where our objections still lie.

**MR. CHAIRMAN:** I recognize the Hon. Member for Langley.

**MR. McCLELLAND:** Mr. Chairman, I think the Minister of Agriculture's statements are absolutely shocking as they relate to the elected officials in our community.

He has said in effect...and nobody suggested that we have separate elections for members of this commission. We said that what we wanted to see on this commission were elected local officials — not have separate elections because that would be total nonsense.

But the agriculture Minister has as much as said that local officials in the community don't have the interests of the preservation of farmland or good sound planning at heart. Those are almost his exact words.

Mr. Chairman, from the point of view of the problem of amendments, this party and the Liberal Party have said inside and outside the House, time after time after time, that this bill could not be amended. We meant it. Obviously the Liberals didn't mean it. And that's why we proposed an alternate bill rather than amendments. We think our bill is much better than yours — we wish we had the chance to debate it here and now.

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

**MR. D.A. ANDERSON:** Mr. Speaker, Members are entitled to correct misunderstandings or misapprehensions such as the one expressed by the Hon. Member for Langley. We have said time after time that we don't think this is a good bill. We have said that we oppose it. However, we are in the situation now where we have no choice but to proceed with this and try and make it — I don't say good; I simply say better than bad.

It's a bad bill now; it may emerge somewhat better with the amendments of the Minister and the amendments of this party. We don't say it's going to wind up good. We don't even say that if all amendments are accepted we will vote for it. We simply say, as we have said consistently, that this is a bad bill to begin with. The government was wrong in not bringing the amendments forward earlier so that we could have an intelligent discussion at second reading, but that's by the by. We in this party are not responsible for the government's mistakes up to now.

**MR. CHAIRMAN:** I recognize the Hon. Member for North Okanagan.

**MRS. P.J. JORDAN (North Okanagan):** Mr. Chairman, the Liberals have made an explanation. It's very weak and very typical of their inconsistent stand during this session.

We stand opposed to the fundamental philosophy of this bill that's trying to be amended now — state takeover of private lands and centralized control of private lands in British Columbia.

**MR. CHAIRMAN:** Order, please. We are considering section 2 as amended.

**MRS. JORDAN:** I'm speaking to section 2, Mr. Chairman. The Minister said that he was going to make appointments dedicated to the preservation of farmland in British Columbia. Everybody in British

[ [Page 2882](#) ]

Columbia is dedicated to the preservation of agricultural areas and greenbelts. In this House today, and also outside this House, with this amendment, the Minister is saying what they want are people on that land commission who are dedicated to the socialist philosophy. Not people dedicated to what is in fact best for agriculture and the farmers in this province, and best in the most democratic way for the preservation of private land ownership in this province.

The Minister shouldn't try and hide this. This is just another example of the conflicting statements that he's been making consistently throughout this bill, and he's now made in this section 2.

We have put in an alternate bill. We believe in that. We believe it is a much firmer foundation from which to build, and we support it. But we must oppose this amendment because it doesn't meet the criteria of democracy as it has been lived in British Columbia and as it should be lived in British Columbia in the future.

It does nothing to preserve the right and responsibility of those elected people at all levels in British Columbia, and we will oppose it, and we will stand firm in our position as we have consistently through this session.

**MR. CHAIRMAN:** Shall section 2 as amended pass?

Section 2 approved with amendment.

Section 3 approved.

On section 4.

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

**MR. D.A. ANDERSON:** I wonder why the commission may, on behalf of the Crown, carry out its powers and duties under this Act in its own name without specific reference to Her Majesty. Is this to save Her Majesty from the embarrassment of being involved in this bill, and thus save the Premier embarrassment when he meets her later in the year?

**MR. CHAIRMAN:** Shall section 4 pass?

Section 4 approved.

On section 5.

**MR. CHAIRMAN:** I recognize the Hon. First Member for Victoria.

**MR. N.R. MORRISON (Victoria):** Mr. Chairman, I wonder if I could ask the indulgence of the House just for a moment. I would like to introduce a class from Oak Bay Senior Secondary School which has just arrived in the galleries. It is a socials class and their teacher, Mr. Woodley, is with them. I would also like to advise you that my youngest son, who is part of that class and no stranger to the gallery, is also in it.

**MR. CHAIRMAN:** Shall section 5 pass?

Section 5 approved.

Section 6 approved.

On section 7.

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

**MR. CHAIRMAN:** We are speaking to the amendment to section 7, standing in the name of the Hon. Minister of Agriculture.

Amendment approved.

**MR. CHAIRMAN:** I recognize the Hon. Member for Oak Bay on section 7 as amended.

**MR. WALLACE:** Mr. Chairman, speaking to this section, I would just say quickly in passing that part of our disappointment with the bill is that in 7(b), for example, it talks about encouraging the establishment and maintenance of farms. But, as a comment and a criticism we've had all along, it really does not include any specific policies in the bill as to how this is going to be done. Furthermore, we feel that this particular section in fact gives the commission a tremendous amount of scope to make policy itself. We feel that the cabinet should be the body that makes the basic policies with such far-reaching effects.

**MR. CHAIRMAN:** I recognize the Hon. Member for Langley.

**MR. McCLELLAND:** Mr. Chairman, with regard to section 7, there has been a fair amount of confusion about this section ever since this bill was proposed, especially with regard to the expropriation aspect. I am not sure whether anyone was listening, but this side of the House never complained about the expropriation aspect in that bill. What we were concerned about, Mr. Chairman....

Interjections by some Hon. Members.

**MR. McCLELLAND:** Well, read *Hansard*, Mr. Chairman, and you will find out exactly what

[ [Page 2883](#) ]

happened. Mr. Chairman....

Interjections by some Hon. Members.

**MR. CHAIRMAN:** Order, please. Order!

**MR. McCLELLAND:** Mr. Chairman, with regard to expropriation, we recognized right from the beginning that expropriation wasn't included in the bill but what we were concerned about was confiscation...

**AN HON. MEMBER:** That's right.

**MR. McCLELLAND:** ...without compensation, Mr. Chairman. Confiscation. I'd like to go on record again, Mr. Chairman, as saying that expropriation is a perfectly legal device which is for the protection of not only the Crown, but the protection of the person involved as well.

It frightens me that this commission is going to have the opportunity to negotiate at its own terms, without any recourse to the courts at any time. And if by designation, this commission can force down the price of that person's land, if he has no right to expropriation proceedings — and that's a pretty good if, Mr. Chairman — if he had no right to legal proceedings, then that poor home owner or landowner is going to be in very rough shape indeed.

I would also question, Mr. Chairman, if, as we are told over and over again by the agriculture Minister, this is an agricultural bill, a farmland bill — then why do we still have so many references to the use of land for urban purposes, industrial purposes, land bank reserve purposes and others?

I really think, Mr. Chairman, that we have considerable and sufficient protection and methods by which those kinds of land reserves can be established within the *Municipal Act*. At the present time, Mr. Chairman, we are

already using those provisions within the *Municipal Act* to do exactly the things that this Act says it is going to do.

I wonder why we need to bring this in if this is, in fact, an agricultural bill.

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

**MR. PHILLIPS:** Well, this section really hasn't changed that much. The government has tried to dress it up, give it a little bit of motherhood by saying "except by expropriation." And that was not mentioned in the other bill because when you can confiscate, you certainly don't need to have the power to expropriate.

So the power is still in the bill, and there still is no clean, clear-cut definition of farmland. It says "as referred to in section 8" but there is still no.... If this nameless, faceless, bureaucratic commission decides that any piece of land is suitable for farmland, it can so be designated. It can be so designated.

This hasn't changed in this Act at all. If you want to get right down to it, all you've done in here is put in that you can't expropriate. I'll repeat again that under the previous bill you didn't need to expropriate because you could confiscate, and you can still do it under this section of this bill.

**MR. CHAIRMAN:** I recognize the Hon. Minister of Agriculture.

**HON. MR. STUPICH:** Mr. Chairman, just briefly. There was a question raised as to just what does this long amendment do. The first thing is the point just raised by the Hon. Member for South Peace River: where it points out quite clearly in the amendment that the commission will advise and assist municipalities and regional districts in the preparation and production of the land reserve plan.

Secondly, there is a change with respect to this phrase. And while one or two of the Members in the official opposition may not have complained about expropriation, this question of "purchase or otherwise acquire," which has been widely misunderstood, has now been changed by saying not only "other than by expropriation," but also by adding the words, "under such terms and conditions as may be negotiated," to make it absolutely clear that the commission will be negotiating with the people who are buying the land.

Apart from that, it does detail in this amendment that with respect to designating land — while agricultural land may be designated all at once or in many areas in the province — with respect to the other reserves, there will not be a wholesale designation in advance of acquisition.

**MR. CHAIRMAN:** Shall section 7 as amended pass?

Section 7 approved with amendment.

On section 8.

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

**MR. CHAIRMAN:** Shall the amendment standing in the name of the Hon. Minister of Agriculture pass? I recognize the Hon. Member for Langley.

**MR. McCLELLAND:** A question, Mr. Chairman, of the agriculture Minister if I may.

It may be a mistake — I'm not sure — but in subsection 2 of the section it says, "...with its

[ [Page 2884](#) ]

member municipalities, and every municipality that is not within a regional district." I don't know of any.

Secondly, I realize that after "90 days" you've said "or such time as may be allowed by the commission." I wonder if the end of the year wouldn't be more realistic, with regard to some of those districts which do not now

have regional plans. It might set them at ease considerably if you allowed them that extra time. On the other point, I don't think there is such a thing.

**MR. CHAIRMAN:** The Hon. Minister of Agriculture.

**HON. MR. STUPICH:** With respect to this business of "every municipality that is not within a regional district," that was brought to my attention after this final draft was prepared. Mr. Chairman, I think that perhaps the best way of handling this would be to move a sub amendment at this point, deleting those words. As he says, there just isn't any municipality that isn't within a regional district.

So I would move that sub amendment that would remove those words from the bottom line on p. 15 of the orders of the day that I have right now. That's orders of the day No. 92.

**AN HON. MEMBER:** How about extending the time while you're at it?

**HON. MR. STUPICH:** Well, first this one. "That is not within a regional district" — removing those words.

**MR. CHAIRMAN:** Would you read the exact words that we're deleting?

**HON. MR. STUPICH:** Yes. "And every municipality that is not within a regional district."

**MR. CHAIRMAN:** Is it agreed that these words be deleted?

Sub amendment approved.

**HON. MR. STUPICH:** With respect to the time limit, we're anxious to get this rolling. Regional districts have had some warnings already, in that these amendments were tabled some time ago. They already know.

I think I did indicate to the House earlier that on the basis of the Canada Land Inventory surveys and other work that has been going on, the Department of Agriculture will be in a position to have its gross boundaries ready for any regional district that wants to use those. They're not being imposed on any of them. They may advance their own plans if they like.

But for any of the regional districts that want this input in an early stage or whatever stage they're in or whenever they want it, within three weeks the Department of Agriculture will be ready to have some gross boundaries to submit to the commission so that the commission will have this information in negotiating with the regional districts.

Beyond that, there is provision for extending the time, if 90 days does prove to be impossible in some instances. We're anxious to get it going. Things have been held up so much in the province, where everything has been left to approving officers who have been reluctant to take responsibility to approve even some situations which seem quite ridiculous. So we prefer to stay with the 90-day limit at this time, recognizing that the commission has the authority to extend this time limit as required.

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

**MR. PHILLIPS:** Would the Minister explain to me what qualifications this commission is going to have to decide whether land is suitable as agricultural land? Unless surveys are done, there are many areas in the province that would be designated. How do you get them out of designation? What basis are you going to use for designating this land?

**HON. MR. STUPICH:** What criteria are the agriculture department, for example, using or the regional districts?

**MR. PHILLIPS:** No, the commission themselves.

**HON. MR. STUPICH:** As I say, the commission will have the input from the regional districts. The regional districts presumably know the local land situation and know everything that is involved with respect to the use of land for agricultural purposes within their own regional district. They should have quite an extensive knowledge of that.

Beyond that, the agricultural department has the Canada Land Inventory surveys to go on, apart from the Department of Agriculture's knowledge of local conditions from its experience in the many years that there has been a Department of Agriculture in B.C.

It's not going to be absolutely final. Nevertheless, this amount of information is available right now. On the basis of that information, boundaries will be drawn around the agricultural land reserve. Maybe they won't be ideal, but they will be a good start and something much better than we've had heretofore.

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

**MR. D.A. ANDERSON:** Mr. Minister, through you

[ [Page 2885](#) ]

Mr. Chairman, I'm not clear in my mind as to the difference between "agricultural land reserve" and "agricultural land." Section 8 here gives me the impression that the creation of a reserve is automatic upon designation. Section 12 gives a different impression. There may be some distinction between agricultural land and agricultural land reserve — 12(e) in particular.

I wonder if the Minister would like to clarify what is agricultural land and what is agricultural land reserve.

If I could just trespass upon the kindness of the House and mention 12(e) at this stage, perhaps it will save time later. Section 12(e) goes on to encourage the dedication of privately-owned agricultural land to permanent farm use. I would think that were it a reserve, it would already be in permanent farm use. This is why I have this difficulty in putting section 8 and section 12 together.

