



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

**DEBATES
and
PROCEEDINGS**

26 Elizabeth II

*Published under the
authority of
The Honourable Harry E. Graham
Speaker*



VOL. XXVI No. 58

2:30 p.m. Wednesday, June 7, 1978

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 7, 1978

Time: 2:30 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): Before we proceed, I should like to draw the honourable members' attention to the gallery on my left where we have 15 students of Grades 9 to 11 standing from the Charlesbois School in Saskatchewan under the direction of Mr. MacDonald.

On behalf of all the honourable members, we welcome you here today.

PRESENTING PETITIONS

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. DAVID BLAKE: I beg to present the Petition of Ingibjorg E. A. Hawes, praying for the passing of An Act for the Relief of Ingibjorg E. A. Hawes.

MR. SPEAKER: Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Northern Affairs.

HON. KEN MacMASTER (Thompson): Yes, Mr. Speaker, I have a statement to make in regards to the sale of the Minago assets.

I wish to advise the House of the results of the auction sale of the assets of Minago Contractors Ltd., held in The Pas' May 25, 1978.

Gross proceeds from the sale totalled \$1,068,000 of which \$951,000 will be retained by Minago Contractors giving it a substantial "gain on sale" of its fixed assets which had a book value of \$720,000 at March 31, 1978.

Wilson's Auctioneers, which organized and conducted the auction and had guaranteed the company a minimum net return of \$875,000, has earned a commission of \$109,000 from the sale in accordance with the formula contained in the agreement made with them.

MR. SPEAKER: The Honourable Member for The Pas.

MR. RONALD McBRYDE: Mr. Speaker, I would like to thank the Minister for filling the House in with the information on the sale of Minago Contractors. The information he tabled is in line with the questions that I asked the Minister before that in fact the sale of assets should exceed \$1 million and, in fact, it did exceed \$1 million — that, on top of a profit for the last year's financial statement of \$85,000 if my recollection is correct. So what we had in Northern Manitoba was a viable contracting company employing native northerners to construct roads, to clear hydro areas or forebay areas. The information that the Minister tables today confirms our position that this company should have been allowed to continue operating and employing northerners, and not have the equipment dispersed throughout the country, requiring that southern contractors come in and do the work, who don't employ and don't hire northern people.

So Mr. Speaker, it's very unfortunate that the Minister has to table this information that he had to sell the company that was a viable economic enterprise employing northern Manitobans, and Mr. Speaker, I would hope that the Minister is also able to find a way to re-invest this money in economic development in northern Manitoba, the money that has been earned by the people of Manitoba on the sale of Minago Contractors and the operation of Minago Contractors. And Mr. Speaker, this is all the more urgent because unfortunately my earlier predictions are coming true: social problems in the north are now increasing because of the lack of economic development and

employment; we have shooting incidents; we have other indications of serious social disruption because communities are not able to find employment for their citizens and are not able to pursue economic development. Thank you, Mr. Speaker.

MR. SPEAKER: Order please.

TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Labour.

HON. NORMA L. PRICE (Assiniboia): Mr. Speaker, I would like to table the First Actuarial Report on the Manitoba Public Service Group Insurance Fund as at December 31st, 1976.

MR. SPEAKER: Notices of Motion . . . Introduction of Bills.

ORAL QUESTIONS

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. EDWARD SCHREYER (Rossmere): Mr. Speaker, in the absence of the Minister of Mines and Resources, and for other reasons as well, it would be appropriate to address this question to the First Minister and ask the honourable gentleman if he can indicate whether news reports from Ottawa today are accurate, namely, that members of Parliament are being encouraged to circumvent, as it were, or go outside and beyond the channels of the Government of Canada in making direct representations to the United States Congress with respect to the Garrison Diversion project. Can the First Minister say if this course of action has the blessing of the government of the Province of Manitoba?

MR. SPEAKER: The Honourable First Minister.

HON. STERLING R. LYON, Premier (Charleswood): Mr. Speaker, I would be happy to take the question of the Honourable Leader of the Opposition as notice. That particular report, I must say, has not come to my attention but I will certainly endeavour to look into it myself and direct it as well to the Minister concerned, and after informing ourselves, will be quite happy to give the Honourable Leader of the Opposition our reflections, advice or comments, as the case may be, on the report.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN: Mr. Speaker, I rise on a matter of personal privilege. There is an editorial in today's Winnipeg Free Press which says that the previous government made numerous promises to call committees which they did not call; promised numerous times to produce witnesses at committee, which they did not call. Mr. Speaker, I wish to, for the record, say that never was a committee promised to be called under the previous administration, that it wasn't called; never was a witness promised under the previous administration, that the witness was not called.

MR. SPEAKER: I want to point out to the Honourable Member for Inkster that matters appearing in a newspaper are not a matter of personal privilege in this Chamber. The member may very well take his case up with the newspaper but I don't think it should become a matter of the privilege of this House. The Honourable Member for Inkster.

Mr. Green: Mr. Speaker, I do indicate that I am following a procedure that has been followed continually where something has appeared in the paper with respect to proceedings of the House which a member takes exception to, he has been permitted to rise and make the record clear. That's all I've done.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. LEONARD S. EVANS: Thank you, Mr. Speaker. I'd like to address a question to the Minister of Education responsible for universities in the province. I have a question for the Minister respecting Brandon University and the BUNTEP and IMPACTE programs which I believe are financed by the government separate and apart from the Universities Grants Commission block funding. How does the Minister and his department ensure that the funds allocated for BUNTEP and IMPACTE are

spent for the purposes for which they have been granted?

MR. SPEAKER: The Honourable Minister of Education.

HON. KEITH A. COSENS (Gimli): Mr. Speaker, it's my understanding that there's a contract signed between our department and the university in question that sets out rather clearly the responsibilities of both parties and I think that particular agreement would take care of the concerns that the Member for Brandon East has.

MR. EVANS: Yes, thank you, Mr. Speaker. Well, I'd like to ask a further question of the Minister. Does the Federal Government require the province to account in detail for the way in which funds are spent in those programs such as BUNTEP in which the Federal Government pays a large percentage?

MR. COSENS: Mr. Speaker, of course the Federal Government is well aware of the type of program and the process that is being carried on through negotiations that we are holding with the federal people. I'm sure they're well aware of all details of the programs and the carrying out of those programs.

MR. EVANS: A final supplementary then, Mr. Speaker. Is it correct that the university president at Brandon, Dr. Perkins, has personally taken over the direct control of these program funds, namely, BUNTEP and IMPACTE, and has this reduced the ability of the Province of Manitoba, the Government of Manitoba, to monitor in any way the expenditure of such funds?

MR. COSENS: Mr. Speaker, to the Member for Brandon East I would have to take the question as notice. I'm not aware of what the president of Brandon University has done in this instance.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. LLOYD AXWORTHY: Mr. Speaker, I have a question for the Minister of Agriculture. Could he tell us whether the Rural Water Services Branch has now been totally wrapped up and eliminated as an operating branch of government and that all the employees, civil servant contracts, have been given notices for the end of June?

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. JIM DOWNEY (Arthur): Mr. Speaker, it is proposed that the rural Water Services Depot close as of the end of June. I think the member is correct in the fact that there will be some individuals terminated or laid off at that time.

MR. AXWORTHY: Mr. Speaker, in view of that information, could the Minister indicate what alternatives are being provided to the different farmers and communities that made use of those services of the Rural Water Services Branch? Is any information or alternative being offered to them, or any description given as to what they may now do to receive the same kind of services?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Yes, Mr. Speaker, the department has retained rural water services technicians throughout the department to work as resource people to assist in the recommendations to farm people on the types of systems that could be installed on their farms, and the use of local suppliers and local plumbers in rural towns in Manitoba will be hopefully the individuals or the businesses that supply the farms with the equipment .

MR. AXWORTHY: A supplementary, Mr. Speaker. Could the Minister indicate whether the government has received any offers for the purchase of the warehouse and the full inventory of the rural water services branch, and if they have so received this, have they done anything with them, do they intend to sell that inventory off, and how do they intend to dispense with it, in open bidding or by negotiation?

MR. DOWNEY: Mr. Speaker, the warehouse that the material has been stored in, is property owned by the Department of Public Works — by the government — and it has been used by the rural water services. There are and there has been advertisements put out for the purchase of the

and the material that's in stock and it is in that process now of taking a look at the offers that have been made for the material and the equipment.

MR. SPEAKER: The Honourable Minister of Finance.

HON. DONALD W. CRAIK (Riel): Mr. Speaker, I wonder if I could reply to a question asked on May 17th by the Member for Inkster with regards to Nelson House Reserve. The question was with respect, in essence, were any buildings or land flooded by virtue of the full operation of the Churchill River Diversion. Mr. Speaker, the answer provided by Manitoba Hydro is that the Churchill River Diversion operated through the 1977-78 winter at full capacity, and as well or better than expected. Part of the Nelson House Reserve has been flooded by the operation of the Diversion, all buildings subject to flooding were first removed by agreement with the Band, the area that was flooded was in the severance area specified in the agreement. Mr. Speaker, there is a fairly long and detailed answer to the question giving the dates and the elevations and the flow rates, which I'll pass on to the Member for Inkster and a copy for the House as well.

Mr. Speaker, while I have the opportunity, may I also indicate that the Manitoba Savings Bond Issue 11S that was announced in the House and has been sold over the last couple of weeks, that the closing date of this issue, the sale of this issue, will be Tuesday, midnight next, on the 13th. It has gone very successfully and will be completed on that date.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I thank the Minister of Finance for his answer and I presume he's going to let me have the detailed information. I wonder whether the Minister would consider it useful to send the information to the people who sponsored the Inter-Church Task Force, who had been wrongfully led to believe that the houses of the people living in Nelson House would be under water as a result of the operation of the Churchill River Diversion.

MR. CRAIK: Mr. Speaker, there is no copyright on this answer. I am sure that the member might want to personally forward a copy of it to his friends.

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. HARVEY BOSTROM: Thank you, Mr. Speaker. My question is to the Minister of Education reporting for the universities in Manitoba, and further to the questions asked by my colleague, the Honourable Member for Brandon East. I wonder if the Minister, in his investigation of the programs of BUNTEP and IMPACTE for the purpose of training native teachers, if he can investigate if the president of the University of Brandon is improperly charging out part of his executive assistant's salary to these programs supposedly as part of the administration expense of the programs?

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. BOSTROM: A supplementary, Mr. Speaker. I would also ask the Minister in his investigation if he would investigate the allegation that the previous director, who was apparently removed in April of this year and transferred to the Faculty of Education, is still having his salary paid from the BUNTEP and IMPACTE funding in spite of the fact that he is no longer directly connected with those programs? Just generally, Mr. Speaker, I would wonder if the Minister in his investigation could determine if in fact all the funds that are available for the training of native teachers are actually being used for that purpose, or if they are being taken aside for the funding of the university president's office.

MR. SPEAKER: The Honourable Minister of Education.

MR. COSENS: Mr. Speaker, I will take the questions as notice.

MR. SPEAKER: The Honourable Member for The Pas.

MR. McBRYDE: Mr. Speaker, further in regard to the BUNTEP program, I would also like to address a question to the Minister of Education. I wonder if it's acceptable to the Minister that the President of Brandon University is claiming expenses for the use of his private aircraft, and claiming these expenses from the BUNTEP and IMPACTE programs, even though these trips are not directly related to BUNTEP and IMPACTE expenses.

MR. SPEAKER: The Honourable Minister of Health.

MR. McBRYDE: Mr. Speaker, a supplementary, please.

MR. SPEAKER: The Honourable Member for The Pas with a supplementary.

MR. McBRYDE: Yes, Mr. Speaker. I would also like to ask the Minister if it's acceptable that the President of Brandon University claims these aircraft expenses from IMPACTE and from BUNTEP, from their budgets, even though the President has a car allowance of \$300 per month to look after this type of expense?

MR. COSENS: Mr. Speaker, I will take these questions and allegations as notice.

MR. McBRYDE: Yes, Mr. Speaker. I wonder if the Minister would tell the House whether he is prepared to conduct a formal investigation, a formal investigation as to whether or not the President of Brandon University is misusing funds granted directly to the university for the operation of the BUNTEP and IMPACTE programs.

MR. COSENS: Mr. Speaker, I am quite prepared to take the member's questions and concerns as notice and will look into the matter. As far as anything of a formal nature at this point, I am not prepared to proceed until I have further information.

MR. SPEAKER: The Honourable Minister of Health.

HON. L.R. (Bud) SHERMAN (Fort Garry): Mr. Speaker, a few days ago I took as notice a question from the Honourable Leader of the Opposition having to do with a social program in the inner core of Winnipeg relating to a particular group of young people in distress, and the question of whether or not that program was still being funded by the Province of Manitoba. I can tell the honourable gentleman that neither the program nor the funding has been terminated but the answer in total is a fairly detailed and complicated one. It involves two other departments of government, my colleagues, the Honourable Minister of Education and the Honourable the Attorney-General, and I would ask the Leader of the Opposition if I could give him a written answer giving full details on the question that he raised.

