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

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**TUESDAY, NOVEMBER 6, 1973**

Afternoon Sitting

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TUESDAY, NOVEMBER 6, 1973

The House met at 2 p.m.

**Prayers.**

**HON. E.E. DAILLY (Minister of Education):** Mr. Speaker, in the gallery today there are 56 students from Burnaby North High School, in the riding of Burnaby North, and they are accompanied by their teacher, Mr. Cooper, and his wife. I would like the House to join me in welcoming them today.

**MR. R.H. McCLELLAND (Langley):** I wish to rise on a point of privilege.

**MR. SPEAKER:** I wonder if we could have the introductions over first and then deal with it.

**MR. McCLELLAND:** Okay.

**MS. R. BROWN (Vancouver-Burrard):** Mr. Speaker, there are 12 students in theatre from Vancouver City

College sitting in the gallery today. They are accompanied by that noted thespian, Mr. Tony Holland, and I'd like the House to join me in welcoming them.

**HON. D. BARRETT (Premier):** Mr. Speaker, I'd like to add my welcome to Tony Holland, along with a group of 55 students from Centennial Secondary School in Coquitlam, and they are accompanied by their teachers, Mr. Dubosov and Mr. Wall. I'd ask the House to welcome them.

**MR. McCLELLAND:** I rise on a matter of privilege. I refer to the 18th edition of *May*, in which *May* says that statements in the House should not be grossly misinterpreted. Because of the fact that a committee of privilege is sitting in this House, I don't want the possibility to happen that the committee can be prejudiced by outside interference.

I refer, Mr. Speaker, to a front-page story in this morning's *Colonist* newspaper in which it's stated that: "Both McClelland and Strachan made public documents which they claim supported their points of view — McClelland that the Minister authorized a management study of the B.C. ferry system, Strachan that he had never done so." Mr. Speaker, the record in *Hansard* clearly shows that at no time in this House did I use the word "authorize." At no time did I accuse the Minister of authorizing a survey.

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

**MR. McCLELLAND:** My questions were, in fact, whether the Minister intended to have a management survey and whether such a survey had in fact been underway on October 11. Mr. Speaker, the record must be set straight. I appeal to you to have it set straight.

Interjections.

**MR. SPEAKER:** Order, please. Hon. Members, it would be, I think, presumptuous of me to make any statement whatsoever on this matter while it's before a committee of the House to report back. If there's any matter involving or touching upon the questions concerned, I do urge the Hon. Member to raise them in that committee, because it's relevant to the proceedings of the committee, "I would think, although it's not for me to say. It's for the chairman of that committee to say, under the rules.

I do suggest it would be wrong of me to take any further steps in regard to that while a committee of the House is dealing with it. I would ask the Hon. Member to reserve this question to the committee. After the committee has reported on the matters involved, if he's not satisfied that the matter is cleared up, I certainly would not prejudice any rights that he might have in this question.

**Oral questions.**

## SHUTDOWN OF EVANS PLYWOOD OPERATIONS

**MR. G.S. WALLACE (Oak Bay):** Mr. Speaker, could I ask the Premier if the government had any advance notice of the proposed shutdown of the Evans Plywood operations in Vancouver?

**HON. MR. BARRETT:** Mr. Speaker, I did receive a letter earlier this week from the management of Evans. I was informed by the Minister of Lands and Forests (Hon. Mr. Williams) that this matter had been brought to his attention before and that talks had taken place between Evans and the Minister in the past and will continue in the future. It's a question of supply and the Minister concerned is dealing directly with this.

**MR. WALLACE:** A supplementary question, Mr. Speaker. Would it be fair to ask the Minister of Lands and Forests, then, to what degree it is anticipated that the government might take over this operation of Evans Plywood?

**HON. R.A. WILLIAMS (Minister of Lands, Forests, and Water Resources):** That sounds like pregnancy — "to what degree"? There have been no discussions in that vein at all, Mr. Speaker.

# OKANAGAN FRUITGROWERS' PLEBISCITE

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**MR. W.R. BENNETT (South Okanagan):** Mr. Speaker, I'd like to address my question to the Hon. Minister of Agriculture. On a quotation on a TV interview in South Okanagan, Mr. Charles Bernhardt, president of the BCFG and the B.C. Federation of Agriculture, has quoted the Minister as saying that if the plebiscite does not pass, the fruit growers could expect no help from the government to stabilize income. Is this a correct quotation?

**HON. D.D. STUPICH (Minister of Agriculture):** No.

**MR. BENNETT:** Will the Minister, because this quotation is receiving a lot of publicity in South Okanagan, take steps to clarify this situation outside the House with the growers of South Okanagan?

**HON. MR. STUPICH:** Mr. Speaker, in the House I answer questions that are asked in the House. Outside the House, I answer questions that are asked outside the House.

**MR. D.M. PHILLIPS (South Peace River):** I address my question to the Minister of Agriculture on the same subject. Did the Minister intend to influence the outcome of this plebiscite when he said on Friday last, "I'm fairly confident in my own mind that the growers will want to continue their organization"? And quote No. 2: "Personally I believe in the single-desk selling agency that exists." Did the Minister intend to influence the outcome of...?

**MR. SPEAKER:** Order, please. The question is out of order because you're asking an argumentative question about something that was said in this House in a debate. The time to deal with that is in that debate.

**MR. PHILLIPS:** Well, I'm asking it now!

## SUBMISSIONS RE DESIGNS FOR NEW FERRIES

**MR. D.A. ANDERSON (Victoria):** Mr. Speaker, a question to the Minister of Communications and Transportation, following up four previous questions: will the Minister undertake to table today the report of May 24, 1973, referred to by him in this House on September 24, dealing with submissions by two firms for design fees and working drawings for the new B.C. ferries?

**HON. R.M. STRACHAN (Minister of Transport and Communications):** I answered that question yesterday. I explained yesterday that your group complained about having people outside the House... (mike off)... and to find time to search my files for the information. I've been a little busy the last 24 hours.

**MR. SPEAKER:** May I point out to the Hon. Second Member for Victoria that he must not multiply with slight variation a similar question on the same point. He knows that rule, I'm sure.

**MR. D.A. ANDERSON:** Then I'll ask a supplementary: in view of the Minister's assertion in the press conference of October 24 that the Canadian firm had not been chosen because its estimates were more than \$100,000 higher than the United States firm and because it had promised the designs in less time, may I ask the Minister whether each of the two firms involved was asked to submit estimates on the same type, same size of ferry?

**HON. MR. STRACHAN:** I will take that question as notice.

**MR. D.A. ANDERSON:** Mr. Speaker, when the Minister is taking that on notice, could I point out to him and could I ask him whether he, at the same time, will check as to whether it is true that the Canadian firm — Case Existological Laboratories — provided the Ferry Authority with an estimate for a single-ended truck-trailer ferry and a double-ended 208-vehicle and 274-vehicle ferry, whereas the American firm provided estimates on a double-ended

truck-trailer ferry and a double-ended 208- and 305-vehicle ferry?

**MR. SPEAKER:** Any further questions? The Hon. Member for Columbia River.

**MR. P.L. McGEER (Vancouver–Point Grey):** A supplementary question on this same subject.

**MR. SPEAKER:** Would the Hon. Member give way?

**MR. J.R. CHABOT (Columbia River):** Yes.

**MR. McGEER:** To the Minister of Transport: Does he stand by his answer on September 24 that the Canadian and the American firms were asked to give bids on an identical tender? That's what he gave the House reason to believe on September 24. Does he stand by that statement today?

**HON. MR. STRACHAN:** I said I would take it as notice.

**MR. D.A. ANDERSON:** But you have done that five times now already.

**MR. McGEER:** A supplementary, Mr. Speaker. He

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gave a firm answer on September 24. Now he says he'll take it as notice. I think we should have a yes or no. He stands by that or he doesn't stand by it.

**MR. SPEAKER:** Order, please. Is the Hon. Member saying that he's repeating a similar question? Because if he is, he's out of order.

**HON. MR. STRACHAN:** He's not only repeating the question, he's referring to something he said I said outside, and we look at the whole thing and it's to be taken as notice. Now what more do you want?

**MR. D.A. ANDERSON:** Mr. Speaker, I'd like permission of the House to table two documents.

**MR. SPEAKER:** That's not proper in question time. Would you do it at the end of the period, please?

## FOULKES REPORT

**MR. CHABOT:** A question to the Minister of Health. Can the Minister indicate to the House when the Foulkes report will be available to the Members?

**HON. D.G. COCKE (Minister of Health Services and Hospital Insurance):** Mr. Speaker, I've had a number of disappointments. I wanted to have a copy or a number of volumes on that Member's desk long before this. However, there's been a great deal going on in this House and as yet I haven't been able to get it printed. It won't likely be done now until sometime around November 28, I understand.

**MR. CHABOT:** November 28.

**HON. MR. COCKE:** That's what I hear. But it could be the beginning of December or the end of November.

## PROPOSED AMALGAMATION OF THE UNIVERSITY ENDOWMENT LANDS

**MR. G.B. GARDOM (Vancouver–Point Grey):** I would ask the Minister of Municipal Affairs, Mr. Speaker, if he would inform the House if there has been any negotiations between the government and the City of Vancouver concerning the suggested amalgamation of the University Endowment Lands with the City of Vancouver.

**HON. J.G. LORIMER (Minister of Municipal Affairs):** No, there has been none.

**MR. GARDOM:** Is it government policy that there will or will not be such amalgamation?

**HON. MR. LORIMER:** Well, at this time, this next week or two, there won't be. But there have been no discussions at all and seriously there's been no....

### BCIC CAPITAL EXPENDITURES

**MR. GARDOM:** I have asked the Hon. Minister of Transport, Mr. Speaker, as to whether or not it would be his intention to table in the House before the end of this session the capital cost expenditures of the Insurance Corporation of British Columbia to date.

**HON. MR. STRACHAN:** Notice that there are still several questions on the order paper; I'm trying to get answers for all of them before....

**MR. SPEAKER:** If this matter is already covered in the order paper, of course it isn't proper for oral questions. Any further questions?

### ANSWERS TO QUESTIONS

**MR. PHILLIPS:** I would ask the Minister of Lands, Forests and Water Resources: when are you going to answer a question? Questions 1 and 2 are still on the order paper.

**MR. SPEAKER:** Order, please.

### FRASER VALLEY MILK PRODUCERS' REQUEST FOR FINANCIAL AID

**MR. D.A. ANDERSON:** The Minister of Agriculture, Mr. Speaker. May I ask him a question of which I have given him notice, whether or not he's received a telegram from a group of Fraser Valley milk producers, and whether he's acceded to their request to have two active producers on the board, and of course, the request for the addition in the amount of money they receive?

**HON. MR. STUPICH:** Mr. Speaker, I received a telegram from — and I may not pronounce the name properly — Jim Huetala. At that time he was not identified as even a member of any particular group except that he is a dairy farmer. He did ask for two active producers on the Milk Board. The whole organization of the Milk Board and the whole purpose of its being is being examined right now and we're certainly not ready at this point in time to change it by simply adding two active producers. That runs into the whole question of whether there should be representation from various areas of the province and whether there should be sub-boards, if you like, of the main board. So that's something that is being examined.

They did say, as has been said by other dairy producers, that they require an immediate \$2

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increase. There was no information to back up that particular figure — nothing to show that it was calculated as opposed to one that was simply picked out of the air. I'm not saying that it's wrong, but on the other hand I don't know that it's anywhere near the right figure. This too is being examined. The department is currently engaged in a study of the costs of production for milk in various production areas of the province.

### MOTOR VEHICLE LIEN INDEMNITY FUND



**MR. N.R. MORRISON (Victoria):** Mr. Speaker, I'd like to address my question to the Minister of Transport and Communications. In view of the fact that there is a considerable time lag at the moment in processing the registration of liens in the Motor Vehicle department, have you given any consideration to setting forth an indemnity fund under the Central Registry for people who are damaged by the fact that they've received information that a car is free and clear of lien, when in fact there has been a lien registered but not in fact showing on the registry? In other words, they receive a notice that the car is free and clear, yet when they sell the car at a later date they're notified that there was a lien and it was in the process of being registered, therefore they lose the money of that lien because the dealer has to pay it out. There are other indemnity funds for other....

**MR. SPEAKER:** I think the question is clear now. Does the Hon. Member have any answer? (Laughter.)

**AN HON. MEMBER:** Are you going to do it?

**HON. MR. STRACHAN:** No, he asked me if I was considering it. The answer's no, not at this time.

**MR. MORRISON:** Why?

**HON. MR. STRACHAN:** Well, you just raised the point. If you want to send me a memo on it, I'll certainly check into it.

**MR. MORRISON:** Could I ask, Mr. Speaker, that the department speed up the filing of liens, because at this moment there appears to be anywhere from a 7 to 14-day lag from the time the lien is filed until it shows up on the registry.

**HON. MR. STRACHAN:** I'd appreciate it if the Member would send me a memo on that, and perhaps give me a couple of cases where this has happened. I'd appreciate that very much.

### CRIME WAVE IN MISSION

**MR. WALLACE:** Could I ask the Attorney General, in relation to a question asked earlier that he took as notice, regarding the serious crime wave in Mission about which I quoted a telegram last week — I wonder if he could report back to the House.

**HON. A.B. MACDONALD (Attorney General):** Mr. Speaker, yes, I had that looked into and I didn't bring my notes into the House today, but I think the crime wave in October was no worse than it had been in September. The RCMP — it's an RCMP provincially-policed area — do not regard it as a crime wave, but there have been some breaking and enterings. I think in the month of October it was some seven or eight breaking and enterings in that town, which might sound like a wave but really it isn't; it's more than a ripple, nevertheless. A number of the local citizens there want additional RCMP policing. We're looking at that. But there are many areas in the province requesting that additional policing, and it will have to be considered as part of next year's budget.

**MR. WALLACE:** A supplemental question, Mr. Speaker. Does the Attorney General have any specific measures in mind then to pursue the problems in Mission any further? Or am I to take it that he considers this average for the province and that the people in Mission just have to live with it?

**MR. SPEAKER:** Order, please. I would remind Members not to ask two questions at the same time. It's very difficult to answer them. Which question do you want him to answer?

**MR. WALLACE:** Beg your pardon, Mr. Speaker. May I just ask one question? What further investigation is the Minister preparing to take in this situation?

**HON. MR. MACDONALD:** We've asked the RCMP to look at it in terms of their requirements for additional personnel. But I must point out that that's part of a problem over the whole province — the distribution of personnel and the total number that should be employed by the RCMP and provincial policing. So I can't say that we're paying particular attention to Mission, because frankly I don't think the situation there is any more aggravated

than it is in many other sections of the province.

**MR. WALLACE:** A final question, Mr. Speaker. In that case, what province-wide measures is the Minister taking to increase the force of RCMP?

**HON. MR. MACDONALD:** The total personnel is a matter for budgeting. Their request comes to us about this time of the year. I present that to our

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Treasury Board, to the Minister of Finance and then to the Premier, (Laughter) then we know whether we're going to get the additional bodies or not.

## SHORTAGE OF ANTIFREEZE

**MR. GARDOM:** A question to the Minister of Industrial Development, Trade and Commerce, Mr. Speaker. It appears that there's very serious indications of shortages of the supply of antifreeze in the province. I'd ask the Minister as to whether or not the government has considered the problem, and if so, are you taking any measures to relieve the shortages?

Interjections.

**HON. MR. BARRETT:** Refer that to the Attorney General. (Laughter.)

**HON. G.V. LAUK (Minister of Industrial Development, Trade and Commerce):** With respect to those shortages specifically mentioned by the Member for Vancouver–Point Grey, Mr. Speaker, I was just made aware of those today. There are general overall global shortages that we must take into consideration, but I've asked my department to canvass these areas and provide us with further information. Perhaps a little later on I could report to you.

**MR. GARDOM:** And you're going to keep it warm until you get it?

**HON. MR. LAUK:** That's right.

**MR. SPEAKER:** Order, please. I point out that you shouldn't be asking questions that have been ordered on the order paper. That one on weather control is already on the order paper.

**MR. D.A. ANDERSON:** Mr. Speaker, I ask leave to table two letters, one dated May 8, 1973, another dated November 22, 1972.

**MR. SPEAKER:** On what subject, please?

**MR. D.A. ANDERSON:** On the subject of proposed new ferries for the Strait of Georgia to Mr. W.B. Weston, Operations Manager, Province of British Columbia, Ferries Division, from Mr. Peter Hart, Director of Operations of Case Existological Laboratories.

