

## CHAPTER 6

## FAIR ACCOMMODATION PRACTICES ACT

Assented to March 13th, 1959.

Her Majesty, by and with the advice and consent of the Legislative Assembly of New Brunswick, enacts as follows:

1. In this Act,

(a) "Minister" means the Minister of Labour; and

(b) "officer" means an officer appointed or designated under section 4.

2. No person shall deny to any person or class of persons the accommodation, services or facilities available in any place to which the public is customarily admitted only because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons.

3. (1) No person shall,

(a) publish or display or cause to be published or displayed; or

(b) permit to be published or displayed on lands or premises or in a newspaper, through a radio broadcasting station or by means of any other medium which he owns or controls,

any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against any person or any class of persons for any purpose because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons.

(2) Nothing in this section shall be deemed to interfere with the free expression of opinions upon any subject by speech or in writing and shall not confer any protection to or benefit upon enemy aliens.

4. (1) The Minister shall be charged with the general administration of this Act.

(2) The Minister may appoint or designate one or more officers to enforce this Act.

(3) The Minister may require the officer to inquire into the complaint of any person that a contravention of this Act has taken place.

(4) Every such complaint shall be in writing on the form prescribed by the Minister and shall be mailed or delivered to him at his office.

(5) When directed so to do, the officer shall forthwith inquire into the complaint and endeavour to effect a settlement of the matter complained of.

(6) The officer shall report the results of his inquiry and endeavours to the Minister.

5. (1) If the officer is unable to effect a settlement of the matter complained of, the Minister may appoint a commission composed of one or more persons and shall forthwith communicate the names of the members to the parties and thereupon it shall be presumed conclusively that the commission was appointed in accordance with this Act, and no order shall be made or process entered or proceeding taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question the appointment of the commission, or to review, prohibit, or restrain any of its proceedings.

(2) The commission shall have the powers of commissioners under the Inquiries Act.

(3) The commission shall give the parties full opportunity to present evidence and to make submissions and if it finds that the complaint is supported by the evidence it shall recommend to the Minister the course that ought to be taken with respect to the complaint.

(4) If the commission is composed of more than one person, the recommendations of the majority shall be the recommendations of the commission.

(5) After a commission has made its recommendations, the Minister may direct it to clarify or amplify any of its recommendations and they shall not be deemed to have been received by the Minister until they have been so clarified or amplified.

(6) The Minister may issue whatever order he deems necessary to carry the recommendations of the commission into effect and the order shall be final and shall be complied

with in accordance with its terms.

6. (1) Every person who fails to comply with any provision of this Act or with any order made under this Act is guilty of an offence and on summary conviction is liable,

(a) if an individual, to a penalty of not more than Fifty Dollars; or

(b) if a corporation, to a penalty of not more than One Hundred Dollars.

(2) The penalties recovered for offences against this Act shall be paid to the Provincial Secretary-Treasurer and shall form part of the Consolidated Revenue Fund.

7. No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister.

8. (1) Where a person has been convicted of a violation of section 3, the Minister may apply by way of originating summons to a judge of the Supreme Court for an order enjoining such person from continuing such violation.

(2) The judge in his discretion may make such order and the order may be enforced in the same manner as any other order or judgment of the Supreme Court.

9. This Act or any section thereof comes into force on a day to be fixed by proclamation.