

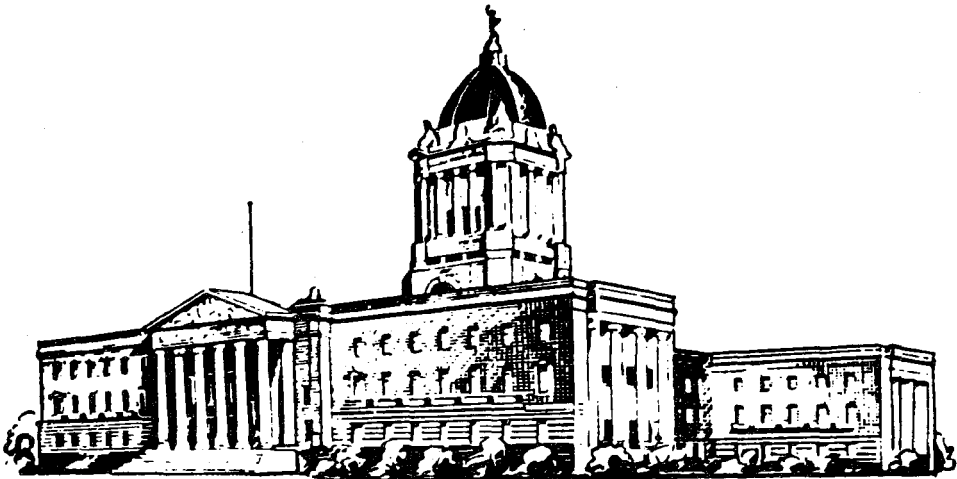


First Session — Thirty-First Legislature  
of the  
**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

26 Elizabeth II

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8:00 p.m. Thursday, December 1, 1977

# THE LEGISLATIVE ASSEMBLY of MANITOBA

Thursday, December 1, 1977

TIME: 8:00 p.m.

**MR. SPEAKER:** Before adjournment we were dealing with Bill No. 3. The Honourable Member for Brandon East has a couple of minutes left.

**MR. EVANS:** Thank you very much, Mr. Speaker. So in conclusion, I want to say that I share the thoughts and objectives of the government in trying to stimulate private investment. I, too, would like to see more private investment and manufacturing in Manitoba. But I maintain, Mr. Speaker, that this particular Bill, the elimination of succession duties and gift taxes will not do the trick. The Minister of Finance said, "Let's wait a year or two and see what will happen," because he is convinced that in a year or two you will see more investment in manufacturing because of this particular bill. At least that is what I understood him to say to the news media a couple of days ago.

I say, look at what has happened in Manitoba just in the past year. This past summer alone we have seen the establishment of Wimpak Industries Limited, which is a Finnish-owned corporation that manufactures plastic products, Sperry Univac has opened in Winnipeg, GWG has established a plant, last year we had Phillips Cable and Wire Company Limited establish in Portage, and all of these companies established in Manitoba with funding from sources other than the source that I suggest that we are discussing this evening and these past few days. The funding of this industrial expansion did not come from the source that the Minister of Finance seems to be concerned with in this particular bill.

So I say that although I wish the Minister of Finance well, and I do wish to see more investment in manufacturing in the next year or two, I do not think we will have evidence that there is an increase in manufacturing investment and expansion in Manitoba's economy as a result of the passage of this particular measure and as I also said earlier on, Mr. Speaker, I believe perhaps the reverse will be true and that is the government will have four or five or six million dollars less with which to do some good things for the people of this province. So I would hope that the Minister of Finance would reconsider. I am not too hopeful that he or the government will withdraw the bill, but I think we have made the case that it is not going to accomplish what the Minister of Finance thinks it might accomplish. Thank you.

**MR. SPEAKER:** The Honourable Member for Kildonan.

**MR. PETER FOX (Kildonan):** Thank you, Mr. Speaker. I move, seconded by the Honourable Member for Seven Oaks, that debate be adjourned.

**MOTION presented and carried.**

**MR. SPEAKER:** Bill No. 4, an Act to amend the Mineral Acreage Tax. The Honourable Member for Point Douglas.

**MR. MALINOWSKI:** Mr. Speaker, I adjourned this for my colleague, the Honourable Member for Seven Oaks.

## BILL (NO. 4) — THE MINERAL ACREAGE TAX ACT

**MR. SPEAKER:** The Honourable Member for Seven Oaks.

**MR. SAUL A. MILLER (Seven Oaks):** Mr. Speaker, what is being proposed here is that the elimination of the Mineral Acreage Tax — I believe it was introduced in 1972, if memory serves me correctly — and in his comments on the introduction of the bill, the present Minister of Finance indicated that it was a nuisance tax and very little revenue to be gleaned from it, and because it was a nuisance tax it was going to be simply abolished. Well, it is true it is not a heavy generator of revenue, I don't think it was every conceived as that. But there was a principle behind the establishment of this legislation which I think generally was recognized at the time, and that is if there is any resource of value to the people of Manitoba, it's the resources of our minerals within Manitoba. If we had oil it would be an oil resource. We happen to have minerals.

Now if decades and decades ago when land was given or ceded to various companies like Hudson's Bay or CPR, vast tracts of land, no one thought in terms of the minerals that might be underground. The idea was to open the west and get people on the land. But as the recognition that the values underground might equal to or perhaps even greater than the surface land itself, then when these large holdings were broken up through sale or transfer or what have you, they withheld when they transferred title; in transferring title to the surface land, they then withheld the mineral rights themselves and mineral rights are retained by the corporation. I will give you this example, the CPR or Hudson's Bay, and they would retain the mineral rights, recognizing as I say, in subsequent generations ago that there was perhaps value underground. Now they did nothing except to retain the rights, they didn't work them, they just sat on them, hoping that some day something might

happen and sometimes it did, minerals were found and suddenly they became very, very valuable. The same occurred as between transfers from one individual to another. Many people who owned privately, had purchased either through families going back a couple of generations, had purchased large tracts of land, at that time there was no concern perhaps for the mineral rights, but when they finally broke up those tracts of land the individual too retained the rights to the minerals, because there was the anticipation, the hopeful anticipation of a future gain, a future bonanza. You know, you might dig a hole for water and out would come oil. There is always that dream I suppose. Here you are most likely to find nickel or some other mineral.

So basically, the bill was brought in to recognize the fact that people have retained rights, they have sold the surface rights in many cases, but they have retained the mineral rights. It cost them nothing to do that. In the sale itself, they simply withheld the mineral rights, they kept them for themselves, transferred them on from generation to generation in many cases and as a result the mineral rights were retained in the name of large corporations or in some cases of some fairly substantial land owners and, as I say, basically to hope for some windfall gain at some future date.