Leave granted.

Orders of the day.

**HON. D. BARRETT (Premier):** Mr. Speaker, I move that we proceed to public bills and orders. Second reading of Bill 99, Mr. Speaker.

**AN ACT TO AMEND  
THE MOTOR-VEHICLE ACT**

**HON. R.M. STRACHAN (Minister of Transport and Communications):** You will find that the explanatory notes give a very good explanation of the intent and purpose of the bill. In opening debate on second reading, I would perhaps elaborate on the explanatory notes briefly.

The bill rewrites a subsection to add the term "mobile home." This is to overcome a deficiency in the previous definition of "dealer."

It also eliminates the reference to the duplicate copy of the dealer's report of sale, which was formerly a document issuable by the licensed dealer when he made a sale during times when motor licence offices were closed. This will no longer be practical.

It deals with certain areas of offences under the Motor-vehicle Act, and the implementation of the new direction of licence plates so that they will now go with an owner from vehicle to vehicle. We can see a situation where in certain instances licence plates will not be attached to vehicles, pending the purchase of a new vehicle by the person who had the licence plate on the vehicle he has sold. This bill also makes clear that it does not apply to dealer number plates, which at times will not be mounted on vehicles.

It also rounds out refund fees to the nearest dollar and another section sets out the requirements of a dealer prior to carrying on business in the light of the requirements now of obtaining automobile **insurance**, and it makes the requirement that a dealer have separate licences for each place of business. The separate licence concept is very necessary for the proper control of the licensed dealers and the ease of enforcement of the licence law.

This new legislation through these amendments rewrites the provisions for the use of the dealer's licence plates and provides for considerably more latitude than was previously the case. There was previously a very strict limitation on the use of dealer plates for demonstration purposes and a few other incidentals of the business, but the new concept allows for a very liberal use of the plates by the dealer and his vehicle salesmen. I might say that we had two choices in this — either to toughen up on the whole matter of the dealers and the dealers' use of cars, or to go the other way and make it as reasonable and functional as possible. Those changes are in this legislation also.

The bill also repeals certain sections which are now redundant because of the decision to cease licensing the individual car salesmen but instead to license each place of business of the agents.

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There's one other section. It's a requirement now that a person or firm who rents cars out for hire must determine that the party renting the vehicle has a driver's licence and also an insurance policy related to that driver's licence.

Inherent in the legislation is a new fee schedule for permanently mounted motor homes which are recreational vehicles. The new fees are comparable to those in other provinces of Canada and are more realistic than the fees which were being charged. Our fees on this particular type of vehicle were roughly two to four times as high as those charged in other provinces, and this brings it down into line with other provinces.

That mainly is what this housekeeping legislation is about.

**MR. N.R. MORRISON (Victoria):** Mr. Speaker, in speaking to this bill, I understand that most dealers are reasonably happy with it. Many of the requests that they've had for a number of years are incorporated in it.

There are one or two items which I wonder if the Minister, when closing the debate, would clarify for me. One of them is: will a dealer be able to become an agent so that he can sell licences and insurance after hours and on weekends? Many dealers in the past have had insurance agent's licences for a specific company, particularly if they were dealing with one specific finance company and one specific insurance company. They were able in the past to sell a vehicle and use an interim licence plate, license the car and insure it after hours and on weekends so that a customer could, in fact, drive away and if need be go to the States for a short period without getting a proper licence.

The second question I would like to ask is concerning the driver's licence of people who wish to rent U-drives or short-term-lease automobiles. I understand what happens if the client is a B.C. resident, but I am a little concerned and curious as to what happens if he lives in Alberta or the United States or somewhere else in the world where there is no insurance carried on his driver's licence. What's the way around that one? Beyond that, I'm quite sure they're happy with most other things.

**MR. G.B. GARDOM (Vancouver–Point Grey):** I would have hoped in seeing this statute, Mr. Speaker, that the Hon. Minister would have been able to inform the House that for the first time in the history of this province we would have motor vehicle inspection throughout the whole of British Columbia, as opposed to just being in the larger centres as it is now. We still are experiencing roadway roulette with some of these older and crippled vehicles that are on the road and should be off the road in every sense of the word.

I'm not suggesting that the government has to utilize public funds to build another set of very expensive and huge edifices, but they could well utilize existing public structures on off hours, such as fire halls, schools or what-have-you on Saturdays to perform this service, as well as increase the number of mobile units that are in existence. Unfortunately I don't have at my fingertips the number of mobile units, but when the Minister closes the debate he might inform us. I believe it was two or three.

Secondly, Mr. Speaker, I also think it is very regretful that we do not find in this statute a clause and a statement to the effect that there would be in all of the high schools of this province, as a part of the normal and accepted curricula, compulsory driver training. I well recall that the former administration passed an amendment to the Motor-vehicle Act which was to the effect that a person under the age of 18 years, from 16 to 18, would not be able to acquire a licence to drive in the province unless that individual had undertaken a driver training course. I think there's a considerable degree of regret that that section has not been enacted. I would have expected that it would have been enacted by this government long before now, and I think that it's very regretful that it has not attended to that measure.

**HON. MR. STRACHAN:** What section is that?

**MR. GARDOM:** I've forgotten the precise section, but if you take a look at the *Motor-vehicle Act* you'll find it.

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

**HON. MR. STRACHAN:** Mr. Speaker, some questions were asked. Can a dealer sell licence plates and insurance? To the best of my knowledge, there's no provision at this time for that.

With regard to people who rent cars, if any person from outside the province carries no insurance with his driver's licence, then insurance on the car itself will be recognized as covering any accident that that particular driver is involved in.

I agree with the Member with regard to the opening of new motor-vehicle inspection stations throughout the province. As I recollect, there are five more in the construction or development or planning stage right now, as we move out through the province. I personally opened a new one in Nanaimo just a couple of months ago...

Interjections.

**HON. MR. STRACHAN:** Well, okay, maybe they did. I'm not arguing about who planned it, but we have I think five more on the line.

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We're having some difficulty in acquiring permanent staff for these motor-vehicle inspection stations. There are some 15 vacancies in the stations around the lower mainland at the present time. There's a rapid turnover of staff; it might be the wage scale is not high enough or that the wage rate being paid to garage mechanics is high enough to

steer them away, but we are having a problem getting staff. There are 15 vacancies right now.

**MR. GARDOM:** There's a terrible clog in Vancouver.

**HON. MR. STRACHAN:** I realize that. This arises out of ultimatums by the RCMP. They get spurts of this and issue ultimatums "...by a certain date." What we're anxious to have is continual day-to-day checking on who doesn't have a valid inspection sticker. This is what creates the build up.

**MR. GARDOM:** People have been lined up for two hours.

**HON. MR. STRACHAN:** I'm fully aware of that. No one knows it as well as I. My telephone and the mail tells me that. But the problem is getting an adequate number of inspectors.

With regard to mobile units, I think it is a good suggestion that we have more mobile units travelling throughout the province.

I think we have to keep the cars on the road as safe as possible without undue harassment of the driver. We have to find a proper balance. There is some feeling among some of the drivers that perhaps we are too tough. I have had expressions of that opinion and I haven't checked it out yet. I agree we must make our thrust towards safety because about 700 people a year are dying on the highways. This can't be tolerated.

The accident record on the highways has just been going up and up; it's unbelievable from year to year. We have to reverse that trend. There have been two minor reversals in the last 10 years, but basically in the last 10 years the accident record has been going up and up fairly steadily.

It's certainly the intention of the Motor-vehicle Branch to embark on a general safety programme. We hope to encourage all of the new drivers to take an adequate driving course and defensive driving course before they get their licences or during their learning period. Because statistics show that that group of drivers don't have the accidents that the other home-learner-driver gets involved in. To those who have been involved in accidents, the defensive driving course very often reverses their whole tendency to become involved in accidents.

So we are going to make a major thrust in the accident prevention field and we hope to have some incentives for the new drivers to take an adequate driving course before they hit the road.

**MR. GARDOM:** What's wrong with the high schools?

**AN HON. MEMBER:** Hear, hear!

**HON. MR. STRACHAN:** As I say, we are trying to provide some incentives. I have had some initial discussions with my colleague, the Minister of Education (Hon. Mrs. Dailly), along these lines. Mr. Speaker, I move second reading of Bill 99, *An Act to Amend the Motor-vehicle Act*.

Motion approved.

Bill 99 read a second time and referred to Committee of the Whole House at the next sitting after today.

**HON. E.E. DAILLY (Minister of Education):** Second reading of Bill 115, Mr. Speaker.

## AN ACT TO AMEND THE COMPANIES ACT

**HON. A.B. MACDONALD (Attorney General):** Mr. Speaker, these are rather technical amendments to the *Companies Act* which went into force on October 1 in this province. It is doing very well but it requires a little tightening up of nuts and bolts here and there and a bit of clarification. I would suggest that the best plan would be for me to answer particular questions under the sections concerned at a later stage in our deliberations, which

hopefully we will reach, namely Committee of the Whole House. At this point I move second reading of Bill 115, *An Act to Amend the Companies Act*.

Motion approved.

Bill 115 read a second time and referred to Committee of the Whole House at the next sitting after today.

**HON. MRS. DAILLY:** Second reading of Bill 119, Mr. Speaker.

### VANCOUVER ENABLING ACT, 1973

**HON. MR. MACDONALD:** Mr. Speaker, this bill comes before the Legislature at the request, and I believe the unanimous request, of the Vancouver City Council, following the plebiscite dealing with the property adjacent to the entrance to Stanley Park whereby the voters approved, in effect, that the smaller portion of property west of Denman Street should be purchased for \$2 million but did not

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approve the proposition that the whole of the property should be purchased for a total of some \$6.5 million.

This bill will make it possible for the City of Vancouver to purchase the necessary shares in order to effectuate the agreement which they have signed with Dawson Development and carry out the will of the electors. I move second reading of Bill 119, *Vancouver Enabling Act, 1973*.

Motion approved.

Bill 119 read a second time and referred to Committee of the Whole House at the next sitting after today.

### STATUTE LAW AMENDMENT ACT, 1973 (SECOND SESSION)

**HON. MRS. DAILLY:** Second reading of Bill 120, Mr. Speaker.

**HON. MR. MACDONALD:** Mr. Speaker, there is no principle to this bill. It contains a number of very interesting little amendments to various statutes of the province. I think again, as with the Companies Act, it would be better dealt with in the committee stage because, of course, it covers a very wide area and at this point I move second reading.

**MR. GARDOM:** I would like to ask the Hon. Minister, Mr. Speaker, as to whether or not there are any hooks in this bill, such as there was in the one we experienced in the last session. Is there any small print here dealing with the takeover of M & B or the emasculation of PNE contracts? Or is it pretty straightforward stuff this time?

**HON. MR. MACDONALD:** All the provisions are happy. (Laughter.)

**MR. P.L. McGEER (Vancouver–Point Grey):** I have been in the House for quite a number of years. This particular statute has a remarkably similar title from year to year and I have never yet heard the Member who introduced the bill, usually the Attorney General, explain the principle of the bill.

**HON. MR. MACDONALD:** There's no principle.

**MR. McGEER:** Well I understand that second reading requires a principle. Is it the Attorney General or the statute that is suffering from that description? I wonder if the Attorney General, in summarizing this debate, could help out this particular Member by explaining to me why the Attorney General's department always produces an abomination of this kind to end each session with a whimpering

**MR. F.X. RICHTER (Leader of the Opposition):** I think generally in principle the official opposition goes along with this bill excepting in one particular section. I feel it would be more appropriate if we spoke to that in the committee stage.

**HON. MR. MACDONALD:** Which one?

**MR. RICHTER:** section 5.

**HON. MR. MACDONALD:** Mr. Speaker, I would like to close this debate, not with a bang, but a whimper. I move second reading of Bill 120, *Statute Law Amendment Act, 1973 (Second Session)*.

Motion approved.

Bill 120 read a second time and referred to Committee of the Whole House at the next sitting after today.

**HON. MRS. DAILLY:** Second reading of Bill 116, Mr. Speaker.

## PUBLIC SERVICE ACT

**HON. E. HALL (Provincial Secretary):** Bill 116, the Public Service Act is before you, Mr. Speaker, for one or two reasons. First of all, for renaming this particular Act the *Public Service Act* instead of the Civil Service Act in keeping with the findings of the inquiry I occasioned to take place a year ago.

Secondly, since you have before you in committee stage Bill 75, which seeks to give collective bargaining privileges and rights and freedoms to the civil service of the province, we need therefore to take out of the *Civil Service Act* those aspects of the Act that seek to determine wages and working conditions. That will now be up for bargaining and agreement. Therefore, it is in a real way a housekeeping procedure we are involved in.

There are, however, a number of principles in the bill. But because they are singular and different each to the other Act, it would best be handled in the committee stage.

I therefore move second reading of the bill, Mr. Speaker.

**MR. McGEER:** In section 34 of this particular Act — and I realize that we are not debating individual sections, only the principle here — I noticed that there is a little marginal notation, "appointments upon merit." Will that disqualify defeated NDP candidates under this section?

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

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

**HON. MR. HALL:** Question.

Motion approved.

Bill 116 read a second time and referred to Committee of the Whole House at the next sitting after today.

**HON. MRS. DAILLY:** Committee on Bill 75, Mr. Speaker.

## PUBLIC SERVICE LABOUR RELATIONS ACT

The House in committee on Bill 75; Mr. Liden in the chair.

On section 1.

**MR. G.S. WALLACE (Oak Bay):** Mr. Chairman, we've received communications from the B.C. Institute of Technology which set out, in our opinion, some reasonable grounds why they should be excluded from the provisions of this Act. The main reason they give is that they are — and I may say that I speak in support of the point of view that they put forward — an educational institute.

Perhaps in winding up the debate the Minister can confirm, or refute, the evidence that's been presented by the staff at the BCIT to the effect that they are an educational institute which had been given verbal assurance by the Minister of Education (Hon. Mrs. Dailly) that next year they would be given the right to choose their own bargaining unit, and that they felt that they were not suitable for inclusion under one of the three units set up under this Act.

The other part of the evidence presented by letter to all Members of the House, suggested that the Provincial Secretary — and I haven't got the file in front of me as to the exact date - at a certain date last year or earlier this year intervened when negotiations were close to settlement. It would appear that this is a unilateral intrusion by the Minister when they were close to agreement — an agreement which they claim and state was so much better than a similar agreement worked out by the B.C. Government Employees' Union.

It is obviously the feeling of the employees of the B.C. Institute of Technology (1) that they shouldn't be in this bargaining unit in the first place, and (2) that the history of government intervention, in their opinion, leads them to suspect that this would not be a suitable bargaining unit for them in the future.

I'm merely raising this point, Mr. Chairman, so that the Minister will have an opportunity to clarify — I notice the Minister of Education is busy in caucus with the Provincial Secretary — to clarify the statement about plans to give the institute autonomy in similar terms to a regional college. It seems clear that it is the feeling of the staff at BCIT that they wish to be excluded from the provisions of this bill.

I'd like to ask the Minister finally if, in fact, the staff has been given any opportunity to vote and express their wishes. When we debated the labour code, and quite rightly so, it was often stated that the wish of this government and the wish of the opposition has always been, wherever possible, to give employees the free choice of selecting their own bargaining unit.

I wonder if the Provincial Secretary would also care to tell us whether or not the BCIT staff were given this opportunity to express their preference in a vote. If this has not been done, is it intended that in the near future they should be given this opportunity? I feel that, in terms of the letters that they have sent to our office, it is quite clear that they have no wish to be included under this bill.

With that thought in mind, Mr. Chairman, I move the amendment standing in my name on the order paper: "To amend section 1 by adding after clause (E) of subsection (x) of the definition of 'employee' the following clause: '(F) the British Columbia Institute of Technology.'"

**HON. E. HALL (Provincial Secretary):** Mr. Chairman, the government isn't prepared to accept the amendment, which is all I can speak about at this particular point in time. I hopefully will be able to answer some but not all of the Member's questions, most of which I think were out of order in this debate, after we dispose of the amendment.

In order to explain to the Member why I don't feel it correct to accept the amendment in his name on the order paper, it is simply this: we have to proceed along certain courses of action, each of which has to be authorized by this Legislature in the form of an Act, each of which must then take its place as described in the events that will be found in the various sections as we go through this Act.

