

Wednesday, June 29, 1988

TWO O'CLOCK P.M.

Prayers by Mr. Speaker.

The Hon. C. S. Rogers (Minister of Transportation and Highways) tabled the British Columbia Ferry Corporation Annual Report, 1987–88.

Mr. Kempfrose on a point of order, namely, that Oral Question Period should occur before further business of the House was embarked upon.

Mr. Speaker observed that yesterday, by agreement and without any dissent, the order of business of the House today had been agreed upon.

Mr. Speaker declared a short recess.

His Honour the Lieutenant Governor having entered the House, and being seated in the Chair—

Ian D. Izard, Esq., Law Clerk and Clerk Assistant, read the titles to the following Bills:

- Bill (No. 21) *Police Act*.
- Bill (No. 24) *Land Title Amendment Act, 1988*.
- Bill (No. 26) *Municipalities Enabling and Validating Amendment Act, 1988*.
- Bill (No. 27) *Law Reform Amendment Act, 1988*.
- Bill (No. 28) *Forest Amendment Act, 1988*.
- Bill (No. 29) *Commercial River Rafting Safety Act*.
- Bill (No. 31) *Victims' Rights and Services Act*.
- Bill (No. 32) *Municipal Amendment Act, 1988*.
- Bill (No. 33) *Agriculture and Fisheries Statutes Amendment Act, 1988*.
- Bill (No. 34) *Transportation and Highways Statutes Amendment Act, 1988*.
- Bill (No. 36) *Miscellaneous Statutes Amendment Act (No. 1), 1988*.
- Bill (No. 37) *Dental Technicians Amendment Act, 1988*.
- Bill (No. 38) *Liquor Control and Licensing Amendment Act, 1988*.
- Bill (No. 39) *Pension (Miscellaneous Amendments) Act, 1988*.
- Bill (No. 41) *Municipal Finance Authority Amendment Act, 1988*.
- Bill (No. 42) *Premier's Advisory Council for Persons With Disabilities Act*.
- Bill (No. 43) *Sechelt Indian Government District Home Owner Grant Act*.
- Bill (No. 44) *Resource Investment Corporation Amendment Act, 1988*.
- Bill (No. 45) *Hydro and Power Authority Privatization Act*.
- Bill (No. 46) *Utilities Commission Amendment Act, 1988*.
- Bill (No. 47) *Credit Union Amendment Act (No. 2), 1988*.
- Bill (No. 48) *Family Relations Amendment Act, 1988*.
- Bill (No. 49) *Resort Municipality of Whistler Amendment Act, 1988*.
- Bill (No. 50) *Environment Management Amendment Act, 1988*.
- Bill (No. 51) *Small Business Venture Capital Amendment Act, 1988*.
- Bill (No. 52) *Miscellaneous Statutes Amendment Act (No. 2), 1988*.
- Bill (No. 53) *Health Statutes Amendment Act, 1988*.

Bill (No. 54) *Municipalities Enabling and Validating Amendment Act (No. 2), 1988.*

Bill (No. 55) *Securities Amendment Act, 1988.*

Bill (No. 56) *Nursing Statutes Amendment Act, 1988.*

Bill (No. 57) *South Moresby Implementation Account Act.*

Bill (No. 58) *Mineral Tenure Amendment Act, 1988.*

Bill (No. 62) *Income Tax Amendment Act (No. 2), 1988.*

Bill (No. Pr 402) *Life Bible College Act.*

Bill (No. Pr 403) *Vancouver Charter Amendment Act, 1988.*

Bill (No. Pr 406) *Northwest Baptist Theological College Amendment Act, 1988.*

His Honour was pleased in Her Majesty's name to give assent to the said Bills.

The said assent was announced by *Ian M. Horne, Q.C.*, Clerk of the House, in the following words:

"In Her Majesty's name, His Honour the Lieutenant Governor doth assent to these Bills."

Ian D. Izard, Esq., Law Clerk and Clerk Assistant, read the title to the following Bill:

Bill (No. 59) *Supply Act (No. 2), 1988.*

His Honour the Lieutenant Governor was pleased in Her Majesty's name to give assent to the said Bill.

The said assent was announced by *Ian M. Horne, Q.C.*, Clerk of the House, in the following words:

"In Her Majesty's name, His Honour the Lieutenant Governor doth thank Her Majesty's loyal subjects, accepts their benevolence, and doth assent to this Bill."

His Honour the Lieutenant Governor was then pleased to retire.

Mr. *Rose* rose on a matter of privilege relating to yesterday's resignation of the Attorney General and subsequent statements issued from the Premier's office relating to the same subject matter.

Mr. Speaker stated he would take the matter under advisement.

Mr. *Harcourt* asked leave, pursuant to Standing Order 35, to move adjournment of the House to discuss a matter of urgent public importance, namely, "the danger to the guarantee that all Canadians should depend upon to have a justice system that is impartially administered."

Mr. Speaker stated he would take the matter under advisement.

On the motion of the Hon. *W. B. Strachan*, the House proceeded to "Public Bills and Orders and Government Motions on Notice."

The House proceeded to consideration of Motion 73 on the Order Paper.

73 The Hon. *W. N. Vander Zalm* (Premier) moved—

**Motion for a Resolution to authorize an amendment to the
Constitution of Canada**

WHEREAS the *Constitution Act, 1982* came into force on April 17, 1982, following an agreement between Canada and all the provinces except Quebec;

AND WHEREAS the Government of Quebec has established a set of five proposals for constitutional change and has stated that amendments to give effect to those proposals would enable Quebec to resume a full role in the constitutional councils of Canada;

AND WHEREAS the amendment proposed in the schedule hereto sets out the basis on which Quebec's five constitutional proposals may be met; AND WHEREAS the amendment proposed in the schedule hereto also recognizes the principle of the equality of all the provinces, provides new arrangements to foster greater harmony and cooperation between the Government of Canada and the governments of the provinces and requires that conferences be convened to consider important constitutional, economic and other issues;

AND WHEREAS certain portions of the amendment proposed in the schedule hereto relate to matters referred to in section 41 of the *Constitution Act, 1982*;

AND WHEREAS section 41 of the *Constitution Act, 1982* provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and the House of Commons and of the legislative assembly of each province;

NOW THEREFORE the Legislative Assembly of British Columbia resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

SCHEDULE

CONSTITUTION AMENDMENT, 1987

Constitution Act, 1867

1. The *Constitution Act, 1867* is amended by adding thereto, immediately after section 1 thereof, the following section:

"2. (1) The Constitution of Canada shall be interpreted in a manner consistent with

- (a) the recognition that the existence of French-speaking Canadians, centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians, concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada; and
- (b) the recognition that Quebec constitutes within Canada a distinct society.