MR. SPEAKER: The Honourable Member for Lac du Bonnet.

MR. USKIW: Mr. Speaker, I would like to address a question to the Minister of Health. I would like him to advise the House on what income supplements are available to people who are fully employed but who are earning a very low salary or wage.

MR. SHERMAN: It depends on their age, Mr. Speaker. The Manitoba supplement for the elderly is certainly available to those who meet the criteria and are needed. It depends on the age of the persons that the Honourable Member for Lac du Bonnet is referring to. If he wants to give me more detail I'd be able to deal with the question better.

MR. USKIW: Mr. Speaker, for the benefit of the Minister, the normal work age group, that is up to age 65 or under.

MR. SHERMAN: Mr. Speaker, I'll either take that as notice or I'll deal with it as an order for return, or deal with it on my Estimates which we are on at the present time.

MR. USKIW: Mr. Speaker, I would like to simply know whether there is the possibility of an income supplement available to those people who are earning the minimum wage in Manitoba. \$\$

MR. SHERMAN: Mr. Speaker, that depends on the individual circumstances of the individuals that the honourable member might have in mind. I would be prepared to discuss it with him in detail on my Estimates.

MR. SPEAKER: The Honourable Member for Lac du Bonnet with a fourth question.

MR. USKIW: Mr. Speaker, I would now like to ask a question of the Minister of Labour. Last night in Committee of Supply the Minister of Labour indicated that the question of raising the minimum wage was not urgent because there was assistance available under the welfare program for those

on low incomes. Now I would like to know from the Minister whether she can confirm what form of assistance is available.

MR. SPEAKER: Order please. May I suggest to the honourable member that those questions should probably better be asked during the examination of Estimates. The Honourable Minister of Northern Affairs.

MR. USKIW: Are your ruling, Sir, that we are not in a position to ask these questions in the question period because of the Estimates of the Department of Labour . . .

MR. SPEAKER: I am suggesting to the honourable member that probably those questions might better be asked during the examination of Estimates.

MR. USKIW: . . . but I would like again to put the question to either Minister because the Minister of Labour was not able to answer that question in Committee. So can the Minister of Health or the Minister of Labour today clarify for the benefit of members of the Legislature what assistance is available for people on the minimum wage from the Department of Welfare?

MR. SPEAKER: The Honourable Minister of Health.

MR. SHERMAN: Well, I can certainly clarify it, Mr. Speaker, but I would like to consult with my colleague and with the Member for Lac du Bonnet to determine just what it is that he's alluding to and what was said. I don't know what he's alluding to.

MR. USKIW: Mr. Speaker, I thought I made myself very clear. In the event that the Minister did not hear my response when he put the question a moment ago let me indicate to him that my question was whether or not the welfare program provides assistance to people who are fully employed but who happen to earn a minimum wage?

MR. SHERMAN: Mr. Speaker, the earlier answer that I gave the honourable member will have to stand. I presume he is suggesting that that claim, that statement that has been made — I don't know that to be a fact. He was obviously in the Committee dealing with the Estimates of Labour; I was in the Committee dealing with my Estimates. I'll investigate it and report back to him.

MR. SPEAKER: The Honourable Minister of Northern Affairs.

MR. MacMASTER: Mr. Speaker, in reply to two or three questions that were raised by the Member for The Pas in relationship to the Minago contractor, he's asking questions with relationship to the \$85,000 profit and he's questioned my figures in relationship to how I get to the fact that there was a deficit. What I simply have taken, Mr. Speaker, is the fact that there was approximately three-quarters of a million dollars given to the particular company in grants in the last two years and after that money was given, there was earnings of \$85,000.00. I believe that answers the dispute that the two of us have had over this particular point in relationship to the work that they're doing. They were in fact employed in inter-provincial departmental contracts, one to the other, not using the tender procedure. Thank you.

MR. SPEAKER: The Honourable Member for The Pas.

MR. McBRYDE: Mr. Speaker, I would like to address a question to the Minister of Northern Affairs who is answering questions that I asked about a month ago. I wonder if the Minister could confirm that the funds —(Interjection)— I wonder if the Minister of Northern Affairs as opposed to the Minister without Portfolio could answer a question. I wonder if the amount that the Minister is talking about that was given to Minago, that the majority of that amount was given as training funds — and training funds are available to industry in northern Manitoba in terms of employing and training native people — whether he can confirm that the majority of those funds were in the nature of training funds.

MR. MacMASTER: Mr. Speaker, in all honesty to the Member for The Pas, I don't think him or myself, him as previous Minister or myself as present Minister, could break out those particular figures. I just do know that there has been three-quarters of a million dollars, or the approximate amount, in the last two years given in grants to the particular company in question.

MR. McBRYDE: Mr. Speaker, I wonder if the Minister could confirm that these training funds that

came through the Northern Manpower Corps are 60 percent shared by the Federal Government and whether the Minister would care to comment on whether or not Inco deducts training costs from its profit statements or not.

MR. MacMASTER: I was considering them, Mr. Speaker, to be tax dollars.

MR. McBRYDE: Mr. Speaker, I wonder if the Minister of Northern Affairs could tell the House how many of the former employees of Minago Contractors now have employment, how many are on receipt of tax dollars through welfare, unemployment insurance and other funds?

MR. SPEAKER: Order please. Order please. May I suggest to the honourable member that that might properly be covered better with an order for return. The Honourable Attorney-General.

HON. GERALD W. J. MERCIER (Osborne): Mr. Speaker, on May 30, the Honourable Member for Selkirk asked if I could confirm that the guidelines put in force in 1976 to ensure that there would be no wiretapping done in excess of the authority provided for in the court order are still in existence and whether or not there have been any changes to those guidelines.

Mr. Speaker, the guidelines are still in force, and where it is known that a person who is the subject matter of an authorization uses either a party line or a business phone the order is amended to ensure that the appropriate designated peace officer monitors only telephone conversations involving the named individual and no others.

The only other changes in the 1976 guidelines result of the amendments proclaimed in force in October 15th of 1977 to the effect that no authority may be given to intercept a private communication at the office or residence of a solicitor or at any other place ordinarily used by a solicitor unless specifically provided for in a particular authorization under the terms of the amendment.

The honourable member further asked whether after the Pilutik matter in 1975 there had been any wiretapping in excess of the authority provided in the court order. ' The advice I have received from the department and counsel for the Manitoba Telephone System, Mr. . Speaker, confirm that both parties are unaware of any excessive authority.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I would like to direct a question to the Honourable Minister of Finance further to the information that he has given me. Can the Minister of Finance determine whether any residential housing at Nelson House would have been flooded, that is, would have been flooded by last year's operation even if buildings had not been moved? I wish, Mr. Speaker, with your leave, to indicate to the Minister that my impression is that at the levels that have been indicated in your memo, no habitations would have been flooded even if they weren't moved and I wonder whether the Minister could determine that because there has been considerable controversy on that issue and given the fact that we have had a year's operation, it would be of value to the House and to people who have been concerned to know this information.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Well, Mr. Speaker, the reply I gave said all buildings subject to flooding were removed by agreement with the Band. The specific question then is, were any of these buildings that would have been subject to flooding actual residences?

MR. GREEN: Mr. Speaker, the Leader of the Opposition indicates not quite the same. Those buildings were well inside the severance line and what has been moved is everything inside the severance line but water did not reach the severance line and it may be that although those buildings were within the severance line, they wouldn't have been flooded in any event because the water didn't reach as high as they were and I would like the Minister to determine, even if those buildings hadn't been moved, whether any of them would have been touched by water and particularly whether any of them were residences.

MR. CRAIK: Well, Mr. Speaker, I think that the Hydro presentation will be before the Public Utilities Committee fairly shortly and perhaps those specific questions should be directed at that time. I would mention in the final paragraph of the printed statement too, though, it says that some of the severance area was flooded.

MR. SPEAKER: The Honourable Member for Transcona.

MR. WILSON PARASIUK: Mr. Speaker, last week I asked the Minister of Labour some questions regarding an industrial death at Border Chemicals in Transcona and the Minister has been kind enough to provide me with a written reply to some of my queries which she sent me on May 23rd and I thank her for that reply. In her reply, she indicated that Border Chemicals had until the end of May to comply with recommendations made by the Workplace Safety and Health Division of her department regarding changes in operations of Border Chemicals, recommendations which arose out of an investigation by the department after this industrial death at Border Chemicals. Has Border Chemicals complied with these recommendations as of the end of May?

MR. SPEAKER: The Honourable Minister of Labour.

MRS. PRICE: Mr. Speaker, I will take that question as notice.

While I'm on my feet, I would like to dispute the statement that was attributed to me by the Member for Lac du Bonnet that he said I made last night in Estimates. I did not make that statement.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SCHREYER: Mr. Speaker, while we're on the subject of statements under dispute, may I ask the honourable lady if she would indicate whether she was correctly quoted, when she is reported to have said that the previous administration rejected the concept of a minimum wage that was tied by formula to the composite industrial wage index?

MR. SPEAKER: The Honourable Minister of Labour.

MRS. PRICE: I read a paragraph out of a letter from my predecessor that stated that the government was not interested in raising the minimum wage at that time. They had suggested a 60 percent of the industrial composite which would have brought the minimum wage to \$3.55 an hour and I assume that my predecessor felt that that would have brought us out of reality.

MR. SCHREYER: Mr. Speaker, in light of that statement or answer, I would like to ask the Minister of Labour if she is aware that progress was being made towards the minimum wage formula that would relate to a percentage or a proportion of the composite industrial wage and also relate to the national or federal minimum wage in the country. Perhaps more specifically, I could ask the Honourable Minister of Labour if she can advise whether policy has been set as to whether in the future the minimum wage will be determined by the retention of the Minimum Wage Board making recommendations or by way of a formula approach policy?.

MRS. PRICE: The matter is under review at this time, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Transcona.

MR. PARASIUK: Thank you, Mr. Speaker. With respect to the issue of Border Chemicals, I would like to direct a question to the Attorney-General. Upon the recommendation of the Workplace Safety and Health Branch and after discussion with myself, I understand that the administrator of The Fatal Accidents Investigation Act is conducting an investigation into the industrial death at Border Chemicals last November to determine whether in fact an inquest or other action should be undertaken. Has that investigation by the administrator of The Fatal Accidents Investigation Act been completed yet?

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I recall the name of an individual involved that the honourable member spoke to me about last fall but I will take the question as notice because I'm not sure this is the same incident.

MR. SPEAKER: The Honourable Member for Transcona with a supplementary.

MR. PARASIUK: Yes, I just want to confirm to the Minister that it is the same case that I spoke with him and I understood that an investigation was being undertaken. I'd just like to know if the investigation has been completed now since it is about seven months since the accident took place.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. A. R. (Pete) ADAM: Thank you, Mr. Speaker, I have a question for the Minister of Health and I would ask him if he could confirm that the Amaranth Work Activity Project, training program, is being phased out?

MR. SPEAKER: The Honourable Minister of Health.

MR. SHERMAN: The project itself is not being phased out, Mr. Speaker, but the site of it, the location of it has been moved to Portage la Prairie.

MR. ADAM: Yes, could the Minister advise if he has received a letter? The information I have is that the program is being phased out September 30th. I would ask as a supplementary, whether the Minister has received a letter to extend the program to March of 1979 in order to complete those projects that have already been undertaken before the announcement of the phase out.

MR. SHERMAN: I don't recall that letter off the top of my head, Mr. Speaker, but I'll certainly check my files. I would say to the Honourable Member for Ste. Rose that those five existing work activity projects received the favourable consideration of the Executive Council during the Estimates process and they are all in place. I'm expecting them all to continue to their logical conclusion.

MR. SPEAKER: The Honourable Minister of Consumer Affairs.

HON. EDWARD MCGILL (Brandon West): Mr. Speaker, on June 5th, the Member for St. Johns asked me if I would table documents received from Bell Canada by MTS regarding the recruitment of MTS employees for the Bell-Saudi Arabia project. Mr. Speaker, I can now respond to that request and I would like to table the following documents: The newsletter on the Saudi-Arabia project distributed to all MTS management employees and an additional information package sent to all employees requesting further information.

Also tabled herewith are the contracts which any MTS employee would be required to sign if he elected to participate as a Bell Canada employee in the project.

MR. SPEAKER: The Honourable Member for St. George.

MR. BILLIE URUSKI: Thank you, Mr. Speaker. I would like to direct a question to the Minister of Renewable Resources and ask him, in light of his announcement recently concerning the moose hunting season on Hecla Island, the first in many years, whether he is aware of the fact that there are either equal or less amounts of moose on the island than the number of licenses that he is prepared to allow?

MR. SPEAKER: The Honourable Minister of Northern Affairs.

MR. MacMASTER: Mr. Speaker, with the assistance of many professionals, we have estimated to the best of our ability that in the neighbourhood of 25 percent of the herd should be the kill rate in this particular hunt.