**HON. MR. STUPICH:** Mr. Chairman, there may very well be areas of agricultural land that are not within the agricultural reserve initially. As I say, we have these gross boundaries in mind, or almost in mind, in the Department of Agriculture. Working with the regional districts, the reserve boundaries will be drawn. Beyond that, there may be pockets of agricultural land.

Some of them may be rather small but extremely good for intensive agricultural production. But they may be within, for example, municipal boundaries and in areas where the commission, in cooperation with the regional district and the municipality involved, may feel that these are not large enough or important enough to include in the gross reserve. Yet, by definition, they're still agricultural land. They may still be being farmed and the people farming them may actually want to get into the agricultural land reserve and might appeal it at that time.

So there could be a difference in isolated instances between agricultural land and agricultural land within the reserve.

**MR. CHAIRMAN:** I recognize the Hon. Member for Oak Bay.

**MR. WALLACE:** Mr. Chairman, I just want our party to be on record as agreeing with the former speakers. We're uneasy about the lack of specific definition of how you will decide what agricultural land is. Although the Minister has verbally given us explanations in relation to such categories as in the Canada Land Inventory, we would have been happier to have something more specific in the definition.

**MR. CHAIRMAN:** I recognize the Hon. Member for North Okanagan.

**MRS. JORDAN:** In listening to the Minister's explanation, this causes me and certainly the people involved in the Ellison area of the new City of Kelowna considerable concern. There are 9,000 acres of agricultural land —

farming, active, good productive land. There are farms that are making money and yet they're being included in a municipal boundary.

**HON. MR. STUPICH:** That doesn't mean they won't be in the reserve, though.

**MRS. JORDAN:** But a reserve, to some intents and purposes, is something that could be used for commercial or subdivision purposes in the future, if there was enough population pressure, I would assume. If this is the case, this would be even more disturbing to these people to be included.

It might be better if the Minister met with his colleague and suggested that a fully agricultural area that's on the edge be left out. Then truly in its own definition, both by its use, its profitability and the *Canada Land Inventory Act*, it would be agricultural without any threat of being in a reserve, which might well lead the people to think that at one time or another the government is going to come along and buy it or the municipality is going to take it, or whatever they're going to do, and turn it into residential or commercial land.

**MR. CHAIRMAN:** Shall the amendment to section 8 pass?

Amendment approved.

Section 8 approved with amendment.

On section 9.

**MR. CHAIRMAN:** I recognize the Hon. Second Member for Vancouver–Point Grey.

**MR. G.B. GARDOM (Vancouver–Point Grey):** Mr. Chairman, as my amendments, I would like to move the amendments standing in the order paper under the name of my colleague, the Member for West Vancouver–Howe Sound (Mr. Williams).

Before getting to them, I'd just like to make a couple of very short remarks about the amendments and the purpose for them. We view amendments to this legislation — in fact, amendments to any legislation that may come through the House — from the viewpoint that in second reading the decision is made by the House as to the principle of a bill. We might well oppose it but if the government vote holds, as it has done with rather a monotonous regularity in this session, we continue to view it as our continuing responsibility to do our best to improve the legislation for the benefit of the public, notwithstanding

[ [Page 2886](#) ]

the fact that we may differ with it in principle.

I would like to refer to these amendments to section 9. They're rather technical and I'd like to take my time with them. First of all, the suggestion is that the following be added to subsection (2)(a):

"A municipality or regional district may apply to the commission for the amendment of any land reserve plan approved under section 8 or to have any land, whether Crown or private land, excluded from or included in an agricultural reserve established pursuant to that section."

This gives a greater right than is presently under the amendment proposed by the Minister of Agriculture, by giving the right to apply to the commission, to a municipality or regional district.

Mr. Chairman, the next item is to delete the whole of subsection 5. Subsection 5 deals with the retroactiveness of the amendment of the Minister back to December of 1972. We wish the Act to be in effect from the date the Act comes into effect and not have this retroactive aspect to it. As a slight mechanic, back in subsection 2 reference to subsection 5 is obviously deleted because we have requested the deletion of subsection 5.

**MR. CHAIRMAN:** Order, please. I would ask the Hon. Member whether he wishes to have his sub



amendment dealt with ad seriatim or in toto.

**MR. GARDOM:** Well, I think it would be easier if we dealt with it section by section. I think the Minister would prefer that. That would be more satisfactory for the Clerks as well.

**MR. CHAIRMAN:** Could you then confine your remarks to 2(a)?

**MR. GARDOM:** Well very well, the first amendment is to delete, in section 2, the words "subject to subsection 5."

**MR. CHAIRMAN:** You've heard the amendment to the amendment. Those in favour of the sub amendment standing in the name of the second Member for Vancouver–Point Grey.... I recognize the Minister of Agriculture.

**HON. MR. STUPICH:** Mr. Chairman, the government is of the opinion that there is, in section 9 now, provision enough for people to get land out of the reserve. I think again, as I said in response perhaps to the amendment moved by the same Hon. Member last Saturday, we'd like to, in this respect also, leave it as it is, leaving open the possibility that, as we see how this works in practice, at another session of the Legislature we might consider an amendment. But at this time we feel that there is plenty of room for people to get land out of the reserve. Really, within the first three or four months there shouldn't be many instances where people would want to be trying to get things out of the reserve.

**MR. GARDOM:** I think, with every respect, the Minister is missing our point in the amendment here. You see, we're proposing the deletion of this subsection 5, and this is the reference to subsection 2, because under your existing....

**HON. MR. STUPICH:** I thought your first one was on the municipalities.

**MR. CHAIRMAN:** The first one is at the top of page 19.

**MR. GARDOM:** Section 9(2), Mr. Minister. We're starting at the very beginning. You notice it starts off: "Subject to subsection 5." Now, we're requesting the deletion of subsection 5, so obviously this would have to come out of subsection 2. The reason we're requesting the deletion of subsection 5 is because under your subsection 5 an owner is not entitled to apply to the commission under subsection 2 unless authorized by a resolution of a municipality or regional district. We say that he should have the right to apply to the commission without being authorized by a resolution of a municipality or by the resolution of a regional district. It should be his individual right. I therefore would move as the first one, that the words "subject to subsection 5," in your existing section 9(2), be deleted.

**MR. CHAIRMAN:** The Minister of Agriculture.

**HON. MR. STUPICH:** Well, on subsection 5 itself and this is the retroactivity of it, we were trying to get into the order-in-council date when we informed the community at large that this is what we are going to do, and we do want to stay with that date, so the government is not prepared to accept that particular part of the amendment.

**MR. CHAIRMAN:** Shall the first part of the amendment standing in the name of the Second Member for Vancouver–Point Grey pass?

Sub amendment negatived.

**MR. GARDOM:** Now, carrying on to the next one. I move that the whole of section 9(5) be deleted for the reasons I've advanced a few moments ago.

**HON. MR. STUPICH:** For the reasons I gave earlier, we will not accept that.

Sub amendment negatived.

**MR. GARDOM:** Now, I propose that existing subsection 6 of section 9 be deleted and that there be substituted in its stead the following: "The commission shall at the request of the applicant, under subsection (2) or (2a)...." Well, since we've already lost 2(a), I'll delete that, under subsection 2 — I'll start again.

"The commission shall, at the request of the applicant, under subsection 2,  
(a) deliver to the applicant its decision in writing; and  
(b) allow the applicant to examine and provide the applicant with copies of all relevant documents in the custody of the commission pertaining to any such application."

Now the substance of this is simply that you are utilizing the word "owner" and we are utilizing the word "applicant" because in a later stage in here you'll see that we're giving municipalities and regional districts the right to be applicants to the commission; hence the deletion of the word "owner." That's the reason for the change.

One change is just to change your word "owner" to our word "applicant." The second one is, in 9(6)(b) you allow your owner — we say applicant — to examine and make copies of documents and we say it's the responsibility of the commission to provide the applicant with documents. He doesn't have to copy them himself. I would so move that amendment to the amendment of the Minister.

**HON. MR. STUPICH:** It was a conscious decision at this point that it should be the owner himself who is making the application rather than an applicant, who might have other reasons for making the application and might conceivably even do it without the owner's knowledge. So it was a conscious decision that it should be "owner" rather than "applicant" in that particular case.

There isn't, I suppose, a great deal involved in the difference between copying and making the applicant copy, but I'm convinced that the difference isn't enough that we should change the amendment at this time. So we'll stay with the amendment as is.

**MR. GARDOM:** Well you're happy, surely to goodness, to see that he's provided with copies as opposed to making them himself. You're prepared to be tolerant to that extent today, aren't you, Mr. Minister? Don't expect the poor fellow to go in and copy it out longhand all by himself.

**HON. MR. STUPICH:** Mr. Chairman, I think in practice that if the Hon. Second Member for Vancouver–Point Grey is appearing on behalf of an owner we'll make copies available.

**MR. GARDOM:** Well, I'm pretty sure then that your intention is to at least support the amendment to the extent that copies will be provided. Let's substitute the word "provide" for "and make." Come on, you're a reasonable man.

**HON. MR. STUPICH:** It's a lovely afternoon and in the spirit of good will and harmony, I'll accept that. Thanks. Now, Mr. Chairman, if I could just make a suggestion as sort of a counter-offer. I was very intrigued with the way we went through the *Companies Act*, when we did it in bunches. I suggest that it would be much more efficient if we dealt with this Act in the same way. Let's do it in bunches of sections rather than section by section.

**MR. CHAIRMAN:** Order, please. We have part of an amendment accepted and I think that the part that was accepted was part (b) of that amendment. Would the Hon. Member please withdraw part (a) then and then we can just....

**MR. GARDOM:** I prefer not to withdraw it. It can be voted down and then I'll substitute the (b).

**MR. CHAIRMAN:** All right. We're dealing with the whole thing first. I think it would be better if we considered part (a) first, and then part (b). Shall part (a) pass?

Sub amendment, part (a), negatived.

**MR. CHAIRMAN:** Shall part (b) pass?

Sub amendment, part (b), approved.

**HON. MR. STUPICH:** I'm sorry now, but in part (b) it has to be that the "owner" — "allow the owner to examine.... "

**MR. GARDOM:** We're not trying to put anything over on you, Mr. Minister. Sorry.

**MR. CHAIRMAN:** Is it agreed that it be "owner"?

Leave granted.

**MR. GARDOM:** O.K. Onward, Christian Soldiers. Here we go.

**MR. CHAIRMAN:** The sub amendment to subsection 7.

**MR. GARDOM:** Yes, subsection 7 of section 9. Now this amendment reads this way:

"A person who is an applicant pursuant to subsection (2) and the municipality and (or) the regional district in which such applicant's land is situate, and a municipality or regional district who

[ [Page 2888](#) ]

is an applicant under subsection (2a), who is dissatisfied with the decision of the commission may, within fourteen days of the delivery of its written decision, appeal to the Environment and Land Use Committee in a manner prescribed in the regulations under the Environment and Land Use Act."

Now, this is the point that we have covered a little bit earlier. The purpose of the amendment is to provide the municipalities and the regional districts an opportunity such that if they're dissatisfied with the finding of the commission, they have the right to appeal. Because this is a very important thing to them. In our view, they should certainly be given exactly the same rights as the owner, because maybe the plan that can be suggested by the commission may in itself affect a municipality or may in itself affect the planning of a regional district, apart from the wishes of the owner and apart from the wishes here and there are other interests who must have their positions protected. That's the object of this amendment, and I so move it.

**HON. MR. STUPICH:** Mr. Chairman, at this point we're not dealing with setting up the original reserve. We're talking about deletions from a reserve that has been established by cooperation between the regional district and the commission. If it were the matter of establishing, well then I could see the merit in the argument, but at this point the reserve is already established and the municipality or the regional district has had its input. So we do not feel that the municipality should get involved on its own in individual applications for deletions from the reserve. Later on a case may be made for that as well....

**MR. GARDOM:** I don't think that's right, Dave.

**HON. MR. STUPICH:** As I say, it's one of the things that we want to live with for this initial period and....

**MR. GARDOM:** Look at your section 9(1). You give certain specific powers under 9(1) to the regional districts and to the municipalities, but you don't give them the right to make an appeal. You give an owner a right to appeal but you don't give it to the regional districts or the municipalities, and I say that they should have that right.

**HON. MR. STUPICH:** Well, as I say, you do make a point and perhaps with a bit more experience, we'd go along with it. But at this point the government wishes to leave it the way it is.

**MR. CHAIRMAN:** Shall subsection 7 of the amendment to the amendment pass?

Subamendment negated.

Interjections by some Hon. Members.

**MR. CHAIRMAN:** Order, please. I've made my decision. We'll proceed with subsection 8 of the amendment to the amendment. Would the Hon. Member proceed with subsection 8?

**MR. GARDOM:** Yes, I shall. Your section 9(8) reads this way: "Subject to the procedure prescribed by the regulations, an appeal under this section shall be a hearing and review" — which rights you've denied to municipalities and regional districts, which I'm going to emphasize again because I think you've done a disservice to them in that — "but the Environment and Land Use Committee may accept written submissions or any other form of evidence."