Unfortunately, at the same time we will also be moving — as the Member has made reference to — to the granting of independence to that post-secondary institute of education. We hope that will be done as soon as possible. I can't guarantee it because the House is going to do that. I've already, as you know if you've read the correspondence, made one assumption and assurance to these people that could not be delivered by this House. I'm



not going to make another one. Therefore these public servants will have to be somewhere in the meantime; I suggest that the best place for them to be is under the aegis, as they

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are at the moment, of the *Public Service Labour Relations Act* — or activity, as it is at the moment.

Amendment negatived.

**HON. MR. HALL:** I want to respond to the rest of the question.

**MR. WALLACE:** I apologize; I was slow to get up before you called the question. I've got the file now in front of me.

I wonder, in light of the Minister's remarks, is he then saying that the opportunity will be given to the employees at BCIT to express their wishes after they become an autonomous body? Again, I know the Minister can't give....

**HON. MR. HALL:** I'll give you what I think will happen now. First of all, this Act does not name any union or group of people in any sense of the word as having the automatic jurisdiction of any one of the three units, other than section 4(a), which is to do with nurses. When this Act goes through, every person who works for the government will have an opportunity to vote or to sign a card or to do something to indicate which, or how, or what union is going to represent them. With regard to each of those three units that are described in section 4, that association, group of people, union, that gets the majority will be, in effect, the bargaining agent for the employee, so there will be an opportunity to vote yes or no on something or other whenever this thing becomes law.

When the happy day arrives — and I think it will be a happy day — that the BCIT becomes a fully-fledged, standing-up-proud-and-tall institute of public education in the post-secondary field, with its own board of governors or regents or whatever the expression may be, following the introduction and passage of the bill in this Legislature by the Member for Burnaby North (Hon. Mrs. Dailly), they then will also have an opportunity, having become excluded from this Act, to determine who will represent them at that time — at which time, I suppose, such varied associations as the BCTF, down to the Canadian Union of Public Employees or the Retail Clerks, can go for the certification under the Labour Relations Act.

I think we have to do it step by step. It may seem a little bit pedantic, but if holes are allowed to develop in this thing then I think it becomes a little frenetic.

**MR. WALLACE:** This is just a temporary arrangement, in other words.

**MR. J.R. CHABOT (Columbia River):** There are many observations I'd like to make in the committee stage of this Act in the various sections. I have amendments on the order paper as well on certain sections.

Unfortunately I must attend the committee meeting in about 14 minutes, and prior to that time I must study some of the documents presented to the privilege committee. I can't be at both places and therefore, in all fairness not only to myself but to other Members who are on that committee who have amendments and I'm sure would like to speak to this particular stage of the *Public Service Labour Relations Act*, I have no alternative but to move the committee rise and report progress and ask leave to sit again.

**HON. MR. HALL:** Mr. Chairman, is that motion debatable? I don't think it is.

I don't think it's acceptable at the time, because no matter which piece of legislation we're going to be on in the next two hours, there are Members involved.

**MR. CHAIRMAN:** The motion has been made that the committee rise and report progress.

Motion negatived.

**MR. CHABOT:** Mr. Chairman, it's most unfair that the Minister is unwilling to allow a Member who has another obligation to appear on a special committee....

**MR. CHAIRMAN:** Are you speaking on section 1?

**MR. CHABOT:** The answer is yes, I'm speaking on section 1.

**MR. CHAIRMAN:** Proceed.

**MR. CHABOT:** And that has to do with my responsibilities in this House and my opportunities in this House as well. You passed a motion last night which, because of a certain set meeting this afternoon, denies me the opportunity of debating this legislation. It's most unfair. It's most callous on the part of that Minister and on the part of that government as well that a Member does not have the right to sit on this floor because of his responsibility in committee.

**HON. MR. HALL:** Mr. Chairman, on a point of order.

**MR. CHAIRMAN:** State your point of order.

**HON. MR. HALL:** Mr. Chairman, on a point of order.

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**MR. CHAIRMAN:** State your point of order.

**HON. MR. HALL:** I didn't refuse him, Mr. Chairman. The House has just voted that we do not rise and seek to report progress and ask leave to sit again. But I just want to point out, Mr. Chairman, that no matter what we do, some Member of that committee is going to suffer some default in terms of his debate in the House on Bill 75 or bill whatever number we want to call next at this time of the day. What the Member would seek to do is deprive some other Member of what he wants for himself.

**MR. CHABOT:** Oh, come on.

**MR. CHAIRMAN:** I'm going to get back to Bill 75, section 1, and I'm going to recognize the Second Member for Victoria (Mr. D.A. Anderson).

**MR. CHABOT:** Are you denying me the opportunity to...?

**MR. CHAIRMAN:** Are you rising on a point of order?

**MR. CHABOT:** Yes, on a point of order.

**MR. CHAIRMAN:** State your point of order.

**MR. CHABOT:** This is a very critical piece of legislation we're discussing. It's one which has a great series of amendments on the order paper. Therefore, there is a lot of significance attached to this particular piece of legislation we're discussing on the part of other Members and myself as well. Here I won't be.... I'll be denied the opportunity of presenting an amendment to this legislation...

**MR. CHAIRMAN:** Order.

**MR. CHABOT:** ...because I have the responsibility to be in another committee.

**MR. CHAIRMAN:** Will the Member take his seat? That question has been dealt with.

[Mr. Dent in the chair.]

**MR. D.A. ANDERSON:** Mr. Chairman, on section 1 the Minister turned back an amendment that would have excluded the members of the British Columbia Institute of Technology from being exempted. But a very similar case in some respects exists for the Workmen's Compensation Board employees. These people have decided, by an 82 per cent vote I believe it was, that they wanted their own union. They are not a Crown agency in the traditional sense. They are not acting on behalf of the Crown. They are not even being funded by the Crown directly; they are funded by contribution.

They feel that they would prefer their own association, even though there was a strong effort made to have them in the B.C. Government Employees Union. Despite that — and I might add it has been stated to me by one employee of the Workmen's Compensation Board — that despite the B.C. Government Employees' Union waging a very strong campaign, they want their own. They went through the required procedures and they still want to be on their own. They see no reason for them to be included in a bargaining unit which they feel is inappropriate for them.

There are some 800 workers in this particular group and they feel that it's "a travesty of justice and a breach of democratic rights" for them not to be given the opportunity of choosing their own union.

A letter was sent to the Hon. Premier; a copy was sent to me on this issue. Material was provided to us from the association, and I think they made a pretty good case. I would therefore move, Mr. Chairman, that we add after clause (E) of subsection (x) of the definition of "employee" the following clause fl: "The Workmen's Compensation Board" which would result in them being excluded.

If it so happens that at a later time they change their minds and if the B.C. Government Employees' Union makes a better case, and they manage to persuade a majority, rather than 18 per cent, that they are the appropriate bargaining unit, I'm quite sure we could make the changes in this House with no trouble at all. But at the present time only 18 per cent have indicated their desire to be represented by the B.C. Government Employees' Association. The rest wish their own. I would move this amendment and urge the House to support it.

**HON. MR. HALL:** I wouldn't be completely frank with the House if I didn't say to the House that this particular area the Member for Victoria has raised isn't causing me some problems. I've had correspondence, I've had phone calls and I'm conscious of a genuine desire on the part of the Workmen's Compensation Board employees to involve themselves in the selection of the union of their choice.

It's also been brought to my attention by the members of the Department of Labour, the Minister of Labour, the Deputy Minister of Labour that, in effect, this Act currently excludes the Workmen's Compensation Board employees. Therefore, we are, I suppose, dealing with an amendment that is somewhat superfluous. In effect, the Member has inadvertently won his case, perhaps — if indeed he was presenting it as a case in that fashion. I mean that sincerely.

However, I do know that there are organizational

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campaigns going on at these places. I'm at something of a loss to satisfy the House in its entirety in this particular one instance. What has happened that has caused us some confusion is that when Bill 182 was laid on the order paper it used exactly the same words when it described "agency of the Crown" in section 1. But it went further and specifically exempted the Workmen's Compensation Board employees in the definition section under the heading "employee."

It has now been brought to my attention by Mr. Ison, for instance, and Mr. Matkin, and my colleague from Revelstoke-Slocan the strict interpretation of the word "board" where all members of the board are appointed by an Act or by the Lieutenant-Governor-in-Council, so it applies. This has only come to light very, very, very recently. Therefore, I think that we should take it that the Workmen's Compensation Board will not be included under the *Public Service Labour Relations Act*. That's not to say that they may not be represented by the B.C. Government Employees' Union and leave it at that. That would be my advice to the House.

**MR. D.A. ANDERSON:** If the Minister wishes to agree with the proposal...and I accept his assurance that the Workmen's Compensation Board Employees' Association will not have their rights to represent the Workmen's Compensation Board employees taken away. I'll be happy to withdraw my amendment on his assurance that they will be able to continue with their union in the same fashion that they're doing at the present time.

**HON. MR. HALL:** If you're asking for assurances as to whether that particular association would be declared by the Labour Relations Board a trade union within the meaning of the Act, et cetera, et cetera, I can't do that. There seems to be some very grave doubts as to whether it would. But if you will accept my assurance that nothing will be done to disturb that association in its endeavours to represent that body of work people, then you, of course, have my assurance, as indeed, any group of people getting together have my assurance.

I should also advise the House that even as we speak it's likely that Mr. Richardson, my Civil Service Commissioner, and Messrs. Matkin and Ison may indeed be talking at this moment about this problem. It's that current in nature.

**MR. CHAIRMAN:** The amendment is withdrawn.

**MR. D.A. ANDERSON:** Mr. Chairman, in section 1, I believe that we are going to be faced with a difficulty because in 1(1), where you have the definition of the word "Minister," I think that we're going to find a difficulty which arose with another case of civil service collective bargaining where the same Minister was responsible for more than one function of the civil service.

In other words, the Minister that is responsible for the Civil Service Commission, as is the Provincial Secretary, is responsible for promotions, responsible for morale, responsible for informing members of the civil service of promotional opportunities, advancement by way of on-the-job training or other things. The same Minister should not wear the other hat of being the government's bargaining agent. The reason is fairly simple. If he is to carry on his function as a government bargaining agent in a non-paternal fashion, he has to be a hard-nosed negotiator. It makes sense that if you have a good union, you want it met with a good member of government on the management side to negotiate the settlement of wage disputes or any other disputes.

You do not want the same person, who one day is arguing on the question of pay, arguing the fact that some civil servants may or may not be overpaid or they're not entitled to a certain amount of extra money, responsible for the civil service commission and its function, which is something totally separate. The reason for this is clear.

You have a joint function. You have a conflict of duties. You have an erosion of the trust that the civil servants may have in the Civil Service Commission because, of course, that same Minister is involved in hard-nosed negotiating. While one day they may be calling him a son of a gun, it's a little difficult to ask them the day after to treat him in a very different manner as they should do if he's responsible for the Civil Service Commission.

So I would suggest, Mr. Speaker, that we amend this section, and amend the definition of "Minister" by removing the semicolon and add after the word "minister," in line three, the following words: "This minister shall not be a member of the Treasury Board or a member of the executive council designated under section 3."

Mr. Speaker, I mentioned when I started discussing this section that in another jurisdiction, namely the federal civil service, this division has proved to be very beneficial. While Treasury Board are always the bad guys, nevertheless the Civil Service Commission, or Public Service Commission, is not treated in the same fashion. The reason is that they are distinct and separate people. I would move this amendment standing in my name.

**HON. MR. HALL:** We had this point brought to us in the very first instance in the Higgins Commission report, who dealt with the kind of structures that were required, in their eyes, to deal with the public service of the province. It's the government's intention that Ministers will not be involved in negotiations in the way the Member describes.

Very likely the worst thing that can happen is to have cabinet Ministers across the bargaining table dealing with the dollars and cents of an issue. In fact, we've gone to some extent in section 3 later on to determine exactly who is the bargaining agent for the government under the direction of the Treasury Board.

I think this amendment would be a little too far-reaching in its implications for me to accept, in that it would certainly rule out of question in terms of the economic planning of this province, four or five of Her Majesty's Ministers, and I don't think that's good. I don't think that we should allow that state of affairs to take place.

It places a restriction, I think, on the cabinet and on the Minister of Finance and the Audit Act, as to who could or could not be members of the Treasury Board to do all those other jobs the Treasury Board has to do. I therefore, Mr. Speaker, cannot accept the amendment as it's not anticipated under section 3 that the Ministers will be in the face-to-face negotiations that the Member makes reference to.

**MR. D.A. ANDERSON:** Perhaps the Hon. Minister is not aware of the merits of this, because I didn't stress the fact that in this House the Ministers are responsible for these operations. Maybe they are not actually sitting at the table, but if my hon. friend, the former Minister of Labour (Mr. Chabot), wishes to question, he has to question the Ministers who are responsible for their departments and their operations. This, I think, will tend to result in them becoming identified with the bargaining team.

If there are tough negotiations going on which may extend over a period of weeks, which may occur during the sessions of the House, I would think it very strange if the Members of the opposition did not question the Minister involved — fairly hard, I would trust — as to whether he's doing a good job, either to defend the public interest or whatever else he has in mind.

This type of thing leads to a conflict of interest, leads to the identification of the Minister with the bargaining team. If I can mention a name, the Hon. Bud Drury is always the black hat in all these set-piece negotiations with the civil service unions in Ottawa. He is the Minister responsible. He's not sitting on the board. He's not negotiating, but he appoints the people. He's the one that has to carry the can in the legislature, in the parliament. And I think that the same thing will happen here. I've seen it happen, I've been a member of the civil service when these negotiations were taking place.

Perhaps, while the Minister himself is quite right — that he won't be actually sitting there — he's going to be very closely identified with the bargaining team, and history shows this.

**HON. MR. HALL:** Well, I agree that history shows it in the federal civil service, but we're not going the federal civil service way. We're not going to have 75 contracts going every day the way they have in Ottawa. We're going to have three with 12 or 15 components, that's all. Also, I'm not so sure, with respect to the Member, that I want to deprive him of that privilege of grilling us.

The buck's got to stop somewhere, Mr. Member, and this is one of the reasons that I personally — and have recommended so to the cabinet — reject some of the aspects of the Higgins report, who wanted somehow to keep on putting it up further and further and further away into some group of beautiful people that didn't have the normal functions of people. The buck's got to stop somewhere and we may as well have it stopping on the Treasury benches.

**MR. D.A. ANDERSON:** All we need's a split.

Amendment negatived.

**MR. D.A. ANDERSON:** Mr. Chairman, in this definition Section 1 believe there is a failure to properly define those people who are in a confidential capacity, or in a managerial capacity, who, of course, should be excluded from the operations of the Act.

For example, say a person is employed in a confidential capacity — the Lieutenant-Governor, a Minister of the Crown, a caucus of the Legislature, the deputy head of a government department, or the chief executive officer, or of any other portion of the public service, I feel they should be excluded because of the normal rules that apply in

cases of this nature where a person in a confidential capacity, aware of managerial decisions, enjoying managerial functions in many respects, simply is not appropriate for bargaining.

I have therefore an amendment on the order paper, top of page 17; it's fairly lengthy. It basically deals with those people who are in executive positions, people who are in the personnel departments who are involved in personnel work, and people who have to deal formally on behalf of the government with a grievance which may be put in in accordance with the grievance procedures of this Act, and others who may be in a special capacity.

The employee, for example, of the caucus of the NDP backbenchers is obviously in a rather curious and special position. I think it would be inappropriate to have him covered by this particular Act. Therefore, I move the amendment standing in my name, a copy of which I have here, which would exclude these people in confidential or managerial capacities.

**HON. MR. HALL:** I congratulate the Member for a well-thought-out amendment — an amendment

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which would find acceptance, I suppose, in almost every board room in the province, but not this one. It is a different philosophy, and I think nothing points up the philosophy difference better than this amendment.

It's our desire, when making sure that work people have full and free collective bargaining arrangements, that that privilege, right or access be guaranteed to as many people as is possible. A study of history will show that the insistence on management to exclude those people in "confidential relationships" has caused more people to be kept back from reasonable rates of growth, salary-wise, reasonable improvements in job conditions, than anything else.

In fact we have already received in our committee work in the facilitation of collective bargaining almost complete agreement as to the levels of exclusion. We don't see as a government, in a philosophical way, the need to exclude people who are in a confidential capacity from the rights and freedoms of collective bargaining. Confidentiality per se is no reason to be excluded from hammering it out at the bargaining table. What should be the criterion is whether the person is involved in labour-management relationships. You've included, I think, three of them in your amendment, under subsection (b) of your amendment, which are already covered in the Act anyway.

