



First 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. XXV No. 14

10:00 a.m. Tuesday, December 6, 1977

# THE LEGISLATIVE ASSEMBLY of MANITOBA

Tuesday, December 6, 1977

Time: 10:00 a.m.

**OPENING PRAYER** by Mr. Speaker.

**MR. SPEAKER, Honourable Harry E. Graham (Birtle-Russell):** Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . .

## MINISTERIAL STATEMENTS AND TABLING OF REPORTS

**MR. SPEAKER:** The Honourable Minister of Finance.

**HON. DONALD W. CRAIK (Riel):** Mr. Speaker, I have a statement to make to the House with respect to the unemployment statistics for November which were released by Statistics Canada this morning. According to Statistics Canada, the national unemployment rate increased by one tenth of a percentage point, from 8.3 percent in October to 8.4 percent in November. Actual unemployment went up from 7.3 to 7.9.

For Manitoba, the seasonally adjusted unemployment rate for November was 6.5 percent compared to 6.0 percent in October. The actual rate increased from 4.7 in October to 6.1 last month. The actual number of unemployed in Manitoba in November was some 28,000, up 6,000 from the previous month. Actual employment decreased by 10,000 last month to a total of 434,000. On a seasonally adjusted basis the number of unemployed rose by 2,000 to 30,000 while the number of employed decreased by 4,000 to 434,000.

According to Statistics Canada all ten provinces experienced an increase in their actual unemployment rates. On a seasonally adjusted basis, four provinces' rates went up and six provinces remained unchanged. Manitoba's relative position, that is third lowest, remained the same.

I'm sure there is no disagreement among members of the House that both the national and provincial unemployment figures are very serious. I believe the Premier will be discussing them with the Prime Minister at their meeting later today.

Our government has already announced measures to help restore confidence in the provincial economy and to encourage investment and consumer spending. We will be very interested in learning what further action, if any, the federal government may plan. It is obvious now that the measures announced in the recent federal mini-budget are not likely to have a significant impact on national economy in the very near future.

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**MR. EDWARD SCHREYER (Rossmere):** Mr. Speaker, the one point upon which there can be agreement is the last sentence of the first page which reads that there is, I am sure, no disagreement among members of the House that both the national and provincial unemployment figures are serious. Certainly we cannot agree with the implied suggestion in the last paragraph that measures are being taken to restore confidence in the economy. If my honourable friends who now have the responsibility of monitoring and more important, attempting to do something about levels of unemployment, are putting their eggs in the basket of complete dependency on private sector investment, then I have to point out to them, Sir, that a statistical analysis will show them very clearly that there are some provinces in this country, not just Manitoba, that have found it necessary to use more rather than less, the instrumentality of public sector investments in order to stabilize the economy as best as they can.

My rough calculations tell me that there are at least three, and possibly four, other provinces in this country that have a higher ratio of public sector investment to private sector than does Manitoba, even under a social democratic government. Now, if my honourable friends are intending to follow a course of action in which there will be some reduction in public sector investment, and therefore job stimulation, and an increased reliance on private sector investment, I would ask them and those in their backbenches of an analytical mind to look at the levels of private sector investment in our province in the decade of the 1960s and see to what extent reliance upon private sector investment alone was adequate.

I think I can give them a start by suggesting that private sector investment in Manitoba in the last full year of Conservative administration was somewhere in the order of \$500 million. They will find that today it is somewhere in the order of \$1 billion, 200 million. Make adjustment for inflation, it is still something more than holding its own. So that there has been no serious curtailment in private sector investment, but then that is just the point, Sir. It, by itself and of itself, is inadequate to the task in our day and age. That being the case, we look forward not only with academic interest but with a sense of real serious urgency to ascertain whether unemployment levels in our province will get still worse in the months ahead or whether they will attempt to do something about it by dropping the trappings of nineteenth century *laissez-faire* exclusive dependency on the private sector.

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

ORAL QUESTIONS

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

**MR. SIDNEY GREEN:** Mr. Speaker, I would like to direct a question to the First Minister. I understand the First Minister will be meeting with the Prime Minister of Canada this afternoon. Will the First Minister convey to the Prime Minister the substantial opinion of Manitobans that we do not wish to have a constitutional form change which will result in Canada consisting of ten semi-independent states, in order to salvage the disastrous policies of the Liberal administration in Canada, which have resulted in the near separation of the province of Quebec?

**MR. SPEAKER:** The Honourable First Minister.

**HON. STERLING LYON, Premier (Charleswood):** Mr. Speaker, this is one of those happy occasions in the legislature when I can respond to the Honourable Member for Inkster — I presume speaking on behalf of his leader and on behalf of all the members of his caucus — to say that we, too, subscribe to the idea that Canada one and indivisible should be the outcome of any discussions that are held between the government of Manitoba and the government of Canada. And we will of course keep in mind his exhortation and his admonitions in the course of the very preliminary discussions which I expect will be taking place today.

**MR. GREEN:** Mr. Speaker, in order to make assurance doubly sure, which is one of my honourable friend's phrases, would the honourable member indicate that ten semi-autonomous provinces, which is the objective of Premier Lougheed of the province of Alberta, is not in our opinion Canada one and indivisible.

**MR. SPEAKER:** I would like at this time to recognize three guests we have in the loge to our right: Senator Molgat, Senator Hazen Argue, and Senator Sparrow. On behalf of all members, we welcome you here.

The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, I'd like to direct a question to the Minister of Mines and Natural Resources. Mr. Speaker, I would like to ask the minister whether he would check with his department and in the records of his department to see whether at any time the previous administration through its minister in any way influenced the contents of a public health officer's report with regard to matters contained in that report with regard to health matters. Would the honourable minister agree to check his records in that connection?

**MR. SPEAKER:** The Honourable Minister of Mines.

**HON. BRIAN RANSOM (Souris-Killarney):** Mr. Speaker, if the honourable member would provide me with a specific case to do that.

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

**MR. GREEN:** Mr. Speaker, to enlighten my honourable friend, the Member for Rock Lake indicated that I directed public health officers as to the contents of their report. You can check with the member for Rock Lake as to when this was done.

I would like to ask the Minister a subsequent question. Does the Minister intend that ministerial responsibility on his part will mean that he agrees with every word that is contained in a professional opinion of a person operating within his department?

**MR. RANSOM:** Mr. Speaker, I think the honourable member well knows the answer to that question.

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**MR. SCHREYER:** Mr. Speaker, a question to the Minister of Finance, who has been dealing with this matter. Can the Minister of Finance indicate whether a definite time and place has been set as yet for the purpose of meeting with Co-operative Implements Limited and others associated with it, in an effort to determine definitively as to the possibilities of putting together a financial package in which the province of Manitoba's obligation would be something in the order of one-third or possibly even less of the total risk?

**MR. SPEAKER:** The Honourable Minister of Finance.

Tuesday, December 6, 1977

**MR. CRAIK:** Mr. Speaker, in answer to the Leader of the Opposition's question, my understanding is that the CCIL people are dealing with some of the people in other government departments other than finance. We haven't any specific time or date set for another meeting with them, but I assure the Leader of the Opposition that when something develops and there is a proposal developed by them, that we will be willing to meet with them.

**MR. SPEAKER:** The Honourable Member for Brandon East.

**MR. LEONARD S. EVANS:** Mr. Speaker, I would like to address a question to the First Minister. In view of the very bad news regarding the unemployment situation in Manitoba, and in view of the fact that most forecasters are predicting a very bad winter in Canada and Manitoba, therefore, in terms of unemployment, will the government now reconsider its policies regarding job creation programs? Will you reconsider the policy of withdrawing from the job creation program such as jobs in small business?

**MR. SPEAKER:** The Honourable First Minister.

**MR. LYON:** Mr. Speaker, we'll be looking at the whole spectrum of policies that were inherited from the previous administration and policies which we are initiating ourselves to try to insure that those actions taken by the government of Manitoba are consistent, first of all, with the unemployment rate that the country and the province finds itself in at the present time, and secondly, that are consistent with fiscal responsibility in the province.

**MR. SPEAKER:** The Honourable Member for Brandon East with a supplementary.

**MR. EVANS:** Yes, a supplementary, Mr. Speaker. I wonder if the Honourable First Minister can indicate when he expects their new economic policy thrust will have an impact in terms of levels of employment in Manitoba. I say that, Sir, because there have been various tax cuts mentioned and other economic and financial measures taken, cutbacks in government spending, freezes, etc., and this is a legitimate position for the honourable . . .

**MR. SPEAKER:** Order please, order please. I believe the member has already asked this question. The Honourable Member for Brandon East with another question.

**MR. EVANS:** Very specifically, when does the Honourable First Minister expect their economic and financial policies to result in an improved unemployment situation?

**MR. SPEAKER:** The Honourable First Minister.

**MR. LYON:** Mr. Speaker, of course, no one can set a time frame on improvements in an economic situation in a province. I think we've been in office something like seven weeks. Some would say, some who are unkind than I, that it would take longer than that, I would imagine, to undo eight years of mismanagement of the economy.

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**MR. SCHREYER:** Mr. Speaker, in addressing my question to the Minister without Portfolio, responsible for task forces and projections, it flows from his speech of the other night in which he was indicating that they intend to do a better job of projecting. Could I ask him what his projections are therefore with respect to the level of unemployment, not for four years from now, but for next month and the month thereafter?

**MR. SPEAKER:** The Honourable Minister.

**HON. SIDNEY SPIVAK (Minister without Portfolio)(River Heights):** Mr. Speaker, I thank the Leader of the Opposition for the question. I should indicate to him that I am not in a position to furnish that information, but I am in a position to indicate to him that the mechanism for developing that information in an appropriate manner is in the process of being set up.

**MR. SCHREYER:** Well, Mr. Speaker, if unemployment has increased by one and a half percentage points actual in 30 days, would the Honourable Minister without Portfolio attempt to guarantee this House that it will not go up another one and a half percent in the next 30 days?

**MR. SPIVAK:** Mr. Speaker, I cannot guarantee the Leader of the Opposition anything but to indicate to him that I think it's just simply a reflection of the past policies of the previous administration.

**MR. SCHREYER:** May I then in light of that reply, ask my honourable friend if he could confirm or deny that total levels of employment, the size of the labour force, growth in gross provincial product, in constant and in real, a nominal dollar, is all increased at better performance rate than when he had

some responsibility for these matters.

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

**MR. BEN HANUSCHAK:** Mr. Speaker, I wish to direct my question to the Honourable Minister of Industry and Commerce. I would like to ask him whether he or his department in appearing before the Transport Commissioners in line with his philosophy as to the private sector's ability to run business as opposed to the public sector, whether he cautioned the Transport Commissioners against allowing PWA to take over Transair on that very basis.

**MR. SPEAKER:** The Honourable Minister of Industry and Commerce.

**HON. ROBERT (Bob) BANMAN (La Verendrye):** Mr. Speaker, in reply to that question let me say that yesterday we dealt with that particular matter in the House and I think this government's position was very clear at that time.

**MR. HANUSCHAK:** Yes, Mr. Speaker, I am well aware of the three concerns which the honourable minister had indicated, that he and his department had articulated to the Transport Commissioners. Does it follow then that he regards the Alberta Conservative public administration as being more competent at running a business than the Manitoba Conservatives?