Now, we add to that: "provided any such submission or other form of evidence is made available to the appellant." Now that really and truly is just a principle of natural justice. We'd like to see it put into the bill to see that the other submission or evidence is made available to the person who is doing the appealing. It's a perfectly practical and reasonable suggestion. It's an accepted procedure and has considerable merit.

**HON. MR. STUPICH:** Well, Garde, if you're putting one over on me, you've made your point.

**MR. GARDOM:** No. I'm not.

**HON. MR. STUPICH:** I don't see that you are in this case, so I'm willing to accept that amendment on behalf of the government.

**MR. CHAIRMAN:** Shall subsection 8 of the amendment to the amendment pass?

Subamendment approved.

**MR. GARDOM:** Subsection 9 reads this way:

"The Environment and Land Use Committee may, after a hearing, allow the appeal, subject to such terms and conditions as it may consider advisable, or refuse the appeal; and, in the event the appeal is refused, may order that any costs of the hearing be paid by the appellant."

So if the appeal is lost the appellant pays the costs. But you didn't take care of the other side of the coin. The amendment reads: "And in the event the appeal is allowed, shall order that the reasonable costs incurred by the appellant be paid by the commission." So this is just a little bit of fairness. You shouldn't have a penalty one way and not an opportunity to recover costs the other way. It's just the same as any kind of a lawsuit you run into. A

[ [Page 2889](#) ]

successful appellant should be entitled to his costs.

**HON. MR. STUPICH:** No, it's not agreed. The Attorney General tells me that it's not quite as simple as you put it.

Interjection by an Hon. Member.

**HON. MR. STUPICH:** The one with the glasses.

**MR. GARDOM:** Could you just let me argue a point about it?

**HON. MR. STUPICH:** Be my guest.

**MR. GARDOM:** Maybe the Attorney General could get into the debate. It would be interesting to hear from him as to why he feels that successful appellants should not be entitled to their costs.

You have restricted this to owners applying. We can have the situation of an owner having a perfectly legitimate appeal. It's a costly experience for him to wage his appeal. He succeeds in it. The commission might have made a serious error in law or an error in fact. Why in the Lord's name shouldn't this poor fellow be entitled to some degree of indemnity for the expense that he's incurred as a result of taking this appeal?

This is not talking about any loss that might result from use of land or something like this. This is costs in the legal sense. Costs as referred to in the amendment are the kinds of costs that you would find in the supreme court tariffs. This refers to court costs. It's all it refers to — they're legal costs.

I can't see why the commission, which is an organ of the government, has decided that if there is an appeal and the poor appellant loses, the commission gets its pound of flesh at the expense of the owner applicant. But if the owner applicant has his day in court, presents his case very validly and it's accepted, you're denying him costs. I can remember the Attorney General, in the days that he was a real Scottish fighter, standing on this side of the House and arguing the very point that I'm making now when we were talking about the right to sue the Crown and the right to recover costs against the government.

Now, if you go to the Supreme Court of British Columbia or the court of appeal in a lawsuit against B.C. Hydro and you're successful in your litigation against B.C. Hydro, or against B.C. Rail, for that matter, fine and dandy. The court awards the successful litigant costs on a party-party tariff.

We've certainly restricted the amount of costs because you've got the word "reasonable" in there. The word "reasonable" would be determined by the appellate body. You can't tell me you're going to say "no" to this practical request. It's amazing.

**MR. CHAIRMAN:** I recognize the Hon. Minister of Agriculture.

**HON. MR. STUPICH:** No, keep talking for a minute because I want to ask him about the next one. I'm one ahead of you for a change.

**MR. CHAIRMAN:** I recognize the Hon. First Member for Vancouver–Point Grey.

**MR. P.L. McGEER (Vancouver–Point Grey):** There was squeaking of the wheels over there as the Attorney General and the Minister of Agriculture were allowing their minds to get into gear. It was just this morning, Mr. Chairman, that I heard the Attorney General on one of our not-so-popular hotline radio shows. He was better than the previous time that he appeared before them because it wasn't a discussion of legislation already on the books.

But there was a discussion this morning about the matter of suing the Attorney General.

**MR. CHAIRMAN:** Order, please.

**HON. MR. STUPICH:** Mr. Chairman, I'm ready to listen to the arguments on the next part of the amendment. We'll accept that amendment.

**MR. CHAIRMAN:** Shall subsection 9 of the amendment to the amendment pass?

Subamendment approved.

On subsection 11.

**MR. GARDOM:** Thank you, Mr. Chairman. Subsection 11 reads: "Where land is excluded from a land reserve plan by order of the commission..." and so forth. The amendment is to this effect: "Where land is excluded from a land reserve plan" — now the subamendment — "or from an agricultural reserve established under section 8."

**HON. A.B. MACDONALD (Attorney General):** That's the same thing.

**HON. MR. STUPICH:** Let's hear the argument.

**MR. GARDOM:** We think it better defines it. Your only exclusion here is the land reserve plan. We say "an agricultural reserve" under section 8.

**HON. MR. MACDONALD:** It's in the definition section.

**MR. GARDOM:** Section 8 concerns itself totally with land reserves.

[ [Page 2890](#) ]

**HON. MR. STUPICH:** You've done very well. We don't feel that adds anything to it. We're not going to support that amendment. Quit while you're ahead. (Laughter).

**MR. CHAIRMAN:** Shall subsection...?

**MR. GARDOM:** No, no, no. I'm dancing around in mid-air here. Just give me a minute, come on.

**MR. CHAIRMAN:** O.K. It's your turn to do a little puzzling.

**MR. GARDOM:** I don't think it's included in the definition section as you have indicated. "Land reserve plan" means "a plan prepared pursuant to this Act in the manner prescribed by the regulations" and "may be designated by the commission as an agricultural land reserve." It's not a major point. Let it go, O.K.?

**MR. CHAIRMAN:** Are you withdrawing that section of the subamendment?

**MR. GARDOM:** I prefer to be voted against. I think he already has said "no."

**MR. CHAIRMAN:** Shall subsection 11 of the amendment to the amendment pass?

Subamendment negatived.

**MR. CHAIRMAN:** Shall the amendments to section 9 as amended pass? I recognize the Hon. Member for Langley.

**MR. McCLELLAND:** Mr. Chairman, are we voting on section 9 as amended now?

**MR. CHAIRMAN:** We're dealing with section 9 as amended. Pardon me, the amendments to section 9.

**MR. McCLELLAND:** Well, the Provincial Secretary (Hon. Mr. Hall) is shaking his head and the two Clerks are nodding theirs.

**MR. CHAIRMAN:** We're dealing with the amendment as amended, to section 9. Shall the amendment as amended pass?

Amendment approved with amendment.

On section 9 as amended.

**MR. CHAIRMAN:** I recognize the Hon. Member for Langley.

**MR. McCLELLAND:** Some of the subsections in this section point out, at least in our minds, the difficulty there is with amending this Act at all and also the problem there is with the seeming inclusion of regional and municipal input into this Act.

For instance, Mr. Chairman, subsection 5 takes and locks in all agricultural land which was zoned for agricultural purposes prior to December 21, when the order-in-council was delivered. I don't understand how we can

justify that, Mr. Chairman, and at the same time ask the municipal areas and the regional districts to submit official plans for scrutiny and possible acceptance by the land commission. Already, by virtue of this amended Act, we're saying to those regional districts that here is perhaps 90 per cent of your municipality that you can't include. I can think of several municipalities where that 90 per cent figure is justifiable.

So 90 per cent of the municipality, Mr. Chairman, cannot be included in that plan that we're asking him to submit. If that's the case — and in reading this Act that is the case — then what on earth is the point of asking the regional districts to submit anything? They don't have anything to submit under the terms of this section.

Interjection by an Hon. Member.

**MR. McCLELLAND:** Just so the Hon. Member can keep up, we're talking about section 9, subsection 5, Mr. Member.

The other point that I'd like to make in relation to that same problem, Mr. Chairman, is: what about areas within a municipality which have already been excluded since December 21 from an agriculturally zoned area. As I read this Act ...

**AN HON. MEMBER:** You wouldn't have to appeal.

**MR. McCLELLAND:** Well, Mr. Chairman, it says that this land is locked in.

**AN HON. MEMBER:** No it doesn't.

**MR. McCLELLAND:** Yes it does say it's locked in, Mr. Chairman, and there have been some areas already taken out. So what happens to those areas? As I read it, they may still be zoned agricultural and that municipality may want to appeal, regardless of the fact they have been told by the Environment and Land Use Committee that they may go ahead and develop, because that zoning may not have changed yet. If that is the case, they are locked in, regardless of what that Member says.

Mr. Chairman, continuing with the same section and moving on to subsection 7 — I think that here is a case where the appeal procedure has been made so clumsy that it is almost useless. First of all, the

[ [Page 2891](#) ]

person who is dissatisfied with any decision of the commission not only has to get approval to appeal from his municipality or regional district, but he also has to be granted leave to appeal by any two members of the commission. If that isn't stacking the deck against the appellant, I don't know what it is. At least it could have been either/or, but in this manner the government is saying the commission and the municipality or regional district has to give the approval.

I would think that if the municipality or regional district agreed to allow an appellant to come before either the commission or the Environment and Land Use Committee, that should be good enough because the commission has already made the original decision to lock him into a certain situation. Why are two members of that commission going to change their minds and then agree to let him come before an appeal? I don't think that is necessary and it just makes it so clumsy, as I have said before, that it renders it useless. It in fact isn't an appeal procedure at all.

In the Liberal amendment, Mr. Chairman, they made a successful point about allowing costs to be paid by the Crown if the appellant is successful, but I really don't understand why we should ask the appellant to pay at all. This is an individual owner we are talking about in most cases, and we are talking not about the commission, not about a court but....

**MR. CHAIRMAN:** Order. I believe that has already been dealt with in the past.

**MR. McCLELLAND:** My point hasn't been dealt with, Mr. Chairman.

**MR. CHAIRMAN:** Carry on.

**MR. McCLELLAND:** We are talking, Mr. Chairman, not about a court of law, not about the commission, as the Hon. Member for Vancouver–Point Grey (Mr. Gardom) said, but about the Environment and Land Use Committee, an arm of government which is there to hear appeals for the most part. That is what the Environment and Land Use Committee spends much of its time at — hearing appeals — and that is what it should be used for.

Its use as an ultimate appeal body is excellent, but to ask the appellant, who may be an individual farmer, to pay the costs of that appeal if he should lose it is ultimate folly — particularly after he has had to go through such ludicrous procedures to get his appeal in the first place from an arm of government and not a court of law. Why should that man have to pay for his own appeal to a legitimate appeal board on behalf of the government? If he appeals to Workmen's Compensation Board, I don't think he has to pay his costs. In fact, if he appeals to almost any arm of government I don't think he has to pay his costs. So I object strongly to that section of the Act and subsection 5 and subsection 7, which I believe are really stacking the deck completely against the owner, the individual owner, of a piece of land which may be deemed to be agricultural — or any other kind of land that falls within the land reserve plan.

**MR. CHAIRMAN:** The Hon. Member for South Peace River.

**MR. PHILLIPS:** I would just like to add my words to this particular section because, in essence, this land commission still has dictatorial powers because it has the right to veto any decision against it. If that isn't having dictatorial powers, well I don't know what it is.

The other point I would like to make is that a small landowner who is going to even think of an appeal against the decision of this powerful commission is going to think twice because the powerful commission can go back and say, "Well you have to pay all the court costs." I don't think that's justice.

I don't think this five-man commission is going to be very just either. They are certainly going to put the affairs of the state before the rights of the individual, otherwise these sections wouldn't be in here. Why can't there be the same rights of appeal as there are established under the *Municipal Act* at the present time? Why do we have to go this far in giving this commission so much power? I don't care how you dress it up, they still have this power to veto any appeal from any decision they make. It is there, it's plain and it hasn't been changed.

**MR. CHAIRMAN:** The Hon. Minister of Agriculture.

**HON. MR. STUPICH:** Mr. Chairman, on subsection 1 I think the Hon. Member for Langley's (Mr. McClelland's) arguments sort of fall flat on a couple of grounds. First, you will note that in the fifth line: "authorized by a resolution of a municipality or regional district..." — maybe he didn't read that far, but in any case it has to be authorized by a resolution of the municipality or a regional district. Beyond that, the land may never be in the reserve in the first place.

You will recall that this section is to deal with getting out of the reserve once you are in. Now the fact that you were zoned for agricultural use in December of 1972, or whatever, doesn't necessarily mean that that land will be in the agricultural land reserve. So in the first place, the land may never be in. In the second place, there is this authorization by a resolution of a municipality or a regional district to be considered.

With respect to section 7, the right of appeal: I think it is perhaps even better than you have now ...

[ [Page 2892](#) ]

before a municipality. As I understand it, there is no appealing a zoning decision of a municipality. At least here we do provide....

Interjection by an Hon. Member.



**HON. MR. STUPICH:** Well, what do you do once your land has been zoned as single residence? Can you appeal it?

**MR. McCLELLAND:** We have gone all through this a number of times. First of all you have to have a public hearing to begin with before you can zone anything, and then you can appeal....