Therefore, I can't really accept your amendment because it simply says that because you are dealing with confidentiality of planning on highways or confidentiality of casework in Human Resources, or confidentiality of who gets the money in the Provincial Secretary's department...that's not sufficient reason for you not to be in a union.

In fact, the Premier is often on record as saying everyone should be in the union right up to the Deputy Minister. Well, we've not gone that far but...hopefully, he's out; we won't tell him that at the moment.

The fact of the matter is that we've gone as high as we possibly can by making sure we don't exclude in the way the Second Member for Victoria wants to exclude.

Mr. Speaker, the criterion should only be: is the person involved in management in the sense of hiring and firing and personnel practices? One of the amendments seeks to deal with the caucus of the Legislature, and so on and so forth. I will confess I've not had an opportunity to entirely follow that right the way through the Act, but I would imagine that those who are officers of the caucus are not public servants within the meaning of the Act because they come in by order-in-council. I would think that would be the answer on that one. I think so. I can find that out very quickly for you, but I'm certain that that's the case.

Interjection.

**HON. MR. HALL:** Yes, I'm sorry. At the moment I'd say to you, Mr. Member, that it's a well-thought-out amendment. It's one that would be found in most collective agreements throughout the province. But it's one that strikes at the very heart of the philosophical difference between you and I.

Amendment negatived.

Sections 1 and 2 approved.

On section 3.

**MR. D.A. ANDERSON:** Section 3 brings up a problem which I alluded to earlier when I was discussing responsibilities of Ministers, and that is if you have the Public Service Commission designated as the bargaining agent of the government and not some other agency. I mention that the Public Service Commission has a unique function at the present time which is quite separate from bargaining — and should be separate — from bargaining. There should be, I believe, two separate bodies involved.

Now I realize the Minister has not accepted this argument when we're dealing with Ministerial responsibility. But may I just bring to his attention the problem that can occur?

Perhaps there could be the danger, in as much as the Civil Service Commission or Public Service Commission has a vested interest in increasing the size of the civil service and reducing conflicts. After all, they may wish to hire more people to get around certain problems that are occurring between civil servants. They would say, quite rightly, "We want more people," and yet at the same time the government is saying, "No, no, no, no. You people hold the line, Your function is to bargain; your function is to act on behalf of management and say, 'Look, we don't want any more hired than the minimum number,' or whatever it might be."

I am sure the Minister can see the conflict which this legislation brings in. The two functions are different. One is, again, sitting on one side of the table being hard-nosed in bargaining, because if they're not going to act that way, we will probably simply have a company union. If we're going to have a really good B.C. Government Employees' Union, they're going to have to be tough. If they're tough, obviously the people on the other side are going to be tough too, or else they are going to get pushed all over the map, just the way the Minister of Transport and Communications (Hon. Mr. Strachan) was pushed all over the map in the ferries dispute.

Now we need to have toughness if we're going to have a good union. If we're not — if the Minister doesn't think we're going to have a particularly good

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union — then I would say this section is perfectly all right. But if he is going to have a bushy-tailed fighting union, he's going to have to realize that the Public Service Commission is going to get put into situations of conflict where on the one hand they're trying to preserve morale; they're trying to say to employees "Okay, you need a few extra people," while on the other they're trying to cut costs through wage negotiations and therefore saying "fewer people".

I just fail to see why we should put the Public Service Commission into this adversary situation when it comes to negotiation and bargaining. It's unnecessary and could be done by Treasury Board.

**HON. MR. HALL:** Well, Mr. Member, "just done by Treasury Board." I.... It's taken me....

**MR. D.A. ANDERSON:** A bargaining agent for the government is the Public Service....

**HON. MR. HALL:** Yes, I'm sorry. Let me start again. I'm trying to jump ahead of you and I shouldn't do that.

Your argument is based on the fact the Public Service Commission is in charge of establishing the number of people working in any one organization, branch or department. That's not the fact. The fact of the matter is that it's different from, perhaps, the federal civil service which you may be more familiar with. Treasury Board itself is the holder of that particular power. In fact, one of my problems....

Interjection.

**HON. MR. HALL:** Well let me finish and then respond. One of my problems at the moment, in view of the new programmes that the government are entertaining, is recruitment. There are 11 single and distinct procedures that must be undertaken before the establishment of the civil service is increased by one person. The group of people that have the controlling feature — in fact the spark-plug — of the scheme altogether is the Treasury Board, not the Public Service Commission. The Public Service Commission can act only in terms of increasing the establishment by an order-in-council that first of all has had the approval of Treasury Board and then the cabinet itself. Now if I've misunderstood you, perhaps you'll respond.

**MR. D.A. ANDERSON:** You have here in section 3: "The bargaining agent for the Government is the Public Service Commission acting on behalf of, and under the direction of, the Treasury Board...." Now, what I'm suggesting to you is the Public Service Commission is responsible for morale in the civil service. I just don't feel that it's the best thing to do to put them in the position of being the adversary of the union when it comes to negotiations, when indeed I think they should adopt a much more flexible and soft role, if you like, when dealing with these questions in between the negotiations that are going on.

I would far prefer to see the Treasury Board and perhaps the Minister of Finance — or some other Minister, yourself for example — being responsible for protecting the public purse and making sure that the public money is handed out grudgingly rather than generously, because that's what the management function is under these circumstances when faced with a good union. I fail to see how you can effectively carry on tough negotiations and the day after step into a different role, a much more conciliatory role, not an adversary role, when it comes to morale and other questions. There's a dilemma there which I'm afraid the Minister's remarks have not solved.

**HON. MR. HALL:** I agree there's a dilemma. This dilemma was presented to us — and now I fully understand what you mean — in the Higgins commission report. They wouldn't face that dilemma. Rather than face that dilemma and brace themselves and come up a recommendation....

I shouldn't be critical of that commission; they were a very good commission. What I'm saying is that instead of grasping the nettle as the government has done in Bill 75, the commission has gone the way you are going, in effect, of erecting different structures. All I can respond now that I fully understand your question is that we don't see necessarily that you can't be a good tough bargainer and a good employer. Why you have to have two groups of people with presumably two different approaches, we fail to understand. We believe that once free and full collective bargaining takes place, we can have tough, no-holds-barred negotiations; at the same time we can still engage in a discourse with the employees of this government in terms of merit, in terms of training, in terms of safety, in terms of travelling, in terms of pension and everything else, I don't see where we need thrash this particular bogeyman that was first raised a year ago.

**MR. F.X. RICHTER (Leader of the Opposition):** Due to the Member who was handling this bill having to be out at another committee, may I have permission to move the amendment to section 3 standing in his name on the order paper?

**MR. CHAIRMAN:** Yes. The procedure, Hon. Member, is that you adopt the amendment as your own, which is the acceptable thing.

**HON. MR. HALL:** Speaking to the amendment presented by the Hon. Leader of the Opposition on

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behalf of the Member for Langley (Mr. McClelland), what the Member seeks to do is simply and squarely make the Treasury Board the bargaining agent of the government, and there's no way. We know the buck's got to stop somewhere, but we want the buck to go a couple of steps before it arrives on our desk.

The Public Service Commission is a commission which, in another Act we will deal with later on, is going to be expanded. It will be comprised of first-class people with a great deal of experience in the bargaining field, not only in the public service but also hopefully in other sectors. Frankly that's the only way this government could possibly handle wage negotiations for 40,000 people. There's no way in which four men of the Treasury Board,



including the Premier of this province, will be handling dollars and cents, day and night over a table, face to face with 40,000 employees.

Amendment negatived.

Section 3 approved.

On section 4.

**MR. D.A. ANDERSON:** Section 4 gives us three bargaining units essentially. The difficulty here is that we are trying to force together a large number of disparate groups.

I'll refer to one example. I had some of the officers of the B.C. ferry system and the highways department ferry system come to me. They said, "Look, we are professional mariners. We enjoy working on the B.C. ferries but we may not work there forever. There are professional challenges elsewhere." And they put forward a very reasonable case that their own professional association gives them service which is well beyond what the B.C. Government Employees' Union would do, simply because it is geared specifically to their task, their training, their occupation and their problems.

They said, "Look, what we want to do is continue with our present association because it's clearly the appropriate unit for us." Personally, I think they're right. They came up with a very, very good argument. There may well be other groups; in fact there are plenty of other groups. I don't want to go into the other examples I've got, but this indicated to me fairly clearly — and I think indicates to the House — that to try and force people into three separate groups is simply trying to simplify things too much.

There are enormous numbers of people hired by the provincial service, many different skills involved, and sometimes you have an interest which supersedes their interest as civil servants. These people regard themselves not so much as civil servants, for example, but as merchant marine officers. They take a great deal of professional pride in that fact.

Mr. Chairman, I think I would like to have clarification from the Minister on this section because it appears to me that it simply doesn't take care of the problem of groups such as this.

It also appears to me that it is in conflict with section 7. If you look at section 7 — I realize we're looking a little ahead — it's on change of certification. Now how on earth, for example, if every single one of these ferry officers is thoroughly dissatisfied, are they going to get 50 per cent plus 1 of all the people in their group to change the certification? It's obviously going to be impossible for them to do, even though every single ferry officer thought that the system they were under and the group in which they had been put were quite inappropriate for them. They just can't get out of it unless they can persuade people in many different trades and occupations, who have different interests and different viewpoints, that the whole thing should be dismantled or that another unit should be brought in.

It appears to me that section 7 — and I'll get to this in a moment — is really redundant. I just don't see how you can possibly get a change of certification in the bargaining unit when you have so many different groups put together in one specific unit. If it does collapse, I assume your whole system of Collective bargaining will collapse. It certainly won't take care of the individual group which may have a separate point of view and will want to have that point of view maintained and their separate interests protected by quite special associations.

**HON. MR. HALL:** I think I should respond to that. Did the Member move an amendment? It's not on the order paper. Are you moving an amendment?

**MR. D.A. ANDERSON:** No. I am just trying to raise these points. I think I put 30 amendments on the labour bill and got more of them accepted; I put a whole series on this bill. I could put more amendments, but it is pointless.

**HON. MR. HALL:** All I am asking you is if this amendment was on the order paper. I'm not saying that I am

happy that it's on or not on; I just wanted to find out if it was.

In response to the Member's questioning about section 4, it is our view that this is the section that will ruffle feathers, that will upset certain people in the public service. There is no question about that, but I don't know how else one can actually erect a meaningful bargaining procedure with 40,000 people covering the kinds of trades and occupations there are in the civil service without falling into the pitfalls of the federal government and come up with a decent, workable system.

I can think offhand of 25 trade unions that would be knocking at the door tomorrow if I were to agree

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with one of the Member's suggestions. We have been around a bit. We've not been around the government a long time but we've been around in life a long time. There's no way that this government is going to walk into that kind of whipsawing arrangement on behalf of the people of this province, period. No way at all. We love the trade union movement; we feel proud to be associated with the trade union movement in many of our political endeavours. We are not that crazy to start walking into a whipsawing arrangement, period.

There are certain people who work on the third floor who are left-handed pencil sharpeners who claim a singularity of endeavour that is almost frightening in its intensity. They always want to be members of their own trade union. I can think of studies I have read when I was a student of labour matters a long way away from here in which 30 members of a hog bristle processing group, which was over 105 years old in the City of Birmingham, resisted the overtures to join another union. We are in that kind of a box. We have commissioners of the Canadian Labour Congress currently spending most of their time trying to deal with this kind of singularity of specialty the Member makes general reference to.

I agree he makes a particularly good point; he has chosen probably the best of them all with the Merchant Service Guild. But in your debate you actually said you could go on to give more and more examples. That's the very point I am making: if you open the door for one you must open it up for them all.

We have chosen three because, frankly, our wisdom indicated that Bill 182 that had two was unworkable. That was just a bit too much to expect 40,000-odd people to look at, so we took the nurses' bargaining unit out because of a very cogent and cohesive history. Prior to that, if you will remember, in Bill 182 we had just (a) and (b). We had to tighten up the language in subsection (b).

Occupational gymnasts, remedial therapists, masseurs all believe they are professionals and believe that they should be licensed specially. Frankly, we've got the dilemma (it's the current word) of how you have carpenters, painters, electricians, plumbers, stationary engineers, beverage dispensers on the Queen of Prince Rupert — have we got alcohol on the Prince Rupert yet? — many of whom have no history of being in the private sector and being used to the unions that effectively cover the private sector.

We think this is a good piece; we will have a go at it. We believe that the two-tier system of having a component will meet those special and particular singularities to which the Member made reference.

Now, all that is left really is for us to persuade the Merchant Service Guild people that if they want always to have an access to that large union so they can become blue-water sailors again, that's a problem they will have to meet with themselves.

We think this is the best way of doing it, and that is an endorsement of the Higgins report that had all these hearings that you know so well.

**MR. D.A. ANDERSON:** May I ask the Provincial Secretary: where, for example, the ships officers wished to remain members of another and perhaps quite an expensive association — because it's virtually a requirement of theirs now and certainly a requirement of this Act that they belong to essentially two associations — will he be willing to give the assurance that he will consider sympathetically any requests by them for some sort of grant to

make up their professional association dues when the time comes for negotiation?

**HON. MR. HALL:** I will certainly look into that question, Mr. Member. I will go even further, and sympathetically too. If they want to use my good offices to get some talks going so that some of those overall national policies of the MSG — maybe the collective units that they will find themselves in — should interest themselves in getting part of that action as well, I will certainly lend the government's offices to anything that gets working people together for the betterment of working people. That's not just a cliché. I say to you: definitely, yes, we will look upon it.

Sections 4 and 5 approved.

On section 6.

**MR. D.A. ANDERSON:** This is a similar amendment. This section was not in previous legislation and perhaps the Minister will give some explanation of it. I think that an amendment is in order and I have one on the order paper, It's the same amendment essentially as I discussed previously: where you have a person in a managerial or confidential capacity, whether or not he is acting on behalf of the government, there should be exclusion.

The reason is fairly simple and I have given it before; I won't go into it again. I think this would be essentially a guarantee for the union members that there won't be included in their midst people whose loyalty is not to the union. It is a guarantee to the union member; it's a desire on my part to make sure that those people who are included in the union, who may attempt to make managerial positions in the union and become officers of the union, really represent the union and have no conflict of interest and conflicting loyalties to the government with whom they have a managerial or confidential capacity.

The amendment definitely strengthens the union

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operation and gives a better opportunity, I feel, for the union members to be sure that the people acting on their behalf are not infiltrated by government managers or people who are in the confidence of the government and that their loyalties are clear and simple.

I move the amendment standing in my name on the order paper.

**HON. MR. HALL:** This is the standard unfair labour practices section found in most collective agreements. I think it is the same as that found in Bill 11.

I'll be open with the House: it was brought to our attention by the representatives of the nurses' unions who pointed out clearly and strongly, in the first place, that there was no section originally dealing with unfair labour practices.

I don't see that your words add anything to the section because the determination of whether or not that interference takes place is with the Labour Relations Board. If the newly-constituted Labour Relations Board, with all its awesome powers, can't find out if there is an M15 agent or confidential agent or somebody involved in that kind of practice, I don't know who can.

I'm not so sure your words add anything to a very simple section that says no person shall, "interfere with the formation or administration of a union," and no person shall, "in any way discriminate against any employee who is engaged in the lawful activities of a union." I don't see that it adds anything to it.

**MR. D.A. ANDERSON:** The situation may arise where a member of a union may feel that his loyalty is more to the government because of a confidential capacity or managerial capacity.

I remember once running across someone on the ferry, funnily enough, who said, "Remember good old Bob Strachan? You know Bob Strachan?"

I said, "Yes."

"Well, I can sure remember him when he was a foreman. Did he ever tell you the time he was a foreman? I believe the company was A&W construction or something, and apparently old Bob was cracking the whip. He was representing management; he was a foreman."

This is the type of situation which I think we should try to avoid. We want to have a situation where the people who are in the employees' association are strictly employees and they know full well there can be solidarity among themselves because they don't have people who are managers or people in a confidential capacity.

Amendment negatived.

Section 6 approved.

On section 7.