Now it was felt, and I still think correctly, that if in fact you were looking for a windfall gain, then surely you should be paying for the right to keep that particular mineral right in your name, whether it be corporate or individual. Some of these are not small holdings -- for example, on holdings of 5,000 acres or more. So I am not talking about small little holdings -- 5,000 acres and larger. There are thirty-three corporations which between them own the mineral rights on 2½ million acres. Now when they were faced with this legislation, fifteen of those thirty-three paid on 817,000 acres and 1,600,000, they yet haven't paid on and they are closely examining and still are in the process of deciding what they would hold and what they would relinquish, and in the case of one, they are relinquishing close to one million acres but will continue to pay on 85,000 acres because they were given this choice. If you wish to retain the mineral rights, if you want to protect yourself and you want to speculate and you want to gamble on some future windfall, then pay ten cents per acre. That is all it is. If on the other hand, you have no interest in mineral acreage or you feel that you don't want to speculate, then you can simply turn it back to the Crown, and the Crown becomes the holder of the mineral rights.

Now as I say, I think the principle is valid. It is a good one because basically they are doing nothing with this land. It is simply sitting there. They are retaining the mineral rights and waiting, I guess, to draw the winning lottery number, I suppose that's what basically it amounts to. So that is only right, it was right then and I think it's right now that indeed the value to the public of Manitoba should be protected — either that you pay 10 cents per acre or you turn back the mineral rights if you're not prepared to pay that minimum amount to the Crown.

Now this wasn't very unique to Manitoba. We were not the first ones into this field. British Columbia, as a matter of fact, has similar legislation; however I guess they recognized the value of their minerals before we did or perhaps they are even greater because they have a much steeper rate than we have. Their rate is 25 cents for the first 50,000 acres; 40 cents on holdings of 50,000 to 100,000 and they keep going up till they hit \$1.00 per acre where the holdings are a million acres or more.

In Saskatchewan as well there is an acreage charge. Now we recognize that in many cases — and I know the legislation called for this — where a farmer owned land and that farmer was indeed using the land for farm purposes, then this Act did not apply, he would not have to pay. However, if that farmer divested himself of the land — he may have sold it or transferred title to someone — and he no longer worked that farm as a farm, then he would have to pay the 10 cents an acre. And again I say the 10 cents an acre is not a very large tax, and as the minister himself pointed out, it is not a huge revenue maker.

He did indicate that there were significant administrative costs and it's true, the administrative costs particularly in the initial years are large and were large simply because there was really no record to go back to, there was no record of how many acres there were, who held mineral rights, who didn't, we had to check all titles, the searching of titles and to determine who held the mineral rights, whether in fact the land was being farmed or not being farmed, all of these factors had to be taken into account. And as a result the department did not actively enforce this because a person could or a corporation could, after two years, decide that they wanted to cede the rights back to the Crown, that is, give up the rights that they had.

So, Mr. Speaker, the purpose in bringing this in was (a) some small revenue and in time as titles had been cleared up, as all the information was in, as the various firms made their decisions as to what they were going to hold and what they were going to relinquish, then the administrative costs would have fallen drastically, it would simply have been a matter of maintaining a current record and revenues would have come in. As I say some of these were significant. You have, as I say, the case of corporations holding — and I'm not talking of just the larger ones — 2.5 million acres, and some of them now are in the process and by the end of this year, I know of one case where one corporation was prepared to relinquish the mineral rights on 962,000 acres. They would retain some rights because obviously they feel that it's worthwhile to them to retain the rights and pay 10 cents per acre on those mineral rights, the rest they are prepared to give it up and maybe there is nothing in those mineral rights that they are giving up. Maybe they are satisfied there isn't.

But we know with new technologies, new minerals constantly being sought and discovered that 10, 20, 25 years from now there may be even in those rights that are now being relinquished, those areas where the mineral rights are being relinquished, a certain mineral may indeed be in that area and certainly if that is the case then surely the public in Manitoba, through the Crown, should be the greatest beneficiary and would be the greatest beneficiary as owners. It would not in any way, it has not and would not in any way impede development because if there is a mineral discovered it's going

to be developed. The windfall however wouldn't be to someone who simply sat on it and didn't do anything about it but just simply held title, by virtue of the fact that title may have been his or hers or owned by a corporation like Hudson's Bay or CPR for decades and decades. But then suddenly that land becomes valuable, suddenly it's mined, suddenly there's a windfall and they're basically sitting on the possibility of a speculative windfall gain without paying anything towards protecting that possible windfall.

Now as I recollect that was one of the major reasons for bringing in the legislation. That is, I know, one of the reasons why British Columbia has similar legislation, as has Saskatchewan. Ontario has legislation which differs from ours, I don't know the details of it but theirs is somewhat different, although they too are involved in taxing on mineral rights.

So, Mr. Speaker, for this reason we simply do not see why this is being brought in except, as has been indicated, it's considered a nuisance and I don't doubt it's considered a nuisance by somebody who may have left the farm or is no longer on the farm, may have inherited mineral rights from their grandfather, no longer connected to the farm at all but they have mineral rights and they may own a few hundred acres or a few thousand acres somewhere and suddenly they have to pay 10 cents an acre and they are very unhappy about that. So to that extent it is a nuisance and it's costing a few dollars. It can't cost them much obviously. They do have the option of either turning back to the Crown those mineral rights or paying the 10 cents an acre. Now, as I say, some have chosen to turn it back to the Crown, others have chosen to pay it. And I know the department has not been actively enforcing it in wanting to allow people to give them the time to decide what they want to do and what in their opinion they would like to do. But I know that in some instances, one case, one corporation has turned back 650,000 acres, as I recall, is now in the process of turning it back to the Crown.

**A MEMBER:** So what happened?

**MR. MILLER:** I think originally it was CPR, now owned by another corporation and they acquired it, I think, many many years ago — (Interjection) — Well, yes that's true, I saw that in the press the other day. And when they sold it, obviously CPR didn't bother in that case retaining rights. In other cases Hudson Bay, one of the larger owners of land in Manitoba by virtue of the land given to them by the Crown originally — many as I say decades ago — I guess they sold the land outright without thinking in terms of mineral rights. In later years they sold the land but not the mineral rights and retained it, and they too have to look to determine whether they want to retain mineral rights and pay 10 cents an acre or whether they want to yield them or return them to the Crown, to relinquish them to the Crown.

Mr. Speaker, if the minister felt that this was a hardship or a nuisance to some individuals and he had wanted to modify it in the light of some experience and say, well, let's not bother with small holdings of 100 acres or 1,000 or 500 or something, maybe I could understand it and we can talk about it. But simply to come in and say, it's not a big revenue raiser, it's a nuisance so if people don't like it, let's just do away with it, I think frankly is not the right thing to do. I think it is simply giving up (a) a very small source of revenue, but more importantly it is giving up a resource which should properly belong to the public of Manitoba and if there is to be a windfall some day, then it should accrue to the public of Manitoba and not to somebody who may have inherited the mineral rights three generations ago, has done absolutely nothing about it but suddenly the land or the mineral rights he has suddenly become valuable and he gets the benefit of it.