**HON. MR. STUPICH:** Before you can zone in the first place?

**MR. McCLELLAND:** Of course.

**HON. MR. STUPICH:** Yes, but we've done that.

**MR. McCLELLAND:** Then you have at least four avenues of appeal open — to the court of appeal, to the board of revision, to the Minister of Municipal Affairs, to the court from thereon and right up to the supreme court after that. But you have four levels of appeal laid down in the *Municipal Act*....

Interjection by an Hon. Member.

**MR. McCLELLAND:** Well, read your *Municipal Act*. I read it to you once and you weren't listening.

**MR. CHAIRMAN:** Order, please. The Provincial Secretary.

**HON. E. HALL (Provincial Secretary):** Mr. Chairman, on a point on this particular section. The Member for Langley has served on a municipal council — and the purpose of this section is to protect the decisions of municipal councils prior to December 21, 1972.

**AN HON. MEMBER:** To protect your order-in council.

**HON. MR. HALL:** No, no. Any application that had to do with rezoning from agricultural was made, and heard by a municipal council and determined definitely prior to us putting in the order-in-council — this is protected by this because if you didn't have it in, I suggest to you, this could lead to a whole series of applications for changing those zoning bylaws made by the municipal council without going to the municipal council first. That is the purpose of this section 5.

**MR. CHAIRMAN:** Shall section 9 pass?

Section 9 approved with amendments.

On section 10.

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

**MR. CHAIRMAN:** The Hon. Second Member for Victoria.

**MR. D.A. ANDERSON:** Mr. Chairman, I have some amendments I'll put forward in a moment. The problem I see in section 10 and I might add that Mr. Tootill, a very respected....

**MR. CHAIRMAN:** Order, please. Are you offering subamendments to the amendment?

**MR. D.A. ANDERSON:** Yes. The proposal I am putting forward comes from a very respected former registrar in the land registry system... .Good — the Minister is now listening and the Attorney General is attentive as well.

The proposal is that the whole system of land registry in the province depends upon the Torren's system where the certificate of title is to be acceptable as a true definition of the land. It affirms the definite legal ownership. We have in this case, in section 10(2) a situation where it is simply not sure that the certificate of title will be

endorsed with the restrictions that this Land Commission Act might....

**MR. CHAIRMAN:** Order, please. I believe the amendment standing in the name of the Minister of Agriculture is for subsection 4 and therefore your amendment would be prior to subsection 4.

**MR. D.A. ANDERSON:** Well, I'm on subsection 2. Well, whichever you like. Take your pick. We can discuss the whole section at once.

**MR. CHAIRMAN:** I asked you if it was the amendment to the amendment, so unless there are amendments to the amendment, we will dispose of the amendment in the name of the Minister and then consider yours after.

**MR. D.A. ANDERSON:** O.K. Any time you like.

**MR. CHAIRMAN:** Shall the amendment pass?

Amendment approved.

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

[ [Page 2893](#) ]

**MR. D.A. ANDERSON:** Well, back to where we were. The fact is, Mr. Chairman, that our system of land registry depends on the certificate of title being a recognized and acceptable indication of exactly what is and what is not the state of ownership of a particular piece of land. If we start....

**MR. CHAIRMAN:** Order. Would the Hon. Member please indicate what subsection he is speaking to?

**MR. D.A. ANDERSON:** 2 and 3. I'm having great difficulty, Mr. Chairman. I'm sorry, but if you will stop interrupting me, I'll get it across. Section 10(2) and 10(3) and my amendments I will send up to you so you can look at them. My amendments are to delete in subsection 3 where it says, "notwithstanding subsection (2), the commission may...." I would like to change that to "shall". On the next line, "In respect of any agricultural land that is in agricultural land reserve, register", I would like to change that word "register" to "lodge".

**HON. MR. STUPICH:** What line were you in first?

**MR. D.A. ANDERSON:** Sorry. Section 10(3), line 1, switch "may" to "shall". Section 10(3), line 2, change "register" to "lodge" O.K.? Got it?

**HON. MR. STUPICH:** They're all in subsection 3, then. I thought there was something in 2. Just 3.

**MR. D.A. ANDERSON:** The fact of the matter is that subsection 2 is one that provides that it may be done but it is not necessarily certain that it will happen. What's happening is that we are changing the actual value of the land, we are changing its nature, and yet the Torren's system, which we feel should record in every instance such changes, will not necessarily under your section record this on the face of the certificate.

The comments that I'm raising, as I said, were the results of suggestions from a man with great experience in this field. He points out that unless we have this type of restriction on land put into the Torren's system and actually on the certificate, we are creating a situation where the whole system of land registry in the province becomes far less sure and stable than it otherwise would be because of the fact that people will not know from the certificate whether or not a restriction has been placed on land which can materially affect its value.

**HON. MR. MACDONALD:** They don't know the zoning now. From the Land Registry Office they go to city hall.

**MR. D.A. ANDERSON:** That may certainly be. But the proposal we are putting in, Mr. Attorney General, is that instead of having this at the will of the commission, we are making it mandatory. It may be that the commission

will, generally speaking, do this, but will not in all instances. We may develop a system whereby people will expect it to be done and yet the law does not require it to be done. So I want to be consistent with your point of view, or if you want to be consistent with the point of view you have just expressed, Mr. Attorney General, you probably should have this whole subsection deleted. And perhaps subsection 2 as well; I'm not sure.

But my point is that if we make it mandatory to lodge such a caveat, we will be improving the land registry system in the province and assisting people who are engaged in the purchase of land or sale of land. It would perhaps require a change as well to the *Land Registry Act*, section 38(1), but that is outside the scope of our particular debate at this time.

The amendment is a perfectly reasonable one because I don't think it would be enormously difficult to do. It would remove this air of uncertainty where some certificates will no doubt have the restriction lodged and some certificates will no doubt be left blank in this respect. It will create a better system of land registry in the province and I would think that from this point of view you would want to accept the amendment.

**MR. CHAIRMAN:** I recognize the Hon. Second Member for Vancouver–Point Grey.

**MR. GARDOM:** I think the Member made a very strong case for the suggestion. I am delighted to hear the recommendation of Mr. Tootill who is a man of considerable experience in land law as some of us in this House know. When you do have the commission designate agricultural land as agricultural land reserve, that is really a restrictive covenant of the strongest sort. That is the object behind the bill. That being terribly important, it would seem to me that it would be much more practical and certainly more efficient that the designation as an agricultural land reserve be filed in the Land Registry Office not as a matter of discretion but as an absolute necessity.

The Torren's system is the finest system of land registration in the world. The finest — as long as it is followed. A person should be able to go to the Land Registry Office, which they can do today, and for the price of 50 cents find out exactly what the status of a title is at any given moment. It's a marvelous service. But don't go ahead and detract from that doctrine of notice and this great service the fact that you have designated something as an agricultural land reserve and that the property can only be used as that.

Now you are not going to have agricultural land reserves grow like Topsy all over the place; there is going to be a lot of thought conceivably given to this. Certainly the suggestion is not going to be any

[ [Page 2894](#) ]

procedural or mechanical drag upon the commission. So the amendment that is suggested is that it is mandatory that the commission "shall" lodge a caveat. The reason for taking out the permissive "may" and making it "shall", and changing "register" to "lodge" is because under the provisions of the *Land Registry Act* and the Torrens system, that is the correct phrase.

You don't register caveats at the Land Registry Office. They are not a registered instrument per se; they are an instrument that is lodged, and it means, "Beware, you should not be dealing with the title; the title may not pass while the caveat is still on." And of course there is ample provision, as the Attorney General knows, within the provisions of the *Land Registry Act* for the removal of caveat at any time, at 21 days notice and so forth and so on.

I think that if you accept the amendment you are complementing the Torren's system. If you accept the amendment you are making the Torren's system do what it was intended to do. If you don't accept it you are going outside of the Torren's system, and that is certainly something that should not be done as a government.

**MR. CHAIRMAN:** I recognize the Hon. Member for Oak Bay on the amendment standing in the name of the Second Member for Victoria.

**MR. WALLACE:** Yes, Mr. Chairman, we support the amendment. While I don't understand all the legalities involved, the crux of the matter is that this whole bill concerns us about the degree to which the individual is dealing with a commission or with the state. It would only seem sensible to us that the maximum amount of assistance

should be given to individuals who are not well-versed in the whole system and to have the maximum amount of information available on a certificate of title. We strongly support the Liberal amendment.

**MR. CHAIRMAN:** The Hon. Minister of Agriculture.

**HON. MR. STUPICH:** Mr. Chairman, it would be an ideal situation if everyone could go to the Land Registry Office and get this kind of information immediately. We hope to be able to work to that. As a matter of fact we considered the relationship between this and the *Land Registry Act* in other ways as well and felt that we would have to defer these until the fall because it will mean changing the *Land Registry Act* as well.

But for the present time, to require that these caveats have to be lodged or registered before anything came into existence would hopelessly delay the institution of these reserves. So for that reason we are staying with it as is and denying the amendment advanced by the Hon. Member for Victoria.

**MR. GARDOM:** With respect, Mr. Minister, it wouldn't affect that in the slightest. There is no delay. Once you've gone ahead and the land commission has made its decision that you have an agricultural land reserve, it goes into the Land Registry Office. It doesn't become an agricultural land reserve at the moment of registering or filing in the Land Registry Office; it becomes an agricultural land reserve at the time the decision is made.

But we are saying after the decision is made it's the responsibility that you file. If you don't file, there wouldn't be any really legal responsibility on the part of the commission for not filing. That's why we say it is a good thing. But there's no hold-up; the mechanics won't hold up anything.

**HON. MR. STUPICH:** Can I just say that the maps will certainly be widely available? All of the regional districts will have participated so everyone can find out quite easily whether they are in or out of a reserve. We'll look at this, and possibly in the next session this is one of the areas where there might be some changes.

**MR. CHAIRMAN:** The Member for South Peace River.

**MR. PHILLIPS:** We are voting on the amendment now, are we?

**MR. CHAIRMAN:** It is the amendment standing in the name of the Second Member for Victoria that is before the House.

Amendment negatived.

**MR. CHAIRMAN:** The Member for South Peace River.

**MR. PHILLIPS:** Mr. Chairman, through you to the Minister of Agriculture, I would like to see why it is necessary to have section 10(1) in there at all. When you are talking about heavily-populated areas, maybe in the lower Fraser Valley where there is farmland there for raising vegetables, you might want to say to a person, "Well, you've got to use it for that." But when you get into the northern and central parts of the province there are farmers who own large tracts of land who at the present time are not using it for the production of agriculture. They might be doing other things with this and yet still not ruining it so that it couldn't be used for the intention of the Act.

You may be forcing some farmers and landowners to use this for the intent the land commission feels it should be used, which might not be an economically viable operation. Or, by the same token, you might

[ [Page 2895](#) ]

be....

**MR. CHAIRMAN:** Order please, I believe that the Hon. Member might more properly direct these remarks to the amendment to section 11, as it will be coming up next. If you will just wait until then.

**MR. PHILLIPS:** But we are talking on section 10.

**MR. CHAIRMAN:** It would be more properly directed to the amendment on section 11, I think.

**MR. PHILLIPS:** Not really, because it says, "No person shall occupy or use agricultural land designated as an agricultural land reserve pursuant to this section for any purpose other than farm use." And that's what I'm talking about. Am I not?

**HON. MR. STUPICH:** "Except by permission."

**MR. CHAIRMAN:** Would the Hon. Member read section 11?

**AN HON. MEMBER:** It doesn't happen very often in this session, but you're right on!

**MR. PHILLIPS:** The person who owns this land may also wish to rent it out to make part of his farm viable. As I say, this may be all right in the lower Fraser Valley or in the Okanagan. But, when you get up in the Cariboo and the northern areas, there are many areas of land whose owners this commission could force to farm. And it might not be economically viable to do so.

I'd like the Minister to give me some assurance that this won't happen.

**HON. MR. STUPICH:** Well, Mr. Chairman, there is provision in here, as it plainly states, for the commission to consider situations like that. Now it doesn't require the farmer to farm it. It simply says that the person sitting on that land may not use it for some other purpose unless the commission is consulted about it and is able to evaluate whether or not that is permanently removing it from agriculture.

We feel that section 10(l) is a necessary part of the legislation.

**MR. CHAIRMAN:** The Member for North Okanagan.

**MRS. JORDAN:** The Member for North Peace River (Mr. Smith) said that this does concern the Okanagan very much, Mr. Minister. There's a good deal of land classed as agricultural land which is in irrigation districts, but in fact is dry land. It may be part of a farm. It may even be part of the title of that farm. That would be classed under this section.

I'd like some words from the Minister as to what he intends to do. Either these people must have more water to make that land productive or else he's got to give them some assurance that the title could be split and that dry land could be used for something else.

In the meantime a lot of this land has changed hands since it was categorized when the ARDA programme first came in. People are sitting with major acreages of dry land for which they can't get water — which they can't make productive. Yet, other lands adjacent that were not included in the irrigation districts originally are going to be classed as subdivision land under this commission Act, and they'll get water. You've got a legitimate farmer so he can't get water; he's got use of his land and is zoned in. Then you're going to use other land that didn't have water and give it water.

