

**Thursday, March 22, 1962**

TWO O'CLOCK P.M.

Prayers by the Rev. *A. J. Roberts*.

By leave of the House, on the motion of the Hon. *W. A. C. Bennett*, the House proceeded to the Order "Public Bills and Orders."

Bill (No. 72) intituled *An Act to Amend the Forest Act* was read a third time and passed.

Bill (No. 76) intituled *An Act to Control Live-stock Public Auction Markets, to License Auctioneers and Live-stock Dealers, and to Control the Spread of Contagious Diseases among Animals* was read a third time and passed.

Bill (No. 78) intituled *An Act to Amend the Municipal Superannuation Act* was read a third time and passed.

Bill (No. 3) intituled *An Act to Provide for the Payment of a Grant to Margaret Frances Hobbs* was committed, reported complete without amendment, read a third time and passed.

Bill (No. 81) intituled *An Act to Suspend the Succession Duty and Probate Duty Acts* was committed, reported complete without amendment, read a third time and passed.

On the motion for the second reading of Bill (No. 84) intituled *An Act to Establish the British Columbia Hydro and Power Authority*, a debate arose.

Mr. Speaker made the following statement:—

*Honourable Members*,—During the course of the debate by the Honourable Leader of the Opposition, he brought into question a decision made by me earlier in the Session as to why matters before the Courts on certain aspects of the British Columbia Electric take-over were not allowed in debate in the Legislature and yet at this time two Bills are before the House on these very matters. I wish to point out the following as my reason for allowing debate at this time.

In Sir Erskine May's *Parliamentary Procedure*, 16th Edition, page 400, we find, and I quote:—

"A matter whilst under adjudication by a Court of Law should not be brought before the House by a motion or otherwise. This rule does not apply to Bills."

Again, on page 457, I quote:—

"Matters awaiting the adjudication of a Court of Law should not be brought forward in debate (except by means of a Bill)."

It is therefore clear that there is a wide distinction between reference in debate to matters which are *sub judice* and are matters which, though before the Courts, are the subject-matter of a Bill.

Were it otherwise, the power of Parliament would be restricted with respect to any matter which might be before a Court of Law. Allowing the debate at this stage does not conflict with my previous decision.

L. H. SHANTZ, *Speaker*.

The debate was resumed.

The House divided.

The motion for the second reading of the Bill was agreed to on the following division:—

## YEAS—29

## Messieurs

<i>Robinson</i>	<i>Corbett</i>	<i>Jefcoat</i>	<i>Campbell</i>
<i>Tisdalle</i>	<i>Kiernan</i>	<i>Huhn</i>	<i>Westwood</i>
<i>Newton</i>	<i>Williston</i>	<i>Brothers</i>	<i>Chant</i>
<i>Matthew</i>	<i>Bennett</i>	<i>Speare</i>	<i>Peterson</i>
<i>Bruch</i>	<i>Bonner</i>	<i>Smith</i>	<i>Martin</i>
<i>Bate</i>	<i>Black</i>	<i>Carnell</i>	<i>Gaglardi</i>
<i>Shelford</i>	<i>Skillings</i>	<i>Murray</i>	<i>Richter</i>
<i>Price</i>			

## NAYS—16

## Messieurs

<i>Gibson</i>	<i>Dowding</i>	<i>Perrault</i>	<i>Squire</i>
<i>Mather, Mrs.</i>	<i>Gargrave</i>	<i>Nimsick</i>	<i>Eddie</i>
<i>Rhodes</i>	<i>Barrett</i>	<i>Haggen, Mrs.</i>	<i>Strachan</i>
<i>Cox</i>	<i>Macfarlane</i>	<i>Macdonald</i>	<i>Turner</i>

Bill *Ordered* to be committed at the next sitting after to-day.

On the motion for the second reading of Bill (No. 85) intituled *An Act to Amend the Power Development Act, 1961*, a debate arose, which was, on the motion of Mr. *Macdonald*, adjourned to the next sitting of the House.

*Resolved*, That the House, at its rising, do stand adjourned until 8.30 o'clock p.m. to-day.

And then the House adjourned at 5.59 p.m.

## Thursday, March 22, 1962

HALF-PAST EIGHT O'CLOCK P.M.

By leave of the House, on the motion of the Hon. *W. A. C. Bennett*, the House proceeded to the Order "Public Bills and Orders."

The House resumed the adjourned debate on the motion for the second reading of Bill (No. 85) intituled *An Act to Amend the Power Development Act, 1961*.

The debate continued.

The House continued to sit after midnight.

FRIDAY, MARCH 23.

The House divided.