Interpretation

Role of Parliament and legislatures

(2) The role of the Parliament of Canada and the provincial legislatures to preserve the fundamental characteristic of Canada referred to in paragraph (1) (a) is affirmed.

Role of legislature and Government of Quebec

(3) The role of the legislature and Government of Quebec to preserve and promote the distinct identity of Quebec referred to in paragraph (1) (b) is affirmed.

Rights of legislatures and governments preserved

(4) Nothing in this section derogates from the powers, rights or privileges of Parliament or the Government of Canada, or of the legislatures or governments of the provinces, including any powers, rights or privileges relating to language.”

2. The said Act is further amended by adding thereto, immediately after section 24 thereof, the following section:

Names to be submitted

“25. (1) Where a vacancy occurs in the Senate, the government of the province to which the vacancy relates may, in relation to that vacancy, submit to the Queen’s Privy Council for Canada the names of persons who may be summoned to the Senate.

Choice of Senators from names submitted

(2) Until an amendment to the Constitution of Canada is made in relation to the Senate pursuant to section 41 of the *Constitution Act, 1982*, the person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted under subsection (1) by the government of the province to which the vacancy relates and must be acceptable to the Queen’s Privy Council for Canada.”

3. The said Act is further amended by adding thereto, immediately after section 95 thereof, the following heading and sections:

“Agreements on Immigration and Aliens

Commitment to negotiate

95A. The Government of Canada shall, at the request of the government of any province, negotiate with the government of that province for the purpose of concluding an agreement relating to immigration or the temporary admission of aliens into that province that is appropriate to the needs and circumstances of that province.

Agreements

95B. (1) Any agreement concluded between Canada and a province in relation to immigration or the temporary admission of aliens into that province has the force of law from the time it is declared to do so in accordance with subsection 95C (1) and shall from that time have effect notwithstanding class 25 of section 91 or section 95.

Limitation

(2) An agreement that has the force of law under subsection (1) shall have effect only so long and so far as it is not repugnant to any provision of an Act of the Parliament of Canada that sets national standards and objectives relating to immigration or aliens, including any provision that establishes general classes of immigrants or relates to levels of immigration for Canada or that prescribes classes of individuals who are inadmissible into Canada.

Application of
Charter

(3) The *Canadian Charter of Rights and Freedoms* applies in respect of any agreement that has the force of law under subsection (1) and in respect of anything done by the Parliament or Government of Canada, or the legislature or government of a province, pursuant to any such agreement.

Proclamation
relating to
agreements

95C. (1) A declaration that an agreement referred to in subsection 95B (1) has the force of law may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of the province that is a party to the agreement.

Amendment of
agreements

(2) An amendment to an agreement referred to in subsection 95B (1) may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized

(a) by resolutions of the Senate and House of Commons and of the legislative assembly of the province that is a party to the agreement; or

(b) in such other manner as is set out in the agreement.

Application of
sections 46 to 48
of *Constitution
Act, 1982*

95D. Sections 46 to 48 of the *Constitution Act, 1982* apply, with such modifications as the circumstances require, in respect of any declaration made pursuant to subsection 95C (1), any amendment to an agreement made pursuant to subsection 95C (2) or any amendment made pursuant to section 95E.

Amendments to
sections 95A to
95D or this
section

95E. An amendment to sections 95A to 95D or this section may be made in accordance with the procedure set out in subsection 38 (1) of the *Constitution Act, 1982*, but only if the amendment is authorized by resolutions of the legislative assemblies of all the provinces that are, at the time of the amendment, parties to an agreement that has the force of law under subsection 95B (1)."

4. The said Act is further amended by adding thereto, immediately preceding section 96 thereof, the following heading:

"General"

5. The said Act is further amended by adding thereto, immediately preceding section 101 thereof, the following heading:

"Courts Established by the Parliament of Canada"

6. The said Act is further amended by adding thereto, immediately after section 101 thereof, the following heading and sections:

"Supreme Court of Canada"

Supreme Court
continued

101A. (1) The court existing under the name of the Supreme Court of Canada is hereby continued as the general court of appeal for Canada, and as an additional court for the better administration of the laws of Canada, and shall continue to be a superior court of record.

Constitution of
court

(2) The Supreme Court of Canada shall consist of a chief justice to be called the Chief Justice of Canada and eight other judges, who shall be appointed by the Governor General in Council by letters patent under the Great Seal.

Who may be
appointed judges

101B. (1) Any person may be appointed a judge of the Supreme Court of Canada who, after having been admitted to the bar of any province or territory, has, for a total of at least ten years, been a judge of any court in Canada or a member of the bar of any province or territory.

Three judges
from Quebec

(2) At least three judges of the Supreme Court of Canada shall be appointed from among persons who, after having been admitted to the bar of Quebec, have, for a total of at least ten years, been judges of any court of Quebec or of any court established by the Parliament of Canada, or members of the bar of Quebec.

Names may be
submitted

101C. (1) Where a vacancy occurs in the Supreme Court of Canada, the government of each province may, in relation to that vacancy, submit to the Minister of Justice of Canada the names of any of the persons who have been admitted to the bar of that province and are qualified under section 101B for appointment to that court.

Appointment
from names
submitted

(2) Where an appointment is made to the Supreme Court of Canada, the Governor General in Council shall, except where the Chief Justice is appointed from among members of the Court, appoint a person whose name has been submitted under subsection (1) and who is acceptable to the Queen's Privy Council for Canada.

Appointment
from Quebec

(3) Where an appointment is made in accordance with subsection (2) of any of the three judges necessary to meet the requirement set out in subsection 101B (2), the Governor General in Council shall appoint a person whose name has been submitted by the Government of Quebec.

Appointment
from other
provinces

(4) Where an appointment is made in accordance with subsection (2) otherwise than as required under subsection (3), the Governor General in Council shall appoint a person whose name has been submitted by the government of a province other than Quebec.

Tenure, salaries,
etc. of judges

101D. Sections 99 and 100 apply in respect of the judges of the Supreme Court of Canada.

Relationship to
section 101

101E. (1) Sections 101A to 101D shall not be construed as abrogating or derogating from the powers of the Parliament of Canada to make laws under section 101 except to the extent that such laws are inconsistent with those sections.

