

# Wet Blanket Damps Pollen's Panache

Mayor Peter Pollen, an incurable advocate of other peoples' ideas, passed along a gobblet of philosophy early last week, from a 1965 issue of the Harvard Business Review.

The article, entitled Is the Corporation Above the Law?, included the following:

"... the dignity of man must not be thought to fluctuate with the business cycle.

"Nothing forbids that issue in a society which confuses its fact with its covenant. The presiding peril of the free enterprise system is the common peril of all free institutions — namely, the forgetfulness of men who treat the mechanics of the social process as their release from social obligation."

Having only been a few minutes in the mayor's office, one couldn't be certain what prompted Pollen to toss out this particular thought. Was it part of the frustration felt from the wet blanket of bureaucracy that must be one of the early shocks of civic office?

He may have anticipated the horrible momentum of "the mechanics of the social process" that put in a grotesque appearance later in the week when the federal government sent along one of its voices to oppose the city at its public hearing Thursday on the rezoning of the Barnard waterfront estate.

The voice, belonging to one George Carruthers, a lawyer in the Vancouver office of the federal justice department, seemed either meek or uncommonly deferential, but the



**WEEK IN CITY HALL**  
clement chapple

message was stiff enough; the city has absolutely no power, under the Canadian constitution, to make or enforce any of its own laws concerning use of the Barnard estate.

This dictum, said Carruthers, is solidly placed in the British North America Act, and that's that. Sections 91 and 91A clearly spell out that federal properties cannot be touched by other levels of government.

Carruthers' quiet presentation represented one of the most openly arrogant and misplaced intrusions by the federal authority that the city has seen for some time — abuse of society's mechanisms to carry out and justify a faulty policy.

The policy is that of Crown Assets Disposal Corporation, a federal agency, which assumes that its function of getting high prices for federal surplus goods is sufficient reason to ignore the legitimate — at least morally legitimate — responsibility of a municipality.

How could the name on a land title diminish best land use factors?

To justify Crown Assets Disposal policy, you must believe that the maximum dollar value in a land trade constitutes the highest good. Anyone could see this coming as Crown Assets Disposal prepared during the last month to stop the city from rezoning

the land for its best use, and popped its deal to sell to Diamond Developments for \$70,000 more than the appraised market value, in itself an inflationary influence.

Here is where the real arrogance lies: Constitutional superiority is coolly invoked to crush the city's attempt to administer a crucial jurisdiction because there is, snoots Ottawa, no zoning in existence on that land when the Crown owns it.

But what is the basis of the \$25,000 price tag if it is not that zoning, the key to Diamond Developments' willingness to invest?

The entire deal, in fact, is possible because the city exists all around that piece of land.

The existence of zoning and other land use controls are also the reason the federal government was able to parlay the land from \$2,000 in 1960 to \$253,000 in 1970.

The city can hope that Carruthers went too far in bringing out the constitution, which in this case is embarrassingly clumsy, and that a more considered decision will materialize from Ottawa.

But can the city and the citizens also hope that the incident will do something towards curing the forgetfulness of men who treat the mechanics of the social process as their release from the social obligation?

## viewpoint



**SAANICH** Mayor Hugh Curtis spoke out recently on Victoria's crowded court schedules and resultant delays. He also said he'd like to see Saanich's old courtroom back in action, a wish that seems perhaps at variance with the goals of the Capital Regional Board. Curtis is chairman of the board. Is the mayor switching his tracks?

# Mayor Hits New Trail?

By PAUL MOSS  
Times Staff

When he is a regionalist not a regionalist? When he's Mayor Hugh Curtis of Saanich, it seems. Despite the fact that he's chairman of the Capital Regional District, formed to administer services on a regional rather than piecemeal municipal basis, Curtis has suddenly shifted ground, coming out in favor of one move towards decentralization.

That, at least, would be the result of the proposal last week by Saanich Mayor Hugh Curtis, that the municipality's court proceedings be removed from central Provincial Court in Victoria and be heard in the long-abandoned Saanich courtroom.

The suggestion was perhaps all the more surprising because it represents, in fact, a decision to turn the clock back six years.

In 1965, just three years after Saanich had built its own new \$50,000 courtroom in its police-fire headquarters on Vernon, the B.C. Supreme Court ruled that Saanich cases must be heard in central Provincial Court.

The municipality's vocal and vehement opposition to the move was led by Curtis, then Saanich reeve.

Now, on the heels of his latest pronouncement, Curtis says: "On paper, one central court serving a relatively small community such as Greater Victoria seems to make a great deal of sense, but in practice it's inconvenient."

These days, comments like that provoke swift response.

An early, coolly disapproving response from Attorney-General Lealie Peterson said there's far too much "parochialism" already among local elected officials.

When Curtis raised the subject at council's inaugural meeting, he had many charges to make about the present "intolerable" situation prevailing at the case-jammed central court.