MR. URUSKI: Mr. Speaker, in view of the concerns expressed by residents of the Riverton area, could the Minister assure myself and members of this House, and residents of the area, that should the expected take of moose during the hunting season, in the firearm hunting season, exceed the expected amount, that he will close the hunting season, and not to take more moose than is expected?

MR. MacMASTER: Mr. Speaker, there is concern expressed by the member; I will certainly observe the hunt, have other people observe it. If we see that it gets out of hand in any particular way, there is ministerial authority that can put a stop to it.

MR. URUSKI: Mr. Speaker, I would ask the Minister to also check with his colleague, the Minister of Tourism, and ascertain the use of the park as well as I understand that Hecla Island Park is used for also a naturalist area where tourists can come and watch natural habitat; whether there has been consultation with the Department of Tourism in terms of the numbers of moose that they expect to take, and also, would they consider other methods if there is an over-abundance of moose

on the island — other methods of having the moose removed or chased off the island, rather than shooting them off?.

MR. MacMASTER: Mr. Speaker, I would like to assure the member that there has been several months of consultation with the Department of Parks and Tourism and our particular people, and the numbers involved and the licensing procedure has been approved by both departments.

MR. SPEAKER: The Honourable Member for Selkirk.

MR. HOWARD PAWLEY: Mr. Speaker, I wonder if I could ask a question to the Acting Minister reporting for the Clean Environment Commission. —(Interjection)— Yes. I know the Minister will have to take this question as notice for his colleague, but if he could advise me whether or not a decision has been arrived at yet pertaining to the appeal by the Municipality of West St. Paul as against the decision of the Clean Environment Commission pertaining to the spraying for mosquitoes?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Yes, Mr. Speaker. Because of the Minister being away on government business, I will take that question as notice for him.

MR. SPEAKER: The Honourable Member for Churchill.

MR. JAY COWAN: Thank you, Mr. Speaker. My question is to the Minister of Northern Affairs. Can the Minister indicate to the House the current status of his department's efforts to sell the Pakwagan operation at Wabowden?

MR. MacMASTER: Mr. Speaker, I have attempted to assure the members opposite that as soon as the entire position is established, that I would bring it before this House. I have spoken to the Member for The Pas and I have endeavoured to try and get it this week, but I think by Friday I'll have to tell him again that it's going to be another week or two.

MR. COWAN: Thank you, Mr. Speaker. A supplementary to the Minister then. Can the Minister inform the House as to the reasons for the delay in accepting the bids, bids that were to be reviewed in mid-May, so that the new owner could put the plan into operation immediately so as to take advantage of those wishing to have cabins built for this summer?

MR. MacMASTER: Mr. Speaker, to the Member for Churchill. The packages have to be reviewed; the employment opportunities of the proposals have to be reviewed; a check has to be made on the financial statements that are made within the proposals, and I would have to get Cabinet approval.

QUESTION IN THE HOUSE MAY 17, 1978 FROM S. GREEN, MLA, INKSTER

MR. GREEN: I'd like to ask whether the Churchill River Diversion project operated at full capacity this winter and spring, and whether there was any land on which the Nelson House Reserve where people live, any buildings or land, had flooding by virtue of the full operation of the Churchill River Diversion.

ANSWER: Dated June 2, 1978.

MR. CRAIK: The Churchill River Diversion operated through the 1977-78 winter at full capacity and as well or better than expected. Part of the Nelson House Reserve has been flooded by the operation of the diversion. All buildings subject to flooding were first removed by agreement with the Band.

Detailed information:

(a) The Churchill River Diversion Project was operated at full capacity for the major portion of the 1977-78 winter; however, the flow was cut back by regulation at Notigi Control Structure in mid-March 1978, and maintained at partial flow, for safety reasons, until breakup conditions were realized on the waterway. The following table indicates the actual water discharge schedules at Notigi Control Structure, 15 air miles upstream of the Nelson House Reserve.

Note: Full capacity of Churchill River Diversion Project — 30,000 cfs release at Notigi Control Structure.

System Regulation at Notigi Control:

June 17/77 discharge increased from 10,000 cfs to 16,000 cfs.

Aug. 11/77 discharge increased from 16,000 cfs to 21,000 cfs.

Aug. 15/77 discharge increased from 21,000 cfs to 25,000 cfs.

Aug. 19/77 discharge increased from 25,000 cfs to 30,000 cfs for winter operation.

Commencing March 12/78 discharge decreased in stages from 30,000 cfs to 15,000 cfs by April 12/78.

May 9/78 discharge increased from 15,000 cfs to 18,000 cfs.

May 12/78 discharge increased from 18,000 cfs to 21,000 cfs.

May 16/78 discharge increased from 21,000 cfs to 24,000 cfs.

May 19/78 discharge increased from 24,000 cfs to 27,000 cfs.

Discharge at present remains at 27,000 cfs.

(b) During this period of time, the elevation of Footprint Lake responded as follows:

The lake fluctuated between approximately elevation 792.0 and 790.0 until mid-August, at which time it rose uniformly to elevation 798.2 by the latter part of September 1977.

The lake remained relatively constant at elevation 798.2 until early January 1978 at which time it increased slightly to 798.8, and then receded to 798.4 by mid-March.

The lake fell uniformly to elevation 792.2 by the first week in May, 1978, and afterward it started to gradually and uniformly rise again, with increase in discharge, toward normal summer elevation. The reading on May 21 was 794.3.

(c) Prior to increasing discharges from Notigi, Manitoba Hydro had completed negotiations with the Nelson House Band Council and had reconstructed all facilities such as roads, pumphouses, docks and cemeteries so that they would accommodate full diversion flows and levels. In addition, Manitoba Hydro had purchased/relocated/reconstructed all buildings below the "severance line" at the Reserve. There therefore was no damage to real property as a consequence of the system operations.

(d) As the level of Footprint Lake rose from elevation 792.0 to 798.8, a definite number of acres were covered with water or "flooded;" however, this inundated land is well within the "severance area" at the Reserve. The residents of the Reserve will be compensated for all the land below the severance line, on a 4 to 1 land exchange basis, as part of the Northern Flood Agreement, December 16, 1977. Although that settlement has not yet been effected, the mechanics for implementing the Agreement are now in process.

ORDERS OF THE DAY

MR. SPEAKER: Order please. The time for questioning having expired, we will proceed with Orders of the Day.

The Honourable Government House Leader.

HON. WARNER H. JORGENSON (Morris): Mr. Speaker, before calling the Orders of the Day, I would like to announce that it is the intention to have the Committee on Public Accounts meet tomorrow at 10:00 o'clock, hopefully to conclude their work for this year. On Tuesday we hope to be able to have the Manitoba Hydro before the Committee on Public Utilities. If there is any change in that order, I will notify honourable members.

Mr. Speaker, will you call Bill No. 29 standing in the name of the Honourable Minister of Consumer and Corporate Affairs, and Mr. Speaker, since the Member for Selkirk is here, it is my intention to call Bills 38 and 39 following the introduction of Bill No. 29.

GOVERNMENT BILLS — SECOND READINGS

BILL NO. 29 — THE COMMODITY FUTURES ACT

MR. MCGILL presented Bill No. 29, The Commodity Futures Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Consumer Affairs.

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MR. MCGILL: Mr. Speaker, partly as a result of the lacklustre performance of the stock markets, there has in recent years been a marked increase in interest in trading in commodities. This trading is of course normally conducted through brokers who are members of a commodity exchange. Although there has been an increase in the amount of trading conducted in this, the orthodox way,

it has not caused any serious problems in Canada. The problems have been caused by the appearance of various commission agents and other middlemen who act as intermediaries between the investor and the broker, often by pooling the money of several investors, and thus creating a fund which is managed by the middleman. As he is not himself a member of any commodity exchange, there has been no supervision of his operations, and a number of swindles and scandals has resulted. This has been already partially remedied as follows:

Legislation in the United States has been tightened up;

The Commodities Futures Trading Commission has been given greater powers, and anyone in the U.S.A. taking money from the public for investment in commodities now has to be registered with that commission as a Futures Commission Merchant.

In Manitoba, an amendment was made to The Securities Act last year classifying commodity options as securities. It was the offering of these options by commission agents that had caused most of the serious swindles. The decision of the Supreme Court of Canada in the Pacific Coast Coin Exchange case has brought within the definition of security any arrangement whereby the Commission agent pools the money of several investors and also any arrangement whereby he is remunerated by a share of the profits he makes by trading with an investor's money. This has severely limited the field of operations that is open to anyone who is trying to operate as a middle-man between the investor and the broker but our experience shows that there are some enterprising individuals who are still trying to operate there as an intermediary between a local investor and a foreign broker. He obtains his business by direct solicitation of potential customers. His explanation of the risks involved in commodity trading is usually inadequate and the outcome is likely to be that people who do not know enough about commodities to trade in them sensibly and who, if left to themselves, would not do it, are induced to invest money in this way.

A commodities future contract is, in fact, a contract to deliver or to accept and pay for a stated quantity of a particular tangible thing at a future date at a named place, which is usually the town in which the exchange is situated. It would appear that the regulation of such contracts may constitute regulation of trade and commerce and therefore be within the federal jurisdiction.

There are presently two commodity exchanges in Canada, the Winnipeg Commodity Exchange which is well known and the Vancouver Grain Exchange which is not perhaps so well known because it is exclusively a cash market which means that it is simply a place where grain dealers sell grain to each other and there is no participation by outside investors. Both these exchanges are federally supervised under a federal statute, The Grain Futures Act.

Although the provinces of Ontario and British Columbia have introduced or plan to introduce legislation which regulates fairly extensively trading in commodities futures contracts, we propose to proceed with a more limited approach, at least initially, for two reasons. First, the economy which I will deal with more fully a little later and, second, the risk of challenge on constitutional grounds based, of course, on the claim that the regulation of trading in commodity future contracts involves the regulation of trade and commerce and is therefore within federal jurisdiction. It is clear from the decision of the Privy Council in *Limburn versus Mailand*, in 1932, that a province can enact legislation which determines who may and who may not act as a broker or otherwise trade with the public in commodities but that may well be the limit of provincial jurisdiction in the matter.

At first sight, the amendment made last year to The Securities Act classifying commodity options as securities, might seem to go beyond that limit but in fact the amendment was worded so as to exclude options traded by members of the Winnipeg Commodity Exchange. Its practical effect, therefore, was to restrict trading in options to members of the Exchange and such other persons as the Securities Commission might see fit to register as commodity option traders. Its substance, therefore, remained within these limits. The bill now being introduced is similarly confined within these limits.

The Securities Commission staff is fully extended now. If we were to set up a system of registration for all commodity brokers similar to the one in force for real estate brokers or stock brokers, it would be necessary to increase the staff. This is an expense which, under present circumstances, should be avoided if possible. We believe that it is possible. Our object, after all, is simply to protect the public and we should strive to do so in the most economical manner possible. In deciding how best to do this, the following factors are relevant.

First, as explained earlier, the persons whose activities have been causing concern have not been members of the Winnipeg Commodity Exchange or any other commodity exchange and that is precisely why their activities have caused a problem. No one has had any responsibility to supervise their activities. There is no valid economic reason for there to be any intermediaries between an investor and a broker. The broker himself is intended to be the intermediary between the investor and the market. We do not allow another level of agents between investors and stock brokers so why should we allow one between investors and commodity brokers? We can therefore properly insist that no one shall trade with the public in commodity futures unless he is a member of a commodity exchange. Provided the exchange police the activities of their own members adequately,

this should protect the public from the undesirable practices which we are trying to prevent. Experience so far has shown that the Winnipeg Commodity Exchange does police its own members adequately and, of course, it is now subject to federal supervision. In practice, the only other exchanges whose members are likely to want to operate here are American exchanges and government supervision of them by the U.S. Commodities Futures Trading Commission is now being tightened up. Whether the legislation now proposed in Ontario and British Columbia is wholly valid or not, it is obvious that those provinces intend to regulate commodity traders to the fullest extent they can, and it is to be expected that the other provinces will, in due course, follow suit.

With respect to the intent of this bill, Mr. Speaker, the bill provides that no one shall trade with the public in commodity futures contracts unless he is (a) a member of a federally regulated exchange in Canada which in practice means the Winnipeg Exchange, who is authorized to do so by the rules of the exchange or a properly authorized employee of such person or, (b) a member of some other commodity exchange recognized by the Securities Commission who is authorized to do so by the law of the country in which the exchange is situated, or a properly authorized employee of such a person. These persons are required to give prior notice to the Commission so that the Commission will know who they are and can check out that they are qualified.

In practice, the only foreign exchanges likely to be involved will be the American Exchanges and the Commission will normally recognize automatically any American exchange regulated by the Commodity Futures Trading Commission. In case this reliance on foreign exchanges to police their members proves to be misplaced, the bill provides that the Commission is not bound to recognize any foreign exchange and may withdraw such recognition.