References to
the Supreme
Court of Canada

(2) For greater certainty, section 101A shall not be construed as abrogating or derogating from the powers of the Parliament of Canada to make laws relating to the reference of questions of law or fact, or any other matters, to the Supreme Court of Canada."

7. The said Act is further amended by adding thereto, immediately after section 106 thereof, the following section:

Shared-cost
program

“**106A.** (1) The Government of Canada shall provide reasonable compensation to the government of a province that chooses not to participate in a national shared-cost program that is established by the Government of Canada after the coming into force of this section in an area of exclusive provincial jurisdiction, if the province carries on a program or initiative that is compatible with the national objectives.

Legislative
power not
extended

(2) Nothing in this section extends the legislative powers of the Parliament of Canada or of the legislatures of the provinces.”

8. The said Act is further amended by adding thereto the following heading and sections:

“XII — CONFERENCES ON THE ECONOMY AND OTHER MATTERS

Conferences on
the economy
and other
matters

148. A conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once each year to discuss the state of the Canadian economy and such other matters as may be appropriate.

XIII — REFERENCES

Reference
includes
amendments

149. A reference to this Act shall be deemed to include a reference to any amendments thereto.”

Constitution Act, 1982

9. Sections 40 to 42 of the *Constitution Act, 1982* are repealed and the following substituted therefor:

Compensation

“**40.** Where an amendment is made under subsection 38 (1) that transfers legislative powers from provincial legislatures to Parliament, Canada shall provide reasonable compensation to any province to which the amendment does not apply.

Amendment by
unanimous
consent

41. An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

- (a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;
- (b) the powers of the Senate and the method of selecting Senators;
- (c) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;

- (d) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province was entitled to be represented on April 17, 1982;
- (e) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada;
- (f) subject to section 43, the use of the English or the French language;
- (g) the Supreme Court of Canada;
- (h) the extension of existing provinces into the territories;
- (i) notwithstanding any other law or practice, the establishment of new provinces; and
- (j) an amendment to this Part."

10. Section 44 of the said Act is repealed and the following substituted therefor:

Amendments by
Parliament

"**44.** Subject to section 41, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons."

11. Subsection 46 (1) of the said Act is repealed and the following substituted therefor:

Initiation of
amendment
procedures

"**46. (1)** The procedures for amendment under sections 38, 41 and 43 may be initiated either by the Senate or the House of Commons or by the legislative assembly of a province."

12. Subsection 47 (1) of the said Act is repealed and the following substituted therefor:

Amendments
without Senate
resolution

"**47. (1)** An amendment to the Constitution of Canada made by proclamation under section 38, 41 or 43 may be made without a resolution of the Senate authorizing the issue of the proclamation if, within one hundred and eighty days after the adoption by the House of Commons of a Resolution authorizing its issue, the Senate has not adopted such a resolution and if, at any time after the expiration of that period, the House of Commons again adopts the resolution."

13. Part VI of the said Act is repealed and the following substituted therefor:

"PART VI

CONSTITUTIONAL CONFERENCES

Constitutional
conference

50. (1) A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once each year, commencing in 1988.

Agenda

(2) The conferences convened under subsection (1) shall have included on their agenda the following matters:

- (a) Senate reform, including the role and functions of the Senate, its powers, the method of selecting Senators and representation in the Senate;
- (b) roles and responsibilities in relation to fisheries; and
- (c) such other matters as are agreed upon.”

14. Subsection 52 (2) of the said Act is amended by striking out the word “and” at the end of paragraph (b) thereof, by adding the word “and” at the end of paragraph (c) thereof and by adding thereto the following paragraph:

“(d) any other amendment to the Constitution of Canada.”

15. Section 61 of the said Act is repealed and the following substituted therefor:

References

“**61.** A reference to the *Constitution Act 1982*, or a reference to the *Constitution Acts 1867 to 1982*, shall be deemed to include a reference to any amendments thereto.”

General

Multi cultural
heritage and
aboriginal
peoples

16. Nothing in section 2 of the *Constitution Act, 1867* affects section 25 or 27 of the *Canadian Charter of Rights and Freedoms*, section 35 of the *Constitution Act, 1982* or class 24 of section 91 of the *Constitution Act, 1867*.

CITATION

Citation

17. This amendment may be cited as the *Constitution Amendment, 1987*.

ANNEXE

MODIFICATION CONSTITUTIONNELLE DE 1987

Loi constitutionnelle de 1867

1. La *Loi constitutionnelle de 1867* est modifiée par insertion, après l'article 1, de ce qui suit:

Règle
interprétative

2. (1) Toute interprétation de la Constitution du Canada doit concorder avec:

- a) la reconnaissance de ce que l'existence de Canadiens d'expression française, concentrés au Québec mais présents aussi dans le reste du pays, et de Canadiens d'expression anglaise, concentrés dans le reste du pays mais aussi présents au Québec, constitue une caractéristique fondamentale du Canada;
- b) la reconnaissance de ce que le Québec forme au sein du Canada une société distincte.

Rôle du
Parlement et des
législatures

(2) Le Parlement du Canada et les législatures des provinces ont le rôle de protéger la caractéristique fondamentale du Canada visée à l'alinéa (1) a).

Rôle de la
législature et du
gouvernement
du Québec

(3) La législature et le gouvernement du Québec ont le rôle de protéger et de promouvoir le caractère distinct du Québec visé à l'alinéa (1) b).

Maintien des
droits des
législatures et
gouvernements

(4) Le présent article n'a pas pour effet de déroger aux pouvoirs, droits ou privilèges du Parlement ou du gouvernement du Canada, ou des législatures ou des gouvernements des provinces, y compris à leurs pouvoirs, droits ou privilèges en matière de langue."

2. La même loi est modifiée par insertion, après l'article 24, de ce qui suit:

Propositions

"**25.** (1) En cas de vacance au Sénat, le gouvernement de la province à représenter peut proposer au Conseil privé de la Reine pour le Canada des personnes susceptibles d'être nommées au siège vacant.

Choix des
sénateurs

(2) Jusqu'à la modification, faite conformément à l'article 41 de la *Loi constitutionnelle de 1982*, de toute disposition de la Constitution du Canada relative au Sénat, les personnes nommées aux sièges vacants au Sénat sont choisies parmi celles qui ont été proposées par le gouvernement de la province à représenter et agréées par le Conseil privé de la Reine pour le Canada."

