

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, 5 July, 1985.

Time — 10:00 a.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. J. Walding: Presenting Petitions
. . . Reading and Receiving Petitions . . .

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The Honourable Member for River East.

MR. P. EYLER: Mr. Speaker, the Committee of Supply has considered certain resolutions, reports progress and asks leave to sit again.

I move, seconded by the Member for Concordia, that the Report of the Committee be received.

MOTION presented and carried.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: I am pleased to table the Annual Report of the Ombudsman for the year 1984.
Notices of Motion . . .

INTRODUCTION OF BILLS

MR. R. DOERN introduced, by leave, Bill No. 97, An Act Confirming Legal Consequences of Invalid Statutes; Loi confirmant les conséquences juridiques de loi invalides.

HON. R. PENNER introduced, by leave, Bill No. 98, An Act to Validate an Expropriation Under The Expropriation Act; Loi validant une expropriation effectuée en vertu de la loi sur l'expropriation.

ORAL QUESTIONS

Social assistance - filing of liens

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

MR. G. MERCIER: Thank you, Mr. Speaker.
I have a question for the Minister of Health, Mr. Speaker. Could the Minister of Health indicate whether it is the intention of the government to stop the practice of filing liens against people who have received social assistance?

MR. SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Speaker, I wonder if I could direct my honourable friend to the Minister responsible for . . .

MR. SPEAKER: The Honourable Minister of Employment Services.

HON. L. EVANS: I wonder if I could ask the honourable member to repeat the question.

MR. G. MERCIER: Mr. Speaker, the question is, is it the intention of the government to stop the practice of filing liens against people who have received social assistance?

HON. L. EVANS: Mr. Speaker, the honourable member refers to a practice that has been common among Manitoba municipalities.

We have now received a letter from the Honourable Jake Epp, Federal Minister of Health and Welfare, indicating to us quite clearly that this is in contravention to federal law and regulations; therefore, we are now in the process of discussing this with the municipalities. My colleague, the Minister of Municipal Affairs, is in dialogue with various municipal governments to discuss the implications of this, but it would seem that we will have to move in a way in this Legislature to come in step with the federal requirement.

MR. G. MERCIER: Mr. Speaker, my understanding is that Manitoba is the only province that carries on this practice. I would ask the Minister if it is his intention to introduce legislation at this Session of the Legislature?

HON. L. EVANS: Mr. Speaker, it's a practice that is not followed by the Province of Manitoba as a government. It is a practice followed by municipalities in Manitoba. It is our intention to bring in legislation to adjust this, but I don't believe we'll be able to do it in this Session, given the lateness of the time of this Session, but we would hope to bring it in at the next sitting of the Legislature.

I think it's incumbent upon us to act as quickly as possible, but the Federal Minister understands that we do need some time to consult with the municipalities and give them an opportunity to adjust their administrative practices.

MR. G. MERCIER: Mr. Speaker, in view of the fact that this practice tends to punish people who have received social assistance at one time or another, for whatever reason, and who have moved out of that situation and have acquired a home and employment and then they find that upon going to register a transfer of land in the Land Titles Office, they have to find a social assistance lien; and many people are affected by this practice on a continual basis.

I wonder if the Minister could advise what the government intends to do with people who are going to buy a home during this coming year, for example, who are being required to pay and discharge these liens before they can obtain proper title. Will there be any retroactive effect to any legislation that the government proposes?

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

HON. A. ANSTETT: Thank you, Mr. Speaker.

The provisions which allow for the establishment of liens attached to social assistance are contained in Section 444 of The Municipal Act. Section 721 of that same act provides for the discharge of those liens.

The directive from the Federal Government related to those forms of social assistance under CAP which would not be attached to an asset and the acquisition of an asset. Liens would still be permitted for those under the CAP Agreement signed in '76-77.

What we are now discussing with municipal government is the question of how we deal with liens that have been in place during the period that CAP has been in place; and the procedures for changing the system that will be required when legislation is enacted. There's no question that legislation will be required to address this.

The question of how we deal with retroactivity and any liens that are being put in place now is something that's being discussed with municipalities. I expect that, after that consultation process, both with regard to the practice in terms of how we deal with the past, and with new procedures for dealing with the distinction between social assistance that is not attached to an asset and that social assistance which provides for payments for its assets will be worked out and that will be part of the legislative program.

There is in the letter shared with me by the Minister of Employment Services and Economic Security from the National Minister of Health and Welfare, an indication that this whole question of retroactivity and existing liens is something which is not part of the CAP requirement for us to address in the present, but rather something that he recommends we address. We agree with that recommendation and we're consulting with municipalities on it.

French translation of Statutes

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

MR. G. MERCIER: Mr. Speaker, a further question to the First Minister. Over three weeks ago, the First Minister undertook to supply me with a list of statutes which the province had translated prior to the start of this Session of the Legislature and could have been brought in for enactment at the beginning of this Session.