Although we consider that the province's legislative jurisdiction would cover anybody who trades from outside the province with the public in the province — for example by telephone — we do not at this time intend to do this. Anyone who does this from the United States would have to register with the Commodity Future Commission as a futures commission merchant and be supervised by them. Anyone who does it from another province will have to comply with the law of that province and we feel it is reasonable to expect that the other provinces will be adopting regulatory legislation of some sort. Consistently with this approach, the bill does cover anybody in Manitoba who attempts to trade with the public outside the province. If this reliance on other jurisdictions should prove to be misplaced, then we shall have to reconsider this approach although, of course, there are obvious practical difficulties in trying to control the conduct of someone who is not in Manitoba.

It is important not to interfere in legitimate trading in commodities by persons who want to trade in commodities and know what they are doing. The definition of trading in the bill is therefore confined to situations in which the initiative comes from the broker or other intermediary.

The mischief we are trying to remedy is after all caused by the drumming up of business from unsophisticated investors. If someone in Manitoba wants to trade in copper on the London Metal Exchange and to transmit his orders through his broker through, for instance, his bank here, there is no reason to prevent it, and the bill will not do so. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: Mr. Speaker, I beg to move, seconded by the Honourable Member for Ste. Rose that debate be adjourned.

MOTION presented and carried.

MR. FOX: Mr. Speaker, if I may, I would like to make an exchange on the Public Accounts Committee, that the name of the Honourable Member for Seven Oaks be deleted and the Member for Rupertsland be placed on the the committee.

MR. SPEAKER: Is that agreed? (Agreed)

MR. SPEAKER: The Honourable Government Whip.

MR. JAMES R. FERGUSON: Yes, I would also like to move a substitution on Public Utilities. The Member for Riel for the Member for Roblin.

MR. SPEAKER: Is that agreed? (Agreed)

BILL NO. 38 — THE MARITAL PROPERTY ACT

MR. SPEAKER: The Honourable Member for Selkirk on Bill 38.

MR. PAWLEY: Mr. Chairman, I wish to deal at some length with Bill 38, and of course, we have all heard so much over the past two to three years pertaining to Family Law in the Province of Manitoba that some of us may be wondering just how much longer we will continue to have to debate this issue in the House.

I do believe however that the debate this past two to three years has been fruitful and I must say, and place on the record, that it is my view that the information which has been exchanged during the past two to three years of members of the House and receipt of submissions from the public has been of such a nature that it has been, I think, one of the most successful stories of legislative development in the province.

Mr. Speaker, the New Democratic Party Government of this past year introduced and passed Family Law legislation. That legislation was heralded throughout Canada as among the most progressive pieces of Family Law legislation ever enacted anywhere. In fact, this month's issue of *Chatelaine* magazine referred to the unfolding of the drama pertaining to Family Law in the Province of Manitoba by referring to the events of June 1977, and I would like to read those words into the record, Mr. Speaker:

"The Legislature of Manitoba Passes The Marital Property Act And The Family Maintenance Act — The most progressive legislation of its kind in Canada is soon to become the law of the land and thousands of Manitobans are jubilant; feminists hail the legislation as the most important advance in women's rights since the winning of the provincial vote for women in 1916."

Mr. Speaker, then the next development on record is the issuance of a news release, an announcement by the Attorney-General to the effect that he is causing a review of the laws of Family Law. The release was issued on November 10th, in which he indicated, and I would like to quote the wording of the information news release:

"This significant legislation would remain the same." I would like to repeat those words "would remain the same".

"The review would deal with ways in which the uncertainty and ambiguity of the present Act would be eliminated." Uncertainty and ambiguity could be eliminated.

Then, Mr. Speaker, the next development is the speech by the Attorney-General of November 29th, 1977, in this Chamber, on Page 134, and I would like to read these words, because I believe that they are indicative of certain developments later:

"Let me, Sir, once again assure members of the Assembly that this government is committed to the principle of equal sharing between marriage partners. We want to ensure that this principle is clearly maintained and protected and enacted in legislation which is easily understood and which will not generate endless litigation and tax problems."

Then further, Mr. Speaker, well throughout that speech there is continued reference to maintaining the principle of the legislation. That is the emphasis, Mr. Speaker, throughout the months of October and November of 1977, to maintain the principle of the legislation. All that would be involved would be rewording in order to ensure clarity and to remove ambiguity on the legislation.

Now it is interesting I do believe, Mr. Speaker, and I don't believe it is all that insignificant, that on Monday, May 29th, 1978, the wording of the intention of the government changes. The Attorney-General states in the House on that date: "Mr. Speaker, I indicated at the last Session of the Legislature that it was the intention of our government in suspending the previous Family Law legislation to simplify the legislation, to make it workable and understandable, to make it equitable, while at the same time. . ." — and here I think it is important to note the words used by the Attorney-General on May 29th. I believe, Mr. Speaker, for the first time there is an added ingredient added to the words used by the Attorney-General, from those words that were used last October and November in revealing to Manitobans the intention of this government pertaining to The Marital Property Act. So I continue:

". . . to make it equitable, while at the same time preserving the basic presumption that assets acquired during marriage should be shared equally between spouses."

Mr. Speaker, there is an important added ingredient when earlier reference was constantly made to maintaining the principle of Family Law legislation in Manitoba. Now we read the insertion of the words "presumption of equal sharing". Mr. Speaker, that is quite a change, quite a turn in direction and I hope to be able to demonstrate that change and approach from November to May, as revealed by the wording which I have read this afternoon to the Chamber, is not just a slight change in wording, but is wording of such a nature as to indicate that the announced intentions of the government in October and November were as we had indicated at that time to the Legislature, that there was much more to the intention that was being proclaimed and that it was the intention of this government to emasculate the Family Law legislation. The Attorney-General, already on May 29th, opens the door towards that situation.

Now unfortunately in that same speech on May 29th, and I only wish the Attorney-General would back up his changes in the legislation forthrightly without attempting to leave an impression with Manitobans that certain rights are enshrined in this legislation that will bring about certain results

that will not occur.

Mr. Speaker, I do believe that the Attorney-General's own words in his speech of May 29th clearly indicate that, so I would like to read again, Mr. Speaker, the Attorney-General's words on Page 2773 of Hansard of May 29th as follows:

"Mr Speaker, with respect to the sharing of commercial assets, there is a wider discretion contained in Section 13.2 than in Section 13.1 for the sharing of family assets. This presumption of equal sharing, Mr. Speaker, I would point out, will only be varied however, where it is deemed equitable by the court. Mr. Speaker, I think," — now these are the words. Mr. Speaker, I do have to say with regret to the Attorney-General, that these words are double-talk. "I think there are undoubtedly a number of cases where a female spouse will be entitled to greater than 50 percent division of commercial assets, depending upon her involvement in the initiation and operation of a business. I would therefore submit, Mr. Speaker, that this provision will go further to protect women's rights than previous legislation which only allowed extremely limited discretion and thus bound a female spouse to only 50 percent. I suggest that this legislation will go further to protect the rights and efforts in the establishment of commercial assets."

Mr. Speaker, I would have appreciated much more the remarks of the Attorney-General if he had said, "There will, of course, be some instances where women will receive more than 50 percent, but we are widening the discretion, and because women do not initiate and participate generally in the operation of a commercial business, generally, therefore, women will receive less than 50 percent because we think it is right." But, Mr. Speaker, the Attorney-General should not have left the impression on the record that the legislation which he has introduced, which has widened discretion will, because of that very fact, promote greater and better sharing of commercial assets for women than the previous limited discretion legislation. That is, I do believe, the basis of this legislation as to why this legislation is so dangerous. The Attorney-General, unfortunately, has slipped into the trap by his own words, indicating to Manitobans that this legislation will give women in Manitoba a better share than they had before under the legislation passed last June. He's on record as saying, Mr. Speaker — the Attorney-General himself would have to admit, and I am sure he will have to admit in committee — under the powers of persuasion that that is not so. I think the Attorney-General should prepare his case as to why he is of the view that spouses should not necessarily share 50 percent and why women should not necessarily obtain 50 percent of the commercial assets if they are not involved in the initiation and the involvement of those commercial assets. Let him present the reasons for his legislation in a forthright way but let him not pretend, Mr. Speaker, that there is something in this legislation which is not in this legislation; when he knows that he has in fact ripped out the very guts of the legislation passed last June which, by the ripping out of those very guts, will ensure, Mr. Speaker, that the women that he refers to will, in general, in a very very major and a very very significant way, not have advanced in a major way, in a significant way, from the legislation that existed prior to June of 1977.

Mr. Speaker, the wide discretionary provisions in this legislation — I would like to deal with those for a moment or two. First, I believe it to be regrettable, Mr. Speaker, dealing with the question of homemaking and child raising, that role being equal to the role of a breadwinner in the family, that is the entire principle of family law reform. That was the very reason that we, as legislators, met in order to discuss the reform of family law, to recognize that the breadwinner role of a spouse was equivalent to the role of a spouse, but not in excess of the role of the spouse that raised the children and looked after the home. That was a principle that was a basis. But, Mr. Speaker, unfortunately that important fundamental principle is buried deep, deep within the body of ten factors pertaining to discretion within the family law legislation. He talks about equality but doesn't indicate on what basis he is commencing from in order to weigh equality as from the role of one spouse to another.

Mr. Speaker, the legislation before us, the wide discretion is geared towards ensuring that there is a continuation of a higher priority given to that spouse that has — whether it be the husband or the wife — that has the money, that has the title to property in his or her name, is the one that contributes most in a financial way to the marriage relationship. The weight of the factors provided for by the Attorney-General in this legislation is dedicated in order to ensure that that trend continues in the legislation before us. Otherwise — and the Attorney-General shakes his head — otherwise, Mr. Speaker, there would be no . . .

Let us deal with some of the items, some of the discretionary factors, the nature of the assets. That provision in itself which, Mr. Speaker, comes ahead of a provision dealing with the contribution by the spouses to the marriage relationship in the order of things, is one that I suggest is there to provide the courts with opportunity to give heavy weight to the nature of the asset, whether it's an asset that could be related to the husband or it could be related to the wife by the very nature of that asset. And again, because of the monetary contribution by one spouse to the marriage exceeding that of the other spouse, then the insertion of a clause of that nature is bound to better the position of the monied or propertied spouse in the relationship.

Secondly, there is a provision which I do not know — and it detracts from the very principle of family law legislation, which provides for the court to consider the inheritance which has been received by one spouse in the marital relationship. Mr. Speaker, I do not know what difference it would make if, for instance, a wife inherited a million dollars on her own on the death of her own family, why that, for a moment, should be entered into the thinking as to deducting or subtracting that inheritance from the equal sharing.

Mr. Speaker, I think that it's regrettable and unfortunate. For the life of me, I cannot understand the insertion of a discretionary factor along those lines. Throughout, Mr. Speaker, there is a series of factors which are geared towards emphasizing and retaining the status quo in family law in the Province of Manitoba. And the very last clause is the worst of all the clauses, Mr. Speaker, a clause which states that the court may, having regard to any circumstances which it deems relevant — any circumstances which it deems relevant — deal with the acquisition, the disposition, the preservation, the maintenance, the improvement, for use of assets. Mr. Speaker, that is a catch-all clause, the clause that is there in order to ensure that the principles which we had started out to achieve in family law legislation of equal sharing would not be affected through practice, through jurisprudence. This is a catch-all phrase; it is there in order to permit wide deviations, wide deviations, depending upon particular circumstances in respect to any particular case which is before the court.

So that, Mr. Speaker, when we said last year that the legislation being presented to us would be legislation that would give lip service to equal sharing, that would provide for such a wide loophole that a locomotive could travel through that legislation — I believe those were the words, Mr. Speaker, of the Member for Inkster, that is in December of last year — that is certainly what has happened here. There is such a wide hole, such a large loophole, that the lip service and the singing to the principles of equal sharing are but shallow, and hollow, and meaningless, in this legislation.

Mr. Speaker, therefore I will be suggesting, and proposing, that we return to the principle of equal sharing with very, very limited discretion pertained to extraordinary and gross circumstances. Mr. Speaker, I might also suggest that the very fact that we have divided family assets so that family assets fall into one section, and commercial assets fall into a separate section, and we have very limited discretion insofar as the family assets are concerned, and very wide discretion insofar as the commercial assets are concerned, that that in itself, that in itself, will ensure that commercial assets will be dealt with entirely and completely and totally on a basis which is not going to achieve what the Attorney-General was trying to suggest would be achieved, but the very opposite, in that the results of that type of move, Mr. Speaker, will be to permit the courts to view that the family assets, yes, should be divided equally because the spouses have contributed and there's equal contribution, will divide the family assets in an equal way, but the commercial assets because in most cases the husband has been involved in the commercial assets, we're going to deal with them on a different plane.