Mr. Speaker, for that reason we cannot really agree with this bill and I think it has gone too far. I don't think it should have been changed at all, but certainly the change suggested here is total elimination of it and I see no reason for it except perhaps a promise on the part of the Conservative Party when they were campaigning that they would do away with it, and now they have to live up to that promise.

**MR. SPEAKER:** The Honourable Member for Emerson.

**MR. ALBERT DRIEDGER:** Mr. Speaker, I would just like to on this occasion make a few comments on the effect of the mineral acreage tax on the medium sized and the smaller farmer. Having been exposed to this myself, I would like to make a few clarifications to that effect.

For the clarification purposes, I wonder how many of the members present have ever been billed with a mineral acreage tax statement. If you're not aware of it, on your personal property where you have your residences on you get an exemption, on any other properties you have you get billed 10 cents an acre and provisions are that if you file an exemption you don't have to pay the 10 cents an acre.

**A MEMBER:** Are you an operating farmer?

**MR. DRIEDGER:** I am an operating farmer. — (Interjection) — My own land. — (Interjection) — You have to file an exemption, this is what I am trying to clarify. If you have additional land, you have to file an exemption. Now I want to explain to the members present here what it does to some of our senior farmers who have the mineral rights, who are concerned and possibly are not as fortunate in their reading ability, this type of thing, the impression that they got was that they, as farmers, did not have to pay the mineral acreage tax. What happened, they got a billing and instead of filing an exemption

they ignored it, and I know because I personally have filed a number of exemptions for farmers because they were confused about this type of thing and, you know, I appreciated doing it for them. It has created a consternation for many of our senior farmers. The smaller holders, the 100 acres, 160 acres — the honourable member opposite was talking of the 160,000, 100,000, 65,000, 6,500 acres with mineral rights, this type of thing — I'm talking about the smaller operator, and my concern is he has to file exemption.

I have been listening for the past week to the opposition here trying to create a champion of the less fortunate people and I am wondering how they can have ever presented a bill of this nature. If they were going to go after the corporate organizations, do so, but they affected the smaller operators and small farmers as well. This is what I am trying to present today, whether it is a misconception on your part that you are trying to be champions of the underdog, so to speak, because for the last week this is all we've heard. We've heard corporations, corporations, etc., and you people have totally ignored the effect of what this tax has done to the smaller farmer. And after realizing how short you've fallen in this bill, I can't understand why you would even want to pose it now.

**A MEMBER:** One more reason why we're here, Albert.

**MR. DRIEDGER:** Thank you.

**MR. SPEAKER:** The Honourable Member for Roblin.

**MR. J. WALLY MCKENZIE:** Mr. Speaker, I would like the occasion to speak on this very important piece of legislation which was part and parcel of our campaign, and is one of the reasons of many others, of course, that those members are sitting over there today and not here on the treasury benches.

Mr. Speaker, may I very briefly congratulate you on the honour that has been bestowed upon you. I am sure that the people of Birtle-Russell must be feeling very proud of the heights that you have reached, and maybe I should reminisce. I recall the occasion when the member from Birtle-Russell was nominated in Birtle one night in January, fifty below, the place jammed to the doors in those days, and he came from that nominating meeting in Birtle and rose to the heights of Speaker in this Chamber. It is very interesting, Mr. Speaker, if you permit me, the community of Birtle-Russell, now in my lifetime, have had two speakers. The gentleman who was the Speaker of the House of Commons, a Mr. Glen, came from that jurisdiction, so that community has been honoured over their years by having two people who reached the elevation and the height of Speaker. So, I bring you the congratulations and the best wishes of Roblin constituency and wish you well in the chair, Sir.

Mr. Speaker, may I congratulate this new government sitting over here, new, fresh, young, exciting. Mr. Speaker, let me tell the members opposite, go down and listen to the chatter downtown in the coffee shops, in the barber shops, in the little stores that are around. The new turnover in this province, and how we turfed that crowd out with their NDP arithmetic which we are going to deal with in this bill, and I dare say, Mr. Speaker, that's the last time we'll see the New Democratic Party as government in this province.

Well, I suspect with the NDP arithmetic we had in this mineral acreage tax, plus the big Blakeney blunder in Saskatchewan, and plus — I recall this fly-over tax, remember that one, where we're charging again NDP arithmetic at its highest calibre. That's another reason why they are sitting over there.

But, Mr. Speaker, not only the members of the government but and the new members on this side, let me congratulate the new members that were elected opposite. I wish them well and am sure they'll add considerably to the debates to this Chamber and make Manitoba a better province.

I never thought, Mr. Speaker, I would ever see a more left-wing speech in this House made than was made by this former member for Crescentwood, a Mr. Gonick was it? But this member today from Churchill made the former member for Crescentwood look like a second reader. Unbelievable. So I'm glad that the people of Churchill know where they're going.

**MR. SPEAKER:** Order please.

**A MEMBER:** Mr. Speaker, on a Point of Order. The honourable member is speaking during a period in which the Throne Speech Debate is still current. During such a period, it seems to me that it is not asking for a great deal of co-operation for the honourable member to make his throne speech on the Throne Speech debate, and that he should confine himself now to the Mineral Acreage Tax bill. I don't think that that is asking for too much. We certainly wouldn't prohibit him from congratulating yourself, etc., but if he's now going into the remarks that have been made by another member on the Throne Speech, the honourable member still has two days to do that, and I believe that all the honourable members on this side have exhausted their rights so the field is open for honourable members on the other side to make the kind of speech that is now being made on the Throne Speech. We are discussing the Mineral Acreage bill.

**MR. SPEAKER:** I want to thank the Honourable Member for Inkster for his point of order, and I must point out to him that he is quite correct. When you are speaking to a bill you should confine yourself to the content of that bill, but I must warn the honourable member that it is not because he has

exhausted his right to speak on the Throne Speech, it is because of the content of the bill that he must confine his remarks. I would ask the Honourable Member for Roblin to please confine his remarks to the content of the bill.

**MR. MCKENZIE:** Mr. Speaker, as always I bow to the House Leader of the Opposition.

**A MEMBER:** You were right the first time Wally.

**MR. MCKENZIE:** Mr. Speaker, over the years I don't think I have ever won with the Honourable House Leader of the New Democratic Party. I recall a speech two years ago I made, and I misquoted the honourable house leader of the New Democratic Party. He named the chapter, verse and line in Hansard where his comments were and threw the book on my desk and I had to withdraw, so I do withdraw and apologize for my introductory remarks.

But, Mr. Speaker, on the other hand, this bill is part and parcel of the Throne Speech debate, and if the members opposite can't read between the lines that this was the intent of this government and one of the other reasons why there was a Throne Speech and why we're sitting here today, then I apologize to the Honourable House Leader for the New Democratic Party. But, Mr. Speaker, we have been admonished for the last several days over here because we haven't been rising to our feet, because we haven't been speaking, and I find it rather . . . I don't know how to describe it, now when I want to speak, the Honourable House Leader of the New Democratic Party doesn't want to give me the right to speak. And, Mr. Speaker, I am surprised that the House Leader of the New Democratic Party and my House Leader haven't been talking, because my House Leader tells me that we can make all our speeches on bills that we couldn't make during the Throne Speech debate.