**MR. SPEAKER:** The Honourable Member for Brandon East.

**MR. EVANS:** Mr. Speaker, I would like to address a question to the Minister without Portfolio, responsible for the Task Force on Government Organization and Economy, and ask him if it is the intention of his task force in its review of organization and government economy to tour various government offices throughout Manitoba, various regional centres, etc., to obtain information, or do you intend to strictly conduct your study in review in the City of Winnipeg?

**MR. SPEAKER:** The Honourable Minister.

**MR. SPIVAK:** Mr. Speaker, the various review teams will make their own decisions as to what should be undertaken to be able to complete their review, and I have no doubt that there will be some visitation to certain areas.

**MR. EVANS:** Mr. Speaker, I have a supplementary to the honourable minister. Could he indicate whether of those on the private sector portion of the task force as opposed to the government portion, whether any of those members are from rural Manitoba or are they all from the City of Winnipeg?

**MR. SPIVAK:** Mr. Speaker, they are from rural Manitoba and from the north.

**MR. EVANS:** Well, Mr. Speaker, I wonder if the honourable minister could indicate approximately what percentage are from outside of Winnipeg.

**MR. SPIVAK:** Well, Mr. Speaker, I've indicated that when the names are known and the list is available, at that point I think the honourable member will be able to figure out the percentages for himself by simple schoolboy arithmetic.

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

**MR. SAUL CHERNIACK:** Mr. Speaker, I would like to address a question to the Honourable the Minister responsible for the Civil Service, to ascertain whether she now has an answer to ty questions I asked relating to the termination of employment of certain civil servants.

**MR. SPEAKER:** The Honourable Minister of Labour.

**HON. NORMA L. PRICE (Assiniboia):** Mr. Speaker, I have a direction being prepared right now and as soon as I have it I will respond to the member.

**MR. CHERNIACK:** As a supplementary question, Mr. Speaker, I'd like to ask the minister if she is prepared to look into the notice that has apparently been given to a number of civil servants from the same group of the planning secretariat, to the effect that at the end of the fiscal year they may face a redundant position where their services may be dispensed with, including secretaries of longstanding who are of secretarial qualifications only. Would she undertake to look into that as well, Mr. Speaker?

**MR. SPEAKER:** The Honourable Member for Point Douglas.

**MR. DONALD MALINOWSKI:** Thank you, Mr. Speaker. I have a question to the Minister of Industry and Commerce. In the light of the fact that \$1 million in loans was made to the Lord Selkirk, the ship, can the honourable minister inform the House if that \$1 million of taxpayer's money came back to the government treasury?

**MR. SPEAKER:** The Honourable Minister of Industry and Commerce.

**MR. BANMAN:** I wonder if the member could be more specific. I really can't answer the question, or

**MR. MALINOWSKI:** Then I would like to repeat again. I'm asking if the honourable minister informed the House if the money which was loaned for the Lord Selkirk ship came back to the government treasury?

**MR. BANMAN:** I wonder, Mr. Speaker, for more clarification, if I could ask the member, does he mean the MDC loan or is he talking about the operating loans that have come from the Department of Tourism?

**MR. MALINOWSKI:** No, the loan.

**MR. BANMAN:** Mr. Speaker, as far as I am aware the repayment, as far as the Venture Tours to the government, as far as any capital expenditures, was not made, no.

**MR. MALINOWSKI:** A supplementary, Mr. Speaker. Is the government of Manitoba prepared to make again loans to the prospective buyer of the Lord Selkirk, which is on sale?

**MR. BANMAN:** Mr. Speaker, we have advertised the boat for sale or lease, and we're now anticipating receiving different proposals from people, and when those proposals are in we'll be looking at all of them.

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

**MR. GREEN:** Mr. Speaker, a supplementary to that question. Would the minister confirm that \$750,000 loan advanced to private sector people regarding the construction and operation of the Lord Selkirk, prior to 1969, advanced by the people of the province of Manitoba through the Conservative government, is unrecoverable and was lost?

**MR. SPEAKER:** The Honourable Minister of Industry and Commerce.

**MR. BANMAN:** Yes, Mr. Speaker, that's a fact. The other fact that should also be pointed out is that the last five years of operation have cost the taxpayers of Manitoba another \$1 million.

**MR. SPEAKER:** The Honourable Member for Brandon East.

**MR. EVANS:** Yes, Mr. Speaker, I'd like to address a question to the Honourable the Minister of Labour, and ask the minister whether the Manitoba Government Employees' Association has approached the minister requesting that the new government consider placing the Civil Service under the Labour Relations Act? For the minister's information, there was considerable discussion and debate about this in the past year.

**MR. SPEAKER:** Order please, order please. The Honourable Member for Burrows.

**MR. HANUSCHAK:** Yes, Mr. Speaker, I have a question for the Honourable Minister of Mines. I believe that he had indicated a number of days ago that he would check into the prospects of placing the nine new careerists who have completed their training programs as environmental aides, has he had any success in finding employment within the public sector for those nine new careerists?

**MR. SPEAKER:** The Honourable Minister of Mines.

**MR. RANSOM:** No, Mr. Speaker.

**MR. HANUSCHAK:** Mr. Speaker, I have a question then for the Honourable Minister of Continuing Education and Manpower, and I would like to ask him whether he, being in charge of the program, is making any attempt at placing graduates from his program? And a supplementary to that, Mr. Speaker, I would like to know what the job prospects are for new careerists presently enrolled in the program and about to complete their training program before the end of their fiscal year.

**MR. SPEAKER:** The Honourable Minister of Education.

**Tuesday, December 6, 1977**

**HON. KEITH A. COSENS (Gimli):** Mr. Speaker, in replying to the honourable member, as far as the new career program is concerned, it's carrying on with the present trainees that are in the program now. The problem just mentioned and referred to the Minister of Mines is a small part of the larger problem. As far as I know, all other new careerists are carrying on and will be employed in the areas they were designated to be employed in.

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

**MR. WILSON PARASIUK:** Thank you, Mr. Speaker. My question is directed to the Attorney-General. Has he had an opportunity to meet yet with representatives of the Coalition on Family Law?

**MR. SPEAKER:** The Honourable Attorney-General.

**HON. GERALD W.J. MERCIER (Osborne):** Mr. Speaker, yes.

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

**MR. SAM USKIW:** Mr. Speaker, the other day the Minister responsible for the Environment — or the lack of it, I suppose — indicated to the House that . . .

**MR. SPEAKER:** Order please. I must remind the member that questions are not meant to be satirical.

**A MEMBER:** How about the answers?

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

**MR. USKIW:** Mr. Speaker, I was only trying to have a bit of fun with members opposite. I would again put the question to the minister responsible to the House for the environment; let's put it that way then. He indicated that he was unable to continue the employment of environmental aides. I wonder whether he could explain to the House how it is that he is unable to follow through with respect to investigations on environmental problems, and at the same time not find work for some eight environmental aides?

**MR. SPEAKER:** The Honourable Minister of Mines.

**MR. RANSOM:** A couple of things, Mr. Speaker. One, the person in charge of environment doesn't report to this House. Secondly, with respect to his specific question about the environmental aides, the whole question of those environmental aides was tied into the development of a new program, whereas some of the environmental aides in other departments were going into established programs where positions were already available. And there is no connection between the environmental aide program and the problem at East Selkirk to which he refers and I do not accept his statement to the effect that it is not being dealt with, that we are unable to deal with it.

**MR. USKIW:** Well, Mr. Speaker, I would then like to pursue the broader question and that is the question of the thousands of environmental problems that the honourable minister indicated exist but which he has no capacity to deal with. What is he going to do with respect to those problems?

### **BUSINESS OF THE HOUSE**

**MR. SPEAKER:** . Orders of the Day The Honourable Government House Leader.

**HON. WARNER JORGENSON (Morris):** Before we proceed to the Orders of the Day — (Interjection)— Well I will still make the announcement since I am on my feet; it takes no more time— I would like to advise honourable members that it would be our intention to go into Law Amendments Committee this evening. The House will meet and will proceed into Law Amendments Committee and deal with the bill that passed second reading last night, and if we're through then we'll come back into the House again.

Mr. Speaker, if I may, while you're calling the order of the business will you call Bill No. 6, and then No. 5, then 3, 4 and 8.

**MR. SPEAKER:** The Honourable Opposition House Leader.

**MR. GREEN:** Mr. Speaker, just on the order of business, it is generally the case that people who have an interest in bills hear about it at least one day beforehand. I'm just wondering whether the Law Amendments couldn't be announced by our advertising agencies in the gallery so that people will know about it, and that the earliest time would be tomorrow. I just wonder whether that isn't fair to anybody who has an interest in the bill.

**Tuesday, December 6, 1977**

---

**MR. SPEAKER:** The Honourable Government House Leader.

**MR. JORGENSEN:** Mr. Speaker, there are several people who have indicated an interest in presenting something before this committee and they will be notified, in addition to the public announcement that will be made through the press.

**ORAL QUESTIONS (Cont'd)**

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

**MR. RON McBRYDE:** Mr. Speaker, I don't know whether we have used up the time left for questions or not. I assume that we haven't, and the reason I was so slow in getting up was I thought the Minister of Mines was going to answer the question. Maybe the minister could answer a question for me; maybe I didn't understand him right. Does he not report to this House on environmental matters? — (Interjection)— Yes, Mr. Speaker, he does, so I'll address the question to him. I wonder if he's found the memo alluded to by the Member for Inkster that was left to explain how he could do what he wanted to do anyways in relation to the New Careers environmental aides.

**MR. SPEAKER:** Orders of the Day. The Honourable Member for The Pas.

**MR. McBRYDE:** Well, Mr. Speaker, I know that he's found the first envelope. I'm not sure that he's found the memo yet. Mr. Speaker, my question to him would be, could he confirm the fact that the environmental aide that has not been hired at Cross Lake will receive as much from Health and Social Development in terms of welfare payments as she would have been paid if she had been maintained by the department as an environmental aide?

**MR. SPEAKER:** Orders of the Day. The Honourable Leader of the Opposition.

**MR. SCHREYER:** Mr. Speaker, my question is to the Minister of Industry and Commerce and it flows from his statement of last week which he "guesstimated" that there had been a movement of some, I believe he said, \$1 billion in capital. I should just like to ask the minister if he has been able to obtain any documentation with respect to that as yet and whether such documentation includes specifically the statistical data on private sector investment on capital equipment and plant for each year of the last 15, 20 years; whether it includes bank deposits and whether it includes the credit union bank deposit or savings deposit documents?

**MR. SPEAKER:** The Honourable Minister of Industry and Commerce.

**MR. BANMAN:** Mr. Speaker, in reply to that question, No. 1, when I was speaking on that particular subject I said it was a guesstimate from the department. The department had done the research and I would advise the Leader of the Opposition along with the former Minister of Industry and Commerce that they were apprised that capital was definitely leaving the province and all you have to do is check with a few accounting firms, they will verify that.

**MR. SCHREYER:** Would the Honourable Minister of Industry and Commerce care to guesstimate and insinuate, as indeed he did last week, whether there was any movement or flight of capital in the 1960s, at which time private sector totalled aggregate investment was much less than it is today? Where was the capital going then?

**MR. BANMAN:** Mr. Speaker, all I can say is that PHD Mickey Mouse people that drew up that report for my friend from Brandon East stipulated clearly that it was a guesstimate. I've said that time and time again, but it was done by competent people in the department. And I know from personal experience that there has been an exodus of capital from the province. The previous administration knew that and that's why we're correcting that problem.