3. La même loi est modifiée par insertion, après l'article 95, de ce qui suit:

*"Accords relatifs à
l'immigration et aux aubains*

Engagement

95A. Sur demande du gouvernement d'une province, le gouvernement du Canada négocie avec lui en vue de conclure, en matière d'immigration ou d'admission temporaire des aubains dans la province, un accord adapté aux besoins et à la situation particulière de celle-ci.

Accords

95B. (1) Tout accord conclu entre le Canada et une province en matière d'immigration ou d'admission temporaire des aubains dans la province a, une fois faite la déclaration visée au paragraphe 95C (1), force de loi et a dès lors effet indépendamment tant du point 25 de l'article 91 que de l'article 95.

Restriction

(2) L'accord ayant ainsi force de loi n'a d'effet que dans la mesure de sa compatibilité avec les dispositions des lois du Parlement du Canada qui fixent des normes et objectifs nationaux relatifs à l'immigration et aux aubains, notamment en ce qui concerne l'établissement des catégories générales d'immigrants, les niveaux d'immigration au Canada et la détermination des catégories de personnes inadmissibles au Canada.

Application de
la Charte

(3) La *Charte canadienne des droits et libertés* s'applique aux accords ayant ainsi force de loi et à toute mesure prise sous leur régime par le Parlement ou le gouvernement du Canada ou par la législature ou le gouvernement d'une province.

Proclamation
relative aux
accords

95C. (1) La déclaration portant qu'un accord visé au paragraphe 95B (1) a force de loi se fait par proclamation du gouverneur général sous le grand sceau du Canada, autorisée par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de la province qui est partie à l'accord.

Modification des
accords

(2) La modification d'un accord visé au paragraphe 95B (1) se fait par proclamation du gouverneur général sous le grand sceau du Canada, autorisée:

- a) soit par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de la province qui est partie à l'accord;
- b) soit selon les modalités prévues dans l'accord même.

Application des
articles 46 à 48
de la *Loi
constitutionnelle
de 1982*

95D. Les articles 46 à 48 de la *Loi constitutionnelle de 1982* s'appliquent, avec les adaptations nécessaires, à toute déclaration faite aux termes du paragraphe 95C (1), à toute modification d'un accord faite aux termes du paragraphe 95C (2) ou à toute modification faite aux termes de l'article 95E.

Modification des
articles 95A à
95D ou du
présent article

95E. Les articles 95A à 95D ou le présent article peuvent être modifiés conformément au paragraphe 38 (1) de la *Loi constitutionnelle de 1982*, à condition que la modification soit autorisée par des résolutions des assemblées législatives de toutes les provinces qui sont, à l'époque de celle-ci, parties à un accord ayant force de loi aux termes du paragraphe 95B (1)."

4. La même loi est modifiée par insertion, avant l'article 96, de ce qui suit:

"Dispositions générales"

5. La même loi est modifiée par insertion, avant l'article 101, de ce qui suit:

"Tribunaux créés par le Parlement du Canada"

6. La même loi est modifiée par insertion, après l'article 101, de ce qui suit:

"Cour suprême du Canada"

Maintien de la
Cour suprême
du Canada

101A. (1) La cour qui existe sous le nom de Cour suprême du Canada est maintenue à titre de cour générale d'appel pour le Canada et de cour additionnelle propre à améliorer l'application des lois du Canada. Elle conserve ses attributions de cour supérieure d'archives.

Composition

(2) La Cour suprême du Canada se compose du juge en chef, appelé juge en chef du Canada, et de huit autres juges, que nomme le gouverneur général en conseil par lettres patentes sous le grand sceau.

Conditions de nomination

101B. (1) Les juges sont choisis parmi les personnes qui, après avoir été admises au barreau d'une province ou d'un territoire, ont, pendant au moins dix ans au total, été juges de n'importe quel tribunal du pays ou inscrites au barreau de n'importe quelle province ou de n'importe quel territoire.

Québec: trois juges

(2) Au moins trois des juges sont choisis parmi les personnes qui, après avoir été admises au barreau du Québec, ont, pendant au moins dix ans au total, été inscrites à ce barreau ou juges d'un tribunal du Québec ou d'un tribunal créé par le Parlement du Canada.

Propositions de nomination

101C. (1) En cas de vacance à la Cour suprême du Canada, le gouvernement de chaque province peut proposer au ministre fédéral de la Justice, pour la charge devenue vacante, des personnes admises au barreau de cette province et remplissant les conditions visées à l'article 101B.

Nomination parmi les personnes proposées

(2) Le gouverneur général en conseil procède aux nominations parmi les personnes proposées et qui agrément au Conseil privé de la Reine pour le Canada; le présent paragraphe ne s'applique pas à la nomination du juge en chef dans les cas où il est choisi parmi les juges de la Cour suprême du Canada.

Nomination parmi les personnes proposées par le Québec

(3) Dans le cas de chacune des trois nominations à faire conformément au paragraphe 101B (2), le gouverneur général en conseil nomme une personne proposée par le gouvernement du Québec.

Nominations parmi les personnes proposées par les autres provinces

(4) Dans le cas de toute autre nomination, le gouverneur général en conseil nomme une personne proposée par le gouvernement d'une autre province que le Québec.

Inamovibilité, traitement, etc.

101D. Les articles 99 et 100 s'appliquent aux juges de la Cour suprême du Canada.

Rapport avec l'article 101

101E. (1) Sous réserve que ne soient pas adoptées, dans les matières visées à l'article 101, de dispositions incompatibles avec les articles 101A à 101D, ceux-ci n'ont pas pour effet de porter atteinte à la compétence législative conférée au Parlement du Canada en ces matières.

Renvois à la Cour suprême du Canada

(2) Il est entendu que l'article 101A n'a pas pour effet de porter atteinte à la compétence législative du Parlement du Canada en ce qui concerne le renvoi à la Cour suprême du Canada de questions de droit ou de fait, ou de toute autre question."

7. La même loi est modifiée par insertion, après l'article 106, de ce qui suit:

Programmes cofinancés

"106A. (1) Le gouvernement du Canada fournit une juste compensation au gouvernement d'une province qui choisit de ne pas participer à un programme national cofinancé qu'il établit après l'entrée en vigueur du présent article dans un secteur de compétence exclusive provinciale, si la province applique un programme ou une mesure compatible avec les objectifs nationaux.

Non-
élargissement
des compétences
législatives

(2) Le présent article n'élargit pas les compétences législatives du Parlement du Canada ou des législatures des provinces."