**MR. D.A. ANDERSON:** On section 7, a change of certification. Once again We don't have an amendment.

If we read back to section 4, the third public service bargaining unit includes all employees other than those persons who are either nurses or professionals. It appears to me impossible to get any change of a bargaining unit once we have this cumbersome apparatus, this great umbrella which takes in so much underneath it. I just wonder whether the Hon. Provincial Secretary will comment on section 7.

It appears to be a fairly unworkable provision because of the fact that we have only three bargaining units.

**HON. MR. HALL:** I hate to think what the Member would say if this section wasn't in. This is a kind of "damned if you do, damned if you don't" argument. We had to put in some procedures whereby a changed certification can be made — period. That's one of the policies upon which we've stood for a long, long time.

I agree that the fact that it is going to take, in the instance of the general section, 4(c), something of the order of 15,000-plus-1 votes, let's say, is a monumental task. I agree with you that the union which will eventually get this certification by next April presumably will have to have made a terrible mess of it to lose it. I agree with that. But we had to do something.

While I'm on my feet, let me say that I don't consider this the last word; I don't consider that this will be the last time you will see the *Public Service Labour Relations Act*. It's a brand new game; it's a brand new thing. We've got some goodwill going and we've got to start somewhere. Maybe, in the fullness of time, we'll have to bring this bill back and have other looks at it as practice indicates.

Section 7 approved.

On section 8.

**MR. D.A. ANDERSON:** In section 8 we're dealing with religious conscience. I don't wish to repeat the many arguments that have been made before. But when a person who has a religious objection — something I don't understand despite many attempts of people to explain it to me; something I'm sure the government Ministers have the same difficulty understanding — to membership, these people — and they've said it time after time — cannot accept the fact that they make a contribution to support an organization which they feel is impossible for them to join.

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I would like to take care of this problem by moving the amendment standing in my name on the order paper:

"By deleting the words after the word 'wages' and substituting the following: 'to a charitable organization mutually agreed upon by the employee and the union, but if the employee and the union fail to so agree then to such charitable organization

registered as a charitable organization in Canada under Part 1 of the *Income Tax Act* (Canada) as may be designated by the board, such assignment shall not be revoked without the consent of the board."

The reason why this is of more importance than in the previous legislation we were discussing is because we are here talking about the public service of the Province of British Columbia where all citizens of British Columbia — everyone within the confines of British Columbia who meet the requirement of citizenship of Canada are citizens of British Columbia — can and should be entitled to to become members of the civil service if they're qualified and if an opening is there. We are not dealing with the private employer.

We have talked at great length about discrimination; we had discussions yesterday about the human rights legislation which is before the House at the present time. But if there is any place where you want to make sure that there can be no discrimination against a person who has a religious conviction, which you and I, Mr. Chairman, may not understand, it is in the public service of the Province of British Columbia.

Everybody pays the 5 per cent tax to the government; everybody pays the other taxes to the government depending upon their income and the amount they spend. Everybody is entitled, when dealing with their own government, to have the same opportunity as everybody else. A fair shake — that's all this amendment asks for.

It means that if they have a certain religious view, they should not be barred from applying to the public service of the Province of British Columbia simply because of that religious view, which would prevent them under the present legislation from accepting any employment.

The amendment is a modest one; it exists in other legislation. It has been found time after time that a minuscule fraction of 1 per cent of public servants or any other employees ever take advantage of it. It's a simple thing to police; there's no question of evading responsibilities. It's a simple case of conscience, a conscience which is quite clearly definable.

Mr. Chairman, I realize this has been rejected in the labour legislation that we've had up to now, but when dealing with the public service we're dealing with something else: the right of every single citizen of this province to have an equal crack at taking a government job. We should not discriminate in any way, shape or form even though it is on religious grounds. To leave the Act in its present form would be discrimination on religious grounds just as sure as can be. We know this from what these people have told us. They will be barred from even applying for government jobs if this section remains unamended.

I move my amendment.

**HON. MR. HALL:** I don't suppose I'm going to surprise the Member when I say we don't find the amendment acceptable. The arguments have been going on now for some four or five weeks in this House on this kind of section.

This is a repeat of the wording in Bill 11 which the House has decided upon. I can't accept it.

Everybody has the right to apply for a job in the civil service of this province. If there's ever been one group of people who have fought hard for recognition, it's the people who 31 years ago this month started in three different areas to try to get recognition in the civil service of this province. I think it would be silly for this amendment to go in when we don't have it in for the rest.

**MR. D.A. ANDERSON:** Mr. Speaker, we're here dealing with the public service of the Province of British Columbia. We know the attitude of these people. To pass this section unamended would be to discriminate against these people because of their religious views. There is no way that I can accept the arguments of the Provincial Secretary; we are in no way affecting the right to organize. We are simply dealing with a very special, curious group of people.

As I've said before, the measure of a democracy is how you treat minority groups who have different opinions from your own. I don't understand these people properly; the Premier doesn't; you don't, Mr. Chairman; I

doubt if anybody in this room shares those convictions. But they have those convictions.

I would most strongly urge that this amendment be accepted.

Amendment negated on the following division:

YEAS — 13

Chabot	Richter	Jordan
Fraser	McClelland	Morrison
Schroeder	Bennett	McGeer
Anderson, D.A.	Williams, L.A.	Gardom
Wallace		

NAYS — 36

Hall	Macdonald	Barrett
Dailly	Strachan	Nimsick

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

Sections 8 to 12 inclusive approved.

On section 13.

**HON. MR. HALL:** I would like to move the amendment standing in my name on the order paper on page 18 of today's issue. I have a copy in my hand which I will hand to you, Mr. Chairman.

Mr. Chairman, the amendment to section 13 seeks to further particularize section 13(a). As it is in the bill before you it says, "the principle of merit and its application in the appointment and promotion of employees under the *Public Service Act*," that being an exception to bargaining.

However, in our work this summer we decided that we should, when we change the *Public Service Act*, deal specifically with this question of merit. In order that it may be fully understood we are making reference to the specific section in the *Public Service Act*, namely section 34 of the Act that was tabled yesterday. That way there can be no misunderstanding because, while my legislative counsel tell me the word "under" is sufficient, it perhaps is better for us all if we make reference to the particular section. That is the purpose of the amendment.

Amendment approved.

**HON. MR. HALL:** Mr. Chairman, perhaps I should now also talk about the second amendment, which is clause (c) of line 2. This was, frankly, a mistake in the bill. The three words "the effect of" were left out of the bill which was a mistake in drafting. The section will now read:

"Every collective agreement shall include all matters affecting wages or salary, hours of work, and other working conditions, except

(c) the organization, the establishment," — that means the number — "and the administration of the departments and branches of the Government except the effect of reductions in the establishment of employees...."

It doesn't really make complete sense unless you have "the effect of" reductions.

Amendment approved.

Section 13 approved with amendments.

On section 14.

**HON. MR. HALL:** Section 14, Mr. Chairman, needed some clarification. If you followed these dates upon which members of the union became members and were affected by the dues and all the rest of it, you came in a sort of full circle without getting anywhere. It needed some amendment, so we have cleared that language up. That again is, in the current vernacular of this session, a little "housekeeping" amendment.

Amendment approved.

Section 14 approved with amendment.

Sections 15 and 16 approved.

On section 17.

**MR. D.A. ANDERSON:** Mr. Chairman, this deals with settlement of disputes. In this instance it is time for all Members of the House to face up honestly to the question of the right to strike in the public service.

The fact is that the public service, where you have essential services, inevitably will not be permitted to have a strike. It is a fact of life which we have got to face up to. This Legislature will be called back into session if an essential provincial government service is interrupted and we will be asked, in the heat of the moment and the passion of the time, to force people back to work, which is wrong. I think it is a bad way of handling labour disputes.

Therefore, I would like to move the amendment standing in my name, that in 17(7), line 6, we add after the word "strike" the following words: "except that in a case where the Lieutenant-Governor in Council shall certify that the strike would jeopardize the maintenance of essential services to the public no such strike vote shall be held and the dispute shall be referred to an arbitrator as outlined under section 17(4)."

A very modest amendment, an amendment which would indicate that the Lieutenant-Governor-in-Council is so concerned that they realize the essential service should not be interrupted. It prevents the charade of having a strike vote, of having a strike and calling the Legislature together to force them back to work. It is the Lieutenant-Governor-in-Council under this amendment who are given those powers. If they say "Look, chaps, there is no way we are going to permit this — we're going to have to bring them back to work," they can avoid the charade that would go

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on otherwise.

It's not up to anybody else to determine, only the cabinet, exactly the same people who would be required to

bring us back into session anyway. It simply avoids a couple of stupid, unnecessary steps which will lead to a great deal of public difficulties, which will lead to a great deal of bitterness and which will not lead to any settlement to the labour dispute in question.

This amendment would mean, therefore, that the Lieutenant-Governor-in-Council would take steps to avoid the phoniness of a strike.

**HON. W.S. KING (Minister of Labour):** Mr. Chairman, I find this a rather interesting position for the Hon. leader of the Liberal Party to take. I note that a number of municipalities, particularly on Vancouver Island and the lower mainland, have distributed resolutions which they have passed opposing the right to strike in the civil service as such, in the government service and in a variety of other areas which they like to refer to as essential services.

I would like to read, Mr. Chairman, the contents of a letter put out under the name of Mrs. T.W. Sturrock, acting city clerk for the City of Victoria. This is a letter directed to my office on September 10, 1973, and it says:

"Re: strikes and essential services.

"The following resolution was recently adopted by the Municipality of Saanich.

Whereas the B.C. Ferries strike and the Canadian railway strike provided to every citizen clear evidence of the serious and crippling effect of strikes in industries providing essential services;

"And whereas, under the laws of British Columbia, employees providing essential emergency services such as firefighters, nurses and ambulance drivers are permitted to strike; "And whereas a strike of such employees would be a serious threat to the health and safety and protection of ordinary citizens and their property;

"Therefore, be it resolved the Government of the Province of British Columbia be requested to introduce such legislation and take other measures as may be fair and equitable to both employees and employers to avoid the unfortunate consequences of a strike of employees providing essential emergency services to the public."

This same letter apparently, Mr. Chairman, was directed to the Hon. John Munro, the federal Liberal Minister of Labour, and his office did me the kindness of providing me with a copy of their response to Mrs. Sturrock's request. I would like to read that into the record, Mr. Chairman, It is a letter directed to Mrs. T.W. Sturrock, acting city clerk, Office of the Clerk, City Hall, Victoria. That's the constituency of the Hon. leader of the Liberal Party, I believe. It says:

"Dear Mrs. Sturrock:

"The Hon. John Munro, Minister of Labour, has asked me to acknowledge and thank you for your letter of September 10 which takes the form of a resolution adopted by the Municipality of Saanich recommending that the Government of Canada be requested to introduce legislation that would avoid the unfortunate consequences of a strike of employees providing essential emergency services to the public.

"My Minister has asked me to suggest that it is generally accepted that free collective bargaining, including the right to strike and lock out, is the most appropriate industrial relations system in a free democratic society such as we enjoy in Canada."

**AN HON. MEMBER:** Is that a Liberal?

**HON. MR. KING:** That's a Liberal, the federal Minister of Labour.

"To impose compulsory arbitration as the final method of resolving a dispute, even in so-called essential services, would not automatically bring an end to strikes, but would simply make them illegal.

"In Australia, where arbitration is compulsory and decisions are handled by labour courts, the incidence of illegal strikes is greater than the incidence of legal strikes in Canada.

"Another problem associated with imposing compulsory arbitration in so-called essential services is the definition of essential services. What criteria would be used in determining essential services? And if such a definition could be agreed upon



by all concerned, what criteria would be used in determining wage levels and working conditions for those who would be denied the right to utilize economic self-help by way of a strike or lockout?

"I wish to assure you that my Minister and offices of his department are continually searching for ways and means to reduce the incidence of strikes in the federal jurisdiction. The Department of Labour is presently undertaking studies which hopefully will lead to a better understanding of the complex problems associated with labour-management relations. The department has already initiated an industry specialist programme designed to offer greater assistance to management and labour toward a continuing dialogue between

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the parties during the closed period of collective agreements."

And so it goes.

So I wonder, Mr. Chairman, in light of the federal Liberal position, in light of the formal position of the federal Minister of Labour, which coincides very closely with the response that I had given in debate on the labour Bill 11, I wonder where this places the Liberal Party of British Columbia. I guess they find themselves way out in right field once again.

I don't know what kind of an alliance they're trying to develop, but it would seem perhaps that it's directed more at some other element than it is at unanimity with their own colleagues in the federal jurisdiction. Or does it simply mean, Mr. Chairman, that they take one position in opposition and another in government?

I'm not quite sure, Mr. Chairman, but I do find this rather startling inconsistency somewhat surprising. Rather than asking the Provincial Secretary to respond, perhaps the hon. leader of the Liberal Party should try to explain the inconsistency of his position.

**MR. D.A. ANDERSON:** Mr. Chairman, we were having a fairly rational debate of the sections of this bill. The Hon. Provincial Secretary brought up some good points; I withdrew an amendment at his request when he pointed out something I was unaware of. And then we bring on the heavy hand of the old Minister of Labour. He really is great.

Having turned down all the amendments in the labour bill but one which was a clear case of a drafting error, he brings up this great problem — this great problem that he sees. First of all, he introduces a letter from some other organization, another level of government, the City of Victoria, then assumes that this is the amendment before the House, which it is not.

He has not read the amendment before the House. He has not listened to the debate in the House, and then he goes on to this great simplistic argument that he likes putting forward about what the position is of the Liberal Party.

Let me tell you, Mr. Minister, if you're interested, through you, Mr. Chairman, that we make up our own minds as to what we do in this House, and I think that's right. I would point out to you that if you don't like...as the Premier often points out that he doesn't like the actions of the federal government. He has a party in Ottawa called the NDP and 11 Members of which are from British Columbia....

**HON. D. BARRETT (Premier):** We like them.

**MR. D.A. ANDERSON:** Yes, you like them, but you certainly don't like their actions.

Interjection.

**MR. D.A. ANDERSON:** He consistently points out the fact that they're kept in power by an NDP group in Ottawa. He fails to point out when he's attacking them that the person that he's really attacking is poor old David Lewis, who gets it in the neck from his own side as well as from, of course, the government and the opposition now that the Tories have essentially taken away his thunder in the opposition there.

It's interesting that the Minister of Labour has put up his great straw man. The fact of the matter is that the amendment is fairly specific....

**HON. MR. KING:** Don't call John Munro a straw man; he's a good Minister.

**MR. D.A. ANDERSON:** The situation we have here...for instance, the Minister went on to ask about the problem of definition of essential services. Now if you'd read the amendment, which he normally doesn't do whether it's his bill or anybody else's, he would have discovered — and this is despite the invitation of the Premier in his normal sanctimonious tones about how important it is to get the views of the opposition and to get them putting them forward — despite that, he just makes fun of our amendments, consistently rejects them regardless of whether it's logical or otherwise.

In the amendment on page 18 may I point out that the definition obviously is in the hands of the Lieutenant-Governor-in-Council? It's the cabinet, the very group of people who will be issuing instructions under the present legislation to bring people back to work anyway — and that we know. Why can't you face up to the fact that in certain essential services, which the cabinet knows to be essential, if they're going to remain as cabinet and carry out their functions as government of the Province of British Columbia, they're going to have to bring in the legislation, in a special sitting of this House in all probability, to get the people back to work.

The definition is simple. The definition of essential service is entirely up to the cabinet. It's entirely up to the Minister of Labour and his colleagues — not that I have any confidence in them, but he apparently does. Now if he doesn't think they're capable of deciding what's essential service or other, I wish he'd tell us because that's basically what he's suggested in his fatuous speech on this amendment.

As far as the economic self-help, the situation that we're faced with, which this amendment attempts to deal with in anticipation, is a situation where we have essential services which the cabinet considers to be so important that they cannot allow the people to take advantage of the provisions allowing strikes. We anticipate that by having compulsory arbitration

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in those instances alone.

I wish the Minister would read these amendments more carefully. I wish he'd take his responsibilities more seriously. The fact is that we have here a situation which he knows full well is just absurd. He talks about economic self-help of the essential services going on strike. What absolute, blatant, fatuous nonsense! We are not going to have situations, where the cabinet itself has decided that these people should not be on strike, where they're going to remain on strike and not be called back. It's just ludicrous for the Minister who is responsible for labour peace in the province to come in and quote from letters from city councils, wherever they may be, quote from correspondence on that letter and refuse to deal with the amendments here.