I wonder if the Minister would comment. This is a matter of serious concern in the Okanagan.

**HON. MR. STUPICH:** Well, Mr. Chairman, the only comment I can make at this time is that likely there will be representations made on behalf of the owners of those particular land parcels or by the owners themselves to the regional district for exclusion of some of these areas from the initial agricultural land reserve. However, once they're in, as the Act states, they must go the commission before they're going to use it for some purpose other than agriculture.

**MRS. JORDAN:** Mr. Minister, one more question on this. Would the commission be prepared, does he feel, to look at a complementary use of that dry land which might be part of a farm? As the Minister knows, some people have this type of land and use it for summer camping areas or they develop some type of summer commercial attraction to complement their farm income. Does he feel the commission would be receptive to that type of a

program which, in fact, would help make the farm more viable economically? This would not let it go for a subdivision or leave it "dead" so to speak, because of the impracticality of a subdivision in that area.

In considering this, the commission and the regional district then, in fact, may well be in conflict with their own zoning. But I think this is a very important part — that there would have to be some avenue open to the use of that dry land which was zoned in for a complementary economic program which would help the farm.

**HON. MR. STUPICH:** Mr. Chairman, the commission will be charged with the responsibility of making this legislation work. Certainly I can imagine situations where development such as she has discussed might go on that would help make family farms more productive and more economic. So, certainly there

[ [Page 2896](#) ]

are situations where the commission, I'm sure, would look at such a situation. But that's a pretty hypothetical question. There are all kinds of things we might ask in the same sense.

[Ms. Young in the chair]

What the commission will actually do in respect to specific situations has to be left to the recommendation of the commission.

**MS. CHAIRMAN:** Shall section 10 pass?

Section 10 approved with amendment.

On section 11.

**MS. CHAIRMAN:** The Hon. Member for Langley.

**MR. McCLELLAND:** Madam Chairman, just a couple of comments or questions on section 11. Once again, it's the uncertainty we have about how agricultural land is going to be designated. I realize the Minister has been asked that question on a number of occasions. Also, how much of that designated land is going to be placed into an agricultural land reserve?

You can see some serious problems developing, particularly with regard to 11(3) which could be, in effect, a zone-back of property which may be used for any number of purposes, and yet be agricultural land and be within an agricultural land reserve. It could now be used for almost anything. But if it's transferred or sold or leased or if the ownership or occupancy changes in any manner, then it is, in effect, zoned back — that original agricultural use.

**HON. MR. STUPICH:** Might be — but not necessarily.

**MR. McCLELLAND:** Well, I agree; if there were a shopping centre or something on it, it would be simply impractical. But there could be other nuances there that could cause a real hardship to a family — you know, with respect to other uses.

Without knowing exactly how we're going to determine what is agricultural land or how much of that agricultural land is going to be within a reserve, this particular section bothers a lot of people, and, I think, rightly so.

The other comment that I'd have is that regardless of where the appeals have been let in other areas, there still is no appeal here except, as you've pointed out in a number of other occasions, an appeal by way of law. I understand, from listening to my lawyer friends on my left, that that's very difficult to prove and that there isn't a very adequate appeal procedure.

So those two sections, Madam Chairman, bother the official opposition considerably. I think that without adequate descriptions of how we arrive at the designation of agricultural land, that is a very frightening section — section 3 particularly.

**MS. CHAIRMAN:** The Hon. Member for South Peace River.

**MR. PHILLIPS:** There is nothing in this section that gives a person transferring his land, even to another person...the commission can have the right to say what it is. In the *Municipal Act*, section 705, it's laid out what procedures there are — "change of tenants, no effect." But here again, this commission can make the decisions as to what use this land will be put — whether it changes.

Again, there are no rights of appeal. Supposing that somebody wants to make an exemption once his land is locked in.

**MR. McCLELLAND:** I'd like to make one further point on this same subject, Madam Chairman. I realize that the Minister has said that if it wasn't practical it wouldn't happen. But the power is there, nevertheless.

Even if there were a sawmill on the property that was being used as a sawmill, the commission has the power. That's what bothers us, this all-embracing power that this five-man appointed commission has. And it can use it; it can use that power in any way that it sees fit. That's the danger that we see on this side of the House and that's the danger we want to avoid.

**MS. CHAIRMAN:** The Hon. Member for Oak Bay.

**MR. WALLACE:** Madam Chairman, we just wish to record the fact that we also feel the appeal mechanism is inadequate.

Section 11 approved with amendment.

On section 12.

**MS. CHAIRMAN:** The Hon. Member for Oak Bay.

**MR. WALLACE:** I wanted to comment on section 12. We want to be on record as saying that this extends too much power to the government to enter the farming business. We don't think this is desirable.

**MS. CHAIRMAN:** The Hon. Member for Langley.

**MR. McCLELLAND:** Same point. On section 12(b), there has been no change in that section. It still allows the commission to go into state farming in competition with the farmers in the area. We don't think that's desirable in our society.

[ [Page 2897](#) ]

Section 12 approved.

On section 13.

**MS. CHAIRMAN:** The Hon. Member for Oak Bay.

**MR. WALLACE:** We just wish to ask a question, Madam Chairman, about that phrase in line 5, "...or other land in the vicinity..." It seems a strange phrase to be put in there. It doesn't define what the other land might be or otherwise. I wonder if the Minister could explain what thought is behind that particular phrase, "or other land in the vicinity."

**MS. CHAIRMAN:** Would the Hon. Minister like to comment on that?

**MR. WALLACE:** To truly explain it — or at least explain our confusion. It infers in the way the sentence is written that the other land in the vicinity is not commission land; it comes after the words, "use of commission land or other land in the vicinity." Does this mean that although it wasn't agricultural land the commission might have

powers or desires on the land in the vicinity?

**HON. MR. STUPICH:** Madam Chairman, the phrase here is to allow for the possibility that a farming operation might actually be on the wrong side of the boundary and not within the reserve. The reserve line might be drawn and yet someone may be farming on the opposite side of the line. If he is farming on land that is not reserve land and the commission has land within the reserve, then the commission may do these things adjacent to this land. It is just to allow for possible situations that might exist like that.

**MS. CHAIRMAN:** Shall section 13 pass?

Section 13 approved.

On section 14.

**MS. CHAIRMAN:** The Hon. Member for Oak Bay.

**MR. WALLACE:** Madam Chairman, just to explain our stand. On section 14, if the commission is leasing to someone and taxes are not being paid or there is some other agreement, we see no reason why the commission should pay grants in lieu of taxes. We think the commission should pay the taxes if it owns the land just like anybody else.

**MS. CHAIRMAN:** The Hon. Member for Langley.

**MR. McCLELLAND:** In relation to unoccupied land, I agree on that point of view. A lessee would probably pay regular taxes. I think the commission should pay a grant in the amount of the general mill rate that is established by either the regional district or the municipality. As the Provincial Secretary pointed out, as a former member of a council I have never appreciated grants in lieu of taxes and I don't yet.

**HON. MR. STUPICH:** Some lessees may pay the taxes; in other cases it may be the owner that pays the taxes — it could be either way.

The real question is the amount of the grant in lieu of taxes, isn't it? I agree with you that the amount should be the same. But for legislative purposes this phrase is used and sometimes abused.

**MS. CHAIRMAN:** The Hon. Member for West Vancouver–Howe Sound.

**MR. L.A. WILLIAMS (West Vancouver–Howe Sound):** Madam Chairman, with regard to the second set of circumstances in which a grant may be paid in lieu of taxes, would the Hon. Minister indicate on what basis there might be a lease of commission land which does not oblige the lessee to pay taxes? Are you contemplating leasing land for specific purposes where the lease would not oblige the tenant to pay the taxes?

**HON. MR. STUPICH:** Well, Madam Chairman, I'm not sure that I even understand the question. You might have a lease agreement wherein the operator pays the taxes separately from the monthly or annual lease. You might have a situation wherein the lease he pays is simply for the use of the land, and the owner, in this case the commission, is paying the grant in lieu of taxes. It seems to me the lease agreement can be drawn up either way, can't it?

**MR. WILLIAMS:** Certainly, a lease can be drawn up any way you want it. Could the Minister indicate under what circumstances the land could be leased for some particular purposes and the lessee would not be obliged to pay taxes — in other words, a tax-free lease? You make specific provision for that and I wonder why that might be.

**HON. MR. STUPICH:** Well, Madam Chairman, the only thing I can suggest is that we are leaving it open so that the lease can be drawn up either way. Perhaps if the person is paying their lease on a monthly basis as opposed to an annual lease then it might make more sense for the commission to pay the grant. I don't know. I think it is just a matter of leaving it open so that it could be either way. I have no particular situation in mind.



**MS. CHAIRMAN:** Shall section 14 pass?

[ [Page 2898](#) ]

Section 14 approved.

Section 15 approved.

On section 16.

**HON. MR. STUPICH:** I move the amendment standing under my name on the order paper.

**MS. CHAIRMAN:** The Hon. Member for Saanich and the Islands.

**MR. CURTIS:** Madam Chairman, section 16 is the reason of all why this party cannot support the amended Bill 42 or, as the Hon. Member for West Vancouver–Howe Sound (Mr. Williams) called it very soon after the amendments were produced, "the son of 42," or "42A." There is no suggestion that an owner should be compensated for an amount equal to the highest and best use of his land. But he must, absolutely must, be given compensation as a result of designation as agricultural land reserve. This says it all and this is why we cannot support the amended bill.

**MS. CHAIRMAN:** The Hon. Member for Langley.

**MR. McCLELLAND:** Madam Chairman, certainly as with the rest of this bill, the official opposition cannot support this section. It's been very difficult to make the opposite side understand the reasons for our opposition to this section in the bill. I would, if I may, just like to use a brief example as the kind of thing that at least our party is talking about.

It has to do with a piece of property which may have been bought yesterday for \$5,000 an acre and zoned commercial, but may tomorrow be deemed agricultural land....

**MS. CHAIRMAN:** What is your point of order, Hon. Member?

**MR. WILLIAMS:** Are we not dealing with the amendment of the Minister which is to delete certain words?

**MS. CHAIRMAN:** Yes, we are.

**HON. MR. STUPICH:** Deleting all of the third line except for the first word.

**MR. McCLELLAND:** O.K., Madam Chairman, I will speak to the amended motion.

**MS. CHAIRMAN:** The Hon. Member for West Vancouver–Howe Sound.

**MR. WILLIAMS:** We will support the Minister's amendment which deletes words which would indicate that the commission has any power over greenbelt land, land-bank land reserve, or parkland reserve. That is the effect of the amendment.

Amendment approved.

**MR. WILLIAMS:** Madam Chairman, I have the pleasure to move the amendment to section 16 standing in my name on the order paper. It appears about the middle of p. 18. Madam Chairman, this amendment will delete section 16 as it presently stands and substitute the following:

"16(1) The owner of any land designated by the commission as an agricultural land reserve shall be compensated by the commission for any loss of fair market value occasioned by such designation.

"(2) The owner of land claiming the right to compensation may apply to the commission therefore in the manner prescribed by the regulations.

"(3) The commission, after a hearing held in such a manner as is prescribed in the regulation, may allow the application and fix the amount of compensation, or may refuse the application, and such allowance or refusal shall be deemed to be a decision of the commission.

"(4) Any applicant who is dissatisfied with the decision of the commission, may, on notice to the commission, appeal to the Supreme Court of British Columbia within 14 days of the date of such decision, and the Court shall hear and determine the right of the applicant to compensation and the amount thereof, de novo."

Madam Chairman, from the outset we have objected to section 16 as it appeared in the original bill introduced for first and second readings.

**MS. CHAIRMAN:** Hon. Member, I am afraid I must rule this amendment out of order inasmuch as it calls for expenditures of funds.

**MR. WILLIAMS:** Who's going to expend any funds? (Laughter).

**MS. CHAIRMAN:** It fixes the amount of compensation in subsection 3.

**MR. WILLIAMS:** That is only if somebody establishes loss of fair market value, Madam Chairman. (Laughter). I am glad to see, Madam Chairman, that you are the only one of your party who seems to have gotten the point of the entire amendment. (Laughter).

**AN HON. MEMBER:** Right on.

[ [Page 2899](#) ]

**MR. WILLIAMS:** The government has consistently failed to recognize that they have an obligation only to pay compensation if there is demonstrable loss of fair market value. The Member for Richmond (Mr. Steves) talked at great length about all the millions of dollars that would be spent in compensating people who own agricultural land throughout the province. The fact of the matter is that there will only be compensation paid, and therefore there can only be an impost upon the Treasury of the province, if indeed a loss of fair market value was established.

What I am urging in this amendment is to give the landowner an opportunity to establish that he has lost fair market value. This is completely lacking in the section that we have before us. I can tell by the expression on your face, Madam Chairman, that you are now fully in accord with the position that I am taking. (Laughter).