8. La même loi est modifiée par insertion, après l'article 147, de ce qui suit:

"XII. — CONFÉRENCES SUR L'ÉCONOMIE ET SUR D'AUTRES QUESTIONS

Convocation

148. Le premier ministre du Canada convoque au moins une fois par an une conférence réunissant les premiers ministres provinciaux et lui-même et portant sur l'économie canadienne ainsi que sur toute autre question appropriée.

XIII. — MENTIONS

Présomption

149. Toute mention de la présente loi est réputée constituer également une mention de ses modifications."

Loi constitutionnelle de 1982

9. Les articles 40 à 42 de la *Loi constitutionnelle de 1982* sont abrogés et remplacés par ce qui suit:

Compensation

"**40.** Le Canada fournit une juste compensation aux provinces auxquelles ne s'applique pas une modification faite conformément au paragraphe 38 (1) et relative à un transfert de compétences législatives provinciales au Parlement.

Consentement
unanime

41. Toute modification de la Constitution du Canada portant sur les questions suivantes se fait par proclamation du gouverneur général sous le grand sceau du Canada, autorisée par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de chaque province:

- a) la charge de Reine, celle de gouverneur général et celle de lieutenant-gouverneur;
- b) les pouvoirs du Sénat et le mode de sélection des sénateurs;
- c) le nombre des sénateurs par lesquels une province est habilitée à être représentée et les conditions de résidence qu'ils doivent remplir;
- d) le droit d'une province d'avoir à la Chambre des communes un nombre de députés au moins égal à celui des sénateurs par lesquels elle était habilitée à être représentée le 17 avril 1982;
- e) le principe de la représentation proportionnelle des provinces à la Chambre des communes prévu par la Constitution du Canada;
- f) sous réserve de l'article 43, l'usage du français ou de l'anglais;
- g) la Cour suprême du Canada;
- h) le rattachement aux provinces existantes de tout ou partie des territoires;
- i) par dérogation à toute autre loi ou usage, la création de provinces;
- j) la modification de la présente partie."

10. L'article 44 de la même loi est abrogé et remplacé par ce qui suit:

Modification par
le Parlement

“**44.** Sous réserve de l'article 41, le Parlement a compétence exclusive pour modifier les dispositions de la Constitution du Canada relatives au pouvoir exécutif fédéral, au Sénat ou à la Chambre des communes.”

11. Le paragraphe 46 (1) de la même loi est abrogé et remplacé par ce qui suit:

Initiative des
procédures

“**46.** (1) L'initiative des procédures de modification visées aux articles 38, 41 et 43 appartient au Sénat, à la Chambre des communes ou à une assemblée législative.”

12. Le paragraphe 47 (1) de la même loi est abrogé et remplacé par ce qui suit:

Modification
sans résolution
du Sénat

“**47.** (1) Dans les cas visés à l'article 38, 41 ou 43, il peut être passé outre au défaut d'autorisation du Sénat si celui-ci n'a pas adopté de résolution dans un délai de cent quatre-vingts jours suivant l'adoption de celle de la Chambre des communes et si cette dernière, après l'expiration du délai, adopte une nouvelle résolution dans le même sens.”

13. La partie VI de la même loi est abrogée et remplacée par ce qui suit:

“PARTIE VI

CONFÉRENCES CONSTITUTIONNELLES

Convocation

50. (1) Le premier ministre du Canada convoque au moins une fois par an une conférence constitutionnelle réunissant les premiers ministres provinciaux et lui-même, la première devant avoir lieu en 1988.

Ordre du jour

(2) Sont placées à l'ordre du jour de ces conférences les questions suivantes:

- a) la réforme du Sénat, y compris son rôle et ses fonctions, ses pouvoirs, le mode de sélection des sénateurs et la représentation au Sénat;
- b) les rôles et les responsabilités en matière de pêches;
- c) toutes autres questions dont il est convenu.”

14. Le paragraphe 52 (2) de la même loi est modifié par adjonction de ce qui suit:

“d) les autres modifications qui lui sont apportées.”

15. L'article 61 de la même loi est abrogé et remplacé par ce qui suit:

Mentions

“**61.** Toute mention de la *Loi constitutionnelle de 1982* ou des *Lois constitutionnelles de 1867 à 1982* est réputée constituer également une mention de leurs modifications.”

Dispositions générales

Patrimoine
multiculturel et
peuples
autochtones

16. L'article 2 de la *Loi constitutionnelle de 1867* n'a pas pour effet de porter atteinte aux articles 25 ou 27 de la *Charte canadienne des droits et libertés*, à l'article 35 de la *Loi constitutionnelle de 1982* ou au point 24 de l'article 91 de la *Loi constitutionnelle de 1867*.

TITRE

Titre

17. Titre de la présente modification: *Modification constitutionnelle de 1987*.

A debate arose.

On the motion of Mr. *Gabelmann*, the debate was adjourned until later today.

The House proceeded, with leave, to consideration of Motion 75 on the Order Paper.

75 Mr. Rose, on behalf of Mr. *Harcourt*, moved—

Be it resolved that the Legislative Assembly of British Columbia hereby calls for amendments to the Meech Lake Accord by adopting the following changes to the proposed Constitution Amendment, 1987:

- (a) by adding in paragraph 2, subsection 25 (1), the words “and the elected government of each territory” immediately after the word “province”;
- (b) by adding in paragraph 2, subsection 25 (2), the words “or elected government of a territory” immediately after the word “province”;
- (c) by deleting paragraph 6;
- (d) by adding to paragraph 7, subsection 106A, the following new paragraph:

“(3) Nothing in this section derogates from the right of the federal government to pursue national social programs in areas of its exclusive jurisdiction or areas of shared jurisdiction.” ;
- (e) by deleting paragraph 9, section 41, paragraph (i);
- (f) by deleting paragraph 13, section 50 (2) (c), and substituting the following therefor:

“(c) aboriginal rights, in particular self-government;” ;
- (g) by adding to paragraph 13, section 50 (2), the following new paragraphs:

“(d) an Economic Charter of Rights, including full labour rights; and
“(e) such other matters as are agreed upon.” ;
- (h) by adding to paragraph 13, section 50, the following new subsection:

“(3) The Prime Minister shall invite to the Conferences designated in section 50, subsection (2) (c), representatives of the aboriginal peoples of Canada and the governments of the Northwest Territories and Yukon and those groups and governments shall participate fully in all matters that affect aboriginal rights.”
- (i) by deleting paragraph 16 and substituting the following:

“16. Nothing in section 2 of the *Constitution Act, 1867* affects section 25, 27, or 28 of the *Canadian Charter of Rights and Freedoms*, section 35 of the *Constitution Act, 1982* or class 24 of section 91 of the *Constitution*.”