He may make all the fun he likes of it, but we are faced with a potentially serious situation. We are attempting to put forward an amendment which would defuse the situation by sending it to compulsory arbitration. Under 17(4), which exists — section 17(4) of your own Act — we're attempting to get to the situation where instead of calling the Legislature together, where the cabinet has determined it's an essential service, we avoid that cumbersome mechanism which has in the past, let's face it, led to difficulties elsewhere and sometimes led to loss of life elsewhere, and have this thing handled in a more reasonable and dispassionate manner in anticipation by the amendment to section 17(7), line 6.

I really find that the government would be a lot better off if it would leave more rational Ministers, such as the Provincial Secretary, to handle questions such as this. If we have a delicate labour situation in the Province of British Columbia, I cannot see how the Minister of Labour himself, who has shown a demonstrable lack of ability to understand amendments and to understand legislation, can handle this difficult portfolio sensibly.

Mr. Chairman, this amendment is a serious one to deal with a serious problem. The government can make fun

of it all they like but we in the opposition know that there are situations where such an amendment would be something. any government would be delighted to have. It is something which prevents them from having to call the Legislature. It allows them to avoid calling the Legislature into session; allows them to deal with the thing, with the problem that has developed, by handing it over to compulsory arbitration; allows them to avoid the confrontations and possible violence and possible death that has occurred in situations such as this in the past, and deal with it dispassionately.

I really find that for the Minister of Labour to come in and put forward such facetious remarks on this is to be quite uncalled for and quite absurd. As far as our position goes, if we don't like what our federal colleagues are doing, we say so. I said so frequently when I was a Member of the government backbench, as well as my present capacity.

Unlike the NDP — or I don't know, perhaps like them — we don't feel ourselves bound by their federal decision. We have here Douglas Fisher. Remember Douglas Fisher, the NDP, CCF, MP — the man who defeated C.D. Howe? In his article in the *Times* on October 17 he was talking about why the NDP continues to support the government.

He pointed out that a few members of the caucus may have been influenced by the fact that if they last as MPs until June, they become eligible for a lifetime pension of \$390 a month. That's ex-NDP MPs saying that they're supporting the government in Ottawa for the reason that they want a pension.

**MR. CHAIRMAN:** Order!

**HON. MR. HALL:** Mr. Chairman, no matter how you dress up compulsory arbitration in language like this... I can see the liberal, rational approach to that policy, but we differ on it. No matter how you wrap it up, whether compulsory arbitration be apprehended, be pre-emptive, or disguised in any other fashion, compulsory arbitration it is.

We maintain that when the situation deteriorates to a strike in essential services we must then respond in the time-honoured way that is the only one that's left open to us and that is to admit that the economic pressures on the province are such that this Legislature must be called into activity. That we hold fairly close to our hearts.

That's what's going to happen, and if we have made a mistake, Mr. Member, I guess we're going to pay for it. No question about that. I hope we don't. Nobody's more conscious than I of those problems, having as I say over the years spoken from those seats over there about matters like this. I well remember...

**MRS. P.J. JORDAN (North Okanagan):** You were better over here.

**HON. MR. HALL:** Was I better? I'm not too bad wherever I am, really. (Laughter.)

So I'm not prepared to accept this pre-emptive compulsory arbitration amendment.

Amendment negated on the following division:

YEAS — 15

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

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

**MR. WALLACE:** Mr. Chairman, I regret that I'm not able to take part in this debate because of the committee on privilege holding its meeting, but I already spoke to this on second reading, and with that thought in mind I move the amendment standing in my name on the order paper.

Amendment negatived.

**MR. D.A. ANDERSON:** On subsection (11). Would the Minister please outline under what circumstances he envisages locking out the civil service?

**HON. MR. HALL:** Mr. Chairman, I imagine that if the labour-management climate deteriorates in the public service to such an extent that the government will be looking to this particular section, I guess we're not going to be too far from some real editorial comment in the newspapers, for one thing. It seems to me that this is the kind of section that has to really be in in terms of even-handedness; if indeed a strike is acceptable, then a lockout must be acceptable.

I know that the Member makes reference to the fact we're charged and we solemnly do swear to exercise our duties and make sure that the public service of the province carries on, but there may indeed become a time in one particular section, say the technical section or some highways work, when it's not in the best interests of recalcitrant employees on a dispute such as this, who are not responding to the actions of the mediator or arbitrator, to be on the job. I can't give you an actual answer to a hypothetical question, but it seems to me that that's the kind of even-handedness we want to see in a dispute.

**MR. L.A. WILLIAMS (West Vancouver–Howe Sound):** Mr. Chairman, I wonder if the Minister would also indicate the wisdom of the provisions in subsection (8).

It seems to me that the vote to be taken of all members of the union certified should be a vote taken of the bargaining unit in respect of which the dispute arises, and not just of one of the bargaining units. It may just be a matter of wording, but if there is a bargaining unit having difficulty with the master collective agreement affecting them, it should be the members of that particular bargaining unit and not just of one of the bargaining units — it may be one of the others.

**HON. MR. HALL:** I think that you've misread the section. That was deliberately put in to clarify the language in the previous Bill 182 because it wasn't apparent that when an argument arises out of the master agreement for either of (4)(a), (4)(b) or (4)(c), if that is the case then all people in (4)(a) or (4)(b) or (4)(c) will vote on that dispute. If however the argument arises out of a component within (4)(a) or (4)(b) or (4)(c), only the

component votes on that item. That language is very carefully spelled out in sections 8 and 9.

Sections 17 to 20 inclusive approved.

On section 21.

**MR. D.A. ANDERSON:** On section 21 we raise the question of conflict between the Ministers. Can the Attorney General assure me that we're not going to have the same Minister responsible for bargaining as we do for the Civil Service Commission?

**HON. MR. HALL:** Can I give you the assurance that the same Minister responsible for collective bargaining with the civil service is not this Minister?

**MR. D.A. ANDERSON:** Will not be the one who is responsible for the Civil Service Commission.

**HON. MR. HALL:** No, I cannot give you that assurance.

Sections 21 to 24 inclusive approved.

**HON. MR. HALL:** Mr. Chairman, on a point of order, I wonder if the Member heard me correctly. He nodded his head and I thought he should have shaken his head. I cannot give you that assurance.

**MR. D.A. ANDERSON:** I shake my head in despair.

**HON. MR. HALL:** Oh, I see. (Laughter.)

**MR. D.A. ANDERSON:** You refuse to understand.

Sections 25 and 26 approved.

On section 27.

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**MR. D.A. ANDERSON:** Section 27 should be deleted, Mr. Chairman. This is the section which reads:

"Any memorandum of understanding or agreement that was not negotiated under this Act is terminated on the date upon which this Act or any provision thereof comes into force."

I raised this in second reading with the Minister. He promised to look into it.

The situation I fear is that it may take a long time to get collective agreements negotiated. If we wipe out the results of all preceding negotiations, we're going to put just about everybody into limbo for perhaps a lengthy period of time. We may well be giving a curious and unfair advantage to those who negotiate early or, alternatively, those who negotiate late, depending on the circumstances.

I think if there's an existing collective agreement, it should remain in force until such time as it's superseded by another one duly negotiated.

I raised in second reading my own experience with the problem of delayed negotiations and an 18-month delay. I raised the question of the nurses in the federal civil service who were particularly unfortunate in having a very lengthy delay in the conclusion of negotiations. The result was that they were very badly treated, in my view, at the time the federal government allowed collective bargaining in their civil service.

The amendment I would propose is that we delete section 27 and renumber section 28 as 27. It's my last amendment; I trust the Minister will adopt a more responsible approach and accept this one. It's based on my own personal experience and the experience of others in another jurisdiction which had the question of collective

bargaining and the changeover period. I think it makes a great deal of sense.

**MR. CHAIRMAN:** This particular amendment is out of order. The proper procedure for deleting is to defeat rather than to delete. Simply vote against the section.

**MR. D.A. ANDERSON:** I wonder if the Minister will indicate whether he would be willing to defeat the section?

**HON. MR. HALL:** I am not willing to defeat the section, but I am inclined to say to you, Mr. Member, that I have already been in touch personally with a number of groups of civil servants who are keenly anxious to get a governmental interpretation of the meaning of section 27. It's going to be my duty and responsibility to make sure the Civil Service Commission acquaint on all inquiries the true purpose of section 27.

The true purpose of section 27 is not to play fast and loose with any collective agreements — there are no collective agreements per se but agreements or letters of understanding or letters of intent — but not to change those terms at all until they are replaced by a collective bargaining agreement. Unless we have this in the Act, then I maintain, Mr. Chairman, that just as the amendment suggests, the government could play fast and loose, fast and loose could be played on the other side.

It's my understanding, for instance, in one memorandum of agreement, which specifically goes at cross-purposes with the section you voted for, is to do with the effect of reductions in the establishment. We can't have both pieces of work going along at the same time. So I maintain that section 27 is necessary during this transitional period.

But the members of the public service should not look upon this in any shape or form as an avenue of getting out of our obligations.

Sections 27 and 28 approved.

Title approved.

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

Motion approved.

The House resumed; Mr. Speaker in the chair.

Bill 75, *Public Service Labour Relations Act*, reported complete with amendments to be considered at the next sitting of the House after today.

**MR. CHAIRMAN:** The committee reports that divisions took place on sections 8 and 17 and requests that these divisions be recorded in the *Journals* of the House.

Leave granted.

**HON. MR. BARRETT:** Committee on Bill 81, Mr. Speaker.

## MEDICAL CENTRE OF BRITISH COLUMBIA ACT

House in committee on Bill 81; Mr. Dent in the chair.

Sections 1 to 5 inclusive approved.

On section 6.

**HON. D.G. COCKE (Minister of Health Services and Hospital Insurance):** Mr. Chairman, I move the amendment standing in my name on the order paper

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on section 6.

Amendment approved.

Section 6 approved with amendment.

On section 7.

**MRS. JORDAN:** Mr. Chairman, my position would have been expressed earlier if I had realized which bill we were discussing. We would like to move adjournment of this debate until the next sitting of the House in light of the fact that our critic on this bill is tied up with a special committee of this House and is not here to speak to the bill. We would hope that the Premier in his wisdom in wishing to do right by both the government and the opposition would accept this adjournment.

Mr. Chairman, I move that the committee rise, report progress and ask leave to sit again.

Motion approved.

The House resumed; Mr. Speaker in the chair.

**MR. CHAIRMAN:** Mr. Speaker, the committee reports progress and asks leave to sit again.

Leave granted.

**HON. MR. BARRETT:** Committee on Bill 76, Mr. Speaker.

#### DEPARTMENT OF MINES AND PETROLEUM RESOURCES ACT

The House in committee on Bill 76; Mr. Dent in the chair.

Sections 1 to 17 inclusive approved.

Title approved.

**HON. L.T. NIMSICK (Minister of Mines and Petroleum Resources):** Mr. Chairman, I move that the committee rise and report the bill complete without amendment.

The House resumed; Mr. Speaker in the chair.

Bill 76, *Department of Mines and Petroleum Resources Act*, reported complete without amendment, read a third time and passed.

**HON. MR. BARRETT:** Committee on Bill 80, Mr. Speaker.

#### AN ACT TO AMEND THE MINES REGULATIONS ACT

The House in committee on Bill 80; Mr. Dent in the chair.

Sections 1 to 22 inclusive approved.

On section 23.

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

Amendment approved.

Section 23 approved with amendment.

Sections 24 and 25 approved.

Title approved.

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

Motion approved.

The House resumed; Mr. Speaker in the chair.

Bill 80, *An Act to Amend the Mines Regulations Act*, reported complete with amendment to be considered at the next sitting of the House after today.

**HON. MR. BARRETT:** Committee on Bill 77, Mr. Speaker.

## GEOHERMAL RESOURCES ACT

Sections 1 and 2 approved.

Title approved.

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

Motion approved.

The House resumed; Mr. Speaker in the chair.

Bill 77, *Geothermal Resources Act*, reported complete without amendment, read a third time and passed.

**HON. MR. BARRETT:** Committee on Bill 95, Mr. Speaker.

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## AN ACT TO AMEND THE COAL MINES REGULATION ACT

Sections 1 to 17 inclusive approved.

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

Amendment approved.

Section 18 approved with amendment.



Section 19 approved.

Title approved.

**HON. MR. NIMSICK:** 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.

Bill 95, *An Act to Amend the Coal Mines Regulation Act*, reported complete with amendment to be considered at the next sitting of the House after today.

**HON. MR. BARRETT:** Committee on Bill 107, Mr. Speaker.

## AN ACT TO AMEND THE MINERAL LAND TAX ACT

On section 1.

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

Amendment approved.

**MR. G.B. GARDOM (Vancouver–Point Grey):** This thing gives me a bit of concern, Mr. Chairman, because I can well recall that we had a very active debate in the spring of this year concerning the mineral land tax. The total opposition was opposed to it, and was opposed to this increased taxation which was 25 cents to \$1 an acre, and in producing areas \$2 an acre, and under-production tracts 12.5 up to 25 mills.

The argument that was raised at that time, Mr. Chairman, was that there were very amazing powers of designation under the statute which the opposition felt were extremely arbitrary and would have a very detrimental effect on the development of mines.

We also took the position that it would penalize mining concerns for holding mineral lands which were not economic to develop, because in essence you were taxing minerals within the ground and not when they came out. Whether they came out or not, the tax was imposed upon the minerals that were within the ground at the time. It seemed to the opposition then to be very contrary to the New Democratic Party's point of view that they would leave minerals underground for future generations if it is not possible to remove it in the interests of today's society. So essentially we advocated that what you were doing in your bill was really providing the reverse by taxing it for being there — in other words, sort of providing a reverse incentive for taking it out.

When we take a look at the old statute we see several exclusions, Mr. Chairman, from the definition of "mineral." The things that were excluded as being minerals were building and construction stone, limestone, dolomite, marble, shale, clay, sand, gravel, volcanic ash, earth, diatomaceous earth, marl and peat. But we found that within the definitions that you provided the Legislature in the spring, you excluded (as one would naturally suppose) earth, but no longer do you exclude earth from mineral tax under your amendment, because your amendment cuts out all of those words.

It seems to me, Mr. Chairman, that it doesn't take a great deal of brilliance to extend the interpretation of this statute now to include for mineral tax all of the land in the province — 100 per cent of the privately-owned land in the Province of British Columbia, be it farmland, be it residential land, be it urban land or be it rural land. Under the provisions of this statute the government has another tax club, and I just say it's not good enough.

If the intention of the government is to suddenly go ahead and tax all land in the province under the *Mineral*

*Land Tax Act*, which is the way I read the statute, you've given yourself that power, I think it's an excessive power, it's an abusive power, and it certainly is not something which we would expect to find under the definition of a mineral land tax Act. You have imposed by virtue of your amendment the capacity and the right to tax the total of private land in the Province of B.C., because if land does not consist of earth, what does it consist of?

The Minister when he stood up in his opening remarks — I haven't got the *Hansard* in front of me, but I was in the House when he made his statement — said, "We're taking out a few of these things like marble and volcanic ash and stuff," and sort of left it at that. But you're taking a lot more than that, Mr. Minister. As an exclusion of the right to tax, you're taking out that which was formally called earth.

Mother Earth is now subject to tax in the Province of British Columbia under this bill, and that's wrong. I intend to oppose it.

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**HON. MR. NIMSICK:** The reason that we subtracted these from it was there are cases where you've got building stone, you've got these other things that are being exported and used, and there's no way of taxing them.

**MR. GARDOM:** What's earth?

**HON. MR. NIMSICK:** There is soil here, if you notice. Soil is excluded. Earth can mean anything, I'd say.

Interjections.

**HON. MR. NIMSICK:** Well, I suppose soil could be considered more of the surface. Nevertheless, it was to catch up with some people, especially in the limestone area, who are moving limestone out of this country and paying nothing on it. This is the reason that we took those out of there, not with the intention of designating them as taxable, except in certain instances where it might be called for, but that is the only time that we would designate them.

**MR. GARDOM:** But you haven't got that section built into the statute. With every respect to you, Mr. Minister, it's somewhat humorous between the two of us, and I accept it in that vein, that you say that soil is on the top and earth is underneath. But what's the "top," and what's "underneath"? I don't really think this is an adequate explanation to people who will require the technicalities of the descriptions to satisfy themselves as to whether or not they're subject to tax.