**MR. SCHREYER:** Mr. Speaker, I am not commenting now on the guesstimate — my honourable friend refers to the guesstimate — I'm not commenting on that, I'm asking the honourable minister if he is presuming to imply that there was no movement of capital out from Manitoba in the sixties. — (Interjection)— Well, about the sixties for now. Is the honourable member presuming to say that there was no flight of capital in the sixties? Would he care to guesstimate on that?

**MR. BANMAN:** Well, Mr. Speaker, all the other provinces had the same type of legislation. You're not comparing apples and oranges here.

**MR. SCHREYER:** Mr. Speaker, I would ask the honourable minister if he is aware and would he care to produce the relevant documents and statistical data with respect to the level of private sector investment. Would he care to do that or at least make a guesstimate on it?

**MR. BANMAN:** Mr. Speaker, they can do their own research on the other side if they want that



particular information.

**MR. SCHREYER:** I take it, Mr. Speaker, that we are being treated to "guesstimates" but not today.

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

**MR. CHERNIACK:** Mr. Speaker, I'd like to ask a question of the Minister of Industry and Commerce. Since he apparently is not willing to accept ministerial responsibility for his statements but rather refers to his department for authority, I would ask the minister, Mr. Speaker, whether he is prepared to give to the House the information which he has received on which he bases the statement that he made, since it is departmental information according to his own statement.

**MR. BANMAN:** Mr. Speaker, the former administration was advised of the declining involvement or the declining amount of investment in the manufacturing sector in the province. It started to slide in 1975. They were told by the department at that time there were a number of series of tax cuts and the changes to the succession duties as far as the effect that they were having on the economy. They were advised of the problems and we're going to do something about them.

**MR. CHERNIACK:** Mr. Speaker, again to the Honourable, the Minister of Industry and Commerce. In view of the fact that there are a number of members of this House who were not part of the last administration, is he prepared to make available to them the information which he claims he received from his department which justifies the statements that he made?

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**MR. SCHREYER:** Oh, I'm sorry, did my honourable friend want to answer? —(Interjection)— Yes, Mr. Speaker. My question flows from the last reply. I would like to ask the Honourable Minister of Industry and Commerce if he is aware that we were also advised, by departmental staff in the early seventies, that the level of private sector investment per capita in Manitoba in the decade of the sixties was below the national average and remained so.

**MR. SPEAKER:** Orders of the Day. The Honourable Member for St. Johns.

**MR. CHERNIACK:** Mr. Speaker, I'd like to address a question to the Honourable Minister of Industry and Commerce. Will he accept an Order for Return to produce the documents he's referred to in connection with his \$1 billion guesstimate?

**MR. SPEAKER:** The Honourable Minister of Industry and Commerce.

**MR. BANMAN:** I would suggest that the member file it and we'll see.

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

**MR. PARASIUK:** Mr. Speaker, my question is directed to the Minister without Portfolio, responsible for the Task Force. In light of his statement today that he is setting up a mechanism to forecast unemployment, would he also undertake to set up a mechanism to monitor venture capital formation in Manitoba?

**MR. SPEAKER:** The Honourable Minister.

**MR. SPIVAK:** Mr. Speaker, I must try and make my answer clear. The mechanism will be set up within the government structure and that mechanism itself, I hope, will be capable of producing the information that the honourable members did not have before them when they made their decisions. I would indicate that the suggestion will certainly be considered that has been given by the Member for Transcona.

## ADJOURNED DEBATES — SECOND READINGS

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

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Labour on Bill No. 6, an Act to amend the Employment Standards Act. The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, when the House last dealt with this bill I was discussing the circumstances under which the previous government was involved in when it enacted time and three-quarters for overtime, and those circumstances, Mr. Speaker, were particularly important in lieu of

Tuesday, December 6, 1977

the reference made by the Member for St. Matthews, who I regret is not here, because the Member for St. Matthews during the course of the previous debate when the words "Griffin Steel" were mentioned, the Member for St. Matthews from his seat shook his finger at us and said, "Don't you people talk about Griffin Steel." And, Mr. Speaker, I don't know exactly what was intended by that, but what occurred to me to be the implication of his remarks was that this government in some way did not behave properly or had a problem which they didn't handle satisfactorily with regard to Griffin Steel.

And I was indicating, Mr. Speaker, to the Minister of Labour for whatever my gratuitous advice is worth, that she not regard herself as being capable of maintaining continuous industrial relations in the province of Manitoba without any difficulties as between employers and employees and more particularly, in the hope that we could ever operate without an industrial breakdown or what is commonly referred to as a strike. The right of an employee not to work, or the right of an employer not to hire, is germane to the democratic system that we live in and if the minister succeeded in stopping that, I suggest it would only be by autocratic means which are foreign to the democratic system and to the concept of freedom in our society.

The Member for St. Matthews referred specifically to Griffin Steel. I want to bring to the honourable member's attention what happened in the legislature last year with regard to Griffin Steel. The company decided that it was going to try to re-employ people. I indicated in my last remarks that it could be a reprehensible thing. It could result in long and adverse results to the company. It's not something which can be condoned in many circumstances, but it's not something which can be legislated against in my opinion. One jurisdiction is claiming to legislate against it. The province of Quebec is claiming that they will legislate against a company hiring people when there is a strike in existence. They do so very carefully, Mr. Speaker. They start by saying a whole group of people do not have the right to strike. And of course if you don't have the right to strike, then there is no problem in legislating that you cannot hire people to work when a strike is in existence. Nevertheless, this government looked upon that dispute as being an industrial dispute between employers and employees, which is best resolved without state intervention.

The member for Fort Garry, on an emergency debate, Mr. Speaker, in an emergency debate — and I wish the member for St. Matthews were here — made a speech indicating that somehow our government was in default with regard to Griffin Steel; that here an employer was hiring employees during a strike and we were not doing anything about it; that here people were standing on the sidewalk threatening and preventing and obstructing people from walking into a plant and we were doing nothing about it. He implied, Mr. Speaker, that if he was in government, if the Conservative Party was in government, that problem would be resolved in a different way than it was being resolved.

Well, Mr. Speaker, our government looked at the problem and we found that there were three problems. One was that there was an ambiguous phrase in the Employment Standards Act which appeared to give the employer a right to require an employee to work overtime. And although I never took the position and never believed that that gave the employer a right to compel compulsory overtime, we said that the ambiguity should be removed and we took out that section. We said the question as to whether overtime will be worked is something which has to be agreed to by the employer and agreed to by the employee, and can be a subject of collective bargaining, and both sides have to come to agreement before overtime can be worked. That was problem number one. We resolved that.

Problem number two, Mr. Speaker, was to make abundantly clear that where there is collective bargaining taking place, the question of overtime would be on the table without a state direction, one way or the other. And 99 percent of the employees in this province and the employers in this province have been able to make satisfactory arrangements with regard to overtime. We were not going to legislate for this small one percent in peculiar circumstances where the question of overtime may have arisen in a way that was completely foreign to those circumstances which guide other employers and employees in the province. So we said problem number two, we will recognize overtime as being voluntary and subject to collective bargaining.

Problem number three, Mr. Speaker. We found that the previous premium with regard to overtime, namely time and a half, which — and I ask my friend the Minister of Labour to now listen — which was designed with the express intention of discouraging overtime employment, that that premium no longer discouraged overtime employment because with fringes, time and a half, which didn't include fringes was not a deterrent to an employer, that he could hire people at time and a half and that it was as cheap or cheaper or virtually the same as taking on new people. Therefore the original intent, not of a doctrinaire socialist government, but of all the conservative and liberal administrations throughout this country who legislated time and a half to discourage overtime, was no longer being fulfilled and we said that in order to discourage it, we would go to time and three quarters, that this needn't cost the employer one cent, that yes, it wasn't the request of the Trade Unions that the problem be resolved by time and three quarters. But Mr. Speaker, that is irrelevant, the request of the Trade Unions was that we either prohibit overtime — and I don't suppose that my honourable friend is going to do that — or that we make it the case that overtime would be voluntary on the part of the employees but that they would be able to negotiate it every time the question arose, even during the existence of a collective agreement. That was our threefold solution to the overtime question.

Now the honourable the member for Fort Garry, the present Minister of Health and Social Development got up in this House and implied, Mr. Speaker, that if the Conservatives were in power, they would deal with this question of overtime in a way which would be satisfactory to the employees

and which would solve the question of an industrial dispute at Griffin Steel. Well, Mr. Speaker, the Conservatives are in power today. The strike at Griffin Steel is still on. They are still picketing at Griffin Steel. The employer is still hiring people who have walked through the picket line. All of the circumstances which the honourable member for Fort Garry implied would be taken care of by a Conservative administration, and which the member for St. Matthews indicates we should be ashamed of, they haven't changed. The only thing that has changed is that there are less people on the picket line, there is less obstruction — and that has nothing to do with the Conservative administration — that has to do with the fact that this government said the law has to be obeyed and that although you have the right to walk down the street with a sign and persuade people, you have no right to obstruct a person wanting to walk into another person's property and that anybody who does that will have to be subject to the normal civil and quasi-criminal and criminal remedy. But nothing else has changed. Now where are the magic solutions of the Conservatives? What are they doing with regard to the Griffin Steel strike which they implied they would do in opposition? What is the Member for St. Matthews going to do to wipe this stain of Griffin Steel from the records of the province of Manitoba? Where is the Member for Fort Garry's proposal?

Well I'll tell you something, Mr. Speaker. The Conservative administration has demonstrated that it approves and regards as being the only course, all of the steps that we have taken with regard to Griffin Steel except one, except one; and the one that they are undoing, Mr. Speaker, might be the most effective one, because ultimately the Griffin Steel dispute arose because of scheduled overtime and people being asked to work forty hours a week. And you cannot discourage the forty hour overtime week, other than making either a prohibition — which nobody was prepared to do and the Conservative administration is not doing — or making premium time so expensive that the employer would not engage in it.