About 10 days ago, I asked him again about it and he said he would bring that information forward. He still hasn't. I wonder if he has that information now.

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, I will see if I can obtain those lists and probably provide them during my Estimates. Certainly I have had many other weighing concerns in preparing that list of statutes, but we'll see if we can do it during the Estimates for the honourable member despite many more pressing problems that we're confronted with at this point.

SFM Compensation - bargaining team

MR. SPEAKER: The Honourable Member for Elmwood.

MR. R. DOERN: Mr. Speaker, I'd like to direct a question to the First Minister in regard to the Franco-Manitoban Society's latest preposterous proposal for compensation. Could the First Minister indicate who will comprise his bargaining team?

HON. H. PAWLEY: Mr. Speaker, I don't know of any bargaining team. Maybe the Honourable Member for Elmwood knows of some bargaining team that he's dreamed up this morning but I don't know of any bargaining team.

MR. R. DOERN: Mr. Speaker, I hope that it would not be the same team that negotiated the last deal that was brought into this Legislature.

I would like to ask the First Minister in regard to his previous record in regard to compensation being in favour of payments to Spanish Civil War veterans or Japanese Canadians, is he receptive to issuing compensation payments or cheques to all French-speaking Manitobans?

MR. SPEAKER: Oral Questions.

The Honourable Member for Elmwood.

MR. R. DOERN: Mr. Speaker, I ask whether the First Minister has a meeting planned with the SFM to discuss this latest proposal and whether in meeting with them when this proposal is discussed if he's going to stand up for the rights of all Manitobans up against a small lobby group?

Deer Lodge Hospital - strike

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, I direct a question to the Minister of Health.

I wonder if the Minister of Health can confirm that a settlement has, indeed, been arrived at at the Deer Lodge Hospital facility in the labour dispute that was going on there.

MR. SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Yes, Mr. Speaker, I'm very pleased to confirm that. The settlement has been arrived at in the wee hours of the morning.

MR. H. ENNS: Mr. Speaker, a supplementary question to the same Minister.

I recall earlier both the Minister of Finance and the Minister of Health by word and by letter indicated very specific guidelines that the health facilities had to adhere to in the coming fiscal year. We have passed the Minister of Health's Estimate that confirms the monies provided for those facilities. Can the Minister give us some indication of whether or not the settlement arrived at at Deer Lodge falls within the guidelines and the monies

allocated to that facility in this year's Estimates, or has the Minister had to consider supplementing the monies to run the Deer Lodge facility?

HON. L. DESJARDINS: Mr. Speaker, the agreement will have to be ratified; it's a little early to give that information - to be able to get that information, to start with. My information is it'll be very little cost, if anything, very little additional cost.

Hudson Bay area - Oil and gas exploration

MR. H. ENNS: I thank the Minister for that answer. Mr. Speaker, I have another question on another subject matter. I direct it to the First Minister. Mr. Speaker, I note in this morning's Globe and Mail that the Government of Ontario has an interest in the well exploration and oil exploration that is going on in the Hudson Bay area, along with several other companies. The Premier and the Minister of Energy and Mines often indicate that the reason for our involvement with our own mineral, oil and gas exploration company is to have a window on the industry.

Has the Government of Manitoba any interest at all in securing just a little part of the action with respect to the oil exploration that is currently going on in Hudson Bay?

MR. SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: Mr. Speaker, the province was approached, or Manitoba Oil and Gas Corporation was approached by companies asking if we would be interested and indicated to us that the stakes would be very very high for these initial wells, something in the order of \$100 million. We would be asked to take a portion of that and it was determined on a business basis that it is premature, but at the same time, we're pleased that we have a group that can monitor the situation and determine whether in fact, from a business perspective, it would be a proper investment at the proper time.

Headingley Jail - Escape of prisoners

MR. SPEAKER: The Honourable Member for Rhineland.

MR. A. BROWN: Thank you, Mr. Speaker. My question is to the Minister of Community Services. Can the Minister say whether the two inmates from Headingley who escaped from a highway work crew yesterday have been apprehended yet?

MR. SPEAKER: The Honourable Minister of Community Services.

HON. M. SMITH: Mr. Speaker, the information I have at the moment is that they have not yet been apprehended.

MR. A. BROWN: A supplementary, Mr. Speaker. These inmates were protective custody inmates. Can the

Minister say how many protective custody inmates have been allowed to work on work gangs outside prison walls?

HON. M. SMITH: Mr. Speaker, it has not been the custom for protective custody inmates to be part of work crews. These two were part of an experiment. We are at the moment not continuing with that practice and we will reassess but the people who were taking part were chosen on the basis of there being no previous escapes, no absences without leave, people who are usually in on a short sentence, complemented by an individual assessment.