Well, Mr. Speaker, all joking aside, and let's get back to the business of the people of Manitoba and the province. I do, though, wish all the new members well, and I'm sure this government, this Premier who is sitting down in front of me here as I stand, we're going to have some exciting days in this province and things are going to start to happen. Mr. Speaker, this bill — why have we got this legislation before us? I congratulate the honourable member who spoke previously before me, but it's typical of the legislation that's on the records of this province from this government — NDP arithmetic that couldn't be managed. In fact, the Honourable Finance Minister the other day said, "They couldn't collect it." You basically, somehow in the jurisdiction of this province — and I can read out of the comments of this nuisance tax — were basically people who weren't paying the mineral tax. Why did not the former Minister of Finance who is sitting over there find some vehicle or some court — they were the government, they were the province — to go and collect from those people, those 13,000 that never paid. And the reason is quite simple, Mr. Speaker. They knew that they'd made a mistake with this type of taxation on the people of this province. They knew after they'd done it with the fly-over tax that they'd made a mistake — the same as Blakeney has in Saskatchewan, now he's made another mistake. And that's the problem of a socialist crowd, Mr. Speaker. They just don't understand the guts of the rural population where I come from, the little people. They think that they represent the little people of this province. I invite the Member for Churchill to come out to Roblin constituency on any occasion, and show me one of those fat cat corporations that you were talking about today that's been reaping all these people and raping them and doing all these nasty things. I just ask him — and bring your friends along — I know you're new, and you're new in Canada, my friend, but look, there's a lot of poor in this province, my friend, and come to Roblin constituency and see some of the poor people. But they're happy. They've sent me back for four times. This government, this Premier — they've sent every top dog they could — this election, six organizers in Roblin constituency. How many times was Howard Pawley out there, the Premier? They're always going to get Swan River, they're always going to get Roblin, they're always going to get Birtle-Russell. The reason, Mr. Speaker, is because of this kind of legislation that we have before us tonight that we're appealing, and the fact that we represent the little people. We represent the poor — the guy that's out cutting wood with an axe. They think they're the only crowd that stand up for the little people in this province. What a bunch of trash. What a bunch of trash. How many farmers you got over there in your caucus?

**A MEMBER:** Thousands.

**A MEMBER:** None. Not a one.

**MR. MCKENZIE:** That's another reason why you're not government of this province, Mr. Speaker. Until the day you people over there can go around this province and speak to the farmers on a first name basis, or talk the same language of the farmers and withdraw this kind of junk like this Mineral Acreage Tax you deserve . . . Mr. Speaker, they deserve everything they got and more, and they're going to get more.

**MR. SPEAKER:** Order please. The Honourable Member for Ste. Rose. A point of order?

**MR. A.R. (PETE) ADAM:** No, on a point of privilege, Mr. Speaker.

**MR. SPEAKER:** Oh, a point of privilege.

Thursday, December 1, 1977

**MR. ADAM:** I just wanted to, for the record — the Honourable Member for Roblin has stated there isn't a farmer on this side of the House, and he was also endorsed by the Member for Lakeside, who is speaking from the seat of his pants . . .

**MR. SPEAKER:** Order please. Order please.

**MR. ADAM:** For the record, I want him to know that . . .

**MR. SPEAKER:** The Honourable Member for Roblin.

**MR. McKENZIE:** Mr. Speaker, I am prepared to withdraw and let the honourable member finish what he was going to say. I don't know what he was trying to say over there. — (Interjection) — Well, that's his opinion.

Mr. Speaker, let's go back and read the Finance Minister's comments on this bill on Second reading, Mr. Speaker. It's very simple — an Act that they couldn't impose — they couldn't collect the taxes. We've been opposed to the Mineral Acreage Tax and So has 51 percent of the people, or at 49.5 percent of them are opposed to this type of taxation. What is this great thing about the left wing of the socialist crowd that you think that some farmer doesn't own a little bit of gravel on his farm? My God, he's the one that cut the trees off it, he's the one that made it produce, he's the one that's living there today, and that heritage has gone on for three or four generations. But the socialists, they say it is some heritage that was granted to them by somebody on high . . .

**MR. SPEAKER:** Order please.

**MR. McKENZIE:** Why don't they write a Regina manifesto?

**MR. SPEAKER:** Order please. The Honourable Member for Inkster on a point of order.

**MR. GREEN:** No, Mr. Speaker, I want to know whether the honourable member . . .

**MR. SPEAKER:** Have you a question?

**MR. GREEN:** A question, yes, if he'd let me — he usually does — he's very kind in that respect. I want to know, Mr. Speaker, if this is a socialist plot why it was that in 1930 a progressive government, composed of Liberals and Conservatives for the most part, stopped conveying any mineral rights to any farmers in titles that were stemming directly from the Crown to the people of the province of Manitoba.

**MR. McKENZIE:** It's an excellent question of the honourable member. The only tragedy is I never came to Manitoba until I got my discharge out of the Airforce in 1946, so I basically don't know the political mind of those people. Now, there may have been a couple of Cy Gonicks in there, or if there was somebody like the Member for Churchill in that group, it's quite possible that could have happened. It's quite possible, but it's before my time, Mr. Speaker, and I apologize . . .

**A MEMBER:** You were serving your country during those years.

**MR. McKENZIE:** But, Mr. Speaker, let me just remind, before I take my seat, remind the members opposite, we are the government of this province today and 49.5 percent of the people told us to repeal this Act in the election campaign. We're going to repeal it, and by repealing this other legislation, we're going to be here for a long time, and I congratulate this government and this minister for doing what they're doing on this legislation, and urge every member of this Chamber to stand up and support this bill. Thank you, Mr. Speaker.

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Finance, the Honourable Member for Flin Flon.

**MR. TOM BARROW:** I beg to move, seconded by the Member for St. Vital, that debate be adjourned.

**MOTION presented and carried.**

#### BILL NO. 5 — FAMILY LAW

**MR. SPEAKER:** On Bill (No. 5), an Act to suspend the Family Maintenance Act and other Acts, standing in the name of the . . .

**HON. WARNER H. JORGENSON, Minister without Portfolio (Morris):** Mr. Speaker, the Member for

Fort Rouge approached me before he left this afternoon and said that if anyone wished to speak on this particular bill he would have no objections. So, if there's anybody on the other side prepared to go, they can go.

**MR. SPEAKER:** I have the understanding, then, that this will still stand in the name of the Member for Fort Rouge. The Honourable Member for Ste. Rose.

**MR. ADAM:** Thank you very much, Mr. Speaker. I'm happy to participate in debate on this particular bill. I am also very happy to see that we finally have some action across the way now from the backbenchers, so the balance of the session may be more interesting. We'll get some different points of view across here, and I think that's good for our democratic system of government.