That will be the end result of this legislation, Mr. Speaker, and it is regrettable, because even now family assets tend in many cases to be divided on equal basis, so that in practice, Mr. Speaker, this legislation is going to add very, very little — and it may be that I am too kind — very, very little to family law reform in the Province of Manitoba — it may be, Mr. Speaker, that I ought to be condemned for being too kind, and I suspect that is the case, that I should say nothing — will contribute nothing towards family law reform in the province.

Another very important change in the legislation is that we had provided, Mr. Speaker, for the immediate sharing of the joint ownership and management of family assets, the home, the furniture in the home, the car, and other items. These are items, Mr. Speaker, that are used jointly by the couple through the process of their marriage for purposes of shelter, for purposes of recreation, for purposes of enjoyment, and enshrined in the legislation of last June was the important principle that, subject to the parties mutually contracting out of that arrangement, those few assets of a family nature would be shared immediately, would be shared during the term of the marriage. Now, Mr. Speaker, what has happened is that group of family assets has been lifted out of the immediate sharing category, they've been shuffled over to deferred category and, Mr. Speaker, we have not heard satisfactory reason.

The Attorney-General has talked about taxes, but, Mr. Speaker, I am of the opinion that the Federal Government in its wisdom in this particular limited area has seen fit to make the tax adjustments in order to permit the immediate sharing of family assets.

The Attorney-General has talked about creditors' rights, but, Mr. Speaker, it has always been very clear in our legislation, that where a third party has received for value bona fide goods, that that third party would be protected and the only accounting that would be involved would be as against one spouse to the other.

So, Mr. Speaker, I do believe that both positions presented by the Attorney-General just do not wash in this area. In fact, I am inclined to suggest anyway, Mr. Speaker, that the position that the Attorney-General is taking in this connection, demonstrates that he is really concerned about the

lots of the creditors and the banks, than he is about the importance of that fundamental principle that was enshrined in the legislation of last June which he is tearing out, tearing out and removing and casting aside.

I received the other night, a lady who gave to me some of her life story, a life story which I believe indicated very much the reason why immediate sharing is not just a theoretical or academic matter — a lady who was confined to a mental hospital for a three-year period. Her two children, ages 14 and 12, were left at home with the father to look after during that three-year period, and upon her return at the end of her hospitalization, she found that her husband had made arrangements to dispose of the household goods, had sold the household goods, had packed only a small group of items which he felt were in his opinion those that belonged to the wife, sold the rest, Mr. Speaker, and took off with a 19 year-old girl. And this lady now has custody of the two children, ages 12 and 14, the household goods; the family assets have been sold, she has the responsibility of raising the two children, and the husband has gone off to live with, as I mentioned before, a mistress.

The legislation of last June, I do believe, Mr. Speaker, would have prevented, assisted in preventing that type of situation, would have given that lady some opportunity to protect her rights. And I do believe that the plight of that particular lady could be demonstrated by the plight that exists insofar as hundreds and thousands of women in Manitoba over the past number of years that have faced similar problems. So that we already then, Mr. Speaker, have seen the undermining of two important principles of this legislation, the widening of the discretion pertaining to commercial assets and the removal of immediate sharing, shuffling it over to deferred sharing.\$

Mr. Speaker, what we really have then — and I would like to just say too, that the arguments that have been presented against interfering, that we have been trying to introduce legislation which would cause interference in the family relationship, are simply baloney. I believe that those that advanced those views, that they would consider, would know just what they are, nothing but baloney; that, Mr. Speaker, the fact is we now have legislation being introduced into this House that will provide for phraseology, and wording, which will appear in many instances to provide access to information one spouse of another, but it will be simply that, Mr. Speaker — and legislation which in effect in the end result may very well cause much more court litigation than the legislation which had been introduced in June of last year, because this legislation encourages throughout litigation — it's a legislation which has been suggested by different spokesmen as legislation that will benefit the legal profession.

Myrna Bowman, who was on the Task Force appointed by the honourable member, had this to say about the legislation, in a Tribune article of May 30th, 1978, her words in respect to the equal sharing: "Mrs. Bowman however, claimed that the government came as close as they could possibly come to abandoning the whole principle of equal sharing. They did not abandon it, they mutilated it," she said. And then she proceeded on. . . —(Interjection)— Well, Mr. Speaker, the honourable member says she recommended unilateral opting out. She did. She also recommended equal-sharing legislation. Mr. Speaker, there is really nothing to opt out of as far as this legislation is concerned. The mutual opting out is a sham, because there is really nothing to cause anyone to opt out of insofar as this legislation is concerned; that is no great advance or achievement in the field of family law to boast that, as the Attorney-General is doing, that he has gotten rid of unilateral opting out and is now providing for mutual. It's mutual opting out of nothing, that's what we have, Mr. Speaker.

Then Mrs. Bowman goes on to say, and she is a lawyer of a great deal of experience in family law. I don't imagine that there are too many lawyers in the province that could demonstrate that they have experience in family law of the magnitude that Myrna Bowman has, and though I have disagreed with her on different recommendations from time to time, I do so that on the whole, her direction has been one that has been in a correct direction. And she says this: "As a lawyer with a lot of experience, I could not tell my clients what that section means."

Mr. Speaker, unfortunately we are dealing with a situation in which restricted discretion is being replaced by unrestricted discretion, so that — well before it was only in exceptional circumstances where it would be deemed just for discretion to be exercised. Now it is my view, Mr. Speaker, that under this legislation, it will be only in exceptional cases where there will be equal sharing of commercial assets, and will be considered just by the courts, only in exceptional cases will be deemed to be just. I say that, Mr. Speaker, and I believe that the passage of time will demonstrate that that statement is correct, only exceptional cases will equal sharing be considered just by the courts of this province as a result of the legislation before us.

Mr. Speaker, as I indicated before, this legislation is misleading, misleading, and will lead couples, and will lead Manitobans into believing that they have rights which do not exist. And the Attorney-General already has provided to us the evidence of just how misleading this legislation is, and I read to the Attorney-General and to the House, the words of the Attorney-General earlier, which clearly and without doubt — and I believe that the Attorney-General in a different forum would

be caused by persuasion to acknowledge that his words misled — that's what this type of legislation does. It provides the opportunity for those that wish to mislead, to mislead future litigants as to what their rights and to what their chances of achievement will be. That's what this legislation would do. And, Mr. Speaker, this legislation is uncertain. No one will know in advance what to expect under this legislation. And the courts aren't asking for uncertain legislation in this field. Just as Brian Dixon of the Supreme Court of Canada, in the Rathwell case stated, "The need for certainty in matrimonial property disputes is unquestionable." Well, he was indicating that if the intention of the legislators are for 50-50 equal sharing, then the legislators should indicate that. They should not leave uncertain legislation on the statute books or — worst of all — place uncertain legislation on the statute books. That's what has happened here, Mr. Speaker.

In The Chatelaine magazine that I referred to earlier — and in conclusion — I do believe that this sums up so well the impression of this legislation. In fairness I must say that this article was written prior to the Attorney-General distributing this bill in the House, but after the report which he had received from his Task Force dealing with family law; but I believe that Chatelaine would repeat those words today upon perusal of this legislation. I quote from Chatelaine: "Last fall the Conservative Government blocked far-reaching family law reform, which would have meant a fair deal for women, at last. Overnight, Manitoba turned from a shining example of liberation into a pumpkin, but provincial women's groups of every political stripe are gearing-up to do battle again."

Well, Mr. Speaker, I think that sums up very well. We have legislation which amounts to little more than a pumpkin being presented to us for our consideration. Mr. Speaker, I want to say — and I believe that I speak for my entire group in this regard — that we presented legislation last June which was heralded as some of the best family law legislation ever introduced anywhere in Canada; that the Conservative Government of today has seen fit to emasculate that legislation, to destroy the very principles of that legislation; they've introduced legislation which is cosmetic rather than real. Mr. Speaker, I speak on behalf of the opposition, once we have an opportunity — and it's not going to be very long as events are unfolding — as soon as we have an opportunity to again introduce government legislation in this Chamber, that we shall re-enact again in Manitoba, legislation which is not cosmetic but real, and which provides for equal sharing; not a facade and not a bluff, and not of such a nature that is misleading to Manitobans.

MR. SPEAKER: The Honourable Attorney-General will be closing debate. The Honourable Attorney-General has a question?

MR. MERCIER: Mr. Speaker, I wonder if the Honourable Member for Selkirk would permit a question? Mr. Speaker, I wonder if the Honourable Member for Selkirk would explain why he and members opposite are opposed to a woman receiving more than 50 percent of commercial assets when a court deems that equitable?

MR. PAWLEY: Mr. Speaker, there is nothing that I said that indicated I was opposed to a woman receiving more than 50 percent in commercial assets, and I do believe that under the legislation passed last June, that would have been possible in gross or extraordinary circumstances. We are not opposed to that, Mr. Speaker. But what I am opposed to is the impression that the Attorney-General tried to place on record that most women would receive more than 50 percent under this legislation, that most women would do better under this legislation than the legislation of last June. The Attorney-General knows that not to be true.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable Meer for Kildonan, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable Member for Selkirk on Bill 39, The Family Maintenance Act.

MR. PAWLEY: Mr. Speaker, I ask that that bill stand.

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSEN: Bill No. 11, Mr. Speaker.

AN ACT TO AMEND THE RETAIL BUSINESS HOLIDAY CLOSING ACT

MR. SPEAKER: Bill No. 11 — The Honourable Member for Inkster has 32 minutes.

MR. GREEN: Mr. Speaker, I commenced to speak on this bill at about the end of the day last Wednesday, I think it was, and had just got started making several points when the Private Members' Hour arose. I am sorry that the Member for Pembina is not in the House, because I wanted to make clear, Mr. Speaker, in speaking on this bill, that I am giving what I consider the bill to mean. I am not attempting to mislead the House as to any facts with respect to the bill. I will also have to concede that I have read it, but I have not read it carefully, and therefore if I am making an obvious error as to its intention, I would certainly not want to be accused of playing with the truth.

It is my impression that the bill does the following things: that it eliminates Saturday as one of the days on which an employer could choose to remain closed — and I would almost plead with the Minister of Labour to sort of nod her head so that I'm not going off on a mission which is going to take me far away from the destination on the argument, but she won't. That is my impression, that it eliminates Saturday as one of the days on which a store could use the discretion of staying open; that's one of the things that the bill does.

The other thing that the bill does is that it —(Interjection)— Yes, it eliminates Saturday as one of the days when a store could stay closed. I'm sorry, it means that the only day on which the store is required to stay closed is Sunday, and on that day it can stay open if it has not more than four employees including the employer on the premises. The real change there is, that it used to be four employees that the store normally carried as employees; this says that they could carry 20 employees on Saturday, but if they stay open on Sunday they can only have four people there, including the employer. —(Interjection)— Yes, they could have four people there in the morning, four people there in the afternoon.

Mr. Speaker, we had a lawyer before committee last year. His name was Ken Regier. Lawyers often seem to be telling you gospel truths; the fact that two of them can argue and both appear to be right, saying exactly the opposite thing, was of no consequence to Mr. Regier. The fact that you can have 15 judges who heard the same case and say different things is also of no consequence to Mr. Regier. Mr. Regier came from on high and told Legislative Committee last year our legislation was *ultra vires*, it was illegal; it was contrary to The Lord's Day Act, that The Lord's Day legislation can only be passed in Ottawa. And he didn't say it is his opinion that it is illegal, that he thinks that it might be held to be illegal; he said it was illegal and that he came to tell the Legislature that they shouldn't pass illegal law. And we said, "Mr. Regier, if what you are saying is correct, won't somebody challenge it and then a Court case will find out whether it is legal or illegal?" And he said, "I'm telling you that it is illegal now, so that you won't have to go through that procedure." 42

I want to tell the Conservative Party why he said it was illegal because it referred to Sunday. He said that Sunday legislation can only be passed by the Parliament of Canada, and the Parliament of Canada has enacted a Lord's Day Act which may — and, Mr. Speaker, I want you to note the difference, I am saying it may I am ; not certain, but under the Lord's Day Act it may not be possible for these stores to be open at the present time in a prosecution. The fact is that many have not been prosecuted, and I am not certain that the Province of Manitoba can undo some of the provisions of the Lord's Day Act as to who can stay open. But what I am very certain of, like 100 percent sure —(Interjection)— Yes, that's pretty sure, but when I make the next statement you will see how equivocal I can be. What I am 100 percent sure of is, if Mr. Regier was right, that this legislation was illegal as a contravention of The Lord's Day Act, then the legislation that is now being brought in, is certainly without any question in contravention of The Lord's Day Act.

Now, I give you my equivocation, I don't know that Mr. Regier was right, so it's possible, Mr. Speaker, that this legislation is not in contravention of the Lord's Day Act. Although if you believe what Mr. Regier told you, who you seemed so impressed with last year and who you thought was giving you such good advice when he came to Legislative Committee — when he came to Legislative Committee, the Conservative Party were dotting on what Mr. Regier was saying. Here is a lawyer who is coming in and telling the Minister of Labour that he's enacting illegal legislation, and why aren't you listening to this lawyer? Well, Mr. Speaker, if this lawyer made so much sense to the Conservative Party last year, how come they're ignoring him this year — when what he says is true in spades this year — because, Mr. Speaker, you clearly identified this legislation as being Lord's Day legislation. Indeed, the Minister got up and said that's what it was. Members of the Conservative Party last year got up and said, "The reason we want this legislation⁸ and the only reason that we will be for it, is that it protects the the Holy day. That's Lord's Day legislation.