A debate arose.

The House divided.

The motion was negated on the following division:

YEAS—17

<i>Cashore</i>	<i>Smallwood</i>	<i>Gabelmann</i>	<i>Rose</i>
<i>Jones</i>	<i>Guno</i>	<i>D'Arcy</i>	<i>Marzari</i>
<i>A. Hagen</i>	<i>Edwards</i>	<i>Boone</i>	<i>Barnes</i>
<i>Sihota</i>	<i>Blencoe</i>	<i>Harcourt</i>	<i>G. Hanson</i>
<i>Lovick</i>			

NAYS—29

<i>Huberts</i>	<i>R. Fraser</i>	<i>McCarthy</i>	<i>Parker</i>
<i>Messmer</i>	<i>Johnston</i>	<i>Veitch</i>	<i>Richmond</i>
<i>S. Smith</i>	<i>Davis</i>	<i>Long</i>	<i>Dueck</i>
<i>Ree</i>	<i>Couvelier</i>	<i>Rabbitt</i>	<i>L. Hanson</i>
<i>Serwa</i>	<i>Vander Zalm</i>	<i>De Jong</i>	<i>Rogers</i>
<i>Vant</i>	<i>Strachan</i>	<i>Pelton</i>	<i>Savage</i>
<i>Chalmers</i>	<i>S. Hagen</i>	<i>Michael</i>	<i>Brummet</i>
<i>Gran</i>			

On the motion of the Hon. *W. B. Strachan*, the House resumed the adjourned debate on consideration of Motion 73.

The debate continued.

The House divided.

The motion was agreed to on the following division:

YEAS—42

<i>Huberts</i>	<i>Blencoe</i>	<i>Johnston</i>	<i>De Jong</i>
<i>Messmer</i>	<i>Gabelmann</i>	<i>Davis</i>	<i>Pelton</i>
<i>S. Smith</i>	<i>D'Arcy</i>	<i>Couvelier</i>	<i>Michael</i>
<i>Clark</i>	<i>Boone</i>	<i>Vander Zalm</i>	<i>Parker</i>
<i>Jones</i>	<i>Harcourt</i>	<i>Strachan</i>	<i>Richmond</i>
<i>A. Hagen</i>	<i>Rose</i>	<i>S. Hagen</i>	<i>Dueck</i>
<i>Sihota</i>	<i>Barnes</i>	<i>McCarthy</i>	<i>L. Hanson</i>
<i>Lovick</i>	<i>G. Hanson</i>	<i>Veitch</i>	<i>Rogers</i>
<i>Ree</i>	<i>Chalmers</i>	<i>Long</i>	<i>Savage</i>
<i>Serwa</i>	<i>Gran</i>	<i>Rabbitt</i>	<i>Brummet</i>
<i>Vant</i>	<i>R. Fraser</i>		

NAYS—5

<i>Cashore</i>	<i>Guno</i>	<i>Edwards</i>	<i>Marzari</i>
<i>Smallwood</i>			

The Hon. *C. S. Rogers* (Minister of Transportation and Highways) tabled the Consolidated Financial Statements of the British Columbia Railway for the fiscal year ended December 31, 1987.

The Hon. *E. N. Veitch* (Provincial Secretary and Minister of Government Services) tabled the following:

The British Columbia Lottery Corporation Annual Report, 1987.

The British Columbia Systems Corporation Annual Report, 1987/88.

Mr. Speaker delivered his reserved opinion as follows:

Honourable Members:

Earlier today the Honourable Leader of the Opposition sought, under Standing Order 35, to move adjournment of the House to discuss an urgent matter of public importance, namely, "the danger to the guarantee that all Canadians should depend upon to have a justice system that is impartially administered."

In his statement of the matter in support of his application, the Honourable Leader raises two principal points, namely:

1. That having regard to statements made in the House yesterday by the former Attorney General, the impartial administration of justice is no longer guaranteed to our people; and

2. No appropriate cabinet order exists to confirm the appointment of the Honourable Member for Burnaby-Willingdon as the Acting Attorney General — presumably thereby further impairing the administration of justice at this time.

The Honourable the Government House Leader made a representation that if the Honourable Leader of the Opposition felt that this matter was so emergent, he should have raised the matter yesterday, and furthermore, had an opportunity to do so in the course of his response to the former Attorney General's statement.

With respect to this aspect of the restrictions pertaining to Standing Order 35, the Chair must note that yesterday the estimates of the Honourable the Premier were then before the Committee of Supply and would have offered an opportunity to raise at least some of the concerns now expressed by the Honourable the Leader of the Opposition.

Honourable Members will recall that immediately preceding this Standing Order 35 application, the Honourable Opposition House Leader raised a matter of privilege and also cited statements by the former Attorney General to the effect that the independence and neutrality of his office had been interfered with by the Honourable the Premier.

Beauchesne, in the 5th Edition, at page 92, paragraph 289, states that "matters of privilege or order" cannot be raised under Standing Order 26 of the House of Commons (Ottawa), which is the equivalent of our Standing Order 35.

With respect to the issue of the validity of the appointment of the Honourable Member for Burnaby-Willingdon as Acting Attorney General, a perusal of relevant legislation by the Chair, while not purporting to express a legal opinion on the matter, is satisfied that the Honourable Leader of the Opposition's point may be, and probably is, well taken. However, even if this should be the case, the same relevant legislation indicates that the Deputy Attorney General is empowered, under section 23 (1) of the *Interpretation Act*, R.S.B.C., chapter 206, to exercise the powers and perform the duties of the Attorney General (except with respect to the *Regulations Act*), and section 23 (3) provides that such powers may be exercised "whether or not the office of minister is vacant."

Accordingly, the Chair must find that appropriate grounds have not been advanced to meet the requirement of Standing Order 35 that urgency must be established, that alleged matters of privilege must not be involved, and that the matter be raised at the earliest opportunity.

J. REYNOLDS, *Speaker*

Mr. Speaker delivered his reserved decision as follows:

Honourable Members:

Earlier today the Honourable House Leader of the Opposition rose on a matter of privilege relating to yesterday's resignation of the Attorney General and subsequent statements issued from the Premier's office relating to the same subject matter.