Speaking on Bill (No. 5), to repeal the Marital Property Act and suspend the Family Maintenance Act, I am, like many people in this province, extremely disappointed that the government has seen fit to introduce, this type of legislation, and in particular, Mr. Speaker, to introduce this type of legislation at what they want to call a special session, or a mini-session, and I think that it's unfortunate, because, in my opinion, the Family Law, the new Marital Property Act that was passed at the last sitting and the Family Maintenance Act, is one of the major pieces of legislation to my knowledge that ever was passed for many many decades in the province of Manitoba. I was very disappointed to see that the Leader of the Official Opposition, the leader of the Conservative party, the First Minister, in his remarks . . . I appreciate the fact that if this kind of a bill is going to come in to do away with this progressive legislation, I am not surprised that it would come from a Progressive Conservative Party. I believe the Premier certainly made his opinion very clear in his remarks a couple of days ago on what he thinks about the women of this province, when in his remarks, whether they were made in jest or otherwise, I think were rather insulting, in that he says that — and I'm trying to paraphrase him now — — “that God forbid that we would be against women. Conservatives are the best breeders in the world.”

Well, Mr. Speaker, he made his point very clear and I am sure that there are many people in this province who will be very disappointed to hear the First Premier of this province make that kind of a statement in this House, whether it's in jest or whether he made those remarks seriously.

I suspect that before the next four years are out he is going to be breeding a lot more people than the women he was referring to.

Mr. Speaker, I was one of the members of the committee that heard all these briefs from many many people, many many groups. I believe there were some 40,000 or 50,000 people represented in the briefs that we received. I have most of them here, not all of them, but I believe I have most of these briefs here, and I've read them all, and I think that this legislation was long overdue. Perhaps it should have been brought in eight or ten years ago and perhaps longer than that. But nevertheless we seem to move very very slowly in the old chauvinistic ways and last year we finally introduced a bill. While we may not have had a completely perfect bill, it was a great step forward in the emancipation of women's rights in this province. And you know, Mr. Speaker, you can't help us for being a little suspicious on just what is behind this move to suspend this bill at this time. I believe I should say “scuttle” this bill because I think that's what is going to happen.

**A MEMBER:** Scuttle it? We're going to wipe it off the historic pages of Manitoba, that's what . . .

**MR. ADAM:** I believe that this bill is going to be scuttled and the Minister of Public Works has just substantiated that remark. Let that go on the record that he has just substantiated what I have said.

**A MEMBER:** Right.

**MR. ADAM:** And do you know, I believe the Attorney-General tipped his hand — tipped his hand . . .

**A MEMBER:** He scratched his head.

**MR. ADAM:** . . . when he made this statement that “we're going to stop this bill from coming into effect because it needed a little bit of polishing.” It needs a little bit of polishing. Well, Mr. Speaker, if that's all it needed is a little bit of polishing that bill could have been allowed to come into effect and we could have done that polishing. He could have done that polishing at this session. He could have brought in the amendments at this session. So I believe he tipped his hand when he said it requires a little polishing. Just because it needs a little polishing is no reason to throw it away or to discard it.

Mr. Speaker, I suspect that the shoes I'm wearing need polishing too, but I am going to wear them until I have time to polish them. And I suggest to you, Sir, that you should have allowed this bill to come into effect and we could have ironed out the bugs with a little polishing and we would have helped you provide the polish at the next sitting of the Legislature to bring that bill to the way it should be.

Another thing I want to say on the bill is that there are other jurisdictions that have already enacted this type of legislation. I'm sure the Attorney-General is aware of it. They have already had experiences with it, with this type of legislation. I have reams of documents here pertaining to this kind of legislation in other jurisdictions. In particular what I have before me at the moment is the new Community Property Laws in the State of California and they have all the outline here. They've



analyzed this new law that they brought in in 1974 and 1975. They outline the problems that have arisen and how they have been rectified. It's all here, Mr. Speaker. In my opinion our bill didn't go far enough. The California bills that they had — they've had two or three of them — they also have the management. They went a lot further than we did, they have management of property, joint management and joint control. So they have gone much further than we have, equal management and control under the Senate Bill 569. "To have and to hold" takes on a new meaning in California.

They have overcome the problems that have arisen with the joint control of marital property and commercial property. If the Attorney-General does not have this information I will be very happy to have copies made for him, if he's interested, and provide him with the documents that I have here.

In California, they have also looked into the effect on inter-spousal mismanagement litigation. What happens if one's spouse mismanages the community property and what happens, what limits are involved.

The kind of review that he has requested from the people that he has appointed . . . I perhaps should pause to say that I am a bit disappointed like many others that he chose to appoint one of the people who were very much opposed to this new bill. I think he would have allayed many suspicions had he not appointed Mr. Houston to that committee. That was also another giveaway.

**A MEMBER:** A fine fellow.

**MR. ADAM:** That was another giveaway and I'm not trying to question the integrity of Mr. Houston but it looks kind of odd when you have, out of all the briefs that we've heard in committee and out of the two that were opposed, I believe that's about all there were that were opposed, and those are the ones that we find on this committee to review this legislation. I think this is another giveaway. This tips your hand again on your motives. So we have no assurance that this bill is going to come back the way it's intended that it should come back. I certainly hope that I'm wrong. I hope that what we're going to see, I know in the final analysis this bill is going to be approved, that Bill No. 5 is going to be passed by this House and we're going to have to live with it, but we shall be watching very closely to see what you come back with.

You know, the First Minister I believe made a statement that I read in the press that they're going to be surprised what is going to come back. You know, I will be surprised if anything comes back.

**A MEMBER:** I'll be surprised if it does come back.

**MR. ADAM:** I'm going to be very surprised if anything comes back, but if it does I will be very happy if it's a good bill and if it has been approved and possibly it will. I hope that at the next sitting of the Legislature we will be able to work with you to work on this new bill. We haven't had a commitment that it's going to be back at the next sitting and we would certainly hope — and I would like to hear the minister say to us, to this House — that that bill is going to be back in the next session. Certainly it should be back if it only requires a wee bit, a smidgen of polishing. If that's all that it needs I would hope that it would be back at the next sitting of the session, next spring.

They have made in-depth studies of the ramifications, the implications of this legislation in California and the conclusion is — — I can read you some of the conclusions, there's a lot of documentation over here — the conclusion is by one analyst: "The problem of mismanagement on community property has long plagued the law of community property. To be sure, when the marital relationship is harmonious there is little danger that either spouse will act in a derogation of the other's property rights, but when disillusion is in view or when one spouse is incapable of carefully managing the community property there is a distinct possibility that one spouse will abuse the power of management and interfere substantially with the other's interests in the community property.

"The legislation could have eliminated this problem by expressly defining the rights and duties of husband and wife as managers of community estate. This was not done, thus the judiciary must act if there is to be a remedy for the wrong of mismanagement.