On our side of the House, we clearly indicated that we were not trying to enact religious legislation, that we New Democrats as distinct from state controlling Tories — we said that we had no right to dictate the religion of the people of the Province of Manitoba. We have no right to say that people

have to observe Sunday. Only the Conservative Party has got the nerve and the dictatorial characteristics to come in and say that whatever your religion is, you will observe Sunday, because we believe that Sunday is the Lord's Day, and you shall be holy on Sunday. The New Democrats couldn't say that; we didn't believe that we were God and that we could use the state in that way, but the Conservatives can say it, Mr. Speaker. The Free Manitoba Conservatives are now telling all the citizens in the Province of Manitoba, because the majority of them happen to like Sunday, that Sunday is the Lord's Day in this province and you shall observe the Lord's Day.

Even though, Mr. Speaker, the Legislature of Canada has enacted Lord's Day legislation, and if it is Lord's Day legislation then it is the prerogative of the Legislature of Canada. But nevertheless, Mr. Speaker, what we said is that this is not Holy legislation. We don't pretend to be able to dictate what shall be the religion of every person in this province. What we said is that it was labour legislation, and that an employer could not keep open seven days a week; that he had to have one day on which he was closed so that even if his employee wanted to come in, he couldn't employ that person on that day.

And then we said, "You will have a choice of days." And we chose, Mr. Speaker, what happens to be two Sabbaths. I will admit that it's two Sabbaths, and maybe that's a problem. We chose Saturday and Sunday because it also happens to be the weekend — and if this province had many many Moslems in it, and Friday is their Sabbath, then perhaps there should be another day. Mr. Speaker, I go further, I would have voted for last year's legislation, and I will vote for this year's legislation if you make it any day of the week. To me, it doesn't have to be Saturday, it doesn't have to be Sunday, but it has to be one day. That was what was voted on last year, Mr. Speaker, one full day, yes.

Now, Mr. Speaker, I indicated when I last spoke that even this side supported the legislation with various degrees of enthusiasm. I'm not certain, not positive, that this isn't best regulated by the marketplace itself, but nevertheless I stand committed to what we voted for last year. I'm not saying that I have to be committed to it forever but I did support it and I will not try to equivocate about my support for it. What I can say, Mr. Speaker, is that last year's legislation is better than this year's legislation, and therefore this year's legislation I intend to vote against. If the Minister will come in and make some improvements to last year's legislation I may support them. But these are not improvements. And when the Minister introduced the legislation she said — as I recall it and if I'm wrong I will be glad to withdraw — that Sunday was the day that most people were religiously directed to and therefore she took out Saturday. Well, why take out Saturday? Mr. Speaker, there are jurisdictions in this country that permit a choice of Saturday or Sunday even as a religious day, and nobody is requesting that because we're not dealing with religious legislation, but there are jurisdictions in North America which recognize the Lord's Day as a Saturday or a Sunday, depending on what religion you happen to be. Now I'm not suggesting that we should do that because I'm not asking for religious legislation. I say that the Minister by bringing the bill in in this way is bringing in a religious bill, trying to dictate the consciences of the people of the Province of Manitoba under the guise of freeing people in the Province of Manitoba. Only a state controlled Conservative Government would have the nerve to take out the Saturday.

You know, if it were started with a Sunday bill I suppose it could be carried on and nobody much would notice it, such as is the Lord's Day Act in Ottawa. But when you've got an option why are you taking away the freedom of the people of this province? Why is this Conservative Party determined that they are going to come in with the heavy hand of the state and control what day they will stay closed.

Well, Mr. Speaker, it's not difficult to say why — because we have a state control government. We have a government that says that a cattle producer who doesn't want to belong to an organization will have to give that organization the information or go to jail, or be subject to imprisonment. If my learned friend, the Member for Morris, finds that objectionable then I want to remind him he made a great play of it when the Minister of Public Works enacted a regulation which made somebody who parked in the wrong place subject to imprisonment or subject to a \$500 fine. It is subject to imprisonment. That's all I ever said, and it is subject to imprisonment.

But even then, it doesn't even have to be the cattle producer, it can be somebody who is selling beef or buying beef has to give information to this anointed private organization, who is anointed by the state, and now we are anointing Sunday. Why are we doing that? There has been no explanation, Mr. Speaker, no satisfactory explanation. And then, having made it a religious day, having gone to Sunday on the basis of religion, you would think that the Minister would be consistent and say that if it's the religion of the day that we are trying to protect then you will go to the commandments and it will say, "Thou shalt honour the Sabbath Day and keep it Holy."

So why don't you go all the way? Why don't you say they can't open on Sundays? But, Mr. Speaker, that's not what's desired here. What's desired is some type of populism to give the semi-chains an edge over the chains. There are semi-chain stores in this province. They are IGA stores, they are Payfair, they are not quite supermarkets — Solo — I have nothing against these

people but they are not quite supermarkets. They would like to stay open on Sunday so that they could get some of the trade from the supermarkets. And what this group thinks they are doing is that they are going to divert some of the supermarket trade to the semi-chain store, and what I will honestly admit the Minister of Labour perceived last year, is that some of the neither chains nor semi-chains would be able to hang on as family groceries by getting some of the trade that would be available on Sunday. But that was, I am certain, one of the objectives in the former Minister of Labour's mind. It certainly wasn't one of my objectives but nevertheless it was certainly one of the objectives of the former Minister of Labour.

So there has been a shift upwards. It's like one step up the ladder. Now we're going to get the chains and the supermarkets. Well, Mr. Speaker, what may not be apparent to the Minister is that the supermarkets may — assume use of the imagination — be able with four people to keep some places open and even keep some stores open by the use of barriers or other facilities so that at least emergency purchases can be purchased if only four people are working. And they may not do that. But if we are legislating to keep the Sabbath Holy, then why are we saying that four people could sin, that we are permitting sin as long as it's engaged in by four people. Anything more than that amounts to an orgy. Well, Mr. Speaker, I don't understand what the Minister is doing. Is the Minister merely reacting to last year's legislation? Repeal it. Repeal it. If you are merely reacting to last year's legislation, repeal it. If you are intending to honour the Sabbath Day and keep it Holy then don't let anybody work. If you are intending to enact labour legislation then why have you eliminated the Saturday? What you have done, I say to the Minister of Labour, you have tried to get the best of all worlds. You have tried to satisfy Bernard Christophe of the retail clerks who says that they should be closed on Sunday; you've tried to satisfy the semi-chains by giving them four employees so that they can open on Sunday; you've tried to satisfy those people in the Lord's Day Alliance by throwing out Saturday, and you will end up, Mr. Speaker, by satisfying nobody.

The Lord's Day Alliance people will be angry because stores are open on Sunday. Bernard Christophe will be angry because there will be stores who will be able to hire four people on Sunday and stay open. The momma and poppa stores will be unhappy because now the semi-chains are dealing with them' and the semi-chains will be unhappy, Mr. Speaker, because they will have learned something too, that when everybody was closed it was all right, but now that everybody is open they've lost their Sunday — they will have lost their Sunday, and the employer will have to go to work.

One of the interesting things that came about as a result of this legislation is that you had a man who was open every Sunday all his life. The legislation required him to close. He closed. And then he said, "I never want to work on Sunday again. Why are they bringing in this legislation?"

So, in attempting to satisfy everybody the Honourable Minister will end up by antagonizing everybody, and by the way, Mr. Speaker, will be passing a bad piece of legislation, a legislation which is in principle wrong because it has removed the Saturday option which should be there in order to make this not a religious piece of legislation, and by putting in the four people she runs the danger of undoing what she wanted to do.

There is another option, Mr. Speaker. Let the public decide and let everybody shop when they want to shop. I don't know whether that's a violation of the Lord's Day Act but somebody will have to prosecute us to find out. And the fact is, Mr. Speaker, despite what Mr. Bernard Christophe will think of what I am now saying, that maybe freedom is the best answer and that the shops will regulate themselves. It may be. But what she has brought in in an attempt to satisfy everybody is a very very bad piece of legislation for which the Minister will be sorry, for which the Minister will be sorry.

MR. SPEAKER: The Honourable Minister of Labour, with a question?

MRS. PRICE: I was going to close debate if there wasn't anyone else going to . . .

MR. SPEAKER: May I point out to the Honourable Minister and maybe I can get some direction from the House. It's my belief that the bill is standing in the name of the Honourable Member for Lac du Bonnet. —(Interjection)— That is not correct. The Honourable Minister then will be closing debate. The Honourable Minister of Labour.

MRS. PRICE: In closing the debate on Bill No. 11, An Act to amend The Retail Business Holiday Closing Act, I wish to emphasize to the Member for Inkster that we are really not trying to depart too far from the concept of having a day of partial economic rest. The government when in opposition felt that it was just far too stringent and was not helping the little stores to be able to operate by the families that had had it for many many years, and the fact that they had to make a decision

as to whether they closed Saturday or Sunday placed an undue financial hardship on them, especially in light of the fact that we have the 7-Eleven stores that stay open, and the service stations can have grocery stores open seven days a week, etc. I have had phone calls from people who have expressed views such as the Member for Inkster has. I've had many that have expressed views in favour of what we are doing. I would like to say to the Member for Inkster and the Member for Logan who spoke on it that what we are suggesting is not — our Premier uses the words — engraved in granite, we are willing to listen to people that are interested and have a vested interest in this particular Store Closing Act, and we will be listening to them. When we go to Committee we will have an open mind. The member in charge of Housing — he and I have already spoken about square footage as we did tell the Member for Logan, and we are quite prepared to listen and with that I would like to close debate on the bill, Mr. Speaker.

QUESTION put, MOTION declared lost.

MR. JORGENSEN: Yeas and Nays, Mr. Speaker.

MR. SPEAKER: Call in the members.

A STANDING VOTE was taken, the result being as follows:

YEAS: *Messrs. Banman, Blake, Brown, Craik, Domino, Driedger, Einarson, Ferguson, Galbraith, Gourlay, Johnston, Jorgenson, Kovnats, Lyon, MacMaster, McGill, McGregor, McKenzie, Mercier, Minaker, Orchard, Mrs. Price, Messrs. Sherman, Spivak, Wilson.*

NAYS: *Messrs. Adam, Axworthy, Barrow, Bostrom, Cherniack, Desjardins, Evans, Fox, Green, Jenkins, Miller, Parasiuk, Pawley, Uruski, Uskiw, Walding.*

MR. CLERK: Yeas 25, Nays 16.

MR. SPEAKER: I declare the motion carried.

PRIVATE MEMBERS' HOUR

RESOLUTION NO. 3 — EQUAL PAY TASK FORCE

MR. SPEAKER: We are now into Private Members' Hour. The first order of business is the resolution of the Honourable Member for Fort Rouge. The Honourable Minister of Labour has 20 minutes.

MRS. PRICE: Mr. Speaker, in speaking to the resolution put forward by the Member for Fort Rouge, I would like to preface my remarks by indicating to him and to other members of the House that we believe in the principle of equal pay for work of equal value, as I expect most people do. However, I do not agree with the Member for Fort Rouge that this matter should be looked into by a Task Force at this time.

During the past several years there has been considerable discussion on the topic of equal pay for men and women with all of the provinces enacting equal pay legislation in a form which they deem appropriate. Equal pay legislation has been promoted as one of the solutions to women's economic problems in the work force; that is, to the removal of inequities where they exist in wages and salaries. Like most other legislation, this legislation has been questioned from time to time as to its effectiveness in accomplishing the purpose for which it was enacted. Since 1975, and to some extent before this, but particularly in the last year or two, the question is increasingly being asked: should workers receive remuneration according to the value of their work? This has focused considerable attention on the question of what might be done about bringing about equal pay for work of equal value.

Mr. Speaker, a great deal has already been done in Canada with respect to the question of equal pay. As I have already indicated, all of the jurisdictions in Canada have equal pay legislation. In 1972, Canada ratified the Equal Remuneration Convention No. 100, which was adopted by the International Labour Conference as far back as 1951. When a member state of the International Labour Office ratifies a Convention, it in effect states that its legislation and policies conform with the standards outlined in the Convention. Article 2, Clause (1) of Convention No. 100 states that each member shall, by means appropriate to the methods in operation for determining rates of remuneration, they shall promote and insofar as is consistent with such methods, ensure the

to all workers of the principle of equal remuneration for men and women workers for work of equal value. Remuneration is defined to include not only the basic wage, but also any additional emoluments whatsoever, payable directly or indirectly, whether in cash or in kind, by the employer to the worker, and arising out of the worker's employment.