The motion for the second reading of the Bill was agreed to on the following division:—

## YEAS—28

## Messieurs

<i>Robinson</i>	<i>Corbett</i>	<i>Little</i>	<i>Campbell</i>
<i>Tisdalle</i>	<i>Kiernan</i>	<i>Jefcoat</i>	<i>Westwood</i>
<i>Newton</i>	<i>Williston</i>	<i>Huhn</i>	<i>Chant</i>
<i>Bruch</i>	<i>Bennett</i>	<i>Brothers</i>	<i>Peterson</i>
<i>Bate</i>	<i>Bonner</i>	<i>Speare</i>	<i>Martin</i>
<i>Shelford</i>	<i>Black</i>	<i>Carnell</i>	<i>Gagliardi</i>
<i>Price</i>	<i>Skillings</i>	<i>Murray</i>	<i>Richter</i>

## NAYS—18

## Messieurs

<i>Gibson</i>	<i>Dowding</i>	<i>Nimsick</i>	<i>Eddie</i>
<i>Mather, Mrs.</i>	<i>Gargrave</i>	<i>Haggen, Mrs.</i>	<i>Harding</i>
<i>Rhodes</i>	<i>Barrett</i>	<i>Macdonald</i>	<i>Strachan</i>
<i>Calder</i>	<i>Macfarlane</i>	<i>Squire</i>	<i>Turner</i>
<i>Cox</i>	<i>Perrault</i>		

## PAIR:

## Messieurs

*Matthew* *McKay*

Bill *Ordered* to be committed at the next sitting after to-day.

Mr. *Bruch* presented the First Report of the Select Standing Committee on Municipal Matters, as follows:—

## REPORT NO. 1

LEGISLATIVE COMMITTEE ROOM,  
March 23, 1962.

MR. SPEAKER:

Your Select Standing Committee on Municipal Matters begs leave to report as follows:—

The Committee heard representations from the representatives of the Automotive Trucking Association and the Union of British Columbia Municipalities concerning the licensing of commercial vehicles by municipalities.

The Committee recommends that the present sections of the *Municipal Act* dealing with the licensing of vehicles used for commercial purposes be repealed, or amended where applicable, and a new Division of Part X of the said Act be enacted effective January 1, 1963, to provide:—

- (a) A uniform code of licensing fees applicable to all municipalities including the City of Vancouver:
- (b) That one municipal licence-plate only be required for operation of a vehicle anywhere in the Province:
- (c) That annual fees be based on gross vehicle weight as follows:—
 

Under 6,000 pounds .....	\$10
6,000 to 26,000 pounds .....	15
26,000 to 44,000 pounds .....	20
Over 44,000 pounds .....	25
- (d) That the annual licence year be from March 1 to the last day of February in the year following:

(e) That exemption licences be available without charge to all Government vehicles including those of School Boards and improvement districts, to vehicles owned by farmers, and to certain disabled persons and certain organizations operating without profit or for charitable or religious purposes:

(f) That all moneys received by municipalities from licence fees be paid into one account for distribution to the municipalities on a *per capita* basis.

All of which is respectfully submitted.

H. J. BRUCH, *Chairman*.

The report was read and received.

By leave of the House, the Rules were suspended and the report adopted.

Mr. *Bruch* presented the Second Report of the Select Standing Committee on Municipal Matters, as follows:—

REPORT NO. 2

LEGISLATIVE COMMITTEE ROOM,  
March 23, 1962.

MR. SPEAKER:

Your Select Standing Committee on Municipal Matters begs leave to report as follows:—

The Committee heard representations from representatives of automotive service operators, oil companies, and individuals concerning section 863 of the *Municipal Act*.

The Committee recommends:—

(a) That subsection (1) of the said section remain unaltered:

(b) That subsections (2) and (3) be struck out and provision made

(i) to allow a Municipal Council to set summer and winter closing hours as it sees fit up to certain maximums;

(ii) to set a maximum number of permits of exemption for service-stations and service-garages to be allowed at any one time;

(iii) to permit a Council, by by-law, to set up a comprehensive plan covering areas of the municipality, months of the year, days of the week, including statutory holidays, to deal with closing hours for these retail outlets. This latter comprehensive plan to require the assent by secret ballot of the majority of the operators voting.

All of which is respectfully submitted.

H. J. BRUCH, *Chairman*.

The report was read and received.

By leave of the House, the Rules were suspended and the report adopted.

Mr. *Campbell* presented the Report of the Special Committee on Trading Stamps, as follows:—

REPORT

LEGISLATIVE COMMITTEE ROOM,  
March 23, 1962.