The essence of the point raised by the Honourable Member is that the former Attorney General stated, in the House, that he was no longer able to carry on his duties because his independence and neutrality had been repeatedly interfered with by the Premier, whereas the Member has quoted a press release attributed to the Premier's office, as follows:

"Mr. *Smith's* independence was at no time questioned or challenged, and to say anything otherwise is false."

He further attributed to the Premier's office the following words:

"It is also preposterous to use as his reason for resigning allegations that have no substance or foundation."

If the Chair wished to dismiss this matter of privilege on technical grounds it would point out that while the Member indicated in his remarks that he would be pleased to put forward the requisite motion upon the finding of a *prima facie* breach of privilege, he did not tender the motion to the Chair at the conclusion of his statement, which is clearly the correct procedure to follow in matters of privilege and in this regard I refer the Honourable Member to a decision of this House contained in the *British Columbia Journals* of April 13, 1982, at page 41, and I quote, in part, from that decision:

"The statement of the matter, together with the tendered motion, comprise the material which the Chair must examine to determine whether or not the matter qualifies, *prima facie*, as a matter of privilege. Accordingly, I rule this to be the correct practice in this House relating to motions founded on a matter of privilege."

Because of the gravity of this matter, and the allegations made, the Chair is not relying entirely on this technicality but states, again, the Member's material is deficient as presented.

The Chair must also observe here that the Member himself, in presenting his matter of privilege, was guilty of the very offence of which he complains, to wit, an accusation of lying, albeit the Honourable Member readily withdrew this allegation upon being requested so to do, the irony of the situation is inescapable.

The Honourable Member, in an otherwise well-worded argument, submits that the essence of this matter is not a simple disagreement as to facts, yet the Chair must distil from the material presented the heart of the matter and a careful examination of the material leads the Chair to conclude that two directly contrary views are being advanced by the Members in question, i.e., the former Attorney General alleges interference, on the one hand, and the Honourable the Premier, through what has been quoted as a release from the Premier's office, is alleging no such interference took place. On the assumption that the quotation given to the Chair by the Honourable Opposition House Leader is accurate, the Chair must observe that the language attributed to the Premier's office was, at its best, unfortunate, and at its worst, if uttered in the House, would have required an immediate withdrawal. However, the Chair is not called upon, in this application, to adjudicate on the propriety of the language involved, but rather whether or not, in accordance with well-established parliamentary rules, the facts, as presented, constitute a breach of privilege or a contempt.

While I would agree with the Honourable Opposition House Leader's observation that the matter involved is not a "simple disagreement over facts," it is, nevertheless, a

disagreement as to facts and perhaps better described as a serious disagreement. However, the gravity of the disagreement does not convert the matter into a breach of privilege. I refer all Honourable Members to the *Journals* of the House of Commons of Canada, June 8, 1970, at pages 965 to 966, and two decisions of this House appearing in the *Journals* of June 8, 1982, at page 132, and April 13, 1982, at page 41. In particular, I quote from the decision of April 13, 1982:

"A dispute arising between two members, as to allegations of fact, does not fulfill the conditions of parliamentary privilege. However aggrieved a member may feel, this does not permit the Chair to extend the law of parliamentary privilege."

I thank Honourable Members for their contribution to the matter of privilege raised, and based on the above authorities, the Member's matter of privilege does not qualify under the Rules.

J. REYNOLDS, *Speaker*

The Hon. *E. N. Veitch* moved—

That the House, at its rising, do stand adjourned until it appears to the satisfaction of Mr. Speaker, after consultation with the Government, that the public interest requires that the House shall meet, or until Mr. Speaker may be advised by the Government that it is desired to prorogue the Second Session of the Thirty-fourth Parliament of the Province of British Columbia. Mr. Speaker may give notice that he is so satisfied or has been so advised and thereupon the House shall meet at the time stated in such notice, and, as the case may be, may transact its business as if it has been duly adjourned to that time and date; and

That, in the event of Mr. Speaker being unable to act owing to illness or other cause, the Deputy Speaker shall act in his stead for the purpose of this order.

And then the House adjourned at 9.08 p.m.

Thursday, March 16, 1989

TEN O'CLOCK A.M.

Prayers by Mr. Speaker.

The letter of the Deputy Provincial Secretary and the certificate of the Chief Electoral Officer of the result of the election of a member was read by *E. George MacMinn*, Q.C., Deputy Clerk, as follows:

"OFFICE OF THE DEPUTY MINISTER OF TOURISM AND
DEPUTY PROVINCIAL SECRETARY,
"VICTORIA, B.C., December 5, 1988

"Mr. Ian M. Horne, Q.C.,
"Clerk of the Legislative Assembly,
"Parliament Buildings, Victoria, B.C. V8V 1X4

"Re: By-election, Alberni Electoral District, November 19, 1988

"Dear Sir,—I am pleased to enclose herewith a copy of a letter from Mr. Harry M. Goldberg, Chief Electoral Officer, certifying the election of Mr. Gerard A. Janssen as the Member to represent the Alberni Electoral District in the Legislative Assembly.

"Yours sincerely,
"MELVIN H. SMITH, Q.C.
"Deputy Minister of Tourism and
Deputy Provincial Secretary"

(ENCLOSURE)

"CHIEF ELECTORAL OFFICER,
"VICTORIA, B.C., December 5, 1988

"Mr. Melvin H. Smith, Q.C.,
"Deputy Minister of Tourism and Deputy Provincial Secretary,
"Parliament Buildings, Victoria, B.C. V8V 1X4

"Re: By-election, November 19, 1988, Alberni Electoral District

"Dear Sir,—The May 10, 1988, resignation of *Robert E. Skelly*, the Member for the Alberni Electoral District, created a vacancy in the membership of the Legislative Assembly. A Writ of Election was issued on October 22, 1988, requiring that a by-election be held to fill the vacancy. Accordingly, November 19, 1988, was designated as Election Day.

"The completed Writ of Election has been returned to me and I hereby certify the election of *Gerard A. Janssen* as the Member to represent the Alberni Electoral District in the Legislative Assembly.

"Yours very truly,
"HARRY M. GOLDBERG,
"Chief Electoral Officer,
Elections British Columbia"

On the motion of the Hon. *W. E. Reid*, it was *Ordered*—

That the letter of the Deputy Provincial Secretary and the certificate of the Chief Electoral Officer of the result of the election of the Member be entered upon the Journals of the House.

Mr. *Gerard A. Janssen*, having taken the oath and signed the Parliamentary Roll, was introduced by Mr. *Harcourt* and Mr. *Rose*, and took his seat.

Mr. Speaker announced that His Honour the Lieutenant Governor was about to enter the Chamber.