Again, this type of assessment is never 100 percent accurate, but it was felt important to try to find work opportunities for as many inmates as possible. This is only the second escape that has occurred in 10 years on a work crew. Again, we will be reassessing; for the moment there will be no further protective custody inmates taking part in work outside of the institution.

Headingley Jail - training for employment

MR. A. BROWN: My question is to the same Minister. When will the Minister provide meaningful training for employment within prison walls so that people such as this who are under protective custody could get training which would make them employable upon release?

HON. M. SMITH: Mr. Speaker, the increase in work opportunity both inside and outside the institution at Headingley has gone at a very rapid rate during the last year and a half and I'll be happy to report on statistics during the Estimates process.

Tender applications re land at MDC - Number received and price

MR. SPEAKER: The Honourable Member for Portage la Prairie.

MR. L. HYDE: Thank you, Mr. Speaker. My question is to the Minister responsible for Government Services. On two previous occasions, I have endeavoured to get some information on advertisement for tender on four parcels of government land located at the Manitoba Development Centre in Portage la Prairie. Closing date for tenders received was April 30th. In view of the fact that it is now into the third month of the closing of the tenders, could the Minister indicate to the House how many applications he received on each of the four parcels of land?

MR. SPEAKER: The Honourable Minister of Government Services.

HON. J. PLOHMAN: Mr. Speaker, I should have that information for the member very shortly. We have had a number of tenders on each of those for agricultural lease and they were awarded shortly after, but I haven't got the complete table before me at the present time. When I do, I'll be sending it over to the member.

MR. L. HYDE: The next question then, Mr. Speaker, to the same Minister is, will the Minister indicate who the successful bidder or bidders were on each of the parcels of land and at what price?

HON. J. PLOHMAN: Yes, Mr. Speaker, I certainly will do that. It would be awarded to the low tender in each case and we would have the names and I would provide them to the member.

Highways Department - Dauphin Office investigation

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. D. BLAKE: Mr. Speaker, my question is to the Minister responsible for Highways and Transportation.

In view of the questions I asked him yesterday, I wonder if he is now able to advise the House if he was able to confirm that an investigation was going on within the Highways Department in the Dauphin area.

MR. SPEAKER: The Honourable Minister of Highways.

HON. J. PLOHMAN: Mr. Speaker, firstly, I'd like to correct my last answer. They are awarded to the high tender, not the low, in this particular case.

In terms of the answer to the question from the Member for Minnedosa, I stated clearly yesterday during last question period, that I was not aware of any investigation and that certainly has been confirmed in checking with the department.

MR. D. BLAKE: Just following that question, Mr. Speaker, I wonder if he has been able to confirm that there is no RCMP investigation going on in connection with the Highways Department.

HON. J. PLOHMAN: Mr. Speaker, again, the answer is the same.

Riding Mountain National Park - fire damage to trees

MR. SPEAKER: The Honourable Member for Roblin-Russell.

MR. W. MCKENZIE: Thank you, Mr. Speaker.

I have a question for the Honourable Minister of Natural Resources. I wonder if the Minister would advise the House if any meetings or discussions have been held with the Federal Government regarding permission for Manitoba farmers and others to go into Riding Mountain National Park to cut the trees for rails and posts that have been damaged by fire.

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. S. USKIW: Mr. Speaker, it may very well be that there is discussion of policy with respect to the use of that park, between officials of my department and the national government officials; but certainly not at my

level and I'm not at all aware of anything that is happening in that regard.

MR. W. MCKENZIE: I wonder, could the Minister then advise if he would consider opening negotiations with the Federal Government regarding the possibility of local farmers or others in the area going into Riding Mountain National Park to cut those burnt trees for posts or rails.

HON. S. USKIW: Mr. Speaker, I'm not sure that it's a proper role for the Ministry of the Province of Manitoba to provide that kind of service. I think there is a direct link between the residents of the area and the National Government, through their MPs, and indeed, through their Ministry. If a case can be made for intervention, certainly we can look at it; but I'm not sure that it's the proper approach.

Winnipeg Free Press - expropriation matters

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. C. BIRT: Thank you, Mr. Speaker.

My question is to the Minister of Urban Affairs. In light of the government's move to validate certain expropriation matters dealing with the Winnipeg Free Press, I'm wondering if the Minister has taken it upon himself to sit down with the owners or the managers of the Free Press to try and resolve this conundrum, because the step that is being taken by the proposed legislation is rather drastic in affecting certain rights of the Free Press. I'm wondering if we couldn't, through negotiations, work our way out of a rather difficult position.

MR. SPEAKER: The Honourable Minister of Urban Affairs.

HON. L. DESJARDINS: Mr. Speaker, the request came from the North of Portage Corporation that was unanimous in making that recommendation. It went to the three partners, Mr. Epp, representing the Federal Government; the Mayor and myself. Your leader - excuse me - the Leader of the Opposition was contacted by Mr. Epp, who tells us that fine he sees nothing wrong with that. This was done then in the name of all the shareholders - we have to do it - the province. It's a collective decision made by all concerned.