MR. SPEAKER:

Your Special Committee on Trading Stamps begs leave to report as follows:—

Pursuant to motion on January 30, 1962, your Committee was appointed to examine and inquire into the subject of the use of trading stamps in connection with

marketing of consumer goods in the Province of British Columbia. The terms of reference of your Committee were as follows:—

“That a Special Committee of this House be appointed to examine and inquire into the use being made of gifts or trading stamps in connection with the marketing of consumer goods in the Province, and to report to the Legislature its observations thereon and its recommendations with regard to the public policy to be adopted with reference to such use, the desirability of further legislation with respect thereto, and, if it is recommended that legislation be enacted, the proposed context of the legislation:

“And that the Committee appointed to name the Select Standing Committees of this House be authorized to nominate this Committee.”

The Committee first oriented itself toward a study of the problem by reviewing the report of the Special Committee on Trading Stamps which reported to the Legislature on March 15, 1960.

In order that a wide sample of opinion could be obtained, your Committee invited a large number of organizations and individuals to appear before the Committee on the question of the use of trading stamps. As a result, the Committee heard submissions, or were presented with submissions, from the following organizations: Automotive Retailers' Association, Gordon Root & Associates Limited, Consumers' Association of Canada, Retail Merchants' Association, Woodwards Stores Limited, Victoria Community Grocers Co-operative Association of British Columbia, Victoria Home Economics & Dietetic Association, British Columbia Co-operative Wholesale Society, British Columbia Co-operative Union, Co-operative Women's Guilds of British Columbia, Independent Operators of Super Valu Stores, Cunningham Drugs Limited, Loblaw Groceterias, Evergreen Press Limited, Shop Easy Stores (B.C.) Limited, Super Valu Stores Limited, A. P. Slade (Victoria) Limited, British Columbia Federation of Labour, Cascade Supply Limited, Coast Paper Limited, Independent Shopping League, Canadian Retail Hardware Association, Victoria Chamber of Commerce, Amalgamated Lithographers of America (Local 44), Sperry & Hutchison Company.

In addition, a tremendous number of individual submissions were made to the Committee and studied.

After deliberation your Special Committee on Trading Stamps recommends:—

That no person shall in the course of trade within the Province by himself, or his employee, or agent, directly or indirectly, issue, give, sell, or otherwise dispose of, or offer to issue, give, sell, or otherwise dispose of a trading stamp having a redeemable value of less than ten cents.

All of which is respectfully submitted.

D. R. J. CAMPBELL, *Chairman.*

The report was taken as read and received.

*Resolved*, That the House, at its rising, do stand adjourned until 2 o'clock p.m. to-day.

And then the House adjourned at 1.31 a.m.

**Friday, March 23, 1962**

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TWO O'CLOCK P.M.

Prayers by Mr. Speaker.

The Hon. *W. D. Black* presented to Mr. Speaker a Message from His Honour the Lieutenant-Governor, which read as follows:—

GEORGE R. PEARKES,  
*Lieutenant-Governor.*

The Lieutenant-Governor transmits herewith amendments to Bill (No. 80) intituled *An Act to Amend the Municipal Act*, enclosed herewith, and recommends the same to the Legislative Assembly.

*Government House,*  
*March 23, 1962.*

(ENCLOSURE)

Section 5: To strike out the word “thirty” in the third line of the proposed subsection (1) and substitute “forty”.

Section 21: To strike out and substitute the following as sections 21, 21A, 21B, 21C, 21D, and 21E:—

“21. Section 442 is amended by striking out clauses (*h*), (*j*), and (*k*) of subsection (1).

“21A. Section 447 is repealed.

“21B. Section 448 is amended by striking out subsection (2).

“21C. Section 449 is repealed and the following substituted:—

“‘449. A wholesaler or manufacturer or processor who, having no place of business in the municipality, is only in the business of offering for sale or selling his own goods, wares, or merchandise and delivering these in his own vehicle to merchants for resale by the merchants in the ordinary course of their respective businesses requires only a licence or licences under Division (2) of this Part.’

“21D. Section 450 is repealed and the following substituted:—

“‘450. (1) In addition to any powers otherwise provided in this Part, the Council of a city, town, or district municipality may, in its discretion, enumerate, designate, distinguish, subdivide, or classify any or all trades, businesses, professions, occupations, callings, employments, or purposes according to the character or extent of the business, or according to the number of distinctive lines of goods, wares, or merchandise sold or offered for sale, or according to both classifications taken together, and may differentiate and discriminate according to such classifications as may be designated in the by-law as to the amount of licence fees to be imposed.