Article 1, Subsection (a).

For the purpose of determining whether or not jobs are of equal value, Article 3 of the Convention states that measures should be taken to promote objective appraisal of jobs on the basis of the work to be performed. Obviously, such measures go beyond merely comparing men and women doing the same work in the same establishment. The Convention also encourages all of its members to co-operate with employers and with workers' organizations to implement the provisions of the Convention.

There is a recommendation, No. 90, which accompanies Convention No. 100, and it lists a number of measures designed to help facilitate the application of the principle of equal remuneration for work of equal value such as, first, ensuring equal or equivalent facilities for vocational guidance, vocational training and placement.

No. 2, providing welfare and social services which meet the needs of women workers;

3, Promoting equality of access to occupations and posts.

The recommendation also goes on to encourage members to promote public understanding of the grounds on which it is considered that the principle of equal remuneration for men and women workers for work of equal value should be implemented, and to undertake such investigations as may be desirable to promote the application of the principle. As a result of the survey conducted by the International Labour Office in 1975 regarding the application of Convention No. 100, and recommendation No. 90, there was a conclusion that the principle of equal pay is generally accepted as a matter of public policy, but that there is much confusion as to the meanings of the terms "equal remuneration" and "work of equal value," and its findings indicated that the members generally endorsed narrow and restrictive definition, and it also found that enforcement was not, in its opinion, adequate.

I would like to quote the conclusion of the report of the survey: "All too often, the principle has been enshrined in law and practice in a simplified fashion in the form of the slogan, 'Equal pay for equal work.' No attempt is being made to decide what is meant by equal pay and equal work; thus, definitions excessively restrictive have been adopted. The definition of equal work which is still most frequently encountered is that of the same work done in the same undertaking or for the same employer. Such restrictions are sometimes tempered by a qualification substantially the same, substantially equal, and so on. But this is by no means the same thing as equal pay as understood by the Convention, which tried to give full effect to the principle by speaking of work of equal value, defining as entailing the fixing of wage rates without discrimination as to sex."

Mr. Speaker, in order to ensure that the members understand what is currently being done with respect to this matter in Manitoba, I point out that Part 4 of The Employment Standards Act covers the question of equal pay. Anyone who believes that he or she has not been paid wages due under this legislation can file a complaint within a six-month time limit with the Employment Standards Division of our department. There is a simple procedure in which a party is asked to fill in a form giving the facts of the situation which the Division will investigate. The Division will then, depending upon its findings, either order payment of wages or dismiss the complaint. Wages can be recovered for a one-year period prior to the complaint. If either party is unhappy with the Division's decision, the matter can be referred by request to the Manitoba Labour Board. If the employer fails or refuses to comply with an order of the Board, the Division may file the order with the County Court.

On the other hand, the employer may appeal the Board's decision to the County Court. The decision of the County Court judge is final in such matters. The penalty for any person on summary conviction under the Act is a maximum fine of \$500 or three months' imprisonment, or both, except where an employer does not comply with an order to pay wages. In that case, for every day on which the offence continues, the employer, if an individual, is liable to a maximum fine of \$100 and/or three months' imprisonment, and if a corporation, a maximum fine of \$1,000.00. Also, the Division is empowered not only to investigate complaints, but to initiate investigation of its own accord.

When the Division investigators are carrying out inspections, they are expected to check to ensure that all requirements of the Employment Standards legislation are being met, including the equal pay provisions. In the period November 1, 1976 to October 1977, the province's 22 investigators made close to 13,000 inspections and received over 5,000 complaints.\$

Mr. Speaker, I make these facts known to indicate to the Member for Fort Rouge and to the House, that the question of equal pay and/or equal pay for work of equal value is not being overlooked by the province, and is an ongoing matter which is being dealt with in an expeditious fashion. I would like to point out that my department, the Womens Bureau, has put out a book called "Equal Pay for Work of Equal Value" that the members in the House can read, to show that we are not asleep on the job.

I could go on, Mr. Speaker, to indicate to the House what the provisions are in each of the provinces but I do not think that this would add much of substance to the debate on this matter. Our Womens Bureau is very active in dealing with this question, and the Acting Director of the Womens Bureau is a member of the Womens Policy Committee of the Canadian Association of Administrators of Labour Legislation. I am sure that this question is very high on their list of priorities.

I would like to also state, Mr. Speaker, that these same matters are being studied in many areas of Canada. We are going to be watching very carefully the new findings of the task force of the Federal Government, the Canadian Human Rights Commission has put in last November, implemented into their new Act, and they are just now having the report. They are meeting with employees and employee groups this month and they are going to be monitoring it very carefully before they put their words into actions.

One of the ladies quoted from the Womens Executive in Toronto that the federal legislation specifies that jobs must be judged on the composite of skills, effort, responsibility and working conditions, and that compares, I think, quite closely to our provincial laws.

This will also provide — we will be watching it — a guideline for us and for the employers of Manitoba with the implementation of the equal pay for work of equal value.

Mr. Speaker, in conclusion I point out that this is not as simple a matter as it would seem to be and it will require some time to bring about the desired results. We are addressing ourselves as I have indicated to the question raised in the Resolution, and it is my opinion, Mr. Speaker, that the establishment of a Task Force as suggested by the Resolution put forward by the Member for Fort Rouge and in view of all the activity that is taking place at present, as I have just indicated, does not justify the establishment of a task force at this particular time. However, Mr. Speaker, should the time arise when it is felt that a task force is necessary, we would certainly be prepared to give this further consideration. Thank you.

MR. SPEAKER: The Honourable Member for St. Johns.

MR. SAUL CHERNIACK: Would the Honourable Minister permit a question, Mr. Speaker? I'm wondering about the dates of the pamphlet that she showed us relating to equal pay for work of equal value.

MRS. PRICE: October 1977.

MR. SPEAKER: Are you ready for the question? The Honourable Member for St. Johns.

MR. CHERNIACK: Mr. Speaker, I'd like to speak on this question. I must admit some amusement on my part in listening to the Minister of Labour read, and she reads very well, an apparent defense of her department's activities in relation to the field of equal pay for equal work and the concept of equal pay for equivalent work or work of equal value.

She told us that some 13,000, I think, investigations were made by inspectors of her department over a period of years, but I am not aware that she has indicated the extent to which there have been complaints or consequences of investigations in this field. We all know very well that inspectors are required to attend on premises and to make certain investigations, but the fact that they may not have reported on the question of equal pay as outlined in the statute to which we refer does not mean that they actually investigated that aspect at all. So that I don't think that there should be any feeling of equanimity on the question of the discrimination that may take place in the work place relating to the pay received by various individuals who may be doing work of equal value.

It is as she says, a difficult question, but that doesn't mean we should not face up to and look into it. It is obviously a very difficult problem to attempt to assess work of equal value. As a matter of fact, I think many members of this House may think that the work they put into their tasks as members of the Legislature are unequal in value and unequal in effort. Nevertheless . . . I heard somebody agree with me, I don't know who it was, so I don't know whether his agreement is of equal value to my own opinion and I'm glad I don't know who did it because I can't be accused of in any way favouring or attacking the agreement that I've received . . . but there is no doubt it is very difficult to access. There are people who may be doing equal work and still be producing in unequal ways.

One of the ways that the marketplace has determined is by going to piece-work and saying, well, we don't care who you are or how you work, it's what you produce that counts, and of course, that is one concept of differentiating as between people who are doing equal nature of work, but possibly of a different productivity. So, I recognize the problems.

But the Minister sort of gave me the impression that it's okay, we'll just wait a year or two years,

three years while she reads the reports that have yet to come from various other jurisdictions that are studying it and then the problem will be solved in some way, and everything will be all right. I am not satisfied that she laid sufficient stress to the importance of the principle or the concept because, Mr. Speaker, throughout the years, throughout the centuries — since the industrial Revolution, I think it has been found that one could not leave to the free marketplace decisions affecting adverse conditions for various people in the labour market. There have been all sorts of intrusion by government, starting from I suppose the child labour laws and throughout the entire concept of limited hours of work, limited days of work within a week. The whole concept of overtime has been imposed on employers because employers obviously learned to take advantage of the fact that they were in the position of being able to dictate to the labour market, and it was, therefore, deemed necessary by governments of all stripes and all political philosophies to get involved in the relationship between employers and employees.

Concurrently, evidenced by the fact that we do have a Department of Labour, there has been a need for employees to gather together and form organizations to protect themselves collectively and in that way to ensure that they had a stronger voice in the labour market in order to bargain with their employers.

We have brought in human rights legislation, not the only province but I think one of the earlier provinces to become interested in the human rights legislation, in order again to make certain that there is less discrimination possible as between people who are in the marketplace providing labour. All of this is a development of recognition that there has been unfair treatment in the past of all sorts of people in the labour market, all of whom were obviously part of minority groups.

Now the principle here of equal pay for work of equal value is one that I don't think anybody can quarrel with and certainly the Minister didn't quarrel with it, I don't think she quarrelled with anything very much, but she also didn't give me much hope that this is a matter that she's interested in investigating. I do have the impression that she's not too interested in promoting too much in terms of assisting the people in the labour force, as I think is evidenced by some of the opinions she has expressed in the past, but this particular —(Interjection)— The Minister repeats that those are my opinions. I just said it was my opinions so I don't know why she has to repeat what I said except to affirm that that is the case. But I'm not looking to quarrel with her, I'm rather disappointed that we didn't get a more forthright expression of concern on behalf of the principle involved, and that's where I would like to have seen more interest and I would like to have seen more dedication to a principle which is normally considered to affect mostly those people who are the women in the labour force. Because I think there's no doubt that women generally who do even equal work don't get paid as well and certainly there are all sorts of categories of jobs which are sort of assigned by society and by the employer group to women, as being their special field of interest, or their special field that they can work with and therefore, they are put in a category where they are paid less than men are in similar jobs. And that's why it has been necessary to pass the kind of legislation of which the Minister apparently approves dealing with equal pay for equal work, but even that hasn't been successful in eliminating the discriminatory aspects that have been revealed in the past.

I do not know who has the answer to the evaluation of work of a different nature. I do know that I have had occasion to be involved in reviewing and negotiating on behalf of the United Steel Workers, contracts which include an evaluation of work as amongst employees of let's say a steel foundry or a plant of some kind which has different jobs that might relate to one person working at a furnace and another person working at a desk with a drafting board, or another person actually sweeping the floor. Yet they were able not only to convince their own union membership, but also to convince employers that there is a method by which one can arrive at some sort of a concept of work of relative value. As I recall it they worked by some form of a point system where they would say the extent of technical training is taken into account, the years which it takes to acquire skill in a job, the risk factor involved — that is the danger factor involved — the environment in which one works, whether it be before a very hot furnace or in damp and wet atmosphere is all part of what would be considered and I don't remember anymore of the different classifications that could be applied to people doing different kinds of work altogether, but working under similar. The or dissimilar circumstances steel workers were able to work something out with the co-operation of employers, which makes me feel that there is a possibility that one can work out a method of valuing work of different natures in order to try and relate to what the pay should be.

Now, within even an organized industry, there are occasions when workers working side-by-side might try to bargain and succeed in bargaining for different pay, but the objective I think of all free bargaining between employer and employee has been to establish certain standards of pay. There may be percentages of pay, there may be increases of pay on a percentage rate, and then they come into job classification and job evaluation and that's where there can be differences as between members of the same employee group. And yet they can be resolved and there are places where this is being done and I cannot confirm that it is being done successfully or to any great extent.

The main reason that we cannot make unequivocal statements about the feasibility of payment for equal value of work, or assessing equal value of work is that there has not been enough research involved in assessing the possibility. I note that this resolution before us does not really tell us that this is a completely practical task that is before us. It does not say we should accept the principle, but it does say that the House should consider the establishment of a Task Force to do it, not a Task Force of the Legislature and not a Task Force of government alone, but the suggestion is government, business, labour and women's organizations' and I suppose one should include men's organizations, to evaluate the problem, to examine the principle and then to report on that.

It says, "make recommendations." Recommendations may end up by saying that it is too difficult to carry out the program in order to make specific recommendations as to legislation. But, Mr. Speaker, it seems to me we ought to be prepared to consider the principle, consider the policy and then see whether or not it is possible to have some form of policy developed which would accept the philosophy involved. And that's really what I am concerned about. I think we ought to be considering whether the philosophy is fair and acceptable or whether one should just leave it to the free enterprise market to take care of differences between the employer and employees, and amongst the employees themselves, to try and differentiate whether the labour market will determine what is a fair pay for any individual because we do sort of recognize in this system that the individual can bargain for his rate of return.

Well, that is a quarrel that I have with the concept that a free market should be entitled to work out its own pay. If that were the case and if members opposite would argue that that is the case — and I point at members opposite because I still believe that they are the great upholders of the free enterprise system — then I would think that if they don't accept this kind of a philosophy — I'm not talking about the resolution and this wording, but this philosophy — then they ought to start backing up on all . . .