**MS. CHAIRMAN:** But reluctantly, Hon. Member, I must rule it out of order...

**SOME HON. MEMBERS:** Oh, oh.

**MS. CHAIRMAN:** ...as it does call for the expenditure of funds.

**AN HON. MEMBER:** Never.

**MR. WILLIAMS:** I trust, Madam Chairman, that this is not an irrevocable ruling on your part and that if I encourage you to very carefully consider what I have said you may see fit to reconsider what is a hasty decision.

**MS. CHAIRMAN:** I am afraid I am not in that position, Hon. Member. The Clerks have advised me this is the case.

**MR. WILLIAMS:** Well, Madam Chairman, you must admit that it was a very good try for all the people in the province who are going to lose market value by reason of your decision. It will all fall on your head, Madam Chairman (Laughter), not upon the part of the government. You are going to bear the brunt of all the criticism that there will be from those people who are going to lose value under the action of the commission.

**MS. CHAIRMAN:** I feel very intimidated, Hon. Member. The Hon. Member for Langley.

**MR. McCLELLAND:** I'll go on with my story. But I think it's important that the people on the other side of the House....

**MS. CHAIRMAN:** You are speaking to section 16 as amended.

**MR. McCLELLAND:** Section 16 as amended, Madam Chairman, that's right. If I may, I'd just like to say that it has been the practice of the people on the other side of the House to simply discount that there is ever any loss from zoning and therefore any need for compensation at any time.

Madam Chairman, if I could just relate the example that I started out to relate, and that is of the person who buys a piece of property — we'll call it one acre for the sake of easy figuring — at \$5,000 today, which is zoned commercial, and that property is then zoned agricultural tomorrow and is then only worth \$2,000; that man has lost \$3,000 out of his pocket. If that happens, then that man has a right to compensation.

**AN HON. MEMBER:** Not under this government.

**MR. McCLELLAND:** Not under this government, Madam Chairman. But it's our contention that that man does have a right to compensation, particularly if that land is being used for some kind of public purpose after which there is no way that that man can sell his property for anything other than public purpose.

That's the reason, Madam Chairman, that the section of the *Municipal Act* that's quoted so often, section 706, also includes a subsection which says that that no-compensation clause does not include public land. If we're going to zone agricultural land reserves in this province, then that land in effect, in our opinion, Madam Chairman, is as good as being zoned for public use, because it can be used for no other purpose.

For that reason and many others, Madam Chairman, we say that that man who has an actual cash loss has every right to expect this government...and as a matter of fact, the Minister of Agriculture on an earlier occasion gave some indication that he may consider that, when he was talking about the amendment in his Press conference across the hall. Nevertheless, Madam Chairman, that man who has demonstrated and can demonstrate by the actual cash loss that he has lost money on the basis of a zoning regulation by this commission, has every right to expect some compensation because of that decision.

**MS. CHAIRMAN:** The Hon. Attorney General.

**HON. MR. MACDONALD:** Madam Chairman, we've had some discussion about section 706 of the *Municipal Act* and whether there's a change in principle being introduced by the government. I say there is not. In debate some people have said that the Hon. Premier didn't quote subsection 2 of 706 when he was on the hotline. He didn't do so because it's really irrelevant. Our section is exactly the same as

[ [Page 2900](#) ]

706 of the *Municipal Act*. It does not include subsection 2 of that section of the *Municipal Act*, which says it doesn't apply when land is zoned exclusively for public use, because we're not zoning any land exclusively for public use.

That's the expropriation situation, where it's been taken by the Crown or a municipality or something like that, that's referred to there. There's no taking in our Act.

I remember listening on another hotline to a Mr. Jarl Whist, from Kamloops, on this point. It's right on this point. He described...because what I'm saying is that what we're doing is the traditional compensation law of B.C.

Interjections by some Hon. Members.

**HON. MR. MACDONALD:** Mr. Whist said that he had bought land in the Town of McBride. He was complaining about this long before Bill 42. He said it was zoned commercially. He admitted that there was a baseball diamond on it that the kids played on. Then he said that after he had bought it commercially and was going to put up a motel, the Town of McBride zoned it down back to a baseball diamond. He said, "I had no compensation. I was

zoned down by the judgment of the municipal authorities and there was nowhere I could go." He was very angry about that.

But that's been the law of the Province of British Columbia as enshrined in that section of the *Municipal Act*. Zoning down or zoning up by public authority has not been a ground for compensation in this province. Now maybe it should be under a totally different kind of land system. It may be that if my house, which is a single private dwelling, were zoned up to high-rise apartments along Kitsilano beach, and my property automatically trebled or quadrupled in value, I shouldn't have that increased value. I don't think I should.

I think the community should be able to take the enhanced values which come about in land appreciation as a result of public action. Properly, on the other side there should be compensation for those who lose as a result of zoning by public action. That would happen in Stockholm, Sweden, but it hasn't been the law of British Columbia. We have no means to bring back to the public Treasury the very large appreciation in values that occurs as a result of zoning action. Maybe we should have. Maybe this is something that should be looked at.

As I said, in Stockholm, where the land is owned by the city and what you're paying is not taxes but leasehold revenue, it's easily adjusted. If you're zoned up, your rent would go up. If you're zoned down, your rent would go down. But we're not that civilized in our land laws. What we're doing in the Province of British Columbia is following the traditional land use and compensation practice and law that has been followed for years. Our section is exactly along the same principles as section 706 of the *Municipal Act*.

**MS. CHAIRMAN:** The Hon. Second Member for Victoria.

**MR. D.A. ANDERSON:** Madam Chairman, the Attorney General gets up and declares that this is uncivilized legislation. Alec, please, come on now.

Interjection by an Hon. Member.

**MR. D.A. ANDERSON:** Well, he says our land laws are. It includes this particular bill, which is uncivilized in this respect. He talks about Stockholm. The same provisions exist in Glasgow and at least 100 other European cities. He's quite right. If the value of the property goes up because of zoning, we feel that society as a whole should receive the benefit of it. We agree with the point you made about your house. When it is rezoned by the City of Vancouver, we will certainly make sure you don't get a penny extra value out of it. We're all going to be watching that.

Without getting too involved, the same principle is true when it affects zoning down. Whatever happened to Jarl Whist and however you occupy your mornings, listening to hotlines instead of attending to reading bills and your duties as Attorney General...time after time, apparently, you haven't read bills. That was found out on hotlines.

We're intrigued by your proposition that this is uncivilized legislation. The proposal....

Interjection by an Hon. Member.

**MR. D.A. ANDERSON:** Well, you came so close to it that really there's a paper-thin distinction between the two. It's only a very fine distinction. Let's face it, that's essentially what you said.

In this particular section all we ask is that we try to civilize the legislation of British Columbia; we try to civilize the *Land Commission Act*, if that is possible, to a degree. We don't think it's great. We would like to have a few changes made to section 16 which would allow the principle of having people compensated for down zoning. If it hasn't happened before, I'm not responsible for that and you're not. I'm not suggesting that you and I bear on our shoulders the responsibility for all the faults of the past. We're trying to change things for the good, for the future of British Columbia. That's the purpose of getting elected to this Legislature, regardless of whether you're on the government side or in opposition.

In section 16, the fact is that we come across one of the most repugnant features of this legislation. If there

are repugnant features in the *Municipal Act* and

[ [Page 2901](#) ]

other bits of legislation of this province or any other jurisdiction, that's no excuse for leaving repugnant sections in this particular bill, Bill 42, and in particular section 16.

We have put forward...and been ruled out of order, Madam Chairman — no doubt entirely correctly — by yourself. We're not questioning your decision. What we are saying is that an amendment put forward, which is printed up and before Hon. Members, is worthy of close consideration. I can't put it forward myself. In fact, since you've ruled it out of order because it's an impost on the Crown, none of us on this side of the House can.

But the very principles that the Hon. Attorney General was talking about are there, I think. It would be perfectly simple for the Hon. Attorney General or the Hon. Minister of Agriculture or even the jovial Minister of Mines to put that on the floor now as his own amendment. Then we could civilize this legislation, as the Attorney General implied it should be civilized.

There's no way we can do it. You've ruled us out of order. But we're quite willing, in a spirit of cooperation and fair play, to give this particular amendment, which the Hon. Minister of Agriculture is looking at very closely at the moment, to him so that he can pop up to his feet and say, "Madam Chairman, I'd like to put the amendment standing in the name of L.A. Williams on the floor" in his own name. If he does that....

Interjection by an Hon. Member.

**MR. D.A. ANDERSON:** Jeer all you like, Mr. Minister of Lands, Forests and Water Resources, who is reputed to be the author of this particular bill; jeer all you like. All we're trying to do is civilize the bill in accordance with the concepts of the Hon. Attorney General.

Interjection by an Hon. Member.

**MR. D.A. ANDERSON:** Well, let's start here — a journey of 1,000 miles starts with a single step. In civilizing the whole system that you talked about let's start here with a single step by having these amendments put on by the Minister of Agriculture or the Attorney General. We have heard great statements by you, about your desire for reform in this province, but when we come right down to it, apparently you lack the will or you lack the energy to go ahead and civilize our legislation in the way that you yourself have indicated would be a good idea.

Interjections by some Hon. Members.

**MS. CHAIRMAN:** Order, please. The Hon. First Member for Vancouver–Point Grey.

**MR. McGEER:** Thank you very much, Madam Chairman, I have had very little to say this past week. (Laughter). I would like to make a suggestion, Madam Chairman, about the particular amendment which you so correctly ruled out of order. It is simply this: that with unanimous consent of the House, of course, this amendment could be accepted. The Minister could indicate an acceptance; he could move it himself. So there are ways that we can deal with a question that I suspect the government might be far more in sympathy with than they.... If I could just....

**MS. CHAIRMAN:** Hon. Member, I am advised that the committee cannot suspend the rules of the House.

**MR. McGEER:** The Minister can...Madam Chairman, may I speak directly — I think your attention is being distracted there.

**MS. CHAIRMAN:** I have a very good....

**MR. McGEER:** I can recognize that, but what I'm hoping is that the will of the House can — not the will of the desk — the will of the House can be seen somehow in the final product of this hallmark piece of legislation.

Madam Chairman, if I could just make a point to the Attorney General who is, I hope, listening. It is simply this: there are many injustices in the way values for land are appreciated. All the Members of the House subscribe to that. The Attorney General has suggested to us that he cannot act to deal with simply one part — the whole question of profit and losses as a result of land changes in zoning must be dealt with together. What I would like to submit is that that isn't necessarily so.

In order to start things on an appropriate basis, what better way than to make the generous gesture regarding down-zoning to being with? Then having thoroughly established the principle that if a person's land is zoned down, he is justified in getting compensation. Then it seems to me the Crown is in a far stronger position later to come back and say that a person whose land is zoned up is not entitled to all of the profits that result there from.

And I know, Madam Chairman — perhaps you don't know this — but I know that the Minister of Lands, Forests and Water Resources (Hon. Mr. Williams) has long felt there should be a capital gains tax on land appreciation.

**AN HON. MEMBER:** The federal government is doing that already.

**MR. McGEER:** Yes, but there is no reason why

[ [Page 2902](#) ]

the provincial government too, if by changes in zoning it artificially creates a profit in privately-held land ...

Interjections by some Hon. Members.

**MR. McGEER:** But, Madam Chairman, here, I am suggesting a very acceptable means by which the Crown can introduce justice. Madam Chairman, one of the objectionable features to this bill... I have never seen the people of British Columbia as aroused over a piece of legislation as they were over this one. The principle objection to it was the fact that unfair devices, in the public's mind, were being used to take away what they deemed to be a fair return to them on their land, whatever final use might be found for it.

Had the government been prepared in the first instance — and I'm not talking about all the beneficial amendments that have been brought forward — but in the first instance, to recognize that it was just as appropriate to award compensation as to take away value by arbitrary zoning on the part of a land commission, I submit the people of British Columbia would be far more prepared to accept the beneficial aspects of this particular bill. Since we have many ills to correct, it becomes a very weak defence of the government to say we can't commence because there are other ills we can't correct this afternoon.

Madam Chairman, there is one important ill that can be corrected this afternoon by the simple device of your asking unanimous leave of the House to accept the amendment of the Member for West Vancouver–Howe Sound (L.A. Williams) or alternatively to invite the Minister to make that motion. That being so, certainly the sentiments of the Minister and the Attorney General can be translated into effective legislation this afternoon.

**MS. CHAIRMAN:** The Hon. Minister of Agriculture.

**HON. MR. STUPICH:** Madam Chairman, I think I should make it clear that the government has no intention of accepting this amendment.

**SOME HON. MEMBERS:** Oh, oh.

**HON. MR. STUPICH:** I was just afraid that in seeing me sit here and listen, people might take silence for consent. While the Attorney General may be speaking philosophically about land, I would suggest to you that if the community as a whole is going to start expropriating capital gains and making up capital losses, in no way could we restrict this only to land. The principle in section 16, as is in this bill, is one that is time-honoured as being accepted by the community. And until we are prepared to accept some drastic change in everything, then I can see no cause

for making it in this one example. So the government intends to stand with section 16 as it has been amended.

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

**MR. GARDOM:** Madam Chairman, I would like to speak against section 16 as amended by the government because we are right back here to two principles and two principles only. That is, in our view, we should have fair compensation laws in the Province of British Columbia, number one. Number two, we should have the right to sue the Crown or access to the courts.