“‘(2) In addition to any powers otherwise provided in this Part, the Council of a village municipality may, in its discretion, prescribe that the amount of licence fees for businesses engaged in the retail sale of goods, wares, and merchandise shall be in proportion to the floor and ground area in use for offering for sale and for selling goods, wares, and merchandise, and thereupon subsection (2) of section 442 ceases to apply in respect to such businesses.

“‘(3) The Court of Revision established under subsection (2) of section 355 shall hear and determine any complaints concerning the floor and ground area determined under subsection (2) for any business.’

“ 21E. Chapter 255 is further amended by inserting before section 439 the heading ‘ Division (1)’, and by inserting after section 458 the following:—

“ ‘ *Division (2).—Licensing of Commercial Vehicles*

“ ‘ *Application*

“ ‘ 458A. Subject to the *Motor Carrier Act* and notwithstanding the *Vancouver Charter* or any private or special Act relating to any municipality, this Division applies to all municipalities on and from the thirty-first day of December, 1962, and thereupon supersedes and makes null and void any by-law or portion thereof contrary to the provisions of this Division.

“ ‘ *Interpretation*

“ ‘ 458B. For the purposes of this Division,

“ ‘ “ licence-year ” means a licence-year as prescribed under the *Motor-vehicle Act*;

“ ‘ “ municipality ” includes the City of Vancouver;

“ ‘ “ non-participating municipality ” means a municipality in which no by-law is in force declaring that this Division applies in that municipality;

“ ‘ “ participating municipality ” means a municipality in which a by-law is in force declaring that this Division applies in that municipality;

“ ‘ “ vehicle ” means any vehicle used by any person upon any highway in a municipality which is a commercial vehicle defined as such by and licensed under the *Department of Commercial Transport Act*, and any vehicle not so licensed but which is used for the collection or delivery, or both, of goods, wares, merchandise, or other commodity in the ordinary course of a business undertaking.

“ ‘ *Licence Fees*

“ ‘ 458C. (1) A municipality may by by-law declare that this Division applies to the municipality, and in that case this Division applies and is in force in the municipality from and after the commencement of the licence-year beginning not earlier than three months after the adoption of the by-law.

“ ‘ *Licence By-law*

“ ‘ (2) In a by-law under subsection (1), the municipality shall make provisions not inconsistent with this Division for the imposition and collection of licence fees and the issuance of licences.

“ ‘ *Repeal of By-law*

“ ‘ (3) The repeal of a by-law made under subsection (1) does not take effect until the end of the licence-year in which the repealing by-law is adopted.

“ ‘ *Restriction*

“ ‘ 458D. No licence fee may be imposed or any class of licence issued under this Division by a non-participating municipality.

“ ‘ *Licence Required*

“ ‘ 458E. No vehicle shall be operated on a highway in a participating municipality unless there is displayed upon the vehicle a valid and subsisting licence-plate or exemption-plate issued in accordance with this Division for the vehicle.

“ ‘ *Licence-plate*

“ ‘ 458F. (1) Subject to subsection (2), upon application for a licence under this Division for a vehicle, and payment of the licence fee, a licence-plate shall be issued for the vehicle.

“(2) Upon application for a licence under this Division for any vehicle operated under an agreement under section 23 of the *Department of Commercial Transport Act*, and payment of the licence fee, a licence-plate shall be issued and is valid for display on any of the vehicles operated under the agreement.

“ ‘ *Licence Fees*

“ ‘ 458G. (1) The fees for licences applied for under subsection (1) of section 458F for each licence-year are:—

“ ‘ For a vehicle up to but not exceeding 6,000 pounds gross vehicle weight .....	\$10.00
“ ‘ For a vehicle exceeding 6,000 pounds but not exceeding 26,000 pounds gross vehicle weight .....	15.00
“ ‘ For a vehicle exceeding 26,000 pounds but not exceeding 44,000 pounds gross vehicle weight .....	20.00
“ ‘ For a vehicle exceeding 44,000 pounds gross vehicle weight .....	25.00

“ ‘ (2) The fee for each licence issued pursuant to an application under subsection (2) of section 458F is twenty-five dollars.

“ ‘ *Validity*

“ ‘ (3) A licence issued by any municipality is valid in every municipality for the current licence-year.