The Mayor, Mr. Epp - and I was supposed to go - I had to cancel at the last minute, but I'd have certainly gone along with them - to travel to Toronto a few months ago to do exactly that, to discuss with the Free Press, at the time, to see if something can be done. The city - (Interjection) - the officials of the Free Press and Mr. Nicol was present at that meeting, I understand.

The city has offered to trade the lane that is immediately behind the Free Press - that belongs to the city - to the Free Press. There's been some talk even, at one time, of reducing the property that would be taken from the Free Press and a commitment has been made. They've tried to work in co-operation with the Free Press to make sure that they would not be

disturbed, that the trucks, and so on, could certainly make the deliveries.

So I don't know what else has been done. If not, then you would treat the Free Press differently than all the other businesses out there. It probably would delay the construction, and so on, of the facilities. So it's not something to embarrass or to hinder the Free Press. All co-operation will certainly be accorded to the Free Press. I know that the province has discussed that also. We certainly would want to co-operate and I don't know what else could be done but it's a joint thing of all the shareholders. It's certainly not the province alone.

MR. SPEAKER: Order please. I would remind the honourable member that he should not ask questions on a matter which is set down on the Order Paper for discussion.

Martens Report

MR. SPEAKER: The Honourable Member for Morris.

MR. C. MANNES: Mr. Speaker, I address my question to the Minister of Highways. On several occasions over the last month and a half, I have asked the Minister to release . . .

HON. R. PENNER: Clayton, you have the same effect on me.

MR. C. MANNES: And you look it, Rollie.

Mr. Speaker, I'm wondering if the Minister can tell us why now it is taking so long to release the report.

MR. SPEAKER: The Honourable Minister of Highways.

HON. J. PLOHMAN: Mr. Speaker, I believe I signed a letter yesterday that is being sent to Mr. Martens who had sent the report in, and a copy to the honourable member. He should have it today. Certainly, it should have gone out in the mail either today or yesterday.

Vicon -

Location of assembly plant

MR. SPEAKER: The Honourable Member for Rhineland.

MR. A. BROWN: Mr. Speaker, my question is to the Minister of Industry, Trade and Technology. Has Vicon made a decision to establish in Manitoba as yet?

MR. SPEAKER: The Honourable Minister of Culture.

HON. E. KOSTYRA: Yes, I responded to that very point just the other evening in committee. They have, as I responded some time ago, made a decision to locate in Manitoba. They have not as yet found a specific location.

NON-POLITICAL STATEMENT

MR. SPEAKER: The Honourable Member for Swan River.

MR. D. GOURLAY: Thank you, Mr. Speaker.

I wonder if I could have leave to make a non-political statement.

MR. SPEAKER: Does the honourable member have leave? (Agreed)

The Honourable Member for Swan River.

MR. D. GOURLAY: Thank you, Mr. Speaker.

A couple of weeks ago the Swan Valley Bantam Baseball Team won the right to represent Manitoba in the North West Territories for the national finals which are to take place in August. I would ask all members of the House to join with me in extending congratulations and best wishes to this baseball team in their efforts when they go to the Northwest Territories.

COMMITTEE CHANGES

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, just before we proceed with the business of the House, could I indicate a change in committee membership: Birt substituting for Mercier on Statutory Regulations and Orders.

MR. SPEAKER: The Honourable Member for Inkster.

MR. D. SCOTT: Thank you, Mr. Speaker.

I've got several changes for the Committee of Privileges and Elections. The Member for Flin Flon will be replacing the Member for Thompson; the Member for Fort Rouge will replace the Member for St. Johns; the Member for Transcona will replace the Member for Rupertsland; the Member for Lac du Bonnet will replace the Member for Interlake; the Member for Brandon East will replace the Member for Inkster.

For the Committee on Industrial Relations: The Member for Inkster will replace the Member for Thompson and the Member for St. James will replace the Member for Kildonan.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker.

I would ask, first of all, before we proceed to the Order Paper to deal with some items which have not yet appeared on the Order Paper, and I would ask for leave first, Sir, to advance to committee stage, the three reprinted private bills which had previously been sent to committee.

They are, Sir, Bill No. 96, Bill No. 95 and Bill No. 66.

MR. SPEAKER: Leave has been granted.

HON. A. ANSTETT: Thank you, Mr. Speaker.

Sir, would you please call on the Honourable Member for Niakwa; the Honourable Member for Concordia and then I, Sir, will move the final bill on behalf of the Member for Ste. Rose.

SECOND READING

BILL 66 - AN ACT TO INCORPORATE "NIAKWA COUNTRY CLUB"; LA LOI CONSTITUANT EN CORPORATION LE "NIAKWA COUNTRY CLUB"

MR. A. KOVNATS presented, by leave, Bill No. 66, An Act to amend An Act to incorporate "Niakwa Country

Club"; Loi modifiant la loi constituant en corporation le "Niakwa Country Club", for Second Reading.