His Honour the Lieutenant Governor was pleased to deliver the following gracious Speech:

Mr. Speaker and Members of the Legislative Assembly:

In closing this Second Session of the Thirty-fourth Parliament of British Columbia, I wish to commend all the members of the House on the accomplishments of the past year.

This Session has seen the passage of nearly 60 measures of wide ranging and significant importance to the people of our Province. Four private bills sponsored by individual Members of this Assembly have also been passed.

This House is to be congratulated on the passage of the Motion for a Resolution to authorize an amendment to the Constitution of Canada. In giving support to this resolution, which adopts the Meech Lake Accord, British Columbia continues in its tradition of constructive participation in the ongoing process of constitutional reform.

In this past year British Columbia's economy has grown and become even stronger. My Government's program of regional development continues to provide incentives for significant new investment in the Province. Exports have increased substantially, and many new employment opportunities have been created.

Even as the economy prospers, my Government recognizes that the economy has a cyclical nature. To address this reality you have approved the creation of the Budget Stabilization Fund to ensure that in times of economic downturn our major social programs — providing health care, education and assistance to the people of British Columbia — are not diminished. In addition, you approved amendments to the tax system to make it fairer and more equitable.

Attracting investment to meet the economic needs of the Province continues to be an important element of my Government's policy. Legislation passed by this House established Vancouver as an International Financial Centre. I am advised that these measures have already resulted in the registration of a number of firms in Vancouver, with more expected in the near future.

In addition, you have adopted legislation which strengthened the regulation of securities markets in British Columbia. This will assist the Vancouver Stock Exchange in developing its role as a key international market for venture capital.

Amendments to the *Credit Union Act* were passed to facilitate the amalgamation of supervised credit unions, to establish a Government guarantee and to clarify the extent of deposit insurance.

As part of my Government's program of privatization, you approved legislation which formed the basis for the successful sale to the private sector of B.C. Hydro's Mainland Gas Division, Victoria Gas Division as well as the Rail Division.

To retain the proceeds of Government operations successfully privatized, you established the Privatization Benefits Fund.

During the past year you enacted legislation that confirms the rights of victims in the criminal justice process and assists children in giving evidence in court cases. These are important steps in creating a more effective and responsive justice system in British Columbia. Further, you adopted measures to ensure that procedures under the *Family Relations Act* are accessible to both married and unmarried parents and all mothers and children are treated equally under the law.

You approved a new *Police Act*, strengthening the investigative and inquiry powers of the B.C. Police Commission and providing improved procedures for dealing with citizen complaints.

You enacted changes to the *Property Law Act* to clarify the extent of personal liability when a mortgage is assumed in the context of a property purchase.

You also adopted measures which will minimize the social costs and promote moderation in the use of alcohol.

You are to be commended on the passage of the *Commercial River Rafting Safety Act*, legislation which will ensure that river rafting operations are safe, well equipped and run properly.

Finally, action taken by this House gave tangible evidence that my Government is committed to assisting those with disabilities who face special challenges. This Session you passed legislation establishing the Premier's Advisory Council for Persons with Disabilities. I am pleased to advise you that the Chairman and Members of this Council have now been appointed and have begun their work.

Honourable Members, as this Second Session of the Thirty-fourth Parliament of British Columbia comes to a close, I wish to express my appreciation for the care and attention you have given to the many important measures which have come before you. I thank you for your efforts on behalf of all British Columbians, and I now relieve you of your legislative duties.

The Hon. *W. E. Reid* (Minister of Tourism and Provincial Secretary) then said:
Mr. Speaker and Members of the Legislative Assembly:

It is His Honour the Lieutenant Governor's will and pleasure that this Legislative Assembly be prorogued until 3 o'clock p.m. today, and this Provincial Legislative Assembly is hereby prorogued accordingly.

18 Mr. *Barnes* asked the Hon. the Minister of Social Services and Housing the following questions:

1. Assuming most of the 5,000 single men and women receiving income assistance in the downtown eastside reside in hotels and rooming houses, how much has the Ministry invested on their behalf for security deposits?
2. How much of this amount is recovered annually and what amount is forfeited?

The Hon. *C. H. Richmond* replied as follows:

"Most income assistance recipients residing in the downtown eastside of Vancouver receive their assistance through the following District Offices: Harbour Centre, Dockside, Waterfront and Strathcona. The total amount issued for security deposits for Ministry clients from these offices from July 1987, through June 1988, was \$132,152.48.

"A security deposit is issued under the authority of the Guaranteed Available Income for Need (GAIN) regulation and is issued specifically for that purpose, with the provision that the money is returned to the Ministry when the client moves. While a client may use the money for a deposit on a second accommodation after receiving the deposit back from the original landlord, the Ministry does not forfeit the eventual return of the deposit."

Pursuant to section 55 (3) of the *Constitution Act*:

A declaration by the First Member for the Electoral District of Nanaimo (Mr. *Stupich*) of his intention to resign his seat as a Member of the Legislative Assembly, effective October 11, 1988, and a declaration by the First Member for the Electoral

District of Vancouver-Point Grey (Ms. *Campbell*) of her intention to resign her seat as a Member of the Legislative Assembly, effective October 22, 1988, were delivered to Mr. Speaker.

And then the House prorogued at 10.25 a.m.

J. REYNOLDS, *Speaker*

PROCLAMATION

[L.S.]

DAVID C. LAM
Lieutenant Governor

CANADA: PROVINCE OF BRITISH COLUMBIA

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her Other Realms and Territories, QUEEN, Head of the Commonwealth, Defender of the Faith

To Our Faithful Members Elected to Serve in the Legislative Assembly of Our Province of British Columbia, at Our City of Victoria—GREETING

A PROCLAMATION

S. D. SMITH { KNOW YE, that for divers causes and considerations and taking into consideration the
Attorney General { ease and convenience of Our Loving subjects, We have thought fit to hereby prorogue
Our said Legislature or Parliament on the sixteenth day of March, one thousand nine
hundred and eighty-nine at ten o'clock in the forenoon at Our City of Victoria.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Our Province to be hereunto affixed.

WITNESS, the Honourable DAVID C. LAM, Lieutenant Governor of Our Province of British Columbia, in Our City of Victoria, in Our Province, this twenty-third day of February in the year of our Lord one thousand nine hundred and eighty-nine, and in the thirty-eighth year of Our Reign.

By Command.

W. E. REID
*Minister of Tourism
and Provincial Secretary*

S. D. SMITH
Attorney General