“ ‘ *Exemptions*

“ ‘ (4) The following vehicles are exempt from payment of the fees prescribed in this Division, that is to say,

- “ ‘ (a) any vehicle referred to in clauses (b), (d), (e), (f), and (g) of Schedule 1 to the *Department of Commercial Transport Act*;
- “ ‘ (b) any vehicle licensed as a farm vehicle under the *Department of Commercial Transport Act*;
- “ ‘ (c) any vehicle owned and operated by an improvement district;
- “ ‘ (d) any vehicle not requiring a licence fee under subsection (4) of section 4 of the *Motor-vehicle Act*;
- “ ‘ (e) any vehicle licensed under the *Department of Commercial Transport Act* not being used by a person for the purpose of his business, trade, or occupation, or by an organization for profit;

and upon application therefor, supported by whatever material is required by by-law under this Division, an exemption-plate shall be issued for such a vehicle without charge.

“ ‘ *Licence Fee Account*

“ ‘ 458H. (1) All fees collected by each participating municipality for licences issued in accordance with this Division shall be paid to the Inspector of Municipalities in the month following receipt thereof.

“ ‘ (2) There shall be in the Provincial Treasury an account styled the “Municipal Vehicle Licence Account,” into which all moneys received by the Inspector of Municipalities shall be deposited, and which shall be disbursed from time to time to the participating municipalities in accordance with section 458I.

“ ‘ *Distribution of Licence Fees*

“ ‘ 458I. All moneys paid into the Provincial Treasury under section 458H in each licence-year shall be apportioned by the Inspector of Municipalities among the participating municipalities in accordance with the population of the participating



municipalities, and the Minister of Finance, upon the requisition of the Inspector of Municipalities, shall pay the moneys to the participating municipalities.

“ ‘ *Penalty* ”

“ ‘ 458J. (1) It is an offence against this Act for any person to operate an unlicensed vehicle in any participating municipality, and upon conviction such person is liable to a fine equal to the prescribed licence fee and shall be required to pay the prescribed licence fee forthwith to a participating municipality.

“ ‘ (2) Any person fraudulently obtaining or issuing an exemption licence under this Division is liable, on summary conviction, to a fine not exceeding five hundred dollars.’ ”

New section 46A: To add the following as section 46A:—

“ 46A. Section 863 is repealed and the following substituted:—

“ ‘ 863. (1) Except as is otherwise provided by this section, all automobile service-stations and automobile service-garages shall close and remain closed for the serving of customers for the entirety of each day mentioned in section 858 and on and from six o’clock in the afternoon on every other day.

“ ‘ (2) The Council may by by-law extend the closing hour under subsection (1) to not later than seven o’clock in the afternoon for the months of October to April, inclusive, and extend the closing hour to not later than nine o’clock in the afternoon for the months of May to September, inclusive.

“ ‘ (3) The Council may, by by-law adopted by an affirmative vote of at least two-thirds of all the members thereof, provide for the issuance of permits to an operator or operators of automobile service-stations and of automobile service-garages granting exemption from the provisions of this section, and may include in the by-law regulations governing the conditions under which a permit may be issued, continued, renewed, or revoked, but the number of permits in effect at any one time shall not exceed four or one-tenth of the number of automobile service-stations and service-garages within the municipality, whichever is the greater.

“ ‘ (4) The Council may by by-law

“ ‘ (a) define for the purposes of this section an (a) area or areas within the municipality; and

“ ‘ (b) provide for the further extension of the hours set out in subsection (1) or subsection (2), which extension or extensions may be applicable to any day or days of the week, or any of the days mentioned in section 858, and to any month or months of the year and for any area or areas so defined;

and different hours may be set for different days, months, and areas.

“ ‘ (5) A by-law under subsection (4) shall not be adopted unless it has received the assent of the majority of the operators of the automobile service-stations and automobile service-garages within the municipality voting under subsection (6).

“ ‘ (6) The Council shall make due provision for obtaining the assent of the said operators by secret ballot, and only one vote shall be allowed for each licensed automobile service-station or automobile service-garage.

“ ‘ (7) The exercise of the powers conferred on a Council under any subsection in this section does not prevent the exercise of the powers conferred on the Council under any other subsection in this section.’ ”

Section 50: Renumber subsection (2) as subsection (3) and insert the following as subsection (2):—

“ (2) Sections 21 to 21D, inclusive, come into force on the thirty-first day of December, 1962.”

*Ordered*, That the said Message, and the amendments accompanying the same, be referred to a Committee of the Whole House forthwith.

(IN THE COMMITTEE)

*Resolved*, That the Committee rise and report to the House, recommending the proposed amendments to Bill (No. 80) intituled *An Act to Amend the Municipal Act*, a draft of which is annexed to the Message from His Honour the Lieutenant-Governor, be referred to the Committee having in charge Bill (No. 80).

Resolution reported.  
Report adopted.