On the other hand you say, "Well, by golly, we probably were interested in seeing that there was some sort of tax for the export of limestone." Well, I'm not talking about exporting anything here. As you well appreciate, your bill gives you the right to tax, that which is in the ground. It never has to come out and it never has to be exported. Surely to goodness you're not suggesting to anybody here that you're reserving the right unto yourself to tax earth, are you?

Well, if you say "no," then — and I'm happy to see the Minister shook his head — let's go ahead and put earth in as an exception. Will you agree to that as an amendment? If it's not the government's intention to tax earth under the Mineral Land Tax Act, as the Minister says it isn't, would the Minister accept my amendment, or would he prefer to move his own?

**HON. MR. NIMSICK:** Well, if there was a certain type of earth that was being used and mined, then it could come under a tax, but don't forget that we're not taxing the minerals in the ground. It depends on how you set up your 25 cents per acre to \$1 an acre — this is the tax on the mineral-owned lands. But the designated production areas are the ones where you have the 12.5 to 25 mills. It depends upon what you use as your assessment, you see.

**MR. GARDOM:** It seems to be applying to earth anywhere in the Province of B.C. with your amendment today. It didn't before. We felt it was bad enough before but it's worse now. Earth comes in subject to two-bits an acre taxation under this Act if you enforce it. If you're not going to enforce it, don't bring it in.

**HON. MR. NIMSICK:** Well, diatomaceous earth is in there too, you notice.

**MR. GARDOM:** Yes, but that's another distinction; that's a separate distinction and definition of earth. I'm quarrelling about the word "earth." I can readily see that the Hon. Minister agrees with me. He'd be happier to adjourn this and take a look at it until we come back tonight or tomorrow. I think that would be in the best interests of everybody.

You well appreciate the fact, and have said so in the House, that you want to make sure that soil is excluded, but you don't want to make sure that earth is excluded. So I think that it's a very fair thing for you just to hold on this for a minute or two. Will you agree?

**HON. MR. NIMSICK:** I'll accept an amendment to take out "earth."

**MR. GARDOM:** Thank you. (Laughter.) The 12 years I spent on the farm have proved to be some good, you see.

**MR. CHAIRMAN:** Order, please. Would the Hon. Second Member for Vancouver–Point Grey mind writing out his amendment and handing it in?

**MR. GARDOM:** He shall.

Amendment approved.

Section 1 approved with amendment.

Sections 2 and 3 approved.

Title approved.

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

Motion approved.

The House resumed; Mr. Speaker in the chair.

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Bill 107, *An Act to Amend the Mineral Land Tax Act*, reported complete with amendment to be considered at the next sitting of the House after today.

**HON. MR. BARRETT:** Committee on Bill 101, Mr. Speaker.

### AN ACT TO AMEND THE MINERAL ACT

The House in committee on Bill 101, Mr. Dent in the chair.

Sections 1 to 32 inclusive approved.

Title approved.

**HON. MR. NIMSICK:** 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 101, *An Act to Amend the Mineral Act*, reported complete without amendment, read a third time and passed.

**HON. MR. BARRETT:** Committee on Bill 97, Mr. Speaker.

AN ACT TO AMEND  
THE QUEEN ELIZABETH II  
BRITISH COLUMBIA CENTENNIAL  
SCHOLARSHIP ACT

The House in committee on Bill 97, Mr. Dent in the chair.

Sections 1 and 2 approved.

Title approved.

**HON. MR. HALL:** 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 97, *An Act to Amend the Queen Elizabeth II British Columbia Centennial Scholarship Act*, reported complete without amendment, read a third time and passed.

**HON. MR. BARRETT:** Committee on Bill 102, Mr. Speaker.

AN ACT TO AMEND THE PUBLIC SERVICE  
SUPERANNUATION ACT

The House in committee on Bill 102; Mr. Dent in the chair.

Sections 1 to 3 inclusive approved.

Title approved.

**HON. MR. HALL:** 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 102, *An Act to Amend the Public Service Superannuation Act*, reported complete without amendment, read a third time and passed.

**HON. MR. BARRETT:** Committee on Bill 103, Mr. Speaker.

AN ACT TO AMEND THE  
MUNICIPAL SUPERANNUATION ACT

The House in committee on Bill 103; Mr. Dent in the chair.

Sections 1 to 3 inclusive approved.

Title approved.

**HON. MR. HALL:** 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 103, *An Act to Amend the Municipal Superannuation Act*, reported complete without amendment, read a third time and passed.

**HON. MR. BARRETT:** Committee on Bill 104, Mr. Speaker.

### AN ACT TO AMEND THE TEACHERS' PENSION ACT

The House in committee on Bill 104; Mr. Dent in the chair.

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Section 1 approved.

Title approved.

**HON. MR. HALL:** 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 104, *An Act to Amend the Teachers Pension Act*, reported complete without amendment, read a third time and passed.

**HON. MR. BARRETT:** Committee on Bill 71, Mr. Speaker.

### WEED CONTROL ACT

The House in committee on Bill 71; Mr. Dent in the chair.

Sections 1 to 4 inclusive approved.

On section 5.

**MR. H.A. CURTIS (Saanich and the Islands):** Mr. Chairman, I would ask leave to move the amendment standing on orders of the day, page 16, in the name of the Member for Oak Bay (Mr. Wallace).

**MR. CHAIRMAN:** Point of order. The Hon. Member should move the amendment as his own in committee.

**HON. MR. BARRETT:** If the Member would ask leave of the House, I'm sure the House would give leave.

**MR. CHAIRMAN:** Order, please. Leave cannot be asked.

**MR. CURTIS:** I ask leave, Mr. Chairman.

**MR. CHAIRMAN:** I think the proper procedure would simply be to append your own name to the amendment.

**MR. CURTIS:** As you wish, Mr. Chairman.

**HON. MR. BARRETT:** Point of order. Could not the Member move that the rules be suspended?

**MR. CHAIRMAN:** No, not in committee.

**HON. MR. BARRETT:** No? Not in committee.

Okay.

**MR. CURTIS:** I think the Chair will understand why the Member for Oak Bay cannot be present; he is elsewhere in the building. I therefore move the amendment on page 16, orders of the day, in my name.

**HON. D.D. STUPICH (Minister of Agriculture):** On this amendment very briefly, Mr. Chairman, we believe we have made provision for this in a subsequent amendment to the bill and we'll not accept this particular amendment.

Amendment negatived.

Sections 5 and 6 approved.

On section 7.

**HON. MR. STUPICH:** Mr. Chairman, I move the amendment to section 7 standing in my name on the order paper.

**MR. D.A. ANDERSON:** The Minister stated, and I accepted his word, that this took care of the provisions put forward by the Hon. Member for Saanich and the Islands on behalf of the Hon. Member for Oak Bay. I wonder, as I was in favour of the amendment from the Hon. Member for Oak Bay, whether you'd like to indicate how it covered it? It's just an explanation of an amendment.

**HON. MR. STUPICH:** It's to another section. It's not to the one I'm moving at this point.

Interjection.

**HON. MR. STUPICH:** There's an amendment to section 16.

Section 7 approved with amendment.

On section 8.

**HON. MR. STUPICH:** I'd like to move the amendment to section 8, Mr. Chairman.

Amendment approved.

Section 8 approved with amendment.

On section 9.

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

Amendments approved.

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Section 9 approved with amendment.

Section 10 approved.

On section 11.

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

Amendment approved.

Section 11 approved with amendment.

On section 12.

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

Amendment approved.

Section 12 approved with amendment.

Sections 13 to 15 inclusive approved.

On section 16.

**HON. MR. STUPICH:** I move the amendment standing in my name on the order paper. This is the amendment that I mentioned earlier that I believe covers the question raised by the Hon. Member for Oak Bay, and that is the concern about the substances that are used.

In this we are giving the assurance that any substances being used will first be referred to the Environment and Land Use Committee where there will be the opportunity to make representations for or against certain weed-control measures and the substances being used. It just means there will be this further opportunity to examine, to question, to make proper proposals before the specific regulations dealing with these substances are considered by the Lieutenant-Governor-in-Council.

Amendment approved.

Section 16 approved with amendment.

Sections 17 and 18 approved.

Title approved.

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

Motion approved.

The House resumed; Mr. Speaker in the chair.

Bill 71, *Weed Control Act*, reported complete with amendments to be considered at the next sitting of the House after today.

**HON. MR. BARRETT:** Committee on Bill 94, Mr. Speaker.

AN ACT TO AMEND  
THE SOIL CONSERVATION ACT

Sections 1 to 6 inclusive approved.

Title approved.

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

Motion approved.

The House resumed; Mr. Speaker in the chair.

Bill 94, *An Act to Amend the Soil Conservation Act*, reported complete without amendment, read a third time and passed.

**HON. MR. BARRETT:** Committee on Bill 96, Mr. Speaker.

AN ACT TO AMEND  
THE MUNICIPAL ACT

The House in committee on Bill 96, Mr. Dent in the chair.

Sections 1 to 8 inclusive approved.

On section 9.

**MR. CURTIS:** Mr. Chairman, the intent of this section, while commendable and we indicated so in second reading, neglects the fact that this is going to be very expensive for municipalities of British Columbia as they carry out the enumeration which is required in the various subsections. I indicated in second reading an early estimate on costs and we've had an opportunity to examine it even further within the last few days.

I want to get into the record that in examining this fairly major change in determining who votes and how, Mr. Chairman, the government has neglected the cost that will be placed directly in front of the municipalities. It's going to amount to many hundreds of thousands of dollars throughout the province. I therefore move the amendment standing in my name on the order paper in this section.

**MR. CHAIRMAN:** It would appear that the

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amendment is out of order, under standing order 67, inasmuch as it would impose cost on the Crown. And I would so rule.

**MR. D.A. ANDERSON:** The section is 31(d) — qualifications of electors. May I ask the Minister of Municipal Affairs whether we're going to continue to have the proviso for British subjects which we're wiping out in some other Acts, and particularly *Public Service Act*, whereby the special category of British subject is put in in addition to Canadian citizens. I think that if there's any category that should be included other than Canadian citizens, it should be landed immigrants.

I feel that this may well — again I don't want to get into debate on a bill that we haven't yet discussed — may well contravene the human rights code where we're discriminating in this case in favour of a special group outside the country on the basis of birth — birth within the British Empire. Now, I don't wish to put an amendment forward, I don't wish to hold up the discussion at this point. But it's a discriminatory provision. It's been wiped out in other



provincial legislation that we're seeing, and I wonder whether or not this has been deliberately included or whether it's been included by accident.

**HON. J.G. LORIMER (Minister of Municipal Affairs):** The reason it's included in this particular Act is that to get the voting procedures similar, the same as the *Provincial Elections Act*, we've used the same sections that are in the Provincial Elections Act. And under that Act that's the wording used there. I don't want to argue now about the merits of whether the two Acts should be changed, which I might agree with. But the purpose of these amendments was to change the election procedures, the list of who may vote and so on, to qualify with the *Provincial Elections Act*.

Sections 9 to 78 inclusive approved.

On section 79.

**MR. D.A. ANDERSON:** Mr. Chairman, the problem with the amendments that we are putting in, from the administrative point of view of the cities and municipalities of this province, is that they fear they can be completely unworkable. With no desire to get back into the involved discussion as to whether or not we are disenfranchising property owners, I would like to suggest an amendment standing in my name on the order paper which in no way, in my opinion, affects any principle of the bill or affects the intent of the government. But from the municipalities' point of view it nevertheless would put them in a great deal safer position in case of people questioning their decisions on the basis of lack of notice.

The difficulty that we face is that the amendments we are bringing forward, amendments throughout to change the Act, may well be interpreted as putting a requirement upon the municipality to inform each individual tenant — an obvious impossibility where you have a large turnover of people who I believe on the average only reside in the same residence in British Columbia for three years at a time.

It may be that someone affected by a decision might well be able to overturn a municipal council's decision on zoning or something of that nature simply because they have not been given notice and under this Act it may well be interpreted that they are required to have notice prior to the community proceeding.

I would like to suggest that on section 79, where we are dealing with subsection (2a) of section 703 of the bill, we put forward an amendment by deleting the whole of section (2a) and substituting the following:

"The Council shall, on or before the first day of August, 1973, by by-law, provide that notice of the hearing on a rezoning or land-use contract be mailed or otherwise delivered to owners of vacant real property, and also to every civic address:

"(a) within the area that is subject to the rezoning or land-use contract; and

"(b) within a distance specified in the by-law from the area that is subject to the rezoning or land-use contract."

Section 703 is further amended by inserting, after subsection (5), the following as subsection (6):

"No zoning by-law or land-use contract shall be invalidated by non-compliance with this section if the provisions of this section have been substantially complied with in good faith."

The amendment, as I have stated, does not affect in any way the intent of the Act; what it does is to make sure that if a decision is made by a municipal council they have a hearing. If they inform the tenant electors, as well as the resident electors, they will not be attacked later in the courts by failure to inform every single tenant who might feel entitled to be informed as this Act requires that they be informed.

What we are suggesting instead is that substantial compliance be adequate and they can not overturn it — by a mistake perhaps of the post office department where a street might be left out or eight houses or a block left out, something like that which, under this bill as presently drafted, might well lead to the whole thing being invalid, but which under the amendment, if the amendment is accepted, would lead to the substantial compliance requirement being met and which would lead the municipality to being able to proceed without fear of having their decisions

overturned.

**MR. CHAIRMAN:** The Hon. Member is moving his amendment.

**HON. MR. LORIMER:** As you probably remember, in the session last spring we amended the Act due to the fact that there was some problem in the municipalities failing to notify people affected by rezonings and land-use contracts. The amendment was that we would notify the owners and the residents within the area governed by the bylaw.

Since that time two things have happened. One is under these amendments the owners will no longer have a vote as such. They will have a vote as resident but not as an owner. The second thing is that there have been a number of requests from municipalities stating that they had great difficulty in notifying owners of the changes in any bylaw.

Now the residents are simple to notify. All you have to do is send out a mailing to the addresses within the particular area covered by the bylaw. But to get the owners is a very difficult problem. A number of the owners don't reside there; they may be in South America, they may be in another city. As a result they found it very difficult to notify owners as such. Basically, it was a request from the municipalities that this change be made.

**MR. CURTIS:** Mr. Chairman, I think the Minister has missed the point of this very good amendment proposed by the Second Member for Victoria (Mr. D.A. Anderson). We recognize that it is tough to find owners; they may be, in fact, as the Minister has said, in South America or in another city some distance away. But the point is that the way the law stands now, and the way it will continue to stand with passage of this section without amendment, it would still be possible to upset the action of a municipality on the basis, as I read and understand it, of one person saying in court, "I didn't receive my notice."

Whether it is an owner-elect or an elector is completely beside the point, Mr. Chairman, through you to the Minister. That is not the point of the amendment. One person, whether he or she in fact missed the notice or did not, might perjure himself or herself and claim that that was the case. Here the municipality has gone through the entire process of notifying all the electors in the area which is subject to rezoning, going through the rezoning or land-use development contract procedure, and then having the thing destroyed at the very last moment. I think it is an extremely sensible and practical amendment. We support it.

**MR. D.A. ANDERSON:** The Minister made a few points on this and I appreciate them. But in fact the municipalities do have lists of owners. That's the one thing they have to keep up on.

**HON. MR. LORIMER:** They're six months old though.

**MR. D.A. ANDERSON:** Well that's the one crowd they are able to grab from the point of view of taxation. You can be sure that there is a real incentive there, even though the list may not be entirely up to date, nevertheless, to go after them. They do have, generally speaking, although maybe it is a little late, lists of owners.

The other thing that they may not have, of course, is the list of tenants. That a mail drop is adequate is highly questionable. If the tenants are not informed individually, it may be that the bylaw or rezoning or whatever it is may fall simply on the grounds of a challenge through lack of notice. It is to avoid that problem that I present this amendment.

I would urge the Minister to have another quick look at it. It is rather involved but it certainly doesn't get away, in any way, shape, or form, from the intent of the government. All it does is deal with this question of substantial compliance. That aspect, I think, is very important, because if the municipalities do not have that guarantee we may yet see rezoning decisions on land-use overturned through lack of notice, which of course is absurd, although it may be procedurally sound.

The municipalities are fearful that the present situation makes public hearings extremely dangerous things to undertake. They are fearful that the result will be less public participation because of the fact that they dare not go ahead and start informing people because they can never be sure that they will get everybody, and that the person they don't get may well be able to overturn the whole thing. So we are cutting down on public participation by passing this bill without proper amendment.