Now the minister says, well some of the employees would complain. Of course, Mr. Speaker, some of the employees would complain. We knew that. We know that if you make time available at additional hours, that there will always be some people who are much more anxious to get that extra money than to try to standardize terms and conditions of employment. That has been the continual history. There were people who complained when you eliminated child labour, because certain parents depended for their additional income on child labour. There were people who complained when you instituted a minimum wage, because they wanted to work at no matter what the price is. Doesn't the honourable minister know that the reason that a collective agreement specifies that two things shall be included, two things shall be included; one is rates of wages and two is, hours of work. Does the minister know why those are the only two things that have to be included, other than the statutory provision with regard to arbitration? Because they are two sides of the coin. Rates of wages are inextricably woven with hours of work. The fact is, Mr. Speaker, that the labour people know and the history has shown that wages tend to subsist. Wages tend to say that a man's weekly or monthly wage will be that amount which a man needs to exist reasonably well for that week or that month, and Mr. Speaker, if you worked forty hours that would be the wage, if you worked eighty hours, that would be the wage, and there are some people who think that if only I could work eighty hours I would make twice as much money. That's not what would happen at all, what would happen is that you would get the money in eighty hours that you would get in forty hours, and that's why labour unions have for years and years worked as hard to reduce the workweek as they have to increase the rate of pay, because what will happen, Mr. Speaker, is that a man doesn't look at his hourly rate. How many times have you heard, when you spoke to a man, "How much do you make?" He says, "With overtime, I make \$8,000 a year, or with overtime I make \$200 a week." What he is getting is \$200 a week because that's what he needs to live on and the employer can't hire people unless he pays them \$200 a week. And what the unions have learned, is that if they reduce that workweek to forty hours, and the man needs employees and an employee needs \$200 to live on he is going to get \$200 in forty hours or he is going to get \$200 in fifty hours, and the honourable minister, by saying that she wants to increase that workweek so that the employee can make money is doing nothing more than reducing wages, because increasing the workweek is the reducing of wages. And I, Mr. Speaker, did not know that the honourable minister would come and so blatantly admit that the reason she is reducing this time and three-quarters is because it is effective, because all of the employers told us that it would not be effective. They came in and said it was going to cost them more money, and it will, Mr. Speaker, it will cost some more money. I figured out, Mr. Speaker, that on a paycheque of, I believe it was \$5 an hour but it doesn't make any difference — the hourly rate doesn't make any difference — if an employer employed a person overtime 4 hours a week, every week in the year, every week in the year, and that's not the intention of overtime, that the cost would be between 1 and 2 percent of his wages, and that's if it was every week of the year, in other words if they had a regular forty-hour week, which means that they effectively destroyed the forty hour week. But that is what it would cost, it would cost on a \$10,000 salary roughly \$200, but it needn't cost that, Mr. Speaker, if they employed them only 2 hours overtime a week. It would be less than 1 percent. And if he employed them no overtime and hired an additional person he would save money.

So, the reason for this bill is not so that the employees will make more money, it is so the employees will make less money, Mr. Speaker, because once the workweek is extended and the competition for employees is to hire people on the basis of what they can live on, what will happen is that people will work for forty-four hours for what they would have got for forty hours, and that you have effectively and are effectively reducing the wages of every worker in the province of Manitoba and you have said so. You have said so.

Mr. Speaker, this time and three-quarter legislation was never intended to and will not result in

increased cost to the employers of Manitoba. This time and three-quarter legislation will result, yes, in some sharing of the employment opportunities that exist in the province of Manitoba, and we knew that and the enlightened employee knows that. The enlightened employee will say, "Yes, I will get a little less overtime, more people will be hired, as a result of those more people being hired it is possible that there will be more purchasing power available to more people, more houses will be built, more suites will be rented, more furniture will be purchased, more trips will be taken and the economy will, therefore, be a little better and as a result of the economy being a little better my job will be more secure. And, therefore, it is better that I not get the immediate advantage of having the overtime hours, than that employment opportunities be distributed on a more equitable basis throughout the province."

So that's what this bill is all about, and I want the honourable members who are voting on this question to know specifically what they are voting on. First of all, Mr. Speaker, they are endorsing 100 percent the basis upon which this government legislated with regard to Griffin Steel. They have found it entirely commendable; I'm not sure, Mr. Speaker, that that makes me feel that good. The only reason that I could accept the commendation of the Conservatives in this connection is that I believe that it will be short-lived. I believe and I predict, and let the records show, that this government will start state intervention in industrial relations, that it will prejudice collective bargaining, that it will do so on behalf of the employer by bringing in legislation, Mr. Speaker, which will limit the right of employees to appeal for public support as we permitted in the Griffin Steel and in every other case no matter what the circumstances, except when it amounted to criminal acts, that it will inhibit the right of employees to say, as every farmer can say, as every doctor can say, as every lawyer can say, as every car dealer can say, "If I don't like the deal, I won't work, and I will tell other people that it's a bad deal and they shouldn't work."

This government, Mr. Speaker, to true to its colours, true to what it did in 1969, when all of them got up and voted that a court should be able to order a man to work or go to jail, that that legislation will come back. So this temporary acknowledgement that what we did in the Griffin Steel case is agreed to by the Conservative government as distinct from what the Member for St. Matthews suggests, that they would do something different or that we have something to be ashamed of, Mr. Speaker, our proudest moment, because under extreme provocation we held to the principle of free collective bargaining.

**MR. SPEAKER:** Order please. The Honourable Member has five minutes.

**MR. GREEN:** There is absolutely nothing to be ashamed of, and the indication that we did the right thing is that the Tories are not changing it. They have no improvements on it, and when the improvements come, Mr. Speaker, in their view, they will be state intervention on the side of the employer. When I was in opposition between 1966 and '69, I suggested that what the New Democratic Party was pursuing was a policy of equality between management and labour, and between citizens who are workers and citizens who did other tasks within the community. I asked for no preferences, I said all they want is equal treatment, and the other side laughed at me. They said he is here representing Trade Unions ' that he is not seeking equality, he's seeking a preference. But every proposition that we put forward was for equality, and I suggested in to 1966 to '69, and it is on the record, that the day will come when you will start electing governments on the basis of them helping labour or helping management, and that will be the worst type of legislation, Mr. Speaker, because when the labour groups come in they will have state intervention on the side of the employees, which was what was requested by many people who are ostensibly friends of ours during the Griffin dispute, that they were asking us to legislate against the employer. And when the employer representatives come in, the Tories and the Liberals, that legislation will be undone and you will have state legislation for the employer, and I predict to the Tories that, when the time comes that you have that type of seesaw and people are enacting restrictive legislation against employers, you will come to me and say why can't we have the type of thing that you were talking about. Not favouritism, not special laws, but equal treatment. But Mr. Chairman, equal treatment means that the state will not intervene, and I predict that this government will, to enact legislation or permit the existence of court decisions which involve the state bringing its influence and power onto the side of the employers in any labour dispute. That's what this government is going to do. They have adopted the Griffin Steel proposal as far as it goes, but the moment, Mr. Speaker, there is a dispute in this province affecting the builder's exchange, affecting the public servant, affecting something that they say cannot be left to collective bargaining because of the great public difficulties that will ensue, we will have this government bringing in restrictive anti-employee legislation. To our credit, Mr. Speaker, when we were in government we never brought in restrictive anti-employer legislation. We never did it. We made changes in the Labour Relations Act which I said were really not the best way of dealing with it, that we should do away with the whole act and let the parties be equal and free citizens like everybody else, but those changes merely followed the philosophy of the act and, for the most part part, the changes went in the direction of removing state intervention.

Now the honourable minister is reducing time and three-quarters. This is plank

No. 1 in the declaration of dependence. What the Tories are saying is that we know it won't cost you any money, we know that it will result in a reduction of wages in the long run, but we depend on you to provide us with our bread, our butter, our lodging, education for our children and everything else, and therefore we are saying to the business community, as Article 1 of the declaration of dependence, there will be an incentive to employ people for more than forty hours a week in this

province, there will be a reduction of wages and we are coming to the side of the employer in all employer-employee relations.

**MR. SPEAKER:** The Honourable Minister of Health.

**HON. L. R. (BUD) SHERMAN (Fort Garry):** Mr. Speaker, before I begin I have not had an opportunity, Sir, to congratulate you on your elevation to the highest office and the highest honour that it's possible for any member of this House to attain, and I would like to convey those congratulations to you at this juncture, Sir, and suggest that I have confidence that the degree of interest and conscientious application you have always brought to the work of the legislature will be reflected in your work in the Chair, Sir, and all of us can have faith and confidence in your performance of your duties.

Mr. Speaker, it is an interesting chronological and transpositional development that has taken place here for the Honourable Member for Inkster and for myself, and of course a great many other persons in the Chamber have participated or are participating in the same transpositional adjustment, but there is a particular significance, I think, for the Honourable Member for Inkster and for myself, and for the Honourable Member for Logan because of the legislation that we are discussing at the present time. Almost the last time I was speaking in this Chamber, with the exception of question periods, since I've entered the House as a Member of the government, almost the last time I was speaking in this Chamber I was speaking on the overtime legislation that was introduced by the previous administration, and I believe that was on the night of June 17th, 1977, when we were winding down the last session of the House, Sir, in the small hours of the morning. There were two or three pieces of crucial legislation that were proceeding through third reading stage, at that time, and one of them was the Marital Property Act and one of them was the Family Maintenance Act and one of them was the legislation dealing with time and three-quarters and compulsory overtime generally, and there were some exchanges between the Honourable Member for Logan and the Honourable Member for Inkster and myself, at that time. So six or seven months later, whatever it is, we have come full-circle, but we are on the opposite parameters of the circle. However, our positions have not changed.

I want to say to the Honourable Member for Inkster, whose knowledge and expertise in the field of labour I respect very deeply, that I have not been and my party has not been, in any way inconsistent in the legislation that has been introduced here before us in the form of Bill 6, in any way inconsistent or unfaithful to the position that we took on this question of overtime and overtime pay rates from the day the debate on the existing legislation started in this House during the past session.

**A MEMBER:** What are you doing about Griffin Steel?

**MR. SHERMAN:** What I am doing about Griffin Steel, Mr. Speaker, is irrelevant for the moment, but I will come back to that. What I am dealing with at the moment is the concept of time and three-quarters as an overtime rate and the remarks just placed on the record by the Honourable Member for Inkster.

The Honourable Member for Inkster, in the fashion which his party adopted and maintained throughout the election campaign and certainly since, is engaging again on an exercise in predictions and an exercise in prognostications, and an exercise really informative accusations. He is suggesting the dire consequences that are going to flow, and declaring in a rather declamatory fashion that they are certain to flow from the election of a Conservative administration and from our addressing ourselves as government to this type of legislative field. That was a tactic that was employed unsuccessfully I might remind the Honourable Member for Inkster, Mr. Speaker, by his colleagues, not necessarily himself, but by his party throughout the most recent election campaign in this province, when the fundamental election campaign cry of the New Democratic government of the day, seeking a renewed mandate, was that the Conservatives were going to turn the clock back, turn the province back, eliminate all the benefits that had ensued under eight years of New Democratic administration and shunt the province back into the 17th Century. That was their cry through the eight weeks of the summer, through the five weeks of the election campaign, and it's obviously still the cry of the primary spearcarriers on the NDP benches today.

Mr. Speaker, the people of Manitoba didn't buy that scare tactic on October 11th, and I think that the record is substantial enough to indicate that there may be some doubts about the dire predictions that the Member for Inkster is putting forth at the present time. Once again predictions are being tossed out for the edification of the electorate in order to stampede people into taking specific political positions, and we'll have to see what effectiveness those predictions have.

I suggest to you, Sir, that they are likely to have no more effect than the scare predictions that were trumpeted wide and far by the New Democratic Party, generally, in the election campaign we've just come through.

There is no declaration of dependence being formulated here, or carved out here by the government, where this legislation is concerned. There is a declaration of consistency. There is a declaration of concern. There is a declaration of appreciation for the economy — the economic condition of this province.

The argument that we used throughout those committee hearings where the overtime legislation was discussed was that neither the labour movement, nor business, nor society, nor individuals

generally with some few exceptions, but none of those parties generally asked for, requested, or expected legislation of this kind or a time and three-quarter overtime rate and in fact were astounded, Sir, when the previous government brought in a time and three-quarter rate.

And I'll go farther than that, Mr. Speaker, without fear of contradiction. I want to suggest to the Member for Inkster that officials in the Department of Labour of the day were not in favour of introducing a time and three-quarter overtime rate. —(Interjection)— Of course they're not making policy but they're dealing with the application of that policy in the mechanical sense every day and they could see, they knew that time and three-quarters was going to be harmful, if not destructive to the economy of this province, which was already in trouble. We've all had lots of evidence of what trouble we're in, in that respect.