MOTION presented and carried.

**BILL 95 - AN ACT TO INCORPORATE
"THE
WINNIPEG REAL ESTATE BOARD"; LA LOI
CONSTITUANT EN CORPORATION "THE
WINNIPEG REAL ESTATE BOARD"**

MR. P. FOX presented, by leave, Bill No. 95, An Act to amend An Act to incorporate "The Winnipeg Real Estate Board"; Loi modifiant la loi constituant en corporation "The Winnipeg Real Estate Board", for Second Reading.

MOTION presented and carried.

**BILL 96 - AN ACT TO INCORPORATE
LES RÉVÉRENDIS PÈRES OBLATS IN THE
PROVINCE OF MANITOBA; L'ACTE POUR
INCORPORER LES RÉVÉRENDIS PÈRES
OBLATS DANS LA PROVINCE DE
MANITOBA**

HON. A. ANSTETT presented, by leave, on behalf of the Member for Ste. Rose, Bill No. 96, An Act to amend an Act to Incorporate Les Révérends Pères Oblats in the Province of Manitoba; Loi modifiant l'Acte pour incorporer Les Révérends Pères Oblats dans la Province de Manitoba, for Second Reading.

MOTION presented and carried.

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, I would ask further for leave to advance the reprinted Bills No. 69 and 83 to their previous level of passage in the first version.

MR. SPEAKER: Is there leave? (Agreed)
The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, the first bill, Bill 69, had been advanced to adjourned debate on second reading and had been adjourned by the Member for Lakeside.

**BILL 69 - THE MUNICIPAL ACT;
LA LOI SUR LES MUNICIPALITÉS**

HON. A. ANSTETT presented, by leave, Bill No. 69, An Act to amend The Municipal Act; Loi modifiant la loi sur les municipalités, for Second Reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, we've had an opportunity to view the contents of this bill. On behalf of my

colleague, the chief critic with respect to Municipal Affairs, the Member for Virden, we're prepared to move this bill on to committee.

QUESTION put, MOTION carried.

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Yes, Mr. Speaker, the next bill in its previous printing was standing in the name of the Honourable Member for Virden, for the information of members.

**BILL 83 - AN ACT TO AMEND THE
MUNICIPAL
ACT AND VARIOUS OTHER ACTS OF THE
LEGISLATURE; LOI MODIFIANT LA LOI
SUR
L'ÉVALUATION MUNICIPALE ET D'AUTRES
DISPOSITIONS STATUTAIRES**

HON. A. ANSTETT presented, by leave, on behalf of the Honourable Member for Virden, Bill No. 83, An Act to amend The Municipal Assessment Act and Various Other Acts of The Legislature; Loi modifiant la loi sur l'évaluation municipale et d'autres dispositions statutaires, for Second Reading.

MOTION presented.

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

MR. H. ENNS: I want to adjourn the debate. Mr. Speaker, I beg to move, seconded by the Honourable Member for St. Norbert, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker.

Mr. Speaker, there are three bills on the Order Paper for second reading, Bill No. 57, 59 and 74. I would ask leave, Sir, to add two bills distributed, one yesterday, Bill No. 86, An Act to amend The Consumer Protection Act; and Bill No. 62 distributed this morning, The Charter Compliance Statute Amendment Act, to the list for second reading today so they can be introduced for second reading.

MR. SPEAKER: Is there leave to add those to the list of bills for introduction on second reading? Leave having been granted, the Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker.

Would you then please call those bills, all of which stand in the name of the Attorney-General, for second reading, in chronological order; and following that, move to Adjourned Debate on Second Reading in chronological order.

**BILL 57 - THE LAW SOCIETY ACT; LOI
MODIFIANT LA LOI SUR LA SOCIÉTÉ
DU BARREAU**

HON. R. PENNER presented, by leave, Bill No. 57, An Act to amend The Law Society Act; Loi modifiant la loi sur la Société du Barreau, for Second Reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, prior to January 1, 1983, government lawyers - that is, lawyers employed by the Government of Manitoba - were exempted from paying the assessment for professional liability insurance to the Law Society.

After lengthy discussion between representatives of the Attorney-General and representatives of the Law Society and extensive debate within the society itself over a period of many months, the society changed its rules, and by those change in its rules required the government lawyers to pay the insurance levy, effective January 1, 1983.

Since a term in the collective agreement between the government and its Crown Attorneys require that the government pays Law Society assessments, these charges have, in effect, become a charge to the Government of Manitoba amounting to between \$50,000 and \$60,000 a year.

In discussions with the Law Society, it was pointed out that government lawyers have only one client, namely, their employer, the government. Moreover, the government carries its own insurance policy which has a professional liability component. Thus the government, Sir, is being required, and the taxpayers of Manitoba, through the government, are being required to pay approximately \$60,000 a year to the society for insurance coverage it does not need in any way.