"It is suggested that courts begin by recognizing the tortuous nature of such conduct and permitting inter-spousal suits. Consideration of rationales employed in the Williams, Wineberg and Wilcox decisions suggest that viability should be imposed only where a spouse has intentionally or through gross negligence destroyed the other's interests in or control over a significant portion of the community assets."

That is one conclusion on the mismanagement aspect of that legislation in California. I'm not going to go into all the details we have here. I can make copies available for other members if they're interested.

Conclusions by John Ademsky. This one is on the equal management and control under Senate Bill 569. A very short conclusion here. "For the first time in the history of this state married women in California will be on equal terms with their husbands under the Community Property Laws. There is no doubt that married women in general will enjoy new rights under the Equal Management and Control System that heretofore were denied them. On the other hand, along with these new rights will come new obligations and liabilities previously borne only by the husband under the old law. Whether the new rights afforded married women will outweigh these new responsibilities will depend in large part upon the individual attributes of any given wife and also upon the financial and social makeup of each marital relationship.

"Wives with substantial separate property assets will find the new changes pose a potential threat

to these holdings. However, wives with limited separate property resources will welcome the increased access they will have to the entire community property.

"In contrast, through the potential ramifications affecting married women, the husband will remain in essentially the same relative position in regard to his rights and liabilities in community affairs. If anything, his obligation as head of the household has been diminished by the new changes.

Finally, while some marriages may experience difficulties adapting to the new changes, creditors will warmly receive" — and I want to emphasize this last paragraph, Mr. Speaker, because this is one of the paragraphs that seem to concern members opposite — I want to emphasize this last paragraph because, in committee when we were debating this legislation, this is one of the areas that was really of concern to members on the opposite side of the House — "that creditors had to do with third party where their rights were," and this analyst here says that the creditors will warmly receive the new changes which will enhance the potential for credit transactions with married women and, at the same time, afford additional security for such transactions. So when you have this kind of equal management and control, your creditors will be in a more secure position than they are if the commercial property is still only in the control of the husband or wife, whichever the case may be.

Mr. Speaker, again I hope and I know there are many people that are not in this building with us here that are in great hope that the minister is sincere — and I believe that he is — that he will come back with a bill, and that he will not emasculate those principles, those principles that the people of this province have been waiting for for so long. Thank you very much.

**MR. SPEAKER:** On the proposed motion of the Honourable Attorney-General, is it the wish of the House to adopt the — (Interjection) — it's standing in the name of the Member for Fort Rouge. We'll now go on to Bill No. 6, an Act to amend the Employment Standards Act. The Honourable Member for Point Douglas.

#### **BILL NO. 6 - THE EMPLOYMENT STANDARDS ACT (OVERTIME RATE)**

**MR. MALINOWSKI:** Thank you, Mr. Speaker. I adjourn to my colleague, the Honourable Member for Logan.

**MR. SPEAKER:** The Honourable Member for Logan.

**MR. WILLIAM JENKINS:** Thank you, Mr. Speaker. I rise at this time to make a few comments on the bill that is before the House here, Bill No. 6, an Act to amend the Employment Standards Act, Overtime rates of pay. The Honourable Minister of Labour, in introducing this bill on Friday, November the 25th, the second reading, in her explanation to the House on why this bill was before the House at this time, stated that, on page 33 of Hansard, that — and I quote from the Honourable Minister of Labour — "as I mentioned earlier, we believe that time and three-quarters provision would not have been in the best interest of the people of this province. First, it could have meant less total income for employees. It is not unusual for employees to want to work overtime occasionally to earn a little extra money. Many do so now quite happily. But" — and this is the big but — "if time and three-quarters is allowed to become law, some employers might become more reluctant to request their employees to work overtime." That, Mr. Speaker, was the total idea of the presentation of this bill in the last session by the then Minister of Labour.

**A MEMBER:** Exactly.

**A MEMBER:** He says it'll work.

**A MEMBER:** You're giving away secrets.

**MR. JENKINS:** She says she agrees — and I am glad that she does agree — because in this time of mass unemployment all across this country, and unemployment is rising rapidly, and it has risen quite rapidly since this government on the other side of the House has taken office — their friends in the mining industry have already shown how much confidence they have in this government — they turn around and lay 650 people off. I know the minister is new to the field of labour. I know that she's been in management, she's been in the management side of labour. I believe someone said the other day that her portfolio, and it is just kind of cute too, that they're both sitting right next to each other — the Minister of Industry and Commerce and the Minister of Labour — someone said that the Department of Labour is going to wind up being sort of a sub-department of the Department of Industry and Commerce. — (Interjection) — Well, I'm certainly glad to hear that. I'm certainly glad to hear that the Honourable Minister of Labour at one time belonged to a union. To my union. Well, unfortunately I don't know of any ladies that were ever members — unless she was the coach cleaner, maybe down in the yards — but in the back shops or on the other running trains, or the non-operating trains, on the brotherhood railway carbon of the United States and Canada, I don't know of any ladies. It may be a bit of male chauvinism, and I think it would be a great idea that if ladies wanted to apply for work, I certainly have no great inhibitions that I would say, "No, I don't want those ladies working there." — (Interjection) — that's right, and I'm quite prepared to see — maybe we would have to call them car persons instead of car men, whatever that might be.

But, just to give the Honourable Minister of Labour a little bit of history, you know, for many, many years organized labour fought hard to get away from the 14 hour day, from the 12 hour day, to a 10 hour day, down to an 8 hour day. We're down now in some cases to seven and a half, seven hour days. I have been an employee of the Canadian Pacific Railway for going on close to 30 years and all that time . . .

**A MEMBER:** Too long. Too long.

**MR. JENKINS:** My honourable friend says it's too long. I think so too sometimes. But, in all that time, I have been very fortunate. I have never worked overtime. I don't want to work overtime. We fought, we went on strike to get a 40 hour week. I certainly don't want to start working 42, 44, 46, 48 hours a week. And not that I am opposed to overtime as such, because there are times when the exigencies of the service demand that overtime should be worked. I think that is fair ball. I think that the employees at that time should work. But, Mr. Speaker, when you get employers who are scheduling overtime as part and parcel of a *modus operandi*, then I think, and do you know why they do it — the honourable minister has told us — because it's cheaper, it's cheaper to do it at time and a half than it is to bring in new employees. It is cheaper. You don't have fringe benefits. And, you know, there's another thing that happens. You know, the employee, when he works overtime, pays extra income tax, pays extra pension — oh, yes, he could be working at X number of dollars per hour — he gets X number of dollars per hour plus — he pays six percent of the total — if he works this time during his younger or middle years, it makes no difference — not one iota — in most wage agreements in this country — and I believe that it's also in the wage agreement, in the pension agreement that we have here with our government employees — basically it is the best five out of the last ten years. So, unless he has been working overtime in the last ten years — but if in his working lifespan of, say, 30 to 35 years, which is about average, he makes these contributions to a pension plan and receives no benefit of having worked that overtime when he retires — not one iota — because it's calculated on his rate of pay for the best five years out of the last ten — there might be some slight variation, but that in the main is how it operates. Why this legislation came here, we all know. I'm sure that the honourable minister knows. It came because of the wage dispute between management and a group of employees employed at Griffin Steel. And I can remember the Honourable Minister of — (Interjection) — all right, I hope that we will be able to get my honourable friend from St. Matthews up on his feet — if the Honourable Member for St. Matthews wishes to introduce a private member's bill in this House, or persuade the government to ban overtime, period, bring it in this House — (Interjection) — I say to my honourable friend that if he wants to introduce that legislation, he might be surprised how much support he might get on this side of the House. You have the opportunity now. You can persuade your Minister of Labour, if you've got the guts to do it.