If we had those two freedoms, we wouldn't even be debating this section right now. But we had 28 methods of arbitrary expropriation in the Province of B.C. before the New Democratic Party came to power. Since they have come to power it is up to 35, excluding your confiscation of the insurance industry without any kind of compensation.

At great public expense we had the Clyne commission report on expropriation laws. At great public expense we had the Law Reform Commission Report on expropriation laws. And they pointed to one thing; we need a single expropriation procedure in B.C. which will bring justice and equity to this very, very troubled area. Quite frankly, short of our natural derrieres, these are the most sat-on things in the Province of B.C. — the reports of these two royal commissions.

I am just very, very tired of continuing to hear that this government, as did the former government, continues to sit on these two royal commission reports. They just sit, sir, sit on the things. I think it is high time that whatever government it is — you are the ones in power today and I say it is high time you did it today — as I have said every year for six years, that a government should do it — go ahead, not continue to beef up your backside insofar as this thing is concerned, and start beefing up your convictions and see that we have a single and fair expropriation procedure in B.C.

Secondly, for goodness' sake, in this section here where the situation presents itself that an owner can lose the fair market value of his property by virtue of a designation, he is denied his right in court. Yet, in that innocuous bill brought in by the Attorney General, the *Debt Collection Act*, if a debt collector can't get a licence, he is entitled to go to the court and make his claim for that licence and have his day and his appeal in a court of law and a hearing de novo. It is a terribly inconsistent procedure.

Here you are interfering with the fundamental rights of man, I suppose, since the day he first came out of a cave and acquired a little bit of territorial

[ [Page 2903](#) ]

imperative to a plot that might have been in front of him. From that day until now, there has been considered a definite right and a definite ownership to land.

Here you are dealing with something as important as that, but denying the access to court. It is just ethically incorrect. Ethically incorrect.

**MS. CHAIRMAN:** The Hon. Member for Langley.

**MR. McCLELLAND:** Madam Chairman, I would just like to say that we all, I am sure, enjoyed the Attorney General's fairy tale about Mr. Whist that he heard on the radio hot-line programme. But I never heard of a baseball ground zoned, and if it was zoned for a baseball ground, I'm sure that 706(2) would have applied in this particular case. It would have then been public use.

The point is being made from the other side of the House again, Madam Chairman, that this section 16 is exactly the same as section 706 of the *Municipal Act*. But, there are a couple of very important differences. If I may just refer to 706 for a moment. It says that "it will not be affected by reason of the adoption of a zoning bylaw under this division, or by reason of the amendment or repeal of a zoning bylaw." Those zoning bylaws are established by a

municipal council.

This section says, "designation by the commission." I must remind the government, Madam Chairman, that the commission is not elected; it's appointed and subject to very few of the checks and balances that the municipal council is subjected to when it passes a zoning bylaw. The first and most important one of those is a public hearing in front of the elected municipal council, Madam Chairman — not in front of a five-man or ten-man appointed commission.

**HON. MR. STUPICH:** But your zone isn't set up until you have the public hearings.

**MR. McCLELLAND:** That's right.

**HON. MR. STUPICH:** With the commission.

**MR. McCLELLAND:** That's right. Before the commission.

**HON. MR. STUPICH:** The commission zoning is done with public hearing.

**MR. McCLELLAND:** O.K., I agree with that. Nevertheless, those other checks and balances that I've mentioned before are there, Madam Chairman. The final check and balance, of course, is the municipal council itself. We've seen many historic occasions whereby a zoning bylaw was overturned because of the action of the public.

The reason that it is overturned by the action of the public is because that municipal council has to go and face that public every year at an election. That municipal council knows very well, Madam Chairman, that if those actions that it's involved in are not palatable to the public, that public will throw them out the next year. No such availability is possible for this appointed commission. That's the reason that this party is so violently opposed to section 16 of this Act.

**MS. CHAIRMAN:** The Hon. Member for Oak Bay.

**MR. WALLACE:** Thank you, Madam Chairman. The Member for Saanich and the Islands (Mr. Curtis) has already stated that this is the strongest section of the bill to which we are opposed.

All through Bill 42 and the tremendous heat and argument that's been generated, I really don't think that the government has appreciated the tremendous impact in our society by virtue of zoning or designation or whatever words you want to use. I think it boils down to our concern at the state, by one mechanism or another, having unreasonable power over the rights of individuals, in this case the rights to land ownership and the values of the land they own.

I think that because there's such a basic difference in concept between the government and our party, I wonder if we've clearly explained our position. If we have not, I'll try for the last time on section 16.

We feel that the whole aim of the bill is to preserve farmland for the better good of the majority of people in society. But we don't accept that if, in the course of this happening, some of the land that is designated results in a substantial financial loss to a minority of individuals in society. It's just that simple.

As in so many other bills that we've opposed in this House, we accept the good intentions of the government, but we have to question and contest the mechanisms that are employed to implement that concept. I feel that the government has been, perhaps, not fully aware of the tremendous impact which this section can have on many individuals.

I don't think we need to spend any more time debating what has already been mentioned, but perhaps we should work in both directions — somebody loses money by designation, and when there is a gain it should be taxed and somewhere taken by government. Perhaps that would be the most just system of all.



What worries us about this section is that the state, in order to serve the greater interest of the greater number of people in society, is willing to bring about a substantial loss financially to a minority of individuals. We feel that there must be some way in

[ [Page 2904](#) ]

which individuals so affected by section 16 should be compensated. If the Liberal amendment had been in order we certainly would have supported it.

The other point which has been made — I must mention it but I won't elaborate on it — is the fact that this commission is further removed from the individual than the municipal councils. Of that there is no question.

Anybody who has served on a municipal council knows what it's like to go to a public hearing. You feel like you are at the fair and the people are throwing coconuts at you. It's a very enriching experience for an individual. If you've never felt humble in your life before, you certainly start to feel humble at a public hearing. People come with well-presented cases and they speak with feeling.

In this area that we're discussing today the appointed individuals would hold public hearings. While I think that will educate them, nevertheless they don't have to run for re-election.

Whether that's need for debate on this section I won't say, but I do think that the whole impact of zoning, re-zoning or designation has not been fully appreciated by this government. Alternatively, the government does appreciate the impact of designation, but presumably is not prepared to accept our argument that where a minority suffers for the greater good of the majority, these minority individuals should, in all fairness and justice, be given some form of compensation. The Second Member for Vancouver–Point Grey (Mr. Gardom) has also voiced a very strong sentiment that this is additionally unjust in our society if an individual does not have the right to sue the Crown or to sue any arm of the Crown.

I cannot finish without saying that this section is absolutely fundamental to our opposition to Bill 42. It's a pity, because the government, indeed, has greatly improved Bill 42. We appreciate the fact that on many other points they have kept their word and they have listened to what the opposition has to say.

While there's been criticism of our party in some respects, it is only fair to point out that some of these other amendments have met the kind of criticism which we offered. But on this section we don't feel that it would take more than the kinds of suggestions that have been put forward from this side of the House to correct what we think is the most glaring injustice in Bill 42.

[Mr. Dent in the chair.]

**MR. CHAIRMAN:** The Member for North Okanagan.

**MRS. JORDAN:** Thank you, Mr. Chairman. I think the comments that the Attorney General (Hon. Mr. Macdonald) made a few minutes ago in this House were absolutely stunning, because the whole debate on second reading of this bill, in speaking to this amendment, was, in fact, that this was a takeover bill of lands in British Columbia. Consistently it was denied, and the Attorney General has stood up here this afternoon and confirmed that this is, in fact, a bill to control the lands in British Columbia, that this socialist government does not believe in fair compensation for this type of action and, what is worse, that it is on an even more discriminatory basis than it was before, because the Minister of Agriculture has now made the farmer, even more than ever, a scapegoat in this whole ill-conceived, ill-drafted, ill-bandaided, patched-up bill.

I think, in examining these statements that have been made this afternoon by the Attorney General, that they completely contradict what was said in the second reading debate and that we get another conflicting statement between the Attorney General and the Minister of Agriculture.

Mr. Chairman, this is part of why this bill can't be acceptable, why the fine objective of trying to preserve

agricultural land is being tarnished by this bill and the actions of this government. The people are indeed very concerned by the conflicting statements that have been made before, and right here again by the conflicting statements that have been made between two of the most responsible Ministers in this government, and also by the fact that the Attorney General once again has confirmed what was originally posed, and then denied by the government.

I think, Mr. Chairman, that it should be very clear to the people in British Columbia, as it is, to the media and to everybody else that no matter how the debate goes this afternoon on this patched-up bill, the ultimate principle of the socialist takeover of land is enshrined.

**MR. CHAIRMAN:** Order, please. Will the Hon. Member please address herself to section 16 as amended?

**MRS. JORDAN:** This section 16 as amended as it stands is, in fact, trying to be laced up with amendments. It's a wolf in sheep's clothing, Mr. Chairman, and it's a socialist wolf in sheep's clothing and it's out to devour the individual rights and fairness and equity of the people of British Columbia and, ultimately, their lands.

**MR. D.A. ANDERSON:** Little Red Riding Hood knows a Red when she sees one.

**MR. CHAIRMAN:** The Member for West Vancouver–Howe Sound on section 16 as amended.

**MR. WILLIAMS:** Thank you, Mr. Chairman. I, too, will not repeat the arguments that have been put

[ [Page 2905](#) ]

forward by other Members concerning section 16, except to say that the Minister of Agriculture in his comments a few moments ago indicated that he's not fully appreciating the limitations that we're placing upon this obligation to compensate.

He said that if we're to embark upon a system of compensating for all capital losses and recovering all or some part of all capital gains, that this is too far-reaching a concept to be considered at this time. Well, this is not what we are talking about. I am afraid that in the course of the debate on Bill 42 there has been too little understanding of the limits that there would be on the payment of compensation to people who have their land constituted as part of an agricultural land reserve.

First of all, Mr. Chairman, we all acknowledge that there is a very limited amount of agricultural land in the Province of British Columbia. We must therefore contemplate that the actions of the commission, or of the various municipalities and the subsequent actions of the commission, are going to place in an agricultural land classification from the very outset — whether it takes six months or a year, but as long as it takes to go through the exercise this commission has embarked upon — all of the agricultural land in this province within an agricultural reserve. We aren't going to make any more. So these circumstances will only arise once.

Interjection by an Hon. Member.

**MR. WILLIAMS:** That's right. Well, I'll come to that in a minute.

Now, Mr. Chairman, that being the case, we will only be dealing with parcels of land in British Columbia once which are capable of being used for agricultural land. The only compensation which need be paid is a demonstrable loss of market value by reason of that classification.

Now if land is zoned in a municipality for farmland today, and is being used as farmland today, I can scarcely imagine a situation where the owner of that land could apply to the commission, or indeed on appeal from the commission, could apply to the courts of this province and become entitled to any compensation at all.

The only limited areas in which compensation would be payable would be those areas which, under some classification today of municipal or regional zoning, were industrial land which should be returned to agricultural land. There it would be a down-zoning. I think that if the Minister would carefully consider this, he would recognize

that the occasions on which there would be any likelihood of compensation for loss of market value would be extremely limited. They will almost invariably be land in close relationship with some of our urban centres.

Again I emphasize that, in the course of determining any loss, the commission would not be involved in compensation for what may be deemed to be a speculative loss, only a loss of market value. This is a demonstrable figure.

Turning to the other side of the picture, if action is taken by the commission at the outset which enhances the value of land or if, subsequent to the classification of land for agricultural land, it is deemed in subsequent years that it should be removed from that classification and therefore enjoy an enhancement in value, then the government can, by utilizing a system not unlike that which has been employed by the national government in capital gains, make certain that the general public through the provincial government regains some, or indeed perhaps all, of the enhancement of value in those lands.

As the First Member for Vancouver–Point Grey (Mr. McGeer) has said, by accepting the amendment that was proposed by me and which was out of order, if the Minister could see his way clear to doing that, he would be establishing the principle that to the limited extent we have actually affected market value — not speculative value, but market value — of lands by downward zoning, that the commission should consider it, and should give compensation with the right of appeal to the courts. Then he leaves himself clearly in the way of bringing in an amendment either at this session or at a subsequent session to provide that if any land is enhanced in value by action of the commission, that enhancement of value will accrue to the general public.

The reason that I speak at length about this, Mr. Chairman, is that when we dealt with this bill in second reading, and when it dealt with all the land in the province, Members of the government side argued that this legislation was necessary in order to put a stop to the tremendous gains that were being made by developers of land. Developers, and particularly foreign developers, were castigated very seriously in the course of those debates.

Mr. Chairman, if the bill remains as it is with no compensation being paid to downward zoning and no realization of value to the Crown on upward zoning the developer, who was so seriously castigated, is the one who is going to gain. He will simply move from areas which are obviously agricultural and will direct his attention to those areas which are not agricultural at all. They will be on the fringes of those agricultural areas because they are still going to be as close as they possibly can to the urban centres, and they are going to skirt very carefully those areas which are agricultural land.