The amendment being introduced today proposes a change in The Law Society Act prohibiting this assessment. This brings the situation back to where it was for 10 years, from 1973 to 1983, without any problem. It should be noted that this exemption does not include Legal Aid lawyers who do act for clients in the usual way and therefore will have to have the insurance certificate from the society.

In addition, this exemption would not apply to Crown lawyers who carry out any kind of outside practice on their own. They will have to then have the Law Society insurance. After careful consideration, the government has decided to include in the proposed exemption lawyers employed by a municipality.

The government believes, Sir, that it is wrong in principle for the taxpayers of this province to be required to pay an insurance fee where no insurance is required and accordingly recommends this bill.

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

MR. G. MERCIER: Mr. Speaker, a question to the Attorney-General. Has he discussed this proposed amendment with the Law Society and, if so, does the Law Society concur in this amendment to the act?

HON. R. PENNER: I discussed this with the Law Society . . . Well, the Minister of Finance says "ad nauseum" but my discussions with the Law Society are always at a decent level. Yes, it has been discussed with the Law Society frequently and as recently as the last few weeks. The Law Society does not concur in this amendment.

MR. G. MERCIER: Mr. Speaker, it's interesting to see how this government operates. This Minister shortly will introduce a bill to validate an expropriation, to validate an expropriation process under The Expropriation Act which is in itself an overwhelming power for government to exercise.

Here we have a situation where the government has a collective agreement under which they are required to reimburse government lawyers for such levies and because they're required, they haven't been able to come to any agreement with the Law Society, now they're going to amend The Law Society Act to benefit the government.

Of course, the Attorney-General will say, also the taxpayers. I would simply say, Mr. Speaker, I would hope the Minister will provide the Law Society with a copy of this act today so that their representatives can come to the committee if they so wish and make their case and let the committee decide for itself whether the use of this legislative power that the government has is being exercised properly and let the committee judge the merits of the position of the Law Society; so I hope, Mr. Speaker, that the Law Society will receive a copy of the bill so that they can give some consideration as to whether or not they wish to make representations to the committee when this bill is considered.

MR. SPEAKER: The Honourable Attorney-General will be closing debate.

HON. R. PENNER: Just very briefly then, Mr. Speaker, yes, the Law Society will be advised and the copy of the bill forwarded to it today. I should just note that we have the phenomenon of a private society, albeit one governed by statute, by a simple change in its rules, imposing on the government and the taxpayers a liability to \$60,000 asking, in effect, the government to purchase a commodity it doesn't need. Now that is an awesome power and I think government has to be able to correct that.

QUESTION put, MOTION carried.

**BILL 59 - THE STATUTE LAW
AMENDMENT
(FAMILY LAW) ACT; LOI MODIFIANT
LE DROIT STATUTAIRE CONCERNANT
LE DROIT DE LA FAMILLE**

HON. R. PENNER presented, by leave, Bill No. 59, The Statute Law Amendment (Family Law) Act; Loi modifiant le droit statutaire concernant le droit de la famille, for Second Reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, Bill 59, The Statute Law Amendment (Family Law) Act, gathers together amendments to four statutes affecting family law in the Province of Manitoba. It is hoped that this presentation will allow members to understand better the relations between the amendments than would be the case if they were scattered through the main Statute Law Amendment Act.

In the second Session of this Legislature, significant changes in family law were fully debated in this House and were enacted into law. Moreover the County Court was abolished and the concept of illegitimacy was banished from Manitoba law. That all happened at that time.

In that Session the House accepted the principle that where a man and a woman cohabit for five years, the dependent common-law spouse should have a right to apply for maintenance under The Family Maintenance Act; and it is only logical that this right should not be cut off by the death of that spouse.

Accordingly, this bill introduces to The Fatal Accidents Act and The Testators Family Maintenance Act, the same right to apply for relief as it is provided in those statutes, as the common-law spouse would have if living to apply under The Family Maintenance Act. This right is subject to the same safeguard, that it will not apply where there was an agreement between the common-law spouses to the contrary.

The bill further removes obsolete references to an illegitimate child and to the County Court and makes technical changes requested by the courts and the practitioners of family law, in order to make the system proceed more smoothly.

The thrust of these amendments is, in each case, to give the court greater flexibility in the conduct of hearings and in the granting of relief. I shall, of course, be prepared to provide the honourable members opposite with full explanation of these technical changes, should they require them, when we get into committee.

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

MR. G. MERCIER: Thank you, Mr. Speaker.

We have had an opportunity to review this act and there may be some questions at committee. I would raise one item with the Attorney-General and perhaps he can comment on it when he concludes debate, or else in committee, and it's with respect to the first section of the act which amends Section 11(2) of The Family Maintenance Act.