Well, Mr. Speaker, the argument was raised in committee at the time that was raised again here today a few moments ago by the Honourable Member for Inkster that the way the package was put together there was going to be no increased cost to the people of Manitoba. I think to quote the Honourable Member for Inkster, "that time and three-quarter rate as the package was put together will not result in increased cost to the people of Manitoba." I don't think I'm misquoting him. And that argument we heard last June and last May, and it's the same kind of smoke screen today that it was in May and June. —(Interjection)— Well, I'm telling the Honourable Member for Inkster what I think and what I'm saying, and I had some exposure to the question and the problem and to the issue.

The fact of the matter is, Mr. Speaker, that there is no jurisdiction in North America, with the possible exception of the state of Kentucky, and I'm not quite certain whether they still have it, where they pay you time and three-quarters for overtime. But this province of ours is so prosperous, this island of Manitoba, this island of prosperity in a sea of economic difficulty is strong enough, is powerful enough, is independent enough to be able to fly in the face of all those jurisdictions with whom we compete in an economic sense and offer time and three-quarters as an overtime rate.

Now, Mr. Speaker, that just does not make sense regardless of what the Honourable Member for Inkster may be able to apply in terms of theory, in terms of idealism, in terms of the abstract, all of which make for admirable points in debate but the reality of the thing, Sir — and that's the point we were trying to make to him last May and last June — is that a time and three-quarter overtime rate is a discouragement to business and to employment. That's the reality of it: that business people are discouraged by a time and three-quarter overtime rate. It makes it more difficult to operate a business or a manufacturing enterprise. It makes it less competitive with the jurisdictions with whom we have to compete and, as a consequence, there is not the growth, there is not the expansion, there is not the interest, there is not even the maintenance of normal business operations that would flow from a competitive position — a competitive overtime rate and a competitive position generally, that is the basic fundamental error in a time and three-quarters overtime proposal.

If the continent of North America were going to a time and three-quarter rate, or even if the states of Minnesota and North Dakota, and South Dakota were going to that kind of rate, and the provinces of Alberta, Saskatchewan and Ontario were going to that kind of rate, I want to tell the Honourable Member for Inkster, the former Minister of Mines and Environmental Management, that I would not be standing on my feet opposing a time and three-quarter rate in Manitoba. But we cannot afford, in the condition of our economy today we cannot afford —(Interjection)— See, the Member for Inkster keeps saying it won't cost me money on the basis of his mathematical figuring, on the basis of his arithmetic, when he calculates in the fringe benefits, etc., etc.

It will cost us money when businesses that would otherwise expand or be inclined to open, or be inclined to move, or be inclined to grow here, are discouraged by the psychological impact of a non-competitive overtime rate. That is the reality that we have never been able to get through the minds of the theorists who operate on the level of abstraction and doctrine on that side of the House, and I'm surprised that after some quarter century in the trenches of labour negotiations, law negotiations and political infighting, and having achieved the prominence and the recognition that he justly deserves as a leader in all three of those fields, that the Member for Inkster is still parroting this theoretical nonsense.

He has seen the world in action. He knows there's a difference between the theoretical calculations he can make on a piece of paper and what the guy in the trenches, what the guy in the street is prepared to do and act on, and respond to. He must know that and he must know that a rate of that kind has a psychological impact which can't be measured by all the theory and all the chapters of all the texts which he commands so well, no matter how hard he tries, because he is dealing with abstractions that have no relevance to the reality of the marketplace. And the reality of the marketplace is that Manitoba cannot afford to be out front, if it is being out front — I dispute whether moving into a time and three-quarter overtime rate represents being out front, anyway — but if it were, I say we cannot afford to be out front in a competitive North American economy in an area such as that. We're having enough difficulty without the psychological blockade that is created by socialistic idealism that articulates itself in the kind of legislation and the kind of argument that we're dealing with from the Member for Inkster here.

Mr. Speaker, the Member for Inkster has suggested that whatever improvements we make in the field of labour legislation will take the form of state intervention on the side of the employer. And he went on to say that the NDP government never brought in restrictive anti-employer legislation.

Well, I dispute both those allegations. There will be no state intervention on the part of the employer practised by the Conservative government as long as I'm a member of that government. We're not interested in state intervention one way or the other. I know of no colleagues of mine on the government benches in the government caucus who are interested in state intervention. State

intervention is anathema to us that flies in the face of our whole philosophy, Mr. Speaker. That's why we're in government today, because we believe in individual freedoms distilled to the ultimate degree. We don't want any state intervention.

To suggest that we're going to be proposing or introducing legislation that would in any way expand the size of government, or extend the reach and impact of government . . .

**MR. GREEN:** You be careful, now, because you're going to be resigning in a year.

**MR. SHERMAN:** Well, Mr. Speaker, the Honourable Member for Inkster is making his predictions again . . .

**MR. GREEN:** That's right. Just be careful of how deep you dig your feet into the cement.

**MR. SHERMAN:** . . . but I say to him that if he knows anything about Conservatives and anything about New Democrats at all, he knows that they are the state interventionists. They are the state interventionists. They are the ones who wanted to control peoples' lives and moved so far in that direction that they lost the confidence of the people. —(Interjection)— Well, yes, I will at the end, Mr. Speaker, I will but I don't propose to give up the floor for the moment. I sat and listened to the Honourable Member for Inkster.

Sir, the Member for Inkster suggested as a corollary to his suggestion that all our improvements would take the form of state intervention on the side of the employer, that the New Democratic government never brought in "restrictive anti-employer legislation." And he said, "It's to our credit", meaning to the credit of his party, his government, the previous government that they never brought in restrictive anti-employer legislation.

Well, Mr. Speaker, I guess it depends on semantics and I guess it depends on what paragraphs you read and how you read them, because I'll tell the Member for Inkster there are very few employers in this province today who would agree with him on that statement, very few.

**MR. GREEN:** Because they want state intervention for them.

**MR. SHERMAN:** They don't want state intervention. What they objected to was the kind of legislation that was being forced, pushed through in amendments to the Manitoba Labour Relations Act in a new Manitoba Labour Relations Act, which was cutting down on various freedoms of employer and employee opportunity, which was encroaching in the very area of freedom of speech, for example, which was a subject of debate in this House, which was reducing the right of the individual employee and worker to act according to his or her own conscience with respect to union memberships, which was discriminating against people who were operating in areas of business where they had two or three or more different enterprises but were operating with sort of mutually dependent staffs, and which generally were making it increasingly difficult to operate business in this province at anything resembling a reasonable and viable return to shareholders and entrepreneurs themselves. And for the former minister, the Member for Inkster, to suggest that there was no restrictive anti-employer legislation is ludicrous.

What does he think we were on our feet for eight years arguing about with the amendments to the Labour Relations Act? With the Workplace Safety and Health Act, which is good in principle but again includes and embodies restrictions and discriminatory practises in the heavy hand of government where enterprise and employer rights are involved? What does he think we were arguing about with respect to the conscience clause when we sat in Industrial Relations Committee two years ago hour after hour dealing with the complaints of individual workers who felt that the rights of their own conscience were being trampled? What does he feel the arguments of those years were all about?

They were about our dislike for, and our unwillingness to accept, the kinds of impositions that that government was placing on the rights of employers and employees. Not only was there restrictive anti-employer legislation, there was to an extent some restrictive anti-employee legislation, because, Sir, you cannot have a New Democratic government . . . You cannot have a government that hews to the socialist political approach and not be restrictive of peoples' rights and freedoms. That's part and parcel of the kind of philosophy that is embodied in the New Democratic Party.

Now, there's nothing wrong with that. I don't repudiate the right, or reject the right, of politicians and philosophers to operate at that level, but I don't subscribe to it. And none of us on this side of the House subscribe to it, and a good many Manitobans obviously don't subscribe to it. The argument was always about the kind of restrictions that the previous government was imposing on the rights, and the freedom of choice, and the freedom of movement, and the freedom of conscience of individual Manitobans, whether they were employees or employers. There was a heavy hand of government intervention, of government control, of government imposition, of government theory in all the labour legislation that was introduced in this House during the lifetime of the previous administration.

It was not as bad as it might have been but it was certainly heavy-handed government-oriented control-motivated legislation, and that discouraged business. And I know the honourable members opposite don't accept that, because they say, "Prove it. Show us what went. Show us what businesses departed the province. Show us how much money we lost."

Well, I can tell you, Sir, that those — and honourable members opposite know it — are extremely

difficult specific statistics to obtain but anybody working with and moving in the community generally exposed to the attitude and the atmosphere of the business community generally knows that business was badly discouraged, badly frustrated, by the labour legislation and other legislation of the previous government, and as a consequence withdrew into a somewhat passive role, ceased to be as expansion-minded, as dynamic, as interested in being part of Manitoba and in growing with Manitoba as is necessary to maintain a dynamic economy, and we all suffered as a result.

Now those are psychological things. They are hard to measure in a tangible way but I am absolutely convinced that they were there, because of the hundreds of people I talked to and who talked to me, and who told me — and I assure my honourable friend for Inkster of the voracity of this statement — that they would leave Manitoba. They would pack up their businesses and leave Manitoba if they had to go through another four years of NDP government. And many of them were small businessmen — the backbone of the province, the backbone of the economy. — (Interjection)— Yes, and I'll tell the Honourable Member for St. George that if he wanted to walk down Pembina Highway with me, on both sides the length of Pembina Highway in my constituency, and talk to those small businesses, those small enterprises that line that artery, that he would find that to be the case: that one out of five or two out of five of them said to me that they were in a position where they were going to have to close their doors and pack it up, and quit business and quit Manitoba if there was another four years of NDP government.

Now, I know that my honourable friends opposite find that hard to believe, but I invite my friend the Honourable Member for St. George to walk down Pembina Highway and ask those merchants with me. I'm giving him a truthful accounting of what I found. And what do you think created that situation? The legislation of the past eight years introduced by the previous government, members opposite, who were not interested in encouraging initiative, were not interested in encouraging private operations, private entrepreneurialship or profits, to whom all those terms were bad terms, to whom all those concepts are unacceptable, who felt that the affairs, the destiny and the future of the people of Manitoba could best be concocted and determined in an NDP caucus room without regard for those operating in the field and in the fields where expertise was available and always rejected. The result was a psychology and an atmosphere and a climate that was devastating to the economy of this province. All of that stemmed and emanated from the kinds of legislation introduced by this government in the labour field and the kinds of attitudes generally reflected by — when I say this government I mean the members opposite, the previous government — and the kind of attitude reflected generally by that government towards business, towards profit, towards enterprise, towards individual operations, towards professionalism. If you weren't part of the sort of NDP community and if you didn't sort of operate from NDP motivations you were discouraged and generally dismissed as being of no value, no worth, to the improvement of the state of society or the state of the economy in Manitoba, Mr. Speaker.

That was a feeling that came through very strongly, very loud and very clear to Manitobans in business and Manitobans in the professions. And it was as a result of that that the electorate reacted as it did on October 11th, and I don't think that my friend, the Honourable Member for Inkster should forget that. When he talks about Bill 6 and our attitude with respect to overtime legislation and overtime pay rates, I don't think he should forget that we are speaking and he knows it probably better than any man in this House, he knows that we are speaking for people who expressed a point of view and an opinion on October 11th. We are reflecting a general attitude that happened to be the consensus attitude at that time.