**A MEMBER:** But you'll be alone.

**MR. JENKINS:** Have you got the guts to do it? — (Interjection) — well, my honourable friend says I'll have to be a better man than he to persuade the former Minister of Labour. Now the honourable member doesn't know the former Minister of Labour. I'm sure he doesn't. He may not even know the present one. He may not know what fine metal of steel that she may be made of.

**A MEMBER:** But she's much better looking too.

**MR. JENKINS:** But I'm not ashamed of anything that we did as far as Griffin Steel was concerned. I have no shame whatsoever — (Interjection) — that may be true — Mr. Speaker . . .

**MR. SPEAKER:** Order. Order, please. Order, please. I think that there is a time and place for all members to get involved in the debate. Let's just have one at a time. The Honourable Member for Logan.

**MR. JENKINS:** Thank you, Mr. Speaker. I don't want to tell you how to do your job, but if these fellows are not going to let me have an opportunity, I'm going to have to appeal to you, Sir, to protect my rights as a member in this House. When I'm on my feet — I don't mind a bit of heckling — in fact, I enjoy it — but when they shout and yell so much over there that I can't even hear myself — and I can yell pretty loud, as you all know . . .

**A MEMBER:** We know that.

**MR. JENKINS:** In fact, they can get up and speak on this after I sit down. I'm not going to be here all night. I'm not going to be here until 10:00 p.m. because I haven't got time to be here until 10:00 p.m. You will make sure that I don't stay there until 10:00 p.m. because my time will run out. And I say to the Honourable Member for St. Matthews that I hope he gets up on his feet and I hope that he persuades the people — in fact, I'm glad to see the members over there have somehow or other got their muzzles off, that they've got the guts now to get up and say something in this house. Maybe they're pulling the strings over at Great-West Life. Maybe there's someone new over there that's really going great guns.

But, to get back to what I was talking about, Mr. Speaker, and back to this bill, because that's what we're here to discuss. The reason this bill was brought in was the Griffin Steel strike, and I can

remember the Honourable Minister of Health and Social Development, who was then the labour critic on this side of the House, sitting, I believe — was it here or there . . .

**A MEMBER:** Right in front of you.

**MR. JENKINS:** Right in front of me. Chastizing the former Minister of Labour, and he said some pretty nasty things. Yes, he said some pretty nasty things.

**A MEMBER:** He didn't mean it, though.

**MR. JENKINS:** He may not have meant it. — (Interjection) — well, he said some pretty nasty things too, but I really think — you know, I have quite a bit of admiration for the Honourable Minister of Health and Social Development, or Health and Social Services, but I must say on that occasion I lost a certain amount of respect that I did have for him, and he's going to have to work very hard to gain that bit of self-respect that he lost back. I hope he does. I think he's been doing an excellent job in the job that he's been given to do by his First Minister. I think, from what I have seen of the minister and the way he's operated, I think he's doing a good job but I'm not going to butter him up too much — (Interjection) — Maybe he's getting ready to open the second envelope, I don't know.

But, anyway, to get back to Griffin Steel. It was unfortunate but that is the philosophy that I as a trade unionist have always had, that overtime is part and parcel of an agreement that you negotiate. If you want to negotiate 50 hours of overtime a week with your employer and you want to do that as a trade union — and that's a decision not made by the executive or the negotiating committee but made by the trade union movement itself, the local or lodge, whatever you might want to call it depending on what trade union we're talking about — if they want to work 50 hours a week overtime, that is their business. It's unfortunate that the members of the local at Transcona, at Griffin Steel, got themselves into a bit of a bind. You know they had a beautiful out. They agreed on everything except overtime. They had already had a favourable decision from the Labour Relations Board that the company could not force them to work overtime under the Labour Relations Act as we have amended it here in Manitoba. They could have agreed and signed an agreement with the exception of that one item which they could have agreed, voluntary binding arbitration. And I'll tell you that Griffin Steel would have been put into one tough bind to have refused to go to voluntary binding arbitration. CAIMAW, if they had done that and the company had refused, would have had the support of every trade unionist in the province of Manitoba but they decided they were going to do it the hard way and they learned the hard way. And that's unfortunate, I feel sorry for those people. But CAIMAW wanted this government, this party when we were the government, they wanted us to legislate them back to work.

And I can tell you, Mr. Speaker, that in all the years I've been a member of the Brotherhood of Railway Carmen, working for the CPR, we've been legislated back to work too damn many times, too many times. We've been the recipients of too much compulsory arbitration. I gave a bit of advice one time to the Honourable Member for Fort Garry, the Minister of Health and Social Development. You know, there was a possibility that sometime in the future he might become the Minister of Labour in this province. You know, that's always a possibility in politics. One party's in, another party's out. This is touch and go, this is the mood, the whim of politics in a province or even in a country. And I know for you people over there, it was very hard to accept in 1969 when we came from third place into first place and became government. I know it was very hard and it took you a long time to realize that we were the government. I don't think even after eight years that you ever accepted it — but that we were government we were.

**MR. BARROW:** Now we're in the same spot.

**MR. JENKINS:** He is addressing people's difficult, proper titles in the House. Member Inkster had that faux pas occur yet, but it probably will come. — (Interjection) — Yes, the Honourable Minister, Member — now, you've caught me in the same thing that he was caught in, and it didn't take me long, you see the power of auto-suggestion really got to me. — (Interjection) — I just about was tempted to here before.

But ut to get back, I have never heard the Honourable Member for Inkster make a bad speech in this House. He's always been right on and the Honourable Member for Inkster and I don't always see eye to eye on many things but on that I certainly do give him credit. He's an able debater and a very able spokesman for this side and I don't want to butter him up too much. He might get a swelled head and might not get his cap on.

**MR. SHERMAN:** Anyway, Bill, you were talking about me.

**MR. JENKINS:** Oh yes, I was talking about my good friend the Honourable Minister of Health and Social Development. I told him, you know, that there was a possibility that sometime or another he might become Minister of Labour in this province and I tell you I was quite surprised when he didn't. But nevertheless, I told him, and I think he'll agree with me, that — (Interjection) — no, not women in labour, no, nothing like that, I'm going to keep it clean — I told him that if you wanted to be a

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successful Minister of Labour, to keep his fingers out of the affairs of unions and management as much as possible. I think that was good advice and I notice this morning in the question period that he got up and he repeated that, almost verbatim from what I had told him.