At present the section provides that where a man and woman who were not married to each other, cohabited for a period of one year or more, either the man or the woman may apply for an order that the other may not enter the premises or that the other may not molest, annoy or harass the other or any child in the custody of the other spouse. This amendment would delete the words, "for a period of one year or more," so the criteria would be where a man and woman who are not married to each have cohabited - I suppose that could be for as little as a couple of hours.

A MEMBER: Sometimes it is.

MR. G. MERCIER: I suppose it sometimes is. The Attorney-General may have more experience at that than I have, Mr. Speaker, but it begs the question as to the lack of real criteria to be used in the application for such orders.

Now certainly where those type of situations exist that require that kind of order, then one would surely want to allow for that type of order to be made, but it does - it seems to me by virtue of this amendment - lead to a situation where there is very little criteria for obtaining such an order and perhaps the Attorney-general might explain the rationale for that amendment particularly.

MR. SPEAKER: Are you ready for the question?

The Honourable Attorney-General will be closing debate.

HON. R. PENNER: Mr. Speaker, just very quickly in response to the member's question, but I will answer it more fully in committee. I think the reason - well I know that the reason for the proposed change - is that practitioners have encountered situations in which indeed there is genuine cohabitation; that is, it was not a matter of just a couple getting together for a brief period of time, coming together with an intention of living together is what the term "cohabitation" I think implies. But if things didn't work out and if it was a situation in which separation was taking place, under the one-year limit prescribed by law as it presently is, the court was powerless to grant an order for non-harassment, and this sometimes led to very difficult situations that the court was powerless to deal with. That is the rationale behind the amendment, but I will deal with it a bit further by example in committee.

QUESTION put, MOTION carried.

BILL 74 - THE EQUAL RIGHTS STATUTE AMENDMENT ACT; LE DROIT STATUTAIRE AFIN DE FAVORISER LÉGALITÉ DES DROITS

HON. R. PENNER presented, by leave, Bill No. 74, The Equal Rights Statute Amendment act; Loi modifiant le droit statutaire afin de favoriser légalité des droits for Second Reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, Section 15 of the Charter was proclaimed on April 17th of this year. On that date I introduced the present bill for First Reading; on that same day in proclaiming "Law Day" in Manitoba, I pointed out that Section 15, perhaps more than any other section of the Charter, impacts on every facet of society, for it guarantees the quality before and under the law and equal protection and benefit of the law for every individual.

I pointed out that Section 15 goes further than any other section of the Charter because it specifies that

this equal protection and equal benefit of the law is to be applied without discrimination; and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

Mr. Speaker, I am proud of the fact that the Government of Manitoba did not wait till April 17th to begin our work on Charter fulfillment. In 1982 I commissioned a study by Dale Gibson of the Faculty of Law at the University of Manitoba on Charter compliance. Based on that study and on our own initiatives, we made major Charter-related legislative changes prior to April 17, 1985. I refer, of course, as I did in the News Service Release which was distributed on Wednesday last, to at least six major Charter-related enactments already made including the repeal of The Legitimacy Act; changes to The Vital Statistics Act; The Change of Name Act; The Marriage Act; changes to The Social Allowances Act with respect to sole support fathers, and certainly the most important of them all, the 1984 amendments to The Pension Benefits Act and the introduction in this Session of The Pay Equity Act.

No one, Sir, should doubt for a moment, in my view, that as important as are some of the amendments in this bill being introduced today dealing, for example, as it does with sexist language, extension of benefits to common-law spouses and the introduction of parental and adoption leave, that changes in government legislation the programs will at best be cosmetic if they do not deal with fundamental economic discrimination as the changes to The Pension Benefits Act and The Pay Equity Act do.

I note, perhaps more in sorrow than in anger, the rear guard action of Winnipeg Chamber of Commerce to these equality reforms, part and parcel, I suppose of what might be styled the counter-revolution of the rich. I would like to say to these anachronistic defenders of an antediluvian economic morality, you err. You err because you cannot and you will not turn the clock back on that kind of social and economic democracy which the ordinary people of Manitoba not only understand, but which they demand. You err because you fail to understand that the best engine of the economy is the purchasing power of consumers and anything which helps to raise that helps the economy. You err because even if equality bears a price, it is a price which our basic human morality tells us must be paid even if there was no Charter requiring us to act.

This bill with its amendments to 131 provisions of 42 statutes is somewhat too lengthy to explain in a detailed way on second reading. Accordingly, I propose to distribute to every member of the House later this morning - I've already given some to the opposition - the summary explanation of the major amendments contained in the act. I would ask members to review them and to move this important bill to committee as soon as possible because it can best be debated on a clause-by-clause basis.

In closing, Mr. Speaker, I would like to read in part from Wednesday's press release. "There may still remain, indeed there does still remain many issues to be addressed, many of them very complex and requiring further study. Studies are under way or will shortly be announced pertaining to such issues as sub-minimum wages for disabled employees in sheltered employment situations, a very complex question; possible anomalies

in Autopac rate structures and benefits, that is under study; succession statutes such as The Dower Act and The Married Woman's Property Act are presenting on a reference by myself, understudied by the Law Reform Commission with a view to recommending changes in light of the Equality of Right Section of the Charter.