The example which I used in second reading is that quite obviously the developers will be shifting their attention from the south side of the Fraser River to the north side. This is already going on. I suggest that if you accept the concept of compensation for downward

[ [Page 2906](#) ]

zoning through the actions of this commission, you are in a position to come along with the balancing item, which is the realization by the Crown for upward increases in value.

**MR. CHAIRMAN:** The Hon. Minister of Agriculture.

**HON. MR. STUPICH:** Mr. Chairman, the Member has suggested that we have two alternatives here, and that is to accept this amendment or to consider it for some future amendment. I'll just say that in reading section 16 as we have it now, I had in mind land that has been zoned as agricultural land, and is being used as agricultural land — land, in other words, that people would expect to be within the reserve. Now that's what I was thinking of in reading section 16 as is.

The wording that you have proposed in your amendment, that the Chairman ruled out of order, goes much beyond the sort of land that you were talking about, where land that has been zoned for some other use — I would prefer not to call it a higher use, but some other use; and perhaps today it is a higher dollar value — would not suffer a loss in price. I suggest to you that part of the answer there is that there has been no loss until such time as the

owner of that land sells it.

I am just saying that this is something that we will look at. It is entirely possible that there will be no land of the type that you describe actually included within the agricultural reserve. That being the case, we are putting in a lot of time this afternoon to no purpose. The next session will likely, depending upon when this one ends, not be that far off. I think anyone in that position might wait and see what develops.

As far as I see, section 16 will have to stay as it is for this session. The amendment you have suggested goes far beyond what you have proposed in your speaking with respect to section 16. The government intends to stand on section 16 as is.

**MR. CHAIRMAN:** Order. It is to be hoped that Members will not recanvass all the arguments put forward quite fully on second reading on this matter. Also, it is out of order.

**MR. WILLIAMS:** Mr. Chairman, to the Minister. The amendment does not guarantee anyone compensation. The amendment only guarantees that when the plan is prepared and the government decides that they accept that plan, someone who finds his land inside the boundaries of that agricultural reserve can then go to the commission and say, "Look, my case is one where I have suffered loss." The commission looks at that....

Interjection by an Hon. Member.

**MR. WILLIAMS:** That's right. But the commission looks at it, and says, "Look, you were agricultural land before, you were zoned agricultural land before, you are agricultural land now; you have suffered none." So it only is those odd cases. What I'm saying is that individuals should have the right to go to the commission and say, "What you have done to me has cost me value." The commission has the opportunity of making the decision as to whether they have or have not, and if they have, how much loss there is.

Now that is the only right that is being added. No one is ensured compensation.

**HON. MR. STUPICH:** Mr. Chairman, the only thing I can say in response to that is that as we have changed the wording in an earlier section, the wording now is that the commission may negotiate with the owner of land if it's purchasing. I think under those very particular and peculiar circumstances it would be up to the owner of that land to negotiate carefully before the deal between himself and the commission was finalized.

**MR. CHAIRMAN:** The Hon. Member for South Peace River.

**MR. PHILLIPS:** Thank you, Mr. Chairman, I just wanted to add my words. As I told you at the beginning, we don't agree with the Act. I've had a lot to say about it. I still think when you are looking at section 17 of this Act, which is "no right to compensation in respect of reserved land," that you have to look at it in terms of the entire Act.

The reason that the government doesn't want to change section 16 to give compensation is because it is the government's intention to purchase a large amount of agricultural land in this province, and indeed to go into government-operated farms.

Not that that is the real reason, and the Attorney General....

**MR. CHAIRMAN:** Order, please. Would the Hon. Member keep the remarks consistent with the section before the House?

**MR. PHILLIPS:** Well, I say 16 has to be looked at with regard to the entire thought behind this vicious Bill 42.

**MR. CHAIRMAN:** Order. You are making assumptions that these are the things behind the Act. But we are just considering the clause itself. Would the

Hon. Member please discuss the clause before us?

**MR. PHILLIPS:** The only thing I'll say, Mr. Chairman, is that it is the little people of the province who will be hurt by this section because they don't have any right to compensation. The little people in this province — the people that this government said that they were for. These are the people that are going to be hurt. The whole Act has to be put in together, but this is one of the worst sections in the entire Act and we're against it.

Section 16 approved with amendment on the following division:

YEAS — 33

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

NAYS — 16

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

PAIRED

Hartley Bennett

Section 17 approved.

On section 18.

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

**MR. WILLIAMS:** Mr. Speaker, I move the amendment standing in my name to section 18. Simply, it would delete from the opening words of subsection 1 the word "Lieutenant-Governor" and insert instead the words "Legislative Assembly" so that the commission would be obliged to submit its report annually to the Legislative Assembly not more than 120 days after the end of its fiscal year.

Subsection 2 is also amended so it will be in line with similar sections appearing in other legislation — particularly the *British Columbia Development Corporation Act* — to provide that, "If the Legislative Assembly is then in Session, the report shall be laid before it forthwith, otherwise...within fifteen days after the commencement

of the next Session.

As the subsection 2 presently provides, it is possible that if the House were in session, the obligation for the submission of the report would not be otherwise than to submit the report to the session next following. I don't think that was what the Minister intended.

The words that I have proposed for subsection 2 are identical, they say, with those used in other statutes and bills which we have before us to make sure that we get it either if we are in session or within 15 days after the next session. And there couldn't be any lapse.

By words amending subsection 1, I've given the commission 120 days after the end of its fiscal year to prepare and file its report, whereas the present legislation only gives it 90 days. I think that 120 is more realistic and it is certainly typical of what is found in the case of many large public corporations — 120 days is the time limited.

**MR. CHAIRMAN:** I recognize the Hon. Member for Oak Bay.

**MR. WALLACE:** Yes, Mr. Chairman, we support this amendment — particularly that the commission shall submit to the Legislative Assembly — for the same reason that we've supported the idea on other legislation in this House: there is not full enough or detailed enough financial accounting presented to the Legislature in many areas of government.

I don't know about the 120 day figure, particularly as to whether it is all that important. But we certainly feel that section 18 as it's written does not spell out enough in amount of detail as to how much financial accounting should be presented by the commission. Above all, we feel it should be presented to the assembly and not just to the cabinet. So we support the amendment.

**MR. CHAIRMAN:** Hon. Minister of Agriculture.

**MR. STUPICH:** I've said from the beginning that we would listen to all suggestions. We're anxious that the reports come as early as possible. Certainly the report that we refer to in section 2 does include the financial statements and again this is something we might have to look at in another session. But for this session, the government prefers to stay with section 18 as is and will vote against the amendment.

**MR. CHAIRMAN:** Shall the amendment standing in the name of the Hon. Member for West

[ [Page 2908](#) ]

Vancouver–Howe Sound pass?

Amendment negatived.

**MR. CHAIRMAN:** Shall section 18 pass?

Section 18 approved.

Section 19 approved with amendment.

On section 20.

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

**MR. CHAIRMAN:** Hon. Member for Langley.

**MR. McCLELLAND:** Well, Mr. Chairman, just once again I would like to point out that subsections in this section effectively overrule local government rather than cooperating with local government. As we pointed out before, the bylaws of a municipality or a regional district can be suspended not only because of any conflict with the

Act but with conflict to an order of this commission. Once again, we have to point out that the commission is not elected by anyone. It is an appointed commission — probably a politically-appointed commission....

**SOME HON. MEMBERS:** Oh, oh.

**MR. McCLELLAND:** Well then, I'm sorry. I'll amend that to say it will be a politically-appointed commission, Mr. Chairman. (Laughter).

The order of that commission can cause a bylaw of a local municipality to be suspended and this official opposition cannot accept that.

**MR. CHAIRMAN:** The Hon. Minister of Agriculture.

**MR. STUPICH:** Mr. Chairman, I think he has not given the whole story and he neglected to read the words, "only in a situation where that bylaw is inconsistent with or repugnant to this Act." It's only in those circumstances that the commission could overrule the local bylaw.

Section 20 approved with amendment.

On section 21.

**MR. CHAIRMAN:** Hon. Member for Langley,

**MR. McCLELLAND:** Briefly, once again, this section gives this commission a blank cheque to do anything it wants with any amount of money that it needs, and I just point out to the Members of the House and to everyone else that this section of the Act insists the Minister of Finance pay to the commission sums not exceeding in the aggregate \$25 million. Not \$25 million a year; not \$25 million every six years — we don't know how often they can demand that the Minister of Finance pay that \$25 million. I point out again that the Act doesn't say "may, " but says that the Minister of Finance "shall" pay to the commission an amount not exceeding in the aggregate of \$25 million. And it gives no specific periods of time for which that money is to be used.

**MR. CHAIRMAN:** I recognize the Minister of Agriculture.

**HON. MR. STUPICH:** Mr. Chairman, with respect, that \$25 million is for this year. Beyond that, if you look at subsection 3, you will see that it's up to the Legislature to vote sums for each year after this year. So the power is right in the hands of the Legislative Assembly.

**MR. CHAIRMAN:** Shall section 21 pass?

Section 21 approved.

On section 22.

**MR. CHAIRMAN:** I recognize the Hon. Member for Oak Bay.

**MR. WALLACE:** Mr. Chairman, just to place on the record our opposition to the idea that an Act which has such far-reaching effects should not be retroactive, in our opinion.

**MR. CHAIRMAN:** Shall section 22 pass?

Section 22 approved.

**MR. CHAIRMAN:** Shall the title pass?

On the title.

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

**MR. WILLIAMS:** Mr. Chairman, we were unalterably opposed to the bill when it came before this House for second reading. If we have any concern, the government has gone too far back the other way. Since we have this *Land Commission Act*, I hope that the Minister and the government will recognize that there are many other classifications of land besides agricultural land which are in danger in the province. I hope that when the commission has had a chance to get its feet, and now that we have provisions for local government intervention and

[ [Page 2909](#) ]

public hearings, some consideration might be given to preservation of other lands which are used for recreational purposes in other communities, such as the constituency I represent.

**MR. CHAIRMAN:** I recognize the Hon. Premier.

**HON. MR. BARRETT:** Mr. Chairman, on the title — just a couple of words. I want to personally express my public appreciation to our Minister of Agriculture (Hon. Mr. Stupich), who has taken this pioneering bill through a very emotional and unnecessarily unwarranted personal attack against him.

I don't mind attacks against the government, but there have been occasions when letters have been received against the Minister; the hysteria on occasion was whipped up by unjustified statements by people....

Interjection by an Hon. Member.

**HON. MR. BARRETT:** It is, on the land commission...by people outside this Legislature primarily. The intemperate statements made by many people were magnified outside the House. The Minister did receive a great deal of personal abuse, but I want to publicly thank him for taking this bill through. He sincerely said at the beginning he wanted amendments; there are amendments. I predict that within five years every other provincial jurisdiction in this country will have similar legislation.

**MR. CHAIRMAN:** Shall the title pass?

Title approved.

**HON. MR. STUPICH:** Mr. Chairman, I move that the committee rise and report the bill complete with amendment.

Motion approved.

The House resumed; Mr. Speaker in the chair.

**MR. CHAIRMAN:** The committee reports a division on section 16 and asks leave that it be recorded in the *Journals*.

Leave granted.

Bill No. 42, the *Land Commission Act*, reported complete with amendments to be considered at the next sitting of the House after today.

Interjections by some Hon. Members.

**MR. SPEAKER:** There was no negative on that vote. It is not reported yet. I may say that it is not the prerogative of the Members necessarily to call for a division when there is no negative vote. It is up to the Speaker to decide according to May whether it is a waste of time or not. It is not reported yet, so that comes up at a subsequent day.



**HON. MR. BARRETT:** Thank you, Mr. Speaker. Committee on Bill No. 108, Mr. Speaker.

AN ACT TO AMEND THE  
STOCK BRANDS ACT

House in committee on Bill No. 108; Mr. Dent in the chair.

Sections 1 to 13 inclusive approved.

Title approved.

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

Motion approved.

The House resumed; Mr. Speaker in the chair.

Bill No. 108, *An Act to Amend the Stock Brands Act*, reported complete without amendment, read a third time and passed.

**HON. MR. BARRETT:** Bill No. 178, Mr. Speaker.

AN ACT TO AMEND THE  
DISTRESS AREA  
ASSISTANCE ACT

House in committee on Bill No. 178; Mr. Dent in the chair.

Sections 1 to 8 inclusive approved.

Title approved.

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

Motion approved.

The House resumed; Mr. Speaker in the chair.

Bill No. 178, *An Act to Amend the Distress Area Assistance Act*, reported complete without amendment, read a third time and passed.

Hon. Mr. Strachan files answers to questions.

[ [Page 2910](#) ]

**MR. SPEAKER:** I recognize the Hon. Member for Saanich and the Islands.

**MR. CURTIS:** Mr. Speaker, I wish to withdraw question 281 standing in my name on the order paper.

Leave granted.

**HON. MR. BARRETT:** Mr. Speaker, I ask the House to go on to mines legislation tonight.

Hon. Mr. Barrett moves adjournment of the House.

Motion approved.

The House adjourned at 5:35 p.m.

---

[ Return to [Legislative Assembly Home Page](#) ]

Copyright © 1973, 2001, 2013: Queen's Printer, Victoria, B.C., Canada