So the legislation that we have here, it's not really that radical or reactionary like the Minister of Labour. I must give her a great deal of credit. She perceived what the legislation was presented and what it hoped to achieve and I stand by that, I stand by that. This legislation that we had introduced in June or sometime of this year, was there for the sole purpose that the Honourable Minister of Labour said, was to discourage or make employers reluctant to employ people on overtime. We had people when we were at the Industrial Relations Committee, especially the chap from the packing house representing management of the packing house — now the Honourable Member for Kildonan can correct me if I'm wrong about their hours of work — but I think they're guaranteed 37 ½ hours a week, 40 hours if it's required, but they don't pay time and a half for that two and a half hours. So when the gentleman who was there, I believe he was from Burns or one of the big three of the packing houses, was quoting all the figures of the number of hours of overtime they worked but he slipped in a real sneaky little part in there because he included the two and a half hours from the 37 ½ to the 40 which they worked the people at straight time . . .

**A MEMBER:** What's wrong with that?

**MR. JENKINS:** There's nothing wrong with that. I don't disagree with that, that's their agreement. They guaranteed them 37 ½ hours minimum. I believe that's right. The Honourable Member for Kildonan can nod or shake his head if I'm wrong, I think I'm right. They are guaranteed at least that. I'll say that they're better off than we are on the railways. We have a 40 hour week but we're not guaranteed no minimum. And perhaps if the Honourable Minister of Labour is so worried about people working overtime, perhaps she should be looking at minimum hours that an employer should employ the employee.

I believe when we were discussing this bill last summer here . . . before I worked for the railways I worked in construction. I was a member then of the Brotherhood of Carpenters and Joiners, Local 343. I can remember going to work one whole week — if you have ever worked in construction and in the initial stages of construction, you'll know that weather is a big factor, wet and cold. I went to work every day, five days in the week, and at the end of the week I had achieved eight hours. You know, I would have liked to have had a minimum, at least a call out. We were organized and we worked for firms that were in the Winnipeg Builders Exchange but that isn't what this legislation is about. This legislation that is before this House is one that deals with overtime rates and as I said before, Mr. Speaker, in a time of the large amount of people that we have unemployed at this time, employers who are scheduling overtime rather than hiring new employees to pay the fringe benefits and other costs that are part and parcel and an ancillary to hiring new employees, rather to work the employees that they have at overtime. And there are places where overtime is four and five, six, seven, eight hours every week. That is not an emergency. That's damn poor planning.

Those are your friends, the people that you represent. They're telling us over here that we know nothing about running a business or a farm, we don't know nothing about anything according to you people but I know damn well that if you can't run your business any better that you have to schedule overtime then you're not being honest with your workers because you're running that business for the sole purpose of running it cheaper. You're not worried about the thousands and hundreds of thousands of people that are unemployed across this country. — (Interjection) —

My honourable friend says I don't understand business. No, I never claimed to be a business man, I never claimed to be a farmer. I've worked on a farm, yes, I've worked on farms. — (Interjection) — Have I worked overtime on a farm? Well, I had to work — (Interjection) — I tell you what, you know, if you want to draw back my memories to a farm, I remember I worked during the fall and we threshed here in Manitoba, we went to Saskatchewan and we went to Alberta. We went to one place in Alberta and it was getting very late in the fall, it was dark and the farmer took me out to the farm and it was dark the next morning when we went out to harness the horses and got out to the field. It was dark when we got back because the farmer's wife brought a hot meal and lunches out to the field, we never came back to the barn until it was dark. We never came back to the bunk house until it was dark and when we left there it was dark. You know, I never saw that damn farm house in daylight, it was always in the dark. I couldn't even tell you what it looked like.

**MR. DRIEDGER:** Nothing has changed, it's still that way.

**MR. JENKINS:** That was 11 hours plus the time for harnessing the horses, unharnessing the horses, looking after them.

**A MEMBER:** No time and a half.

**MR. JENKINS:** No time and a half, no, no. A dollar and a half, a dollar and a quarter, I think a dollar and a quarter you used to get for stooking. You know you put one stook down, pile a bunch around and you got a dollar and a quarter a day for that. You got a dollar and a half when you pitched the bouquets or bundles of sheaves onto a wagon. You trotted the horses up alongside what they called a separator and you threw the sheaves in. — (Interjection) — That's what you call bringing in the sheaves. My honourable friend, the Minister of Industry and Commerce is too young to realize that

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they had those. He's too young, I quite realize that. He goes out to the Austin Agricultural Museum to see what those old grain separators were.

But anyway, Mr. Speaker, as I said, this legislation has achieved what we had hoped it would achieve. I don't agree with the Honourable Minister of Labour, I don't agree with the Conservative Party and I don't suppose I ever will and I intend to oppose this legislation and vote against it. It's not going to make an iota of difference because you've got the horses over there, you've got enough people, you can put it through and I know you will and I don't dispute you the right to do so. One of the honourable members said mules. No, I'll be kinder. And so, Mr. Speaker, — (Interjection) — I don't want to get involved in that type of talk if I can avoid it, thank you very much.

As I said, Mr. Speaker, this just about concludes all that I have to say about this bill. I'll take my seat now and I'll listen to what the Honourable Member for St. Matthews has to say and I hope that he will, when the bill goes to Law Amendments, propose an amendment dealing with outlawing of overtime period. He'll have an opportunity. The bill will leave this House, go to Law Amendments, and you don't even have to wait until the next session. You can introduce an amendment. That's the whole idea. That's what Law Amendments is all about, my friend.

So, with that, Mr. Speaker, thank you very much and I am prepared to listen to my honourable friend for St. Matthews.

**MR. SPEAKER:** On the proposed motion of the Minister of Labour, the Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, I thought that the Member for St. Matthews might take the floor but if he doesn't . . . Mr. Speaker, I move, seconded by the Honourable, the Member for Brandon East, that debate be adjourned.

**MOTION presented and carried.**

**MR. SPEAKER:** Is it the intention of the government House Leader to proceed with the motions on the Order Paper?

**MR. JORGENSEN:** Well, Mr. Speaker, I don't believe there are any more motions to proceed with.

**MR. GREEN:** Is there not? How about the second reading?

**MR. JORGENSEN:** No, that was given second reading this afternoon.

**MR. GREEN:** Oh.

**MR. JORGENSEN:** Yes, it was given second reading this afternoon so therefore it cannot be debated again tonight. Mr. Speaker, I move, seconded by the Minister of Health and Social Development that the House do now adjourn.

**MOTION presented and carried.**

**MR. SPEAKER:** The House stands adjourned until 10:00 a.m. tomorrow morning.