

Highest court adds woman

VANCOUVER (CP) — Madame Justice Beverley McLachlin has been appointed to the B.C. Court of Appeal, becoming the first woman to sit on the province's highest court.

The only other women sitting as appellate judges in Canada are Madame Justice Bertha Wilson of the Supreme Court of Canada and Madame Justice Mary Hetherington, who was appointed to the Alberta Court of Appeal on Oct. 4.

Chief Justice Nathan Nemetz said Wednesday that McLachlin, now a justice of the B.C. Supreme Court, will be sworn in at a private ceremony Friday. A formal public ceremony will be held by mid-December.

Nemetz said the appointment is the first of two to the appeal court to handle the increasing number of appeals brought on by the Charter of Rights.

McLachlin, 42, was born in Pincher Creek, Alta., and was admitted to the Alberta bar in 1969. She was admitted to the British Columbia bar in 1971 and practised in Fort St. John before moving to Vancouver.

She was an associate professor in the University of B.C. law faculty before being appointed a county court judge in 1981. That same year, she was moved up to B.C. Supreme Court.

Medical gauge blamed

VICTORIA (CP) — A 73-year-old woman died of congestive heart failure because a temperature gauge jammed, causing her heart to critically overheat during triple bypass coronary surgery, a coroner's jury found Wednesday.

The jury ruled that Erna Bussey's death July 24 at Royal Jubilee Hospital was homicide, a neutral term that carries no fault or blame.

The jury said that another significant cause of death was the injuries incurred while the patient was undergoing surgery because of possible equipment failure accompanied by a degree of human error.

It recommended that hospital administration write policies on the use, servicing and repair of equipment. It also recommended that in the event of an equipment failure an oral and written report be made to the bio-medical engineering department. And it said medical equipment that fails should be sequestered pending a thorough and independent examination.

The inquest was told earlier that hospitals in Calgary and Montreal are unaware that equipment they are using is the same as was used in Bussey's operation.

Neither the hospitals nor the federal Bureau of Medical Devices been told that Royal Jubilee Hospital experienced a problem with the equipment, jurors were told.

Other recommendations the jury handed down included routine equipment checks, a better line of communication between surgical and technical staff regarding equipment operation and performance; that the incident should have been reported to the Bureau of Medical Devices and that reporting of medical equipment failures resulting in serious harm or death should be mandatory for hospitals.

Perfusionist Stephen Keating, who handled the artificial circulation of blood, told the jury that when Bussey's heart reached a temperature of 47C — normal temperature is 37C — the water gauge reading was much lower.

He said he gave the gauge a tap and it "immediately fell with a spring-like action."

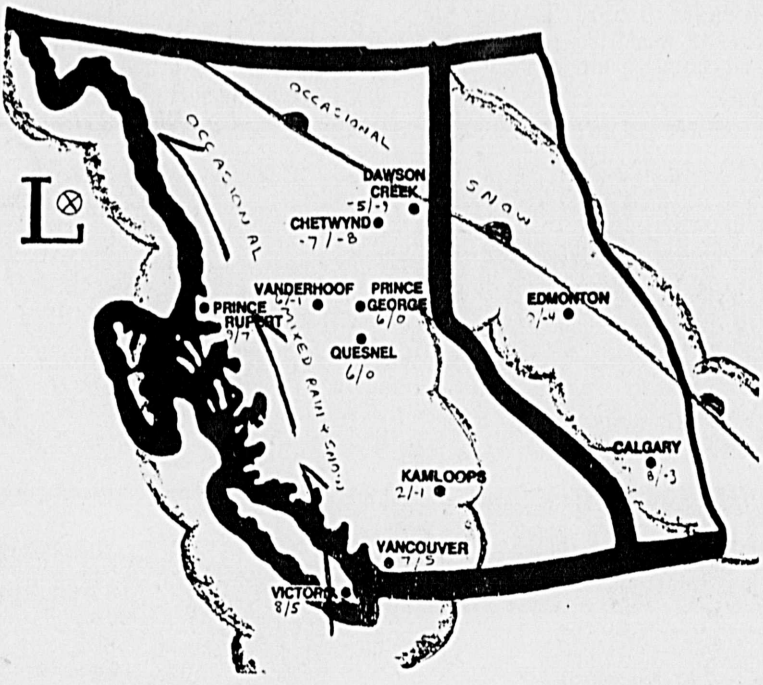
After the surgery, he examined the equipment and found the gauge stem was bent out of position. He bent it back and it worked properly.