But his main complaints seemed to be the heavy manpower expenditure involved, and the cost and inconvenience of transporting men and documents back and forth between Saanich and Victoria.

He said later it's not uncommon for a Saanich policeman to "blow a whole shift" on a single court appearance.

Saanich Police Chief Bob Peterson confirmed this, adding that court time accounts

for one of the largest overtime bills in the department.

Peterson pointed out that when his men are waiting around for their case to be called in Victoria that's totally unproductive time. If the men were waiting in Saanich they could be occupied with other duties and tasks in the police station.

Under the cost-sharing formula for the use of the central magistrate's court, Victoria pays 50 per cent, Saanich 22 per cent, Oak Bay and Esquimalt 9 per cent each, and the provincial government (in respect of the electoral areas) 10 per cent.

The Saanich share budgeted for 1971 came to \$51,170, which Curtis admits isn't a "significant" amount. It's the other aspects, Curtis insists, that put an unnecessary burden on the Saanich taxpayer.

So far, however, he hasn't quoted any figures, and Police Chief Peterson was no more explicit when approached for comment last week.

Curtis admits it will require a lot of digging "to determine the extent to which the Saanich police force is hampered and bears more expense than it needs as a result of the central system."

In one sense, at least, it's not valid to accuse Curtis of parochialism. He did suggest that the re-established Saanich court might also serve outlying areas such as Colwood and Langford.

There's no doubt, either, that residents of those areas and Saanich itself would prefer to attend court at Saanich than in downtown Victoria, with all the latter's traffic and parking problems.

Equally, no one can deny that a Saanich court would take considerable pressure off central court, where Judge William Ostler said recently the backlog of trials has grown so large that "it has almost reached the stage where we need an additional courtroom, an additional judge."

But many will argue that if another court is needed, it should logically be provided within the central structure already operating, rather than on its outer edges.

And if the resulting use of manpower and equipment is as costly and inefficient as Curtis claims, surely that is yet another argument in favor of amalgamating not only police but other public services?

On one prediction, Curtis is absolutely right. It's not going to be easy convincing the decision-makers in the attorney-general's department.

# Plain Bill and the Dazzle Array

It was hard to say who looked more out of place last Wednesday at the first hearing of the B.C. Automobile Insurance Board — NDP's Bill Hartley or the majority of the board itself.

Hartley is the NDP insurance critic who often enrages the Social Credit government with his halting, shambling style of attack in legislative debates.

He is a totally dedicated campaigner for government car insurance. What he lacks in finesse he makes up in sincerity — and he knows he has a real issue with which to needle the government.

Amid a dazzling array of smooth-talking insurance executives from Eastern Canada, Hartley was certainly an oddity both in style and attitude at the hearing.

But because Hartley knows quite a lot about the insurance business, he probably was less out of his element than the three non-expert members of the insurance board.

The three, remarkable mainly for their lack of penetrating questions, were board chairman J. F. K. English, and members Lyle Wicks and P. S. McKinnon. This trio comprises a majority of the board.

(Yes, you've guessed it, they are indeed the Public Utilities Commission in disguise. It's an economical way to set up a new board.)

English, Wicks and McKinnon had every right to be cautious about boring in on any of the insurance men, who came armed with enough statistics to short-circuit a computer.

It was up to Byron Straight, an independent actuary who is the only non-government employee on the board, to point out the shortcomings of the statistics.

They were often incomplete. The insurance men's figures didn't tell enough about what is actually happening to car insurance in B.C., as opposed to what, insurance companies, working on national averages, think is happening here.

In short, the insurance men failed to prove their case that B.C. automobile insurers are losing barrels of money and therefore shouldn't be asked to reduce the premiums charged for no-fault accident insurance.

Despite this important failure, the executives somehow looked comfortable at the hearing. Almost too comfortable. They didn't look worried



**PRESS GALLERY**  
bruce yemen



**HARTLEY**  
... shambling opponent

enough about what the provincial government might do on rising insurance rates.

They snickered a little too much at the somewhat rude, condescending treatment given to Hartley.

They laughed, but not nearly nervously enough, when Tom Cantell, superintendent of insurance for B.C. and the fifth board member, came up with the best line of the day.

An insurance executive compared the industry's problem with a man trying to get more pork out of a pig than the animal had in the first place.

"Is that the pig that laid the golden egg?" Cantell asked, breaking the quizzical silence that he maintained during most of the hearing.

But Hartley didn't raise any chuckles when he wondered why the car insurance industry, complaining so vehemently about millions of dollars in underwriting losses, still resists the temptation to turn the business over to the government.

Hartley suggested an answer; revenue generated by investment of premiums paid in advance and delayed claim payments are two reasons

why the insurers can remain happy while losing on underwritings.

That revenue isn't used to reduce premiums and is therefore of no direct benefit to motorists in non-mutual companies.