**MR. GREEN:** Fine.

**MR. SHERMAN:** Now he asked me about our position on Griffin Steel. I want to remind him that the basic position I took on Griffin Steel was that the government of the day sat almost motionless while permitting two antagonists to go head to head and resolve the differences that have been simmering between them for years while some 120 or 130 people's jobs were on the line. — (Interjection)— It isn't still there. Most of those people are working in other jobs and honourable members opposite know that, Mr. Speaker. Most of those people are working in other jobs and members opposite know that.

What I would have done was what I suggested at the time, that the antagonists who were head to head as a result of long-simmering disputes and controversies between themselves over the years should have been removed from that particular arena . . .

**A MEMBER:** Would you have removed them?

**MR. SHERMAN:** They should have been removed from that particular arena so that a calmer, saner, more rational and reasonable approach to mediation could have been taken.

**A MEMBER:** Would you remove them?

**MR. SHERMAN:** And I want to remind the honourable member . . .

**MR. SPEAKER:** Order please. Order please. May I suggest that members have the right to speak. If they disagree with the remarks of the gentleman who is speaking, they have the right to enter debate. I regret very much to see this cross talk occurring in the chamber. The Honourable Minister of Health.



**MR. SHERMAN:** Mr. Speaker, thank you for your admonition, Sir. I don't mind the crossfire, but thank you for your admonition.

I want to remind the honourable member, before the lights go out, of one other thing, Mr. Speaker, before I sit down. That the strongest — that the strongest — most excited reaction and position on the Griffin Steel strike was taken by a member of his own caucus, one of his own backbenchers, the former Member for Thompson, who sat back here on this side of the House and made public via television and other media, the gut-wrenching agony that the NDP caucus was going through over that particular issue and on which there was no agreement, and on which finally there was a compromise, because half the NDP, half the government caucus wanted a total ban on compulsory overtime. The other half, led by the Honourable Member for Inkster, felt that that was totally unacceptable, and I give him credit for that, and so there was a saw-off, there was a compromise. They decided to come in with the saw-off of time and three-quarters for overtime, and that was no solution to anything. All that did was complicate the economic condition and the economic situation for the province because regardless of the impact or effect of the fringe benefit calculations employers were bound to be discouraged by the time and three-quarter concept and as a consequence employees were bound to earn less money. There would be less overtime available to them — that's the reason why most factions in the labour movement never asked for time and three-quarters. That was a saw-off. It was a compromise agreement that enabled the fractured, fragmented government caucus of the day to knit itself tenuously together between the hawks on the one side, who wanted to ban all compulsory overtime, outlaw it, and the doves led rather dubiously, I would say, by the Honourable Member for Inkster who was realistic enough to appreciate and understand that you could not take a hard-line position like that on overtime.

So what did we get out of it? We got what you usually get out of compromises of that kind. We got a half-baked hybrid kind of proposal that was unlike any in existence anywhere in North America, that was unwanted, that was unasked, that astounded all sides of the economic coin when it was introduced, and that was bound to reduce the opportunities for business and reduce the opportunities for workers to have the right to work overtime and make extra money in their wage packets.

So we opposed the principle and the concept strenuously at that time. We have been totally consistent in our position on it. We signalled the government of the day at the time that any Conservative administration subsequently elected would repeal that kind of legislation, and that's what we're doing. And we're not doing it with any devious, sinister motives calculated to pave the way for state intervention on the side of the employer such as being suggested by the Honourable Member for Inkster. We're doing it because we said candidly and honestly and openly to honourable members opposite and to the people of Manitoba last June, that time and three-quarters was unacceptable in a jurisdiction like Manitoba, in a competitive economic environment such as the one in which we live, and that if elected we would repeal it on those grounds. That's what we're doing. That is consistent, that is honest and I reject out of hand the attempts of the Honourable Member for Inkster to read sinister philosophy and abstractions into the position that we have taken. He can make all the predictions he wants, Mr. Speaker, but they do not wash with the position we took on this legislation from Day One.

**MR. SPEAKER:** The Honourable Member for Inkster with a question?

**MR. GREEN:** Yes. I think the honourable member indicated that when his remarks were completed he would permit me to ask him a question. The honourable member stated that the employer groups all came down opposed to restrictive labour legislation. Would the honourable member not agree that the Conservative administration, the previous administration and the employers and the Conservatives in opposition voted against the state being prevented from intervening to require employees to work or to go to jail: No. 1, that the employers disagreed with that legislation, and the employers and the Conservative administration and the Conservatives in opposition voted against legislation which gave employees the right to walk down the streets the same way as other people can, and that was opposed by the Conservatives and by the employers, and was that restrictive anti-employer legislation?

**MR. SPEAKER:** The Honourable Minister of Health.

**MR. SHERMAN:** Well, Mr. Speaker, I'd practically have to read that question in Hansard to grasp it in its entirety. But my answer to the honourable member would be, no, it was not opposed by the Conservative Party. But you're asking me whether we opposed the position that was taken with respect to the rights of individuals to walk down the street and not have to face the issue of work or go to jail.

**MR. GREEN:** You voted no. You voted against . . .

**MR. SHERMAN:** No, we don't oppose that position. I've never taken a position where it's a case of work or go to jail.

**MR. SPEAKER:** The Honourable Member for Inkster with another question.

**MR. GREEN:** Would the honourable member not check to see then — on the records and I'm glad that he doesn't take that position — you'll find that he voted against both pieces of legislation. — (Interjection)— Mr. Speaker, there were two pieces of legislation introduced, two resolutions introduced, when the Conservatives were in opposition.

**MR. SPEAKER:** Order please. Order please. May I remind the member that he can ask a question.

**MR. GREEN:** Did the member and the Conservatives in opposition and the employers not all oppose legislation which gave the employees freedom to walk down the streets like everybody else and also opposed legislation which stopped courts from ordering people to go to work or go to jail?

**MR. SPEAKER:** The Honourable Member for Brandon East.

**MR. EVANS:** I wonder if the honourable minister would submit to a question.

**MR. SHERMAN:** I will, but I'm still thinking about the question from the Honourable Member for Inkster. In terms of the vote in the House, yes, that's the position that was the vote position that we took. I don't agree with the Honourable Member for Inkster that that was necessarily the principle that I was concerned with in the legislation.

**MR. SPEAKER:** The Honourable Member for Brandon East.

**MR. EVANS:** Well, Mr. Speaker, as I understood the Honourable Minister of Health, he inferred that in the Griffin Steel case some action should have been taken by government in view of his concern that there be no state intervention, but in matters of this type that there should be as little — in fact no state intervention whatsoever — yet the honourable minister infers that the government of the day should have taken some action. Could he suggest what action which we did not take, what action should the government have taken?

**MR. SPEAKER:** The Honourable Minister of Health.

**MR. SHERMAN:** Yes, Mr. Speaker, and I suggested it at the time. I said that the principal antagonist, one on the side of the company, one on the side of the union had been deadlocked in mortal battle in the industrial arena for about eight years, and the Honourable Member for Inkster knows what I'm talking about. And there was never going to be an opportunity to have the twain meet and as a consequence the 120' 130 jobs of the workers were always just pawns in a chess game.

The one thing that the government could have done, I think, that would not constitute state intervention in my interpretation of state intervention, would have been moved through the Department of Labour to remove those head-to-head antagonists and permit others more moderate, more amenable to discussion and consultation to negotiate. — (Interjection)— No, I wouldn't have required it, but I certainly would have suggested — I did suggest it.

**MR. EVANS:** Mr. Speaker, just as a supplementary, and again I'm trying to seek clarification from the minister. When he suggests, Mr. Speaker, that the government should have moved to remove those protagonists, does he not consider that a form of state intervention, the action of a government to remove individuals . . .

**MR. SPEAKER:** Order please. Order please. May I suggest to the Member for Brandon East that if he wants to get involved in the debate, there is an opportunity for him to do so. The Honourable Minister of Health.

**MR. SHERMAN:** The question that was raised, the state intervention that we were talking about, the concept was raised by the Honourable Member for Inkster, who said in the course of his remarks, that any Conservative improvements "so-called" to this overtime legislation or to any other labour legislation that we will see in this House in the next four years, will take the form of state intervention on the side of the employer. And what I said was that there will be no intervention of that kind, as far as I'm concerned, as long as I'm a member of this government. If there is state intervention for both parties as a means of resolving an impasse, I think that's an acceptable form — (Interjection)— Surely that's an acceptable part of our economic system today. That isn't what I was accused of, Mr. Speaker. What we were accused of was bringing in or operating from a motivation where we would bring in amendments that would imply a state intervention, or incorporate state intervention on the part of the employer. That is what the accusation was.

**MR. SPEAKER:** The Honourable Member for Flin Flon.

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

**MOTION presented and carried.**

**MR. SPEAKER:** Before the lights go out may I ask the Government House Leader if he wants to revert to the . . .

**MR. JORGENSON:** Call Bill No. 5.

**BILL NO. 5 — FAMILY LAW**

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

**MR. GREEN:** Mr. Speaker, I intend to speak on this matter, but I would normally ask that it be stood. But if there is an honourable member who wishes to speak on it I would ask that the usual course be followed, that it stand in my name, the honourable member speak.

**MR. SPEAKER:** Is that agreed? (Agreed) The Honourable Member for Transcona.

**MR. PARASIUK:** Thank you, Mr. Speaker. I had not been a member of the House in the last legislature when these two particular acts were brought forward and developed after a three-year consultative process with the entire community and with all institutions within that community. So I am a newcomer to this particular Act. I find myself in a situation somewhat similar to the Attorney-General and I find it rather unfortunate that the Premier in establishing his cabinet put this type of responsibility onto an Attorney-General who didn't have the opportunity to be acquainted with the three-year process of developing this Act.

Because I think what's happened is that the Attorney-General has been called upon to speak and to explain the position of the Conservative Party with respect to this legislation, and he has been particularly silent in so doing. I don't really blame him that much because he hasn't been acquainted with what's gone on. I'm surprised however that the Premier would have put him in that type of position. The Premier surely must have been definitely opposed to this legislation and realized what he would be doing in this session and has made things such that we really haven't been able to debate this bill. The Attorney-General has made a very short statement with respect to this bill. People on this side of the House have got up, they have made statements. There have been interested parties outside the House who are against this legislation that the government is bringing in. They have got up, they have made statements about this legislation but I've heard no-one else. I've heard no-one from that side get up and state their position on the issue. I find that really surprising because if they felt so strongly about this legislation, then surely there would be more than one newcomer to this House speaking on this particular Act from that side of the House.

Now, Mr. Speaker, I've had a chance to look at the legislation and to look at the two supposedly horrible Acts that the New Democratic Party administration brought in, in the last legislature. I've noticed that most people have said that these two Acts, that is, The Family Maintenance Act and The Marital Property Act, are related, they are a package. Mr. Speaker, in looking at this further I think that they are a package. I agree with them. They are a package with respect to principle. They follow the same principle. They follow the principle of equality. I find, Mr. Speaker, that all parties in this House supposedly agree with that principle with respect to this legislation, because the only spokesman on the other side so far, has said "We agree in principle with this legislation; we agree in principle with it." So, with respect to principle what they are saying is that they agree with it.