By leave of the House, on the motion of Mr. *Campbell*, the Rules were suspended, and Bill (No. 96) intituled *An Act to Amend the Trading Stamp Act* was introduced, read a first time, and *Ordered* to be placed on the Orders of the Day for second reading at the next sitting after to-day.

By leave of the House, on the motion of Mrs. *Haggen*, the Order for the second reading of Bill (No. 33) intituled *An Act to Amend the Cemeteries Act* was discharged, and the Bill *Ordered* dropped from the Order paper.

By leave of the House, on the motion of the Hon. *W. A. C. Bennett*, the House proceeded to the Order "Public Bills and Orders."

The following Bills were read a second time, and *Ordered* to be committed at the next sitting after to-day:—

Bill (No. 88) intituled *An Act Respecting Investment Contracts*.

Bill (No. 89) intituled *An Act to Amend the Insurance Act*.

Bill (No. 90) intituled *An Act to Amend the Motor-vehicle Act*.

Bill (No. 91) intituled *An Act Respecting the Estates of Mentally Incompetent Persons*.

Bill (No. 92) intituled *An Act to Amend the Private Detectives' Licensing Act*.

Bill (No. 93) intituled *An Act to Amend the Trust Companies Act*.

Bill (No. 94) intituled *An Act Respecting Prearranged Funeral Services*.

Bill (No. 95) intituled *An Act to Amend the Water Act*.

Order for Committee of Supply called.

Pursuant to Order, the House again resolved itself into the Committee of Supply.

(IN THE COMMITTEE)

236. *Resolved*, That a sum not exceeding \$22,160 be granted to Her Majesty to defray the expenses of Department of Mines and Petroleum Resources, Minister's Office, to 31st March, 1963.

237. *Resolved*, That a sum not exceeding \$180,436 be granted to Her Majesty to defray the expenses of Department of Mines and Petroleum Resources, General Administration—Titles and Accounts, to 31st March, 1963.

238. *Resolved*, That a sum not exceeding \$188,274 be granted to Her Majesty to defray the expenses of Department of Mines and Petroleum Resources, Mineralogical Branch, to 31st March, 1963.

239. *Resolved*, That a sum not exceeding \$47,934 be granted to Her Majesty to defray the expenses of Department of Mines and Petroleum Resources, Analytical and Assay Branch, to 31st March, 1963.

240. *Resolved*, That a sum not exceeding \$149,914 be granted to Her Majesty to defray the expenses of Department of Mines and Petroleum Resources, Inspection Branch, to 31st March, 1963.

241. *Resolved*, That a sum not exceeding \$225,190 be granted to Her Majesty to defray the expenses of Department of Mines and Petroleum Resources, Petroleum and Natural Gas Branch, to 31st March, 1963.

242. *Resolved*, That a sum not exceeding \$20,500 be granted to Her Majesty to defray the expenses of Department of Mines and Petroleum Resources, Grants and Subsidies, to 31st March, 1963.

243. *Resolved*, That a sum not exceeding \$200,000 be granted to Her Majesty to defray the expenses of Department of Mines and Petroleum Resources, Grants in Aid of Mining Roads and Trails, to 31st March, 1963.

244. *Resolved*, That a sum not exceeding \$1,500,000 be granted to Her Majesty to defray the expenses of Department of Mines and Petroleum Resources, Construction of Mining-roads, to 31st March, 1963.

245. *Resolved*, That a sum not exceeding \$30,000 be granted to Her Majesty to defray the expenses of Department of Mines and Petroleum Resources, Grubstaking Prospectors, to 31st March, 1963.

246. *Resolved*, That a sum not exceeding \$300 be granted to Her Majesty to defray the expenses of Department of Mines and Petroleum Resources, Subsidy *re* Explosives to Assist Bona Fide Prospectors, to 31st March, 1963.

247. *Resolved*, That a sum not exceeding \$2,500 be granted to Her Majesty to defray the expenses of Department of Mines and Petroleum Resources, Inter-provincial Committee on Mining, to 31st March, 1963.

248. *Resolved*, That a sum not exceeding \$7,500 be granted to Her Majesty to defray the expenses of Department of Mines and Petroleum Resources, Incidental and Contingencies, to 31st March, 1963.

249. *Resolved*, That a sum not exceeding \$30,000 be granted to Her Majesty to defray the expenses of Department of Mines and Petroleum Resources, Special Mineral Surveys, to 31st March, 1963.

250. *Resolved*, That a sum not exceeding \$100,000 be granted to Her Majesty to defray the expenses of Department of Mines and Petroleum Resources, *Iron Bounty Act*, to 31st March, 1963.

251. *Resolved*, That a sum not exceeding \$8,032 be granted to Her Majesty to defray the expenses of Department of Mines and Petroleum Resources, Temporary Assistance, to 31st March, 1963.