MR. SPEAKER: The honourable member has five minutes.

MR. CHERNIACK: Thank you, Mr. Speaker. They ought to start backing up on all the legislation that has been developed over the years. If they are not prepared to recognize that it would be a good idea to provide equal pay for work of equal value, then they ought now to start backing up on the question of whether or not employers should be entitled to have a 60-hour week without overtime. That's just the same kind of a concept that government intrusion has done in the past.

I think that they ought to be prepared to back away from not only the concept of overtime but all the other protections that are provided under the Employment Standards Act. Eventually ending up by saying not, "We will not increase the minimum wage," but actually one wonders why when the Minister has espoused the principle of holding back minimum wage increases because she says the industry can't afford it and we must remain competitive, whether we wouldn't be more competitive if we reduced the minimum wage or even more competitive if we eliminated the minimum wage. —(Interjection)— Well, that is the kind of consistency that one would think might be what the Minister would say.

The principle that government intrusion is involved is the principle that I accept and that apparently the government side accepts and yet I would like to hear them say something about the work of equal value and whether they consider that that ought to be paid by equal pay legislation, providing, of course, they accept the principle; then we can debate the feasibility. And that's really what I would like to hear from members opposite. I don't think I really heard that from the Minister of Labour, and I would like to hear more discussion on this aspect of it. That is, the philosophy involved. Once we can accept the principle — and I have not heard that accepted — then we can start talking about the feasibility and whether or not it would be of value to have a task force review the various aspects and hear representations in order to arrive at some conclusions as to whether or not the philosophy is feasible.

So, Mr. Speaker, I would urge members of the House to consider the philosophy and accept the principle. And having done that, then I think it would be a practical thing to discuss whether or not a task force would be of value to set to review the philosophy and the principle and the feasibility of continuing this form of study.

MR. SPEAKER: The Honourable Member for Pembina.

MR. DON ORCHARD: Thank you, Mr. Speaker. This resolution that has been presented to the House by the Member for Fort Rouge is quite an interesting resolution. The basic concept, as proposed, is equal pay for work of equal value and I suppose if one was categorizing such a resolution you would have to give it that rather broad categorization as being a motherhood and apple pie type resolution.

It is sort of the type of resolution that basically you can't disagree with, Mr. Speaker, and I, for one, don't disagree with the concept as proposed by the Member for Fort Rouge of equal pay for work of equal value. It is an admirable concept and it's, I think, one that does deserve some consideration by the House.

We have heard two speakers today. We have heard the Honourable Minister of Labour and her indication is that she, also, is in basic agreement with the concept of equal pay for work of equal value. And then we heard the Member for St. Johns mention that he thinks, also, that it is an admirable resolution.

I would only, at this time, Mr. Speaker, like to congratulate the Member for Fort Rouge for bringing this resolution to the floor at this time. I think it's quite an opportune time for the Member for Fort Rouge to bring a motherhood and apple pie resolution for discussion in Private Members' Hour because probably of all the members of the Chamber the Member for Fort Rouge is, no doubt, closer than anyone else in the House to facing the electorate and in an attempt to meeting . . . Well, I am sorry; my colleague from Minnedosa may well be in that category and no doubt he will want to speak on this to gain support and to be something to all people. —(Interjection)— Gladstone, I'm sorry. But it is quite an opportune time to bring this resolution before the House.

Now, the Member for Fort Rouge identifies the problem and he identifies the problem as being an ever-widening gap in the average level of reimbursement between male and female. In 1965, he indicates, that there was a \$2,600 gap in yearly compensation and now it is some \$6,000 or almost \$6,000.00. Those two figures by themselves, Mr. Speaker, do present rather an alarming increase in the gap between male compensation and female compensation and if we use \$6,000, when the member in fact said close to \$6,000, if we use the higher figure, it comes to a 2.3 multiple that since 1965 to the present time the wage gap has increased.

Well, in checking the Manitoba industrial composite average weekly earning figures, in 1965 we have a figure of some \$82.28 per week and presently the preliminary average for 1977 indicates a figure of \$226.28. What this represents, Mr. Speaker, is a multiple of some 2.75 that the average wages have increased from 1965 to the present date. And if we go back and we analyse the gap, the increase in the gap, Mr. Speaker, of male to female compensation, we find that in the same period of time it has only increased by 2.3 percent. And I would at this time take some issue with the Member for Fort Rouge when he indicates in his resolution that the equal pay legislation has decreased the wage gap between male and female workers in only limited circumstances. Because certainly the statistics indicate that as our wages have increased in the 12-odd year period, the gap between male and female compensation has not increased at the same rate. So really the statistics would indicate that the gap between male and female workers is, in fact, becoming less and that our legislation is in fact working and maybe the situation, if we were we analyse it, is improving — contrary to what the resolution would have us indicate.

The solution that the Member for Fort Rouge would have us believe to be appropriate at this time is establishing a task force and this task force would meet with all members of the work force, business, etc. etc., and they would develop recommendations and probably if the recommendations were favourable to the fact that there is a problem, then if I follow the Member for Fort Rouge's statements to conclusion, we would probably have some arm of government developing the value judgment to determine who should get paid what.

Now, I find that to be really quite a surprise that the Member for Fort Rouge would suggest at this point in time a task force because the Member for Fort Rouge, as did the Member for Inkster, they both fell victim to that fleeting and very temporary speech impediment which struck the House some several weeks ago. And it struck several other members, but particularly the Member for Fort Rouge and the Member for Inkster. This speech impediment . . . Well, they had difficulty with certain phonetic pronunciations. If I recall it correctly, they had quite a lot of difficulties with their O's and their A's and all of a sudden, some six weeks ago, a task force became a task force and now the Member for Fort Rouge is suggesting that we should have a task force, and he has got his phonetics completely back in order. I find that somewhat confusing. Confusing on one hand, but as the Government House Leader says, encouraging that he has cured his speech impediment. What was a farce some six weeks ago is now a legitimate thing to suggest to the House.

If we follow the Member for Fort Rouge further, as I mentioned, we would have the task force developing recommendations, presenting them to the House and probably an arm of government developing to solve these inequities.

The confusing part is that he all of a sudden has regained his phonetics and it's a task force he wants, and the very simple answer, the very clear direction that he has established in that he wants to establish a task force, is quite in harmony with his political stripe. Because if we look at the Ottawa scene we see that that is the Federal Government's method of solving the unemployment problem. We have commissions and inquiries, and task forces. They report and hopefully they establish new arms of government and bigger bureaucracy.

So it's confusing on one hand, but very clear on the other hand, that the only Liberal member

in the Legislature would come up with a solution to the problem which would involve a task force and the second step being to build a bureaucracy and solve some of our unemployment problems.

But my question would be, Mr. Speaker, how effective would, No. 1, the task force be in trying to delineate the differential in wages. And you know what we are talking about here is a judgment issue, a value judgment, and I can foresee a great deal of problem evolving in a task force coming to a concrete conclusion that yes, this is an area that definitely can be solved only by legislation and establishing a bureaucracy who also have to make a value judgment and decide whether — as the Member for Fort Rouge put it the other day — whether a child care worker who has the same education as an accountant should in fact receive the same pay. It is a value judgment and I would suggest to members of the Legislature that that value judgment is going to be very very difficult to come by. It is going to be like having the task force members chase around in a circle and never quite get to the centre of that circle, because I doubt very much if we could have a group of individuals from varying sectors of the economy agree on the statement that a child care worker with the same education in fact should receive the same compensation as an accountant.

Now, we can't even agree currently on the value judgment of, for instance, what is pornography? It is a constant on-going debate. It's a value judgment. It means something to this member here, something to this member there, and we have the greatest deal of difficulty arriving at a common conclusion, and it is because it is a value judgment.

So, I would suggest that a Task Force in fact recommend to a government that a government commission be established to determine to delineate the differences, the unfairness in male-female compensation for work of equal value. They are going to have difficulty determining what is work of equal value, No. 1; and No. 2, once they did determine that in fact there were two careers of equal value, but much different compensation and recommend that the compensations become equal, as going back to the child care worker and the accountant example, that the Member for Fort Rouge gave us, I would suggest that we might have the greatest amount of difficulty for accountants accepting the fact that their services are only equal in compensation to the services that a child care worker would get.

I would suggest to members of this Assembly that the accountants would attempt and would probably succeed in maintaining the income gap between themselves and the child care worker. I would qualify that further by saying that even female accountants would attempt to maintain the wage differential that presently exists between themselves as female accountants and female child care workers. I don't think that the development of a bureaucracy to tell us what is of equal value is going to solve the problem.

Now, furthermore where do you stop when you establish this Task Force and probably end up with a government bureaucracy to determine what is work of equal value, hence, subject to equal compensation? For instance, I would ask members of this Chamber, what compensation level as an example, should my wife receive, who stays at home, who does a very admiral job of raising the family, and looking after the household, etc., etc., etc. Now, the Member for Seven Oaks has indicated, double mine. Quite frankly I don't have any argument with him because —(Interjection)— well, she gets 90 percent of the money now, certainly But the job that she is doing is a job quite rankly that I can't do. I don't have the patience, I don't have the physical make-up, I don't have the mental make-up, I haven't got the ability to do that type of work. So, what I would wonder and I'm just envisioning down the road, a few years when this bureaucratic arm is determining equal value work, and they are going to say, well a child care worker is worth the same money as an accountant, let's pick a figure and say \$30,000 a year, then all of a sudden the contented and very satisfied housewives in the country say we are doing more than a child care worker, we demand \$30,000 or we go on strike for it.

Now, the problem is, if the husband is making \$30,000 he can turn over his entire wages to the wife; but most husbands don't make \$30,000.00. If they only make \$15,000 and if the wife is demanding \$30,000, is it at this point that that bureaucratic arm steps in and pays the wife the difference? Like where do the dollars come from in that particular case?

So, what I'm trying to point out to the members of this Assembly, is that we are talking about a very thorny problem, and we're talking about one in which we've got a value judgment which has to be imposed upon the various sectors in the economy, the various job classifications, and that value judgement is very difficult to make. I maintain the solution of a Task Force, and another arm of government bureaucracy studying it, is not the solution. I agree with the concept of equal pay for equal value, but I don't agree with the Member for Fort Rouge in his solution that the Task Force is the end all, and be all, because he did have that phonetic problem just a few weeks ago where all of a sudden the Task Force was a task farce, a meaningless exercise. All of a sudden now, he is saying that a Task Force is going to provide the answer to the problem. I disagree totally. I disagree 100 percent.

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Now, I maintain that the bureaucracy is not going to be the answer to determining the dollar value of work in the province, because it's a judgment situation. What I would prefer to see is a consideration that as the Member for St. Johns mentioned, the evils of the marketplace take

MR. SPEAKER: The honourable member has five minutes.

MR. ORCHARD: Thank you, Mr. Speaker. The evils of the marketplace would probably be the best determinant in establishing the appropriate pay rate for individuals in the labour force. It seems from statistics that I have been able to come by, that in the last 12 years the marketplace is in fact closing the gap between male and female wages. The legislation of equal pay for equal work is working.

So, I think the marketplace is doing a good job, and continuation in the marketplace may well see equal value for equal work, because what better place — if the child care worker, as the example that the Member for Fort Rouge uses — if the child care worker considers herself to be much underpaid and is in fact underpaid, then I think quite probably we would see members of the labour force formerly going into child care work, no longer going in there. The shortage that they created, should increase the demand and raise the wages automatically. I think we'll see that happen. It has happened in other lines of work and it will happen in this particular line of work.

I suggest to the members of the House, that rather than developing another bureaucratic arm to solve the labour problem, that we let the marketplace decide. It's done a job which appears to be working to date, in the last 12 years the gap has closed. When are we going to, as legislators in this country, not just this province but in this country, when are we going to let the marketplace, in terms of wages and compensation, determine its own level instead of imposing value judgments on what people should get paid?

I think the time has come, and this is the prime example, of where the marketplace will in fact pay people, and if we have equal pay for equal work legislation which is effective today, I think we'll find that in a job where there are both men and women employed — and let's take nursing as the example there — do you think with men entering the nursing profession today that men will predominate 10 years from now in the nursing profession? No. No, they won't, because men do not have the capabilities unique to nurses that hospitals and employers hire them for, and therefore the women will always maintain a superiority in numbers in the nursing profession, and I think the marketplace will take care.

Now I would, in closing, just like to state that I agree with the concept of equal pay for work of equal value. As I say, I believe it is being taken care of presently by the marketplace, and I do not in any way, shape or form agree with the resolutions suggesting that a task force be established to study the problem, and end up in more government legislation. To that point I say, consider the suggestion and consider the source. We'll find out that that is just not the proper way to solve the problems of equal pay for work of equal value. Thank you, Mr. Speaker.

MR. SPEAKER: The hour being 5:30, this matter will be left open when next it appears on the Order Paper. The House is accordingly adjourned and stands adjourned till 2:30 tomorrow afternoon.