Board member Wicks did show a lot of interest in the investment income of car insurance companies, but he and the entire board were held off with the industry's sober announcement that two high-powered committees are studying the whole question of how investment income should relate to premiums.

Straight said at one point that the board had only made a "beginning" on applying investment income to premiums — the \$14 rate it has asked for no-fault insurance includes a two per cent reduction for investment income.

But even if the reduction was doubled to four per cent of premiums, it wouldn't make the kind of difference in car insurance rates that many motorists are looking for.

If the recent spiral of premium costs continues into the future, and if insurance companies can't present more detailed, convincing figures to prove why they shouldn't reduce premiums, then the B.C. Automobile Insurance Board will have to be taken a lot more seriously by the industry than it deserves to be taken right now.

But it may be asking too much of the PUC members to carry out this potentially onerous new duty. It would also be asking too much of both Straight and Cantell to carry all the load for this board.

But the ultimate decision won't be made by the board.

Perhaps the insurance men are convinced Premier Bennett would never do anything so rash as to put the government into the insurance business.

They may be right, although with a pragmatic politician like Bennett it's hard to be sure what he would do if an increasingly angry motoring public threatened to put the premier out of the government business.

## Ruling Is Made In Hughes' Saga

NEW YORK (UPI) — A company claiming to have exclusive rights to Howard Hughes' autobiography won a temporary court order Friday blocking publication of excerpts in the February issue of the Ladies Home Journal.

Rosemont Enterprises Inc., which says Hughes granted it "exclusive rights" to his autobiography in exchange for \$10 million in 1965, won a preliminary injunction against four defendants.

The injunction was issued by Manhattan supreme court justice Samuel M. Gold, who also ordered a show cause hearing for Monday for the defendant — author Robert P. Eaton, the Journal, Doves Publishing Inc., and Hippocrene Books, Inc. — to show why a permanent injunction should not be issued.

Ladies Home Journal editor John Mack Carter said the magazine would go into court today in an attempt to have the restraining order annulled.

Thursday Rosemont also won a show cause order against McGraw-Hill, Time-Life Inc., author Clifford Irving and Bell Publishing Co. Irving has written an as-yet

unpublished "autobiography" of Hughes which he says is based on taped interviews with the mysterious billionaire.

Eaton, the sixth husband of movie actress Lana Turner, says his book on Hughes — My Life and Opinions — which the Journal is excerpting, is based on "intimate personal interviews" with Hughes over a 13-year period.

The clearest conclusion that appears to have emerged from the B.C. Automobile Insurance Board's hearing on Wednesday is that the cost situation is complicated.

The board says the industry is charging too much for the compulsory no-fault coverage and the premium should be cut by \$6 to \$8.

The industry says an unknown number of accident victims is not claiming the no-fault benefits but is recovering costs from the third-party coverage of the motorist responsible. Victims should be forced to claim the maximum no-fault benefits before going to court for any more, it argues.

If the industry is forced by a board order to reduce no-fault rates and claims pressure remains on third party coverage, presumably third party rates will go up.

The board has reserved its decision but can it really go back on its original assessment? If third party rates go up while no-fault rates go down, the public may wonder

## THE PROVINCE An Editorial

whether they're unwitting participants in a shell game.

The board's decision may well be only a new start to the old controversy over auto insurance rates. If rates go up despite the board's effort to

cut them, the ball will bounce into the government's court to see what can be done to keep them down.

**NO MONEY**  
TILL MARCH  
**HONDA**  
NEXT RED LOAN  
**PEARSON**

## The Canadian Red Cross Society Victoria City and District Branch ANNUAL GENERAL MEETING

The Annual General Meeting of the above-mentioned Branch of the Canadian Red Cross Society will be held in the J. Keith Wilson Memorial Addition to Red Cross House, 1648 Fort Street, Victoria, B.C., on Wednesday, January 26th, 1972 at 8:00 P.M.

- BUSINESS:**
1. Reading of the Minutes of last General Meeting.
  2. Business arising out of Minutes of last Meeting.
  3. Presentation of Reports for the year 1971.
  4. Election of Officers for the year 1972.
  5. New Business.

All members of the Branch in good standing at the end of the year 1971 (i.e. those who contributed at least one dollar to the funds of the Society during the previous year) are entitled to attend the Annual Meeting and are earnestly requested to be present.

Nominations for the appointment of Officers and Members of the Branch Executive Committee may be made by any member in good standing and must be submitted in writing, duly proposed and seconded and with the consent of the nominee, to the Secretary not less than twenty-four hours before the time set for the meeting.

**CAMOSUN COLLEGE**  
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A Reminder to the People of Greater Victoria  
**adult evening classes**  
**COMMENCE**  
the week of **JAN. 17th**  
REGISTRATIONS WILL BE ACCEPTED  
AT THE SCHOOL ON THE EVENING THE  
CLASS OPENS IF SPACE IS AVAILABLE  
TELEPHONE INQUIRIES ARE INVITED

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A  
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