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The Committee reported the Resolutions.  
Report to be considered at the next sitting.  
Committee to sit again at the next sitting.

Mr. *Speare* presented the Report of the Special Committee on Public Access to Private Roads, as follows:—

REPORT

LEGISLATIVE COMMITTEE ROOM,  
March 22, 1962.

MR. SPEAKER:

Your Special Committee on Public Access to Private Roads begs leave to report as follows:—

That the Committee has convened on a number of occasions and has had presented to it a total of fourteen submissions on behalf of various organizations interested in the general problem. Additionally, a number of letters were received from individual members of the public with specific or general interest.

The submissions in general represented two broad segments of the community, namely, the recreationists, including fishermen and hunters, and the individual or company owner of private land and (or) roads.

From the submissions received, it is clearly evident there is a distinct cleavage in the line of thought as between the two groups.

The first-mentioned press strongly for an almost unrestricted right of access over private lands or road facilities to attain their recreational pursuits. The road-owner group, largely industrial operators, appear to recognize that they should adopt certain measures to facilitate the recreationists' needs and are generally co-operative toward that end, but are likewise firm that failing take-over of the road as a public highway, control of the use by recreationists must remain in the road-owner's hands, and, when public use is allowed, the road-owner must be relieved of various responsibilities now imposed upon him under Statutes as, for example, the *Forest Act* and the *Motor-vehicle Act*.

Your Committee has duly deliberated on the various submissions made and has likewise studied the recommendations of the Cabinet Committee, which relate to the report of the Deputies Committee which studied these matters.

Your Committee hereby endorses the recommendations of the Cabinet Committee, which are as follows:—

“(a) That an Interdepartmental Committee on Public Access be established to temporarily serve as a processing group for immediate and pressing access problems which may be referred to the Committee for study and return advice by Deputy Ministers of separate departments of Government. It is suggested that the Committee be composed of a senior representative of all departments of Government concerned and the Chairman for the Committee be named from the Department of the Attorney-General.

“(b) That a public forum be established by Government to hear submissions from industrial or other interested groups in respect to the access problem as it applies to private roads. It is recommended that a select standing committee of the Legislature constitute the forum.

“(c) That consideration be given to the drafting of a *Public Access Act* and the various regulations which might be promulgated thereunder. It is envisioned that such an Act would be administered by the Department of Commercial Transport, might replace the present *Industrial Transportation Act* and would be additionally a vehicle for the making of regulations governing use of private easements, rights-of-way, etc. It would not cover the granting of tenures. Actual work on the drafting of such an Act should be delayed pending the suggested hearing of public

submissions and subsequent completion of the whole study by the Deputies and Cabinet Committees. The Interdepartmental Committee on Public Access might then be the logical group to evolve the context of the new Act and report its findings through the Deputies Committee for final processing.

- “(d) The actual granting of land tenures in respect to easements and rights-of-way be continued to be vested in the Department of Lands and Forests under the *Land Act* and *Forest Act*. Following approval of a new *Public Access Act* all easements or rights-of-way granted would be made subject to provisions of that Act.
- “(e) That the Departments of the Attorney-General, Highways, Recreation and Conservation, and Municipal Affairs collaborate in a study designed to evolve some criteria or yardsticks for determination as to when a private road should be expropriated in the general public interest.
- “(f) That immediate effect be given to a policy requiring that the Department of Highways be consulted for advice and recommendations in respect to any roads built by industrial operators under arrangement with any department of Government when such arrangement anticipates eventual use of the road as part of the public highway system.
- “(g) That consideration be given to amendment of the *Land Registry Act* so that it will provide access in a form more suited to present-day concepts. The Department of Highways in consultation with the land-use departments concerned should be charged with working out details prior to referral of the drafted amendment to the Department of the Attorney-General.
- “(h) That the present Government policy of creating block reserves for the use and enjoyment of the public at all suitable sites and particularly water-frontage be continued.
- “(i) That consideration be given by the Lands Service of the Department of Lands and Forests to inclusion in all future Crown grants of a suitable proviso reserving a right unto the Crown to designate a right-of-way over the land granted as may at any time be required in public interest.”

Firstly, in respect to the foregoing it is pointed out that recommendation (b) of the Cabinet Committee has been performed by submission of this report.

Your Committee now strongly urges that recommendation (a) be implemented forthwith, namely:—

- “(a) That an Interdepartmental Committee on Public Access be established to temporarily serve as a processing group for immediate and pressing access problems which may be referred to the Committee for study and return advice by Deputy Ministers of separate departments of Government. It is suggested that the Committee be composed of a senior representative of all departments of Government concerned and the Chairman for the Committee be named from the Department of the Attorney-General.”