Amendment negatived.

Section 79 to 96 inclusive approved.

Title approved.

**HON. MR. LORIMER:** I move that the committee rise and report the bill complete without amendment.

Motion approved.

The House resumed; Mr. Speaker in the chair.

**MR. CHAIRMAN:** Mr. Speaker, the committee reports the bill complete without amendment.

Bill 96, *An Act to Amend the Municipal Act*, reported complete without amendment, read a third

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time, and passed.

**HON. MR. BARRETT:** Committee on Bill 114; Mr. Speaker in the chair.

## AN ACT TO AMEND THE PUBLIC SCHOOLS ACT

The House in committee on Bill 114; Mr. Dent in the chair.

Sections 1 to 3 inclusive approved.

On section 4.

**MR. H.W. SCHROEDER (Chilliwack):** On section 4, I'd like to hear the Minister's rationale on why we allow appointments, or at least persons from any municipality to become eligible for candidacy for trustees or representatives in a given municipality? Is it not wiser to remain just a little parochial in this regard? I'd like to hear the reason for the change.

**HON. E.E. DAILY (Minister of Education):** Yes, it is basically a difference of philosophy between the two of us, through you, Mr. Chairman, to the Member. I don't think we should be parochial about this. I know yesterday in the debate you did mention your concern about it, but you were talking about, perhaps, someone in Pouce Coupe then could come down and run, say, in Burnaby — well, I think we know that's rather far-fetched, really. I think the point is: we do have — particularly in the urban areas and I'm sure in other areas of the province — many very geographically closely connected areas. And I don't see why any citizen should be denied that right to run in an area where perhaps they're working even, and have a great interest in what is going on in the area. Whether they live there or not, if their children could go to school there, I think, the way our population is growing in different areas today, it's really a fairly good idea. I certainly endorse it.

**MR. SCHROEDER:** Does the Minister not see the possibility — at least opening the doors to the possibility — of abusing this kind of thing? Where the people perhaps.... Let's just use the difference of opinions that we have on the floor at the present moment as an example. People who have a difference of opinion could come into, say, my

area in Chilliwack, could run as a slate of officers and could foist their opinions upon us who are resident. Can you not see the chance of abusing...?

Interjections.

**MR. SCHROEDER:** I think that we need some protection in this regard.

**AN HON. MEMBER:** People are wiser than you think they are.

**HON. MRS. DAILLY:** Well, I think your premise for that concern is based on an under, shall I say, estimation of the intelligence of your own people in your own riding.

Section 4 approved.

Interjections.

**MR. GARDOM:** You have to keep your intelligent friends a secret.

**MR. SCHROEDER:** Still got your 1962 striped suit on, friend? (Laughter.)

On section 5.

**MR. SCHROEDER:** In section 5, Mr. Chairman, we see an absence of absentee-owners — wiped out — not only absentee-owners but in that same category, what about corporate owners? If we want to be really democratic, and if we want to have one person, one vote, then why not have a person who is a representative of a corporation in a given municipality...why would his vote be taken away from him?

I notice that we now have only one category of elector, and that is a resident elector, and there's now a demise of the corporate and absentee elector. If the corporate elector is there, if he lives in the next municipality and is eligible to run as a candidate in a neighbouring municipality, why should the fact that he does not reside in the municipality rob him of the opportunity to vote as a corporate agent? Do you understand the question, Madam?

**HON. MRS. DAILLY:** Really, I do understand your question. But again, it is a basic difference of philosophy here, and I think the Minister of Municipal Affairs (Hon. Mr. Lorimer) enunciated it very well. I don't see any inconsistency whatsoever. We believe in people vote, not property vote.

Sections 5 to 39 approved.

Title approved.

The House resumed; Mr. Speaker in the chair.

Bill 114, *An Act to Amend the Public Schools Act*, reported complete without amendment, read a third time and passed.

**HON. D. BARRETT (Premier):** Second reading of Bill 113.

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## AN ACT TO AMEND THE VITAL STATISTICS ACT

**HON. D.G. COCKE (Minister of Health Services and Hospital Insurance):** Mr. Speaker, the amendment to the *Vital Statistics Act* is rather clear and has been sought after by the number of people who have been exposed to transsexual surgery.

There are a great number of people over the past number of years who have had this kind of operation. We're not here to either defend or discuss that operation. What we're talking about here is that there are people now who are applying for a university entrance, applying for work; when asked for birth certificates, they find it rather embarrassing having a birth certificate indicating that they are a boy or a man, or born that way — at least that was the way they were registered — however, having appearance of the opposite sex. So we're doing the humane thing in this province in asking this House to pass a bill which will provide us with an opportunity to go back to the birth certificate and show it as the sex that they have adopted.

Mr. Speaker, I think it's quite straightforward. We're excluding married people from this option; other than that, the bill speaks for itself. Mr. Speaker, with that I move second reading.

Motion approved.

Bill 113, *An Act to Amend the Vital Statistics Act*, read a second time and referred to Committee of the Whole House at the next sitting after today.

**HON. MR. BARRETT:** Second reading of Bill 117, Mr. Speaker,

### COMMUNITY RECREATIONAL FACILITIES FUND APPROPRIATION ACT

**HON. D. BARRETT (Minister of Finance):** Mr. Speaker, at the 1973 session of the Legislature a fund of \$10 million was created, known as the Community Recreational Facilities Fund. This was to assist and encourage communities, municipal governments and non-profit cultural, ethnic or religious groups to build recreational facilities. The province pays one-third of the cost of the recreational facility up to a total of \$1 million for any one endeavour.

I have to report, Mr. Speaker, that this programme has been very, very popular and very successful. In fact, Mr. Speaker, so successful that commitments had to be made this year for another \$5.5 million for those recreational facilities for which this province was starved, for those many years. The government wishes to encourage further this programme and meet these additional requests to build recreational facilities throughout the whole province.

Interjections.

**HON. MR. BARRETT:** Throughout the whole province regardless of who is recognized in this....

Interjections.

**HON. MR. BARRETT:** I can't accept that compliment from the Member. (Laughter.)

Interjections.

**HON. MR. BARRETT:** Accordingly, Mr. Speaker, this bill proposes an additional \$5.5 million to be spent on behalf of the ordinary people of this province.

Mr. Speaker, I want to tell you that this little modest group, who have initiated this programme, said earlier in the spring that if this programme was successful we'd make more money available so that every man, woman and child would have equal opportunity for recreation of their choice on a free basis.

Now, Mr. Speaker, having been able to develop that programme, put it into action, bring it to fruition, and with a great public demand, I'm proud, Mr. Speaker, to say that we're not cheapies; we say to the communities, "Right on! Build on for the better British Columbia and for our children." I now move second reading, Mr. Speaker.

**MR. P.L. McGEER (Vancouver–Point Grey):** I thought, Mr. Speaker, that the Premier was going to come out with a song, "Build on, New Democrats, Build on!"

**HON. MR. BARRETT:** That's excluded from this bill but we'll consider an amendment. (Laughter.)

**MR. McGEER:** ...to go with the former Social Credit theme song.

I do want to compliment the Premier and the government on this programme and to agree with him that it's been successful and long overdue.

I recall not too many years ago in this House when British Columbia was almost as prosperous as it is today — maybe in relative terms every bit as prosperous. In those days there was a freeze on school construction and gymnasiums; swimming pools and that kind of thing were absolutely out of the question.

**AN HON. MEMBER:** Shame.

**MR. McGEER:** I can remember, Mr. Speaker, when the Attorney General of that day recommended that the school children of British Columbia do

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push-ups in their classrooms.

Interjections.

**MR. McGEER:** In any event....

**HON. MR. BARRETT:** Oh!

**AN HON. MEMBER:** You have the wrong bill.

**MR. McGEER:** Yes, Mr. Speaker, we were going to toughen up by being outdoors in the snow and cold. I can remember when they had the freeze on the Peace River country and when there...

**MR. D.M. PHILLIPS (South Peace River):** It's cold up there right now.

**MR. McGEER:** ...wasn't heating facilities for the schools.

I'm so pleased that in a year or two British Columbia has finally found its common sense and recognizes that right along we have to produce appropriate recreational facilities for young and old alike. Really, this is an excellent investment for the people to make in themselves, to have their taxes put to work in their own communities for the facilities to make their lives a little more pleasurable.

I think we're right back on the track again and I want to compliment the Premier and the government for extending this programme, starting it in the first place, recognizing that it was working well and keeping it going at its present pace, I hope that more communities in British Columbia that haven't yet become alive — and I know there have been some very good ones in the constituency that my colleague and I represent — and will follow the suit of the ones that have already got things going in their communities and will take advantage of the enlargement of this programme. Happily, we will come back to pass another bill in the future that will allow every community in British Columbia to improve itself through this programme.

**MR. PHILLIPS:** Thank you, Mr. Speaker. I want to congratulate the government for picking up this idea that was left to them by the previous administration. (Laughter.) It's one area where they've certainly seen the light and I certainly want to congratulate the Minister of Finance for being intelligent in that regard.

Interjections.

**MR. PHILLIPS:** Mr. Speaker, I also want to congratulate the Minister of Finance for using some of the great legacy that was left to him from the previous administration for such a good purpose. There are some other purposes,

Mr. Speaker, on which I couldn't congratulate him — some of the fashions in which he's using up that great amount of money left to him by the prudence of the previous administration. But in this regard, Mr. Speaker, I do want to congratulate him.

However, Mr. Speaker, I must make one exception. The Premier said there was going to be equal opportunity for all persons in British Columbia. There will never be opportunity for all persons in British Columbia until that great northland has some travel allowance so that the students and teams in that area can travel to the lower mainland.

**MR. SPEAKER:** Order.

**MR. PHILLIPS:** Yes, Mr. Speaker? (Laughter.) Yes, we may have more facilities in those areas, Mr. Speaker, but the people who use those facilities and those sports facilities have to travel to the lower mainland. What we need is a fund set up to allow them to have travel, Mr. Speaker.

Now, if you're going to use a jet airplane for that, maybe we should have a special fleet of airplanes so that people in the north have equal opportunities to share the facilities all over the province. Then the Premier will be able to stand in this House and indeed say, Mr. Speaker, that there is equal opportunity for students and for old-age groups. No matter whether they're in some recreation where they're painting, where they're writing, they will have equal opportunity to share with the people in other common interests in the rest of the province. That's what we need, Mr. Speaker. Then the Premier will be able to say that all the people in British Columbia do have equal opportunity.

I hope the Premier will move swiftly to bring in such a fund and set it up so that the great people in the north country, the people who are really pioneering this province, making all these tax dollars available up there in the hinterland, opening up the great north country, Mr. Speaker, should have the equal opportunity. On their behalf I hope the Premier does something. Thank you, Mr. Speaker.

**MR. H.A. CURTIS (Saanich and the Islands):** Mr. Speaker, this is a good bill, good news. No oratory on my part. I think the Minister of Finance's speech will read better than it sounded. The style was reminiscent of his predecessor. I'm not sure it...

**HON. MR. BARRETT:** I'm coherent.

**MR. CURTIS:** I thought you were Barrett. (Laughter.)

This is, I think, the kind of fund which we are pleased to hear is about to be overexpended.

I say as seriously as I can, Mr. Speaker, to the

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Minister of Finance that I hope we can overcome some of the prejudices which apparently he has with respect to some forms of recreational activity. Comments earlier about golf courses, as well-founded as the criticism may have been on the basis of his past experience with one particular golf course, this is the kind of thing where I think it might be very, very suitable if we could get the Minister of Finance out into the community — greater Victoria or elsewhere — and show him a few facilities which are operating very well in the interests of the people of the community.

It may be necessary at some point, Mr. Speaker — and I believe I'm within the framework of this bill — to point out that as we build these facilities, whether it's a non-profit society or a church group or a religious or ethnic group or a municipality, we are incurring considerable costs in the operation of the facilities. That dollar amount will soon begin to escalate. Perhaps discussions could commence at some time with respect to an operational grant as well.

But we are delighted to see Bill 117 indicating that the fund is being well used and well accepted through the province.

**MR. SPEAKER:** The Hon. Premier closes the debate.

**HON. MR. BARRETT:** Mr. Speaker, far be it for me to ever emulate my predecessor. (Laughter.) I wouldn't know how to do that, my friend. But since that day is over forever, I won't tread that path again.

The Member for South Peace River (Mr. Phillips) has got to be kidding! Your boss before never would bring in a thing like this. You know what this does?

**MR. PHILLIPS:** Everything is available when you have the money.

**HON. MR. BARRETT:** Available! It says the money is to encourage communities, municipal governments, non-profit cultural, ethnic or religious (shhhhhh) groups to build recreational facilities, Your former boss would never touch the religious issue. That's a fact. The former Premier would never consider money to any kind of organization like this, let alone even discuss it or let you discuss it. Even if he came in the caucus.... Sit down, my friend. (Laughter.) Oh, I smoked him out.

**MR. SPEAKER:** Order, please. What is your point of order?

**MR. PHILLIPS:** The Premier is not really talking sense. (Laughter.) I don't want to take the time, Mr. Speaker, to enlighten the Minister of Finance, but....

**MR. SPEAKER:** Order, please. That has never been a point of order in this House.

**MR. PHILLIPS:** What has never been?

**MR. SPEAKER:** Your point of order. (Laughter.)

**MR. PHILLIPS:** Oh. You mean that the Premier's not talking sense.

**HON. MR. BARRETT:** Mr. Speaker, when has talking sense ever been a prerequisite for being in order in this House?

**MR. PHILLIPS:** It isn't for being Premier either.

**HON. MR. BARRETT:** The opposition is out of order all session if you apply that criteria.

Mr. Speaker, the fact is that the only government that had the nerve to move on a bill like this was this little people's government representing the ordinary citizen of British Columbia.

We give credit to municipalities. Did the former administration ever give credit to a municipality that showed some initiative? No way. They squeezed them like lemons. Like that. Then they would accuse them of spending public money wastefully.

The only exercise they ever had, Mr. Speaker, was holding the door open on the way into the cabinet room.

Sure, the Member from Vancouver–Point Grey (Mr. McGeer) is quite right. I remember that speech; do your exercises in the classrooms, kiddies. We heard all those speeches. We begged for pools; we begged for gymnasiums. What was it we got from the backbench? You know who we would have to come up and defend the government when we attacked them: "Flat-earth" John. You remember him.

**AN HON. MEMBER:** How about "Swing-shift" George?

**HON. MR. BARRETT:** "Swing-shift" George and "Flat-earth" John, those memorable characters who are



no longer with us. And I must tell you, considering the quality of the opposition, very much mourned in this House. I'd rather have "Flat-earth" John than half of what we've got left.

But I never said it at the time. I didn't realize how lucky we were then.

Mr. Speaker, we begged, we fought, and we won. And now we're here, and we're expanding the programme.

One serious note, Mr. Speaker. I've given a great deal of consideration to the question of golf courses. I want to say that a case has been made by our backbenchers to me about the validity of golf courses, a new dimension from my point of view.

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So I want to announce this to the House: any golf course that declares itself to be a golf course in perpetuity and allows complete and equal public access with no discrimination, any golf course that meets those conditions, municipal or private, will not have to pay increased taxes, Mr. Speaker.

The challenge thus goes out: if they're truly remaining a golf course, no subdivisions in the future or anything else, their business is as a golf course, whether public or private, and guaranteed that it will never change from being a golf course and guaranteed complete free and equal public access on a first come, first served basis, they will not have to pay increased taxes. Now they should meet that challenge head-on. That's a very fair offer, Mr. Speaker.

Mr. Speaker, I move second reading of Bill 117, *Community Recreational Facilities Fund Appropriation Act*.

Motion approved.

Bill 117 read a second time and referred to Committee of the Whole House at the next sitting after today.

### **Presenting reports.**

Hon. Mr. Cocke presents a report of the Vietnam Committee which was taken as read and received.

Hon. Mr. Lea files answers to question 159 and 51.

Hon. Mr. Lorimer files answer to question 142.

Hon. Mr. Nicolson files answers to question 27 and 113.

Hon. Mr. Cocke files answers to questions 138 and 56.

**HON. MR. BARRETT:** Mr. Speaker, I wish to table with this House a report forwarded to me by the chairman of the Special Cabinet Committee on Summer Employment. With leave of the House, I'll table this report.

Leave granted.

Hon. Mr. Barrett moves adjournment of the House.

Motion approved.

The House adjourned at 5:57 p.m.

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