Mr. Speaker, these two Acts surely aren't a package when it comes to agreement or disagreement on their drafting merits. If you look outside the House and within the House, there are some people who say that perhaps the legislation could have been drafted in a better way. Perhaps there are some technical difficulties with one Act, that's with the Marital Property Act, but Mr. Speaker, that's a disagreement as to a difference of degree and that's something that surely we should be able to discuss here in this House and that's surely something that we should be able to discuss and certainly we will in Law Amendments Committee. Mr. Speaker, I've heard no-one, I've heard no-one come forward and say that the Family Maintenance Act is badly drafted. I've heard no-one come forward saying that there are technical difficulties with it. In fact, what I heard last night was that a legal association had said that the Act is good, that there are no technical difficulties with it and that it should proceed. Now, Mr. Speaker, if that's the case then I think that we should proceed post-haste with this Family Maintenance Act, because what it does is that it provides for interim maintenance. Let's withdraw it from this particular act and let it proceed because surely we agree with the principle, not only of this legislation but the legislation that it ties into at some future date, namely, the Marital Property Act.

So, Mr. Speaker, their position is completely illogical unless they follow that course of action. If they don't follow that course of action, and it would appear that they might not, then that means that they don't really agree with the principle of both pieces of legislation. That's quite serious because they are telling us that they do agree with the principle. Now, why wouldn't they agree with the principle of greater equality in a marriage? I don't know why, because out of the House they say they agree with those things. They agree with greater equality of opportunity. They say that we need more of that. The Member for Pembina gets up and says "I pay tribute to the women who help the farmers in

Tuesday, December 6, 1977

my constituency, who through their hard work develop the good types of farms." Well, Mr. Speaker, that tribute is not acknowledged in court decisions like the Murdoch decision. Surely that is something that the Member for Pembina would want to change, if indeed he agreed in principle with the legislation that was brought forward in the last legislature.

You see the legislation that this replaces is in fact — to use the words of the leader of the Conservative Party — "a dog's breakfast." All lawyers acknowledge that. They say "this is a dog's breakfast." Yet the people on the other side are willing to suspend legislation replacing that "dog's breakfast" because they say there might be some minor difficulties with it because they agree in principle with it. They do so in a very, very suspicious manner, because if anyone came to me and asked me "how would you really scuttle this bill? How would you scuttle these Acts?" I would say, "what you do is you suspend them indefinitely, let it slide, don't commit yourself to bring it back next session, don't commit yourself to bring it back ever, put it off into the long term." There might have been perhaps one person on the other side who has read Keynes, because Keynes said that in the long term, we are all dead. So, perhaps there's one person on the other side who has read Keynes and has taken that advice and has passed it on to his colleagues — put it off to the long term because we won't have to deal with this legislation. We will live with the present "dog's breakfast" and we'll try and hide our desire to live with the present "dog's breakfast" behind supposed technical difficulties. Well I challenge people on the other side of the House to get up, to point out what the technical difficulties of the Family Maintenance Act are. What are those difficulties? I've not heard them yet and I've been sitting in this legislature for over a week and a half, but I've not heard anyone say what those difficulties are. Do they believe there are any? That's not with respect to the Family Maintenance Act. That's with respect to the Marital Property Act and we should be able to hear more about that because we haven't heard it explained fully. The Member for Fort Rouge has used his supposed contacts in Ottawa to determine that if that technical aspect is a difficulty, the federal government will change. So why not have an open mind on this issue seeing as how we have, through the instrument of this legislature, developed better knowledge with respect to that legislation and we have cleared up those supposed minor difficulties and we should be able to proceed. Those few statements that the Attorney-General who, I admit, is not that well acquainted with this legislation, has put forward, have been refuted by people on this side of the House of all persuasions. Those arguments that have been put forth by the Attorney-General have been refuted by the Coalition on Family Law and all those representative groups tying into it, representing all segments of the community.

I thought that the Conservative Party in the last election, made a pitch to the community at large — we will listen to the community. The first thing they've done is turn their backs to the community. The first thing they've done is label the community "fronts of the NDP." I don't mind if they label the community, "the front of the New Democratic Party." The community of 25 groups that related to the Coalition on Family Law, including many Conservatives, those with principle, those with honesty, those who wouldn't hide behind definitions of principle and technical niceties, they came out full square in favour of this legislation.

In fact, I gathered, and I was told by some of my colleagues, that the Member for Wolseley indeed, despite suspicions otherwise, actually did have some principles. He actually voted for the Marital Property Act. Now having voted for it, I wonder if in fact, in his caucus, he has said "Look, I voted for this legislation, I am a man of integrity, I am a man of principle, I don't think it should be suspended because I agree with it." I don't know if he has been saying that. He has not spoken in this House. There have been five people I gather, who voted in favour of the Marital Property Act on the other side of the House, and not one of them has gotten up to state his position on this Act. I find that amazing. If that's the respect that the Member for Wolseley has in the democratic system and in the legislature, that he doesn't want to speak on it in the House here but he has sent out a lot of letters, I find that amazing as a newcomer to this legislature. I see that the Member for Crescentwood is also a member who voted in favour of the Marital Property Act and I invite him to speak on this. It's a very important item. I'd like to determine what particular segment of the community his party's position now represents. What segment of the community are they representing? I'm sorry that the Minister of Health has left because we now know, having had him give his Throne Speech in the debate on the Overtime Bill that he actually does believe in the legislation and will participate in the debate. But the others haven't haven't yet and I find that very very surprising.

I wonder in fact, if they have been told the reasons why they are now opposing this legislation. Perhaps they haven't been properly briefed. Maybe they can't get up in the absence of the First Minister. If the First Minister is out of the legislature, maybe they can't get up and express themselves. —(Interjection)— That's right. My colleague for Inkster says they can't get up in his presence either. I find that very surprising. You know, we used to have comments about the past administration being a one man show. I never saw anyone muzzled in the last administration in the legislature. I've seen a lot of people muzzled now. I find that very surprising. —(Interjection)— Even they weren't that muzzled, even they weren't that muzzled.

Mr. Speaker, when it comes to fighting and back stabbing and squabbling within a political party, I think we are getting advice from the experts. I can recall I think the most humorous statement in this respect made in the last legislature by the Member for Lakeside. When he was looking at the New Democratic Party resolutions from the last convention he said, "These are too watered down; in fact the only difference between your conventions and our conventions is that our leader comes out of our convention with a lot of knife wounds in his back." What's been happening is that we've been hiding behind some legal niceties, although we have supposedly said we agree with this legislation in principle. We've not proved to anyone, we've not shown any evidence at all that the Family

Maintenance Act should be suspended; not at all, not a shred. That's why I argue that you can't lump these two together in technical terms as a package. You can lump them together in principle but you can't lump them together as a technical package. It's a device on the part of the people on the other side to lump them together both as a package in principle and a package in technical terms because their intent is to scuttle both bills. The arguments they have put forward don't relate one bit to the Family Maintenance Act.

We have been treated, Mr. Speaker, to the establishment of a so-called independent commission. The interesting thing about this so-called independent commission is that its most notorious member is a person who has opposed this legislation that is presently on the books waiting to be proclaimed and is in one instance officially proclaimed already in another, both in principle and in detail. In fact, this person has indicated he opposes this Act completely. I have never ever come across a situation where you would establish an impartial body to review the legislation with that biased a member on it. I have not seen situations like this anywhere else in Canada. But, perhaps, in Manitoba now, we are turning a new leaf. We are defining terms like "impartiality" in completely new ways.

The only comments I heard from anyone in this House that might in fact have some relevance to why the people on the other side are against this legislation was a muttering that in the discussions last legislature, some person made the statement that there were six businessmen who said they would leave the province along with one thousand jobs, if these acts relating to family law were allowed to stand. Now, Mr. Speaker, in terms of the statements made by people in this House so far

**MR. SPEAKER:** Order please. The Honourable Member for Wolseley on a point of privilege.

**MR. ROBERT G. WILSON (Wolseley):** The Member for Transcona has alluded to a number of things that are absolutely untrue in this House and I think it is a point of privilege that number one, we are not voting against the bill — I'm talking about myself personally — Number two, I am not muzzled in this Chamber and I have mailed the member for Transcona a draft of my letter explaining the reasons why and we will be supporting this bill in the next session.

**MR. SPEAKER:** Order please. I don't believe the member has a point of privilege at all. The Honourable Member for Transcona.

**MR. PARASIUK:** Thank you, Mr. Speaker. I'm glad that you are in the Chair, because you in fact have been making a whole set of rather fair decisions when I've been getting a lot of advice with respect to points of order and points of privilege from members on the other side. I will take advice from anyone with respect to legislative procedures, even people on the other side of the House. — (Interjection) — And I, in fact, am in a position to offer some counter-advice to the Member for Wolseley. Anytime he wants to get up and speak, I invite him to do so. In fact, I challenge him to get up and speak when I conclude. He has that right. He can send me draft letters, I gather. Fine, draft letters are one thing; I would prefer to have a person, as a legislator, get up here and state what his principles are and what his position is.

You know, there are a lot of letter-writers, and if he wants to write letters he can feel free to write them to the letters to the editor column; that's fair enough. I don't know if he was elected to represent the people of Wolseley just to send out letters. And he's free to get up at any time and state his position on it.

Now, Mr. Speaker, getting back to that statement that I made whereby six businessmen supposedly were going to leave this province with their 1,000 jobs, if their legislation was brought in. To me that is the only substantive reason that has been put forward but we have no proof that that would have taken place. But we have to take the honourable members on the other side's word for it. You know, come walk with us down Pembina Highway and I'll find some of these people with you. You know, I have those people. Well, who are they? And if in fact they threaten us that way, do we want them? Do we want them in Manitoba? Is that going to be the valid type of argument that is going to be put forward by the people on the other side, that I can be intimidated, that I can be threatened into doing things which we don't agree with in principle but I'll be threatened into doing them if the economic forces in this province tell us to do so?

That, in fact, confirms the type of dependency relationship that the Member for Inkster is talking about, and I've heard nothing from people on the other side that counters that type of argument. In fact what we've had has been evidence from people on the other side that they in fact believe that, because they have invited the Honourable Member for St. George, "Come with me and I'll have you listen to the threats, too."

I wouldn't mind to have the Honourable Member for St. George go with them because, you see, the Honourable Member for St. George can't be intimidated by threats like that. He can't be intimidated by threats like that but it would appear that there are people on the other side of the House who can be intimidated by threats like that. And obviously they have been. And what they've done is they've gone out and hired a gun who will mask their intimidation. . . . — (Interjection) — The name of what — the gun? The hired gun in this instance, obviously, is Ken Houston. He is the lawyer who opposed this act both in principle and in detail, and he has been asked to sit on an impartial body

that will review it.

Now, Mr. Speaker, if in fact they weren't intimidated they would get up and state their reasons why they agree in principle with this legislation, but they have never indicated whether they agree in principle with this legislation, apart from five people who voted in favour of the Marital Property Act in the last legislature. Those are the only ones who supposedly have principle, although it has been pointed out to me that I shouldn't be that confident of their adherence to principle, and that each one of them had a woman running against him in the last election.

