

CHAPTER 4

An Act Respecting Fair Accommodation Practices

(Assented to the 26th day of March, A.D., 1959)

Be it enacted by the Governor and Assembly as follows:

Short title **1** This Act may be cited as the Fair Accommodation Practices Act.

Interpretation **2** In this Act,

(a) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Governor in Council;

(b) "officer" means the officer in the public service who is designated by the Governor in Council to enforce this Act.

Right to accommodation

3 Every person and every class of persons has the right to obtain admission to and enjoyment of the accommodation, services and facilities available in any place to which the public is customarily admitted, regardless of the race, religion, religious creed, colour or ethnic or national origin of such person or class of persons.

Refusal of accommodation

4 No person shall deny to any person or class of persons admission to or enjoyment of the accommodation, services or facilities available in any place to which the public is customarily admitted because of the race, religion, religious creed, colour or ethnic or national origin of such person or class of persons.

Discriminatory advertising

5 (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, religion, religious creed, colour or ethnic or national 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. Preservation of freedom of speech

6 The Governor in Council may assign to a member of the Executive Council the administration of this Act, and may designate an officer in the public service to enforce this Act. Administration of Act

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

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

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

(4) The officer shall report the results of his inquiry and endeavours to the Minister. Reports on inquiries

8 (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 Commission of inquiry

persons and shall forthwith communicate the names of the members to the parties concerned.

Chairman

(2) If a commission is composed of more than one member, the Minister shall appoint one member to be chairman.

Powers of commission

(3) The commission shall have all the powers of a Commissioner under the Public Inquiries Act.

Inquiry and recommendation

(4) 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.

Further review by 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.

Publication of commission report

(6) Upon receipt of the recommendations of the commission the Minister shall furnish a copy thereof to each of the persons concerned and, if he deems it advisable, shall publish them in such manner as he sees fit.

Offences

9 Every person who directly or indirectly by himself or by any other person on his behalf:

(a) deprives or attempts to deprive any person or class of persons of the enjoyment of any right under this Act; or

(b) abridges or attempts to abridge the enjoyment by any person or class of persons of any right under this Act; or

(c) restricts or attempts to restrict any person or class of persons in the enjoyment of any right under this Act; or

(d) violates any provision of this Act; is guilty of an offence and liable on summary conviction:

(e) if an individual, to a fine of not more than \$50.00 for the first offence and not more than \$200.00 for a subsequent offence;

(f) if a corporation, to a fine of not more than \$100.00 for a first offence and not more than \$400.00 for a subsequent offence.

10 No prosecution for an offence under this Act shall be instituted without the consent in writing of the Minister. Consent to prosecution

11 (1) Where a person has been convicted of an offence under this Act, the Minister may apply by way of petition to a judge of the Supreme Court for an order enjoining such person from continuing such offence. Injunction

(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.

12 Any expenditures necessary for the administration of this Act shall be defrayed out of monies appropriated therefor by the Legislature. Administrative expenses