Body found by searchers

CASTLEGAR, B.C. (CP) — Searchers recovered the body Wednesday of Kent Ollis, 28, of Victoria who died Monday in the crash of his small plane.

The twin-engine plane, which had been chartered by the Loomis Courier Service Ltd., went down near this community's airport on a flight from Pentiction.

Search co-ordinator Frank Stephens said the plane approached the airport at too low an altitude and slammed into the north side of Sentinal Mountain. Wreckage was spread over a wide area.



Direction and speed of system motion Cold front

Rain or snow showers Warm front

Upper level front Stationary front

(Temperatures are maximum and minimum for past 24 hours)

Temperatures		Prince George	6	1 000.0	Brandon	-12 -24 000.3
		Mackenzie	3	-2 000.4	Churchill	-25 -28 000.0
		Fort St. John	-5	-9 000.0	The Pas	-15 -22 000.0
		Fort Nelson	-18	-22 000.0	Kenora	-10 -16 001.6
		Dease Lake	-19	-21 002.0	Thunder Bay	-3 -8 001.2
		Peace River	-5	-11 000.0	North Bay	-5 -8 002.6
		Whitehorse	-7	-20 002.6	Toronto	0 -1 000.0
		Dawson City	-28	-34 000.3	Ottawa	-5 -8 000.0
		Yellowknife	-21	-23 003.4	Montreal	-5 -8 000.0
		Inuvik	-24	-27 000.0	Fredericton	-4 -12 000.0
		Resolute Bay	-14	-23 000.0	Charlottetown	-4 -9 000.0
		Eureka	-19	-30 000.0	Halifax	0 -6 000.0
		Alert	-9	-22 000.0	St. John's	-2 -5 000.0
		Cambridge Bay	-27	-31 000.0	Seattle	Misg
		Calgary	8	-3 000.0	Spokane	2 -4 000.0
		Edmonton	0	-4 000.0	Portland	Misg
		Lethbridge	5	1 000.0	San Francisco	15 11 001.0
		Medicine Hat	2	-4 000.0	Los Angeles	24 14 000.0
		Swift Current	-3	-7 000.0	Las Vegas	17 6 000.0
		Regina	-13	-17 000.0	Reno	11 -2 000.0
		Saskatoon	-10	-15 000.0	Phoenix	23 11 000.0
		Prince Albert	-11	-21 000.0	New York City	2 -1 000.0
		North Battleford	-11	-17 000.0	Miami	26 20 032.8
		Winnipeg	-10	-25 000.6		

the weather

Cariboo, Prince George, Parsnip: Mostly cloudy with isolated showers of rain or snow, chance of freezing rain in the valleys. Highs 3 to 5. Tonight, cloudy with occasional snow or rain and snow mixed, chance of freezing rain some valleys. Lows minus 3 to minus 5. Friday, cloudy with a few sunny periods. Highs 3 to 5. Probability of precipitation 30 per cent, 50 per cent tonight and 10 per cent Friday.

Bulkley Valley-The Lakes, Chilcotin: Becoming cloudy this morning with occasional rain or snow beginning near noon, chance of freezing rain some valleys. Highs zero to plus 3. Tonight, occasional rain or snow turning to cloudy with clear periods in the evening. Lows minus 3 to minus 6. Friday, sunny with cloudy periods. Highs 2 to 4. Probability of precipitation 50 per cent, 50 per cent tonight and 10 per cent Friday.

Thompson, Okanagan, West Kootenay: Mostly cloudy with isolated showers or snowshowers this morning, chance of light freezing rain some valleys. Highs 2 to 4. Tonight, mostly cloudy ith a evening showers. Lows near zero. Friday, cloudy with sunny periods. Highs

near 5. Probability of precipitation 30 per cent, 40 per cent tonight and 10 per cent Friday.

East Kootenay, Columbia: Mostly cloudy with a few snowshowers, chance of freezing rain some valleys. Highs near zero. Tonight, cloudy with clear periods, isolated snowshowers after midnight. Lows minus 3 to minus 7. Friday, cloudy with sunny periods. Highs 1 to 4. Probability of precipitation 30 per cent, 30 per cent tonight and 10 per cent Friday.