Maybe it was principle, or maybe it was expediency, or some type of intimidation that made them vote in favour of this particular bill. But, Mr. Speaker, it's almost hypocrisy for them to sit in their seats right now and not state that they are in favour of the principle of the Marital Property Act, and not state that they are in favour in principle of The Family Maintenance Act. But they will not do that. They will not do that, Mr. Speaker, because they can't. They have been challenged; they have refused to get up; they have refused to speak; and I conclude on that basis that they have been muzzled. And I get a member get up and say, "That's not true; I've not been muzzled, I can send letters. That's not muzzling." — (Interjection) — The Member for St. Boniface comments that maybe even that privilege will be taken away soon.

We talk about heavy-handedness, Mr. Speaker. The most heavy-handed approach has been demonstrated by people on the other side — the leadership on the other side — that won't let those five people who spoke and voted in favour of the Marital Property Act get up and reaffirm their principles. And they won't do it.

Mr. Speaker, we have some time left. I will in fact sit down and give them that challenge and see if they will take up the challenge to speak on The Marital Property Act. I ask them to reaffirm their agreement in principle with The Marital Property Act. I ask them to point out the technical details that prevent them from voting for it now. I ask them to speak in favour of the principle of The Family Maintenance Act, and I ask them to point out the technical difficulties, which no one in this House has yet been able to point out, with respect to The Family Maintenance Act. And I conclude that The Family Maintenance Act must proceed. I conclude that in the interim we can still proceed with The Marital Property Act, if in fact we agree in principle with the legislation as the other side, and we certainly do affirm.

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

**MR. WILSON:** Mr. Speaker, I rise to speak on this matter and I do so because my indication is one that again I do support the principle. I listened to a number of the presentations and I supported then and I support now the principle of equal sharing under The Marital Property Act. But one of the things I didn't know as a layman businessman was that there were 500 lawyers who sat down and decided that maybe there was something wrong with this and I've been known to fight with lawyers in the past but I figured taking on 500 of them was possibly maybe a little too much, and maybe I should listen to some of their particular arguments.

It seemed to me that when someone indicates that we have a hired a particular hired gun I must remember that under many of the discussions on past Throne Speeches that it was an indication and a plea from many members of the legal profession that they were sorry the way things worked out, but they were hired guns.

So it isn't derogatory for the Member for Transcona to stand up and say a particular one member of this committee is a hired gun, because he is going to do the best job that he can do reviewing the facts. And it seems to me that when these particular lawyers get together — 500 of them, and they all have opposing views — and the people are going to have a family asset of \$20,000 that is going to be depleted to maybe \$5.50 because the legal fees are going to be \$19,000 plus, then I think the legislation has to be looked at. We're not creating no windfall for the lawyers and I think that if there are problems that are going to increase the litigation that they should be stopped. And I think that if I can do anything else but remain slightly quiet to the extent that I am going to let the lawyers decide, if we can slow down the litigation, I'd like to see this session repeal 100 laws a year instead of passing 100 new ones.

I think every year that there's a sitting there's another four or five laws go through that create nothing but work for the lawyers in this province, and I think we should be repealing some of them that are on the books that are certainly redundant.

I wanted to talk about the comments about when they talked about the pension plan of a railway worker. It may be the only asset of which they divide. The lawyers have decided that this is an area worth looking at — the tax implications that they have talked about. And so I did, yes, I prepared a draft letter with the help of some of my colleagues.

One can't sit quiet while the Member for Transcona stands up and says that we have been muzzled, that we're against the family and Marital Property Act. If that was for no other reason than to get me to stand up and say that I support the principle, yes I do support the principle. I voted that way based on the evidence that was before me at that time and I do not have the legal mind of 500 particular lawyers who sat down and said, "There are problems with this."

The new member and the Attorney-General from this particular party is getting into this thing and I'm sure that he will stand up himself and indicate the principle of equal sharing under The Marital Property Act will probably come forward in the next session and be passed.

And I'm not worried about whether the gender of any one who is running against me is going to . . . Strange and very interesting that the Member for Transcona should talk about it, but I did have a

**Tuesday, December 6, 1977**

woman running against me and it didn't affect me at all because I found out that she was more left than the particular candidate that was running against me for the socialists. So it's going to be interesting when she doesn't run because maybe some of those left votes will come back to that hired gun that ran as a candidate for the NDP. And certainly the record is there that this particular gentleman in eight years, between himself and his law firm, made over \$190,000.00. Now, if that isn't a hired gun, I don't know what is.

Well, what's he going to do now? —(Interjection)— The Member for St. Boniface says he'll travel now. Well, I sat here looking to the former Minister of Tourism just opposite to me and I smiled at him and I said, "I guess you won't be going to Ghana this year."

But anyway those are my remarks to tell the Member for Transcona I am quite prepared to support the principle of equal sharing when the bill comes through for passage in the next session, and I'm sure the women, and for that matter the families of this province, will be very happy with the legislation that is passed.

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

**MR. PARASIUK:** Thank you, Mr. Speaker. I appreciate the comments of the Honourable Member for Wolseley. Would he please inform me, though, whether any or all of the 500 lawyers condemned The Marital Property Act — that's one — and did all or any of the 500 lawyers condemn or criticize The Family Maintenance Act? Because, Mr. Speaker, to my recollection, no one has criticized The Family Maintenance Act. And is it true that the Legal Aid Lawyers Association has said that the Family Maintenance Act is an eminently workable act?

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

**MR. WILSON:** Well, in answer to part of the question, I would suggest that if there was a particular meeting of the legal minds of this province and they couldn't come to a consensus of an opinion, then one as a layman would have to respect that there is that type of mental capacity there to say, "Hey, there's something wrong with it." I wasn't privy to the meeting because I'm not allowed to attend but I would suggest that there must have been some merit to the particular questions raised.

As far as the legal aid lawyers coming forward with a stand when you were government, you know he who pays the piper calls the tune. Those people were working for you; they would do as you tell them to do.

**MR. SPEAKER:** The Honourable Member for Transcona with one more question.

**MR. PARASIUK:** Just to clarify . . .

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

**MR. PARASIUK:** I will ask the question.

**MR. SPEAKER:** The Honourable Government House Leader.

**MR. JORGENSON:** Well, my point of order is we are now in second reading of these bills and on second reading of a bill each member is allowed to make a speech on one occasion during the course of that debate, unless there is an amendment to the bill. This is not the time for questions. That opportunity will be provided when the bill is in the committee, and we're now beginning to get into the habit that was the habit prior to the time that the government changed. And that is the members asking a series of questions at a time when they are not supposed to be asking questions.

I suggest, Sir, that questions should be limited only to clarification of a point that was made during the course of the speech and nothing else. The kinds and types of questions that are being asked are, in my opinion, Sir, entirely out of order.

**MR. SPEAKER:** Order please. On the same point of order, the Member for Transcona.

**MR. PARASIUK:** I would like to clarify for the Member for Morris my questions in relation to statements made by the Member for Wolseley, who has said that 500 lawyers criticized the family law legislation. I asked him for clarification.

**MR. SPEAKER:** Order please. I must say to the Member for Transcona that he is asking a question; he is not talking on a point of order. I believe the remarks of the Government House Leader are very valid points and I will attempt to control the questioning that occurs on second reading on debate so that only questions of clarification on statements made will be questions that will be allowed.

The Honourable Member for Transcona.

**MR. PARASIUK:** Yes, the clarification with respect to the statement by the Member for Wolseley was: Did he have knowledge that the statement made by the Legal Aid Lawyers Association with respect to family maintenance law was made yesterday . . .

**MR. SPEAKER:** Order please. That is not a question of clarification. Does the Honourable Member for Selkirk have a question on . . .

**MR. HOWARD PAWLEY:** Yes, Mr. Speaker, in relationship to the honourable member's indication that 500 lawyers questioned this legislation, is the honourable member suggesting that 500 lawyers at this meeting voted or indicated a desire to suspend or defer this legislation, that that was the consensus?

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

**MR. WILSON:** Well, the gentleman asking the question, the Member for Selkirk, if he was there he could possibly enlighten to me as whether a vote was taken. None of the members attending — approximately 500 — could agree, so one would have to assume that if there was no vote taken, one would have to say that they all disagreed with one another.

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

**MR. CHERNIACK:** Mr. Speaker, I wonder if the Honourable Member for Wolseley would agree to answer a question for clarification of what he has already said.

**MR. SPEAKER:** Is it then agreeable that the debate stand?

**MR. CHERNIACK:** Mr. Speaker, I asked if the Member for Wolseley would agree to answer a question which I would like to ask him.

**A MEMBER:** He said no.

**MR. CHERNIACK:** He did not say anything to my knowledge. The House Leader attempted to make an answer.

**A MEMBER:** Muzzling, muzzling.

**MR. CHERNIACK:** Muzzling, yes. So I asked that question. The time does permit it, Mr. Speaker, it is up to the Member for Wolseley who of course has a right to refuse.

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

**MR. WILSON:** I have never refused to answer a question; yes, by all means.

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

**MR. CHERNIACK:** Mr. Speaker, I wonder if the Member for Wolseley could clarify his statement that seems to support all of the principles of the legislation, of both bills — could he clarify how he distinguishes his attitude from that of the other 20-odd members of his caucus.

**MR. SPEAKER:** Is it agreed that the bill continues to stand in the name of the Honourable Member for Inkster? (Agreed)

The Honourable Government House Leader on a Point of Order?

**MR. SCHREYER:** Mr. Speaker, no, on a Point of Privilege.

**MR. SPEAKER:** Point of privilege.

**MR. SCHREYER:** Before we leave the subject matter of the bill that's just been under debate. The Point of Privilege is this, Sir, that the Honourable Member for Wolseley has referred in his remarks to a sum of \$180,000, I believe, as having been paid to a law firm. He didn't indicate the source of his information and therefore could well be suspect. In any case, Sir, the Point of Privilege would be that my honourable friend could just as well have mentioned the fact — and it is a fact — that the law firm of Newman MacLean, I believe, was paid twice as much, \$350,000 in about the same period of time.

**MR. SPEAKER:** Order please. Order please. May I suggest to the Honourable Government House Leader that two wrongs do not make a right, or two rights. . . . If he had a legitimate Point of Privilege then he can ask him for the source of his information. I would ask the Leader of the Opposition to confine his remarks to that without adding any extraneous material.

**MR. SCHREYER:** That is my Point of Privilege, Sir. I believe that the amount that I referred to as having been paid to Newman MacLean is a matter of the records of this House, I believe it's an Order for Return, and I should like, therefore, to raise as a question of privilege, on what basis of documented fact is my honourable friend referring to the lesser sum?



**Tuesday, December 6, 1977**

---

**mr. SPEAKER:** The Honourable Member for Wolseley.

**MR. WILSON:** Well, in answer to the Leader of the Opposition's question, I documented that story in the Steinbach newspaper as well as several of the local media. I got this information out of Public Accounts. It stated that the candidate who ran against me, Murdoch MacKay, had received a number of government jobs, for which he did work — we have to admit that — and also his law firm had received certain funds which together totalled in the period in which they were government, over \$190,000, and I'm quite prepared to supply that information once again.

**MR. SCHREYER:** My honourable friend is referring to newspaper clippings or something. That hardly constitutes adequate documentation for purposes of this House. —(Interjection)—

**MR. SPEAKER:** Order please. Order please. Order please. I must ask the Honourable Government House Leader to check the record of Hansard. I believe he said he took the figures from the Public Accounts of the province of Manitoba.

The hour being 12:30 the House is adjourned and stands adjourned until 2:30 this afternoon.