It is further urged that such Interdepartmental Committee proceed without loss of time to the drafting of a *Public Access Act* to be duly processed through the Deputies and Cabinet Committees before 1963, in accordance with recommendation (c) of the Cabinet Committee, and the various submissions just made to your Special Committee be made available to the Interdepartmental Committee as background in this work.

It would also seem that recommendation (i) of the Cabinet Committee, dealing with insertion in all future Crown grants of a suitable proviso reserving a right unto

the Crown to designate a right-of-way over the land granted as may at any time be required in the public interest, be investigated immediately with a view to implementation as soon as legally possible.

As further general guidance in the drafting of a *Public Access Act* it does seem to your Committee that failing formal take-over as a public road, in respect to any private road to which the public is given access, control should remain with the owner of the road subject to relevant provisions of the said Act. Your Committee is also of the opinion that the road-owner in such cases should receive some relief from responsibilities at present placed upon him under certain Statutes, notably in the matters of taxation, public liability, and responsibilities for forest-fire protection.

Your Committee is further of the opinion that where public access is granted and arranged, as between the road-owner and the public, such access should be open to all members of the public and not restricted to any one group or organization.

It is also suggested that, in defining and classifying roads and (or) trails for public access, the views of interested local groups be enlisted and given every consideration.

The problem of use of a private road by another industrial user in the opinion of your Committee does not seem too acute at this time and presumably is being adequately resolved by private arrangement between parties concerned.

Finally, when the foregoing recommendations are acted upon, your Committee suggests that a draft of any proposed relevant legislation be reviewed by a similar Special Committee of the Legislature prior to being placed before the Assembly.

All of which is respectfully submitted.

W. C. SPEARE, *Chairman.*

The report was taken as read and received.

Mr. *Perrault* asked the Hon. the Minister of Mines and Petroleum Resources the following questions:—

With respect to processing and refining of ores:—

1. Is the Minister aware that studies have been instituted by the Government of Alberta designed to prove the efficacy of establishing processing and refining facilities in Alberta for the ores of Pine Point?

2. If the answer to No. 1 is yes, has the Minister undertaken any discussion with Consolidated Mining & Smelting Company Limited toward the permanent maintenance of the smelter at Trail?

3. Has the Government had any discussion with Consolidated Mining & Smelting Company Limited with respect to the expansion of the iron-steel complex at Kimberley?

4. If the answer to No. 3 is yes, when may an announcement of an expansion be expected?

The Hon. *W. K. Kiernan* replied as follows:—

“ 1. No.

“ 2. Answered by No. 1.

“ 3. Expansion provided for under agreement with Consolidated Mining & Smelting Company Limited for complete construction by May 1, 1964, to capacity of 100,000 tons.

“ 4. Answered by No. 3.”

Mr. *Gibson* asked the Hon. the Attorney-General the following questions:—

1. What was the total cost of the operation of Oakalla Prison Farm for the year 1961?

2. What was the amount spent on research, medical or otherwise, during 1961, as to why the inmates of Oakalla find themselves there?

The Hon. *R. W. Bonner* replied as follows:—

“1. For the fiscal year 1960/61, \$2,450,489, exclusive of the Women’s Gaol, forestry camps, and narcotic addiction treatment units administered by Oakalla Prison Farm.

“2. Why inmates find themselves in Oakalla has not been the subject of research.”

*Resolved*, That the House, at its rising, do stand adjourned until 2 o’clock p.m. on Monday next.

And then the House adjourned at 5.36 p.m.

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## Monday, March 26, 1962

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TWO O’CLOCK P.M.

Prayers by Mr. Speaker.

By leave of the House, on the motion of the Hon. *W. A. C. Bennett*, the House proceeded to the Order “Public Bills and Orders.”

Bill (No. 47) intituled *An Act to Amend the Attachment of Debts Act* was committed, reported complete without amendment, read a third time and passed.

Bill (No. 80) intituled *An Act to Amend the Municipal Act* was committed, reported complete with amendments, to be considered as amended at the next sitting after to-day.

Bill (No. 84) intituled *An Act to Establish the British Columbia Hydro and Power Authority* was committed, sections 1 to 11, inclusive, reported complete without amendment.

Section 12 was reported complete with amendments.

The Committee rose and reported progress.

The Committee asked leave to sit again.

*Resolved*, That the House, at its rising, do stand adjourned until 8.30 o’clock p.m. to-day.

And then the House adjourned at 5.59 p.m.