Greater Vancouver, Lower Fraser Valley: Mostly cloudy with occasional rain. Highs near 8. Tonight, mostly cloudy with a few showers. Lows near 3. Friday, mostly cloudy with a few showers, intermittent rain beginning in the afternoon. Highs near 8. Probability of precipitation 80 per cent, 40 per cent tonight and 60 per cent Friday.

Greater Victoria, East Vancouver Island: Mostly cloudy with occasional rain. Highs near 8. Tonight, mostly cloudy with a few showers. Lows near 3. Friday, mostly cloudy with a few showers, intermittent rain beginning in the afternoon. Highs near 8. Probability of precipitation 70 per cent, 40 per cent tonight and 60 per cent Friday.

BEDROOM VIDEOTAPING

'Peeping' review pledged

by PAUL LOONG

VICTORIA (CP) — Police videotaping of bedroom sex to prosecute an escort service owner is legal but Attorney General Brian Smith said Wednesday he will examine whether it is an acceptable practice.

"It may offend people considerably that it happens, but it is considered to be admissible evidence because it's actually what took place," Smith told reporters.

He was asked about police surveillance — including the drilling of a hole in the wall of a hotel room to videotape sexual activity between escorts and their customers — to gather evidence against Arlie Blakely, operator of Top Hat Productions.

Blakely was found guilty Tuesday by a county court jury on one count of living off the avails of prostitution, four counts of procuring a female for illicit sex and five counts of aiding and abetting others to engage in prostitution. She

will be sentenced Dec. 16.

Although the Crown used wire-taped telephone conversations in the trial, the videotapes were not introduced as evidence.

Defence lawyer Robert Moore-Stewart said the mere existence of the videotapes intimidated male customers into appearing as Crown witnesses even though it is not a crime to provide or get sex for money.

Moore-Stewart argued that it was an intrusion by the state into private bedrooms.

"It's admissible to do it," Smith said. "The question is whether it's an acceptable practice."

"I'm going to certainly look at the transcript of the trial from the standpoint of surveillance and other matters that have arisen," he said.

While police had to get a court order to intercept telephone conversations, no specific approval was obtained for videotaping.

"If you are taking a picture of

someone, their privacy isn't taken into account by the criminal law," Smith said. "And if you're taking a moving picture of them, it's the same thing."

Police cannot indiscriminately intrude into private bedrooms, he said.

"You either have to have a warrant to get in, or else you have to have permission from the owner to get in to do that kind of thing. But you don't need an order of the court in order to take the picture."

He said the allegations involved operating a bawdy house, "and the evidence of that would have been the evidence that was obtained in bedrooms."

Smith said he thinks it is unlikely that a crackdown on escort services will follow Blakely's conviction, but said police, not his office, decide what cases to prosecute.

"I'm not going to give orders to police departments. I'm not about to say whether we are going to prosecute more of these or not."

Medical heroin rules rapped

VANCOUVER (CP) — Ottawa has falsely raised the hopes of the terminally ill by legalizing heroin for pain relief because federal dispensing rules are too rigid and most patients won't be able to use the drug, doctors said Wednesday.

"The government has legalized heroin for medical use but in a form that makes it virtually useless," said Dr. Ian Plenderleith of the British Columbia Cancer Control Agency.

we're talking about are at home taking painkillers in much easier pill form."

Plenderleith accused the government of making a "purely political" decision to legalize the medical use of heroin.

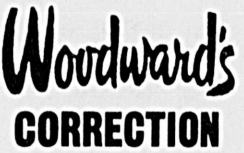
Vancouver General Hospital is one of several B.C. hospitals which won't stock the drug for security reasons.

"Junkies on the street who hear

we had it might try to break in with weapons, creating a very dangerous situation," said hospital spokesman Peter Walton.

"Our major concern has to be security. Heroin on the street is like gold."

Dr. Gerry Karr, president of the B.C. Medical Association, said many doctors feel heroin is no better than other painkillers.



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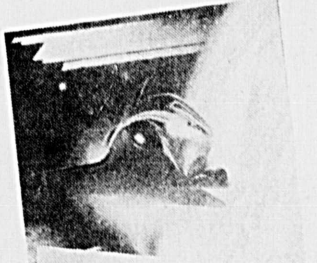


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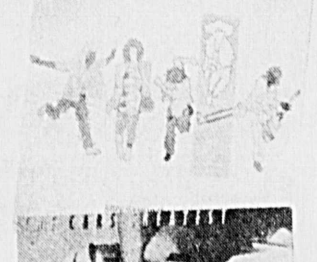
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