I fully expect that an even larger amending bill will be introduced at the next Session of the Legislature. The work of departmental solicitors, the Law Reform Commission, augmented as it is by valuable work being done by such organizations as the Charter of Rights Coalition and the Manitoba League for the Physically Handicapped is invaluable in the long road, Sir, we must travel to make equality in and before the law a reality in Manitoba.

I recommend this bill.

MR. SPEAKER: Are you ready for the question?
The Honourable Member for La Verendrye.

MR. R. BANMAN: Thank you, Mr. Speaker.

I wish to make a few brief comments with regard to Bill 74 which the Minister has just introduced. This is one of these bills, Mr. Speaker, which I believe from time to time puts the people dealing with it in a bit of a quandary because there are many things in the bill which I know I can support, but there are a few things which I can't. The difficulty with the procedure that we have before us right now is that when one gets up and votes against the bill, what happens is - to use the old adage - you throw out the baby with the bath water.

I want to tell the government opposite that when they introduce legislation which deals with six weeks paternity leave for males - that's absolute nonsense. That's nonsense, Mr. Speaker. What you're doing here is you have a total lack of understanding of what's happened, not with the large corporations with the small business people.

Mr. Speaker, this means that somebody can take six weeks off maybe at the busiest time when a small businessman employing two or three people is trying to eke out a living, trying to pay the heavy property taxes, trying to pay the payroll tax - and now he is forced by law to give somebody six weeks off. Mr. Speaker, I know the government will argue, they'll say it's without pay. That's fine, but you have never run a business then. To take a key employee out for six weeks and try to replace that person - (Interjection) - and you have to provide that job for that person when he comes back, or she, in the case of an adoption.

Mr. Speaker, it's nonsense. It's tinkering with the marketplace and it's the type of legislation that the government shouldn't even have looked at. It's ludicrous legislation and I tell members opposite, it won't affect the large corporations who have a large labour pool to draw on, but it's going to really hurt the small entrepreneur.

It's another thin edge of the wedge. I tried to get hold of the UIC people in Ottawa this morning to see what kind of impact this would have and whether or not a person who is going to take advantage of this six weeks can get on UIC. Mr. Speaker, you can bet your bottom dollar that that is the next move; that's the next move that somebody's going to say should happen.

Here we are trying to be competitive internationally. The Federal Government just announced they're continuing the quotas on Japanese imports. Why, Mr. Speaker, are the quotas there? It's because we are not being as efficient and as productive as the Japanese are - that's why they're there. It's been proven that we as Canadians are all paying \$1,500 more for every car that we purchase, new car, because of the quota restrictions.

What happens, Mr. Speaker, the Japanese aren't stupid. What they do now is they bring in their top line products. If you're only allowed to sell 10,000 automobiles, you're not going to sell the \$7,000 ones and make 10 percent on 7,000; you're going to sell the \$14,000 ones and make 10 percent on 14,000. What that has done is allow the other large multi-national corporations like GM and Ford and everybody to raise their prices because they have no more competition at the lower levels.

Mr. Speaker, what has happened is that you have a company like Hyundai from Korea which isn't faced with restriction, comes in with a car lower and suddenly is the second-largest import dealer in a matter of a year in Canada because the multi-nationals have vacated and have bumped the prices up higher. When members opposite talk about that being garbage, that we're not competitive - we're not. By restricting, we are causing an increase consumers' costs in this country.

Mr. Speaker, what I am saying is we have to be realistic. To put in legislation before us which will hurt the small businessman, not the multi-nationals, not the UAW. Mr. Speaker, they have a lot of people to stand on a production line. I say, as a small businessman, when I had my business, when my top mechanic leaves for two, three weeks on holidays, I tell you it really hurts, because that is the person that does the fine work in the shop. I cannot replace that individual. To say now that, by law, somebody can get six weeks off because of paternity leave - Mr. Speaker, I take great exception to that.

I'll tell you it's the type of nonsense that we have come to understand from the members opposite. They bring in some good legislation, but then they throw in a few pieces of garbage like that. I'll tell the members opposite he makes some comments about the Winnipeg Chamber of Commerce and that, but if it wasn't for the type of opposition very often that we got, the Minister of Labour would not have backed off from the plant closure legislation and he would have lived up to the promises, and that would have been another horrendous piece of legislation that we would have had to deal with. Thank goodness, there was enough opposition and the government bowed to public pressure from the opposition as well as groups, the Winnipeg Chamber of Commerce, and they brought in legislation which I think will work.

I have announced yesterday, subject to what happens in the committee, that I have no difficulty in supporting it. But it's this type of thing - if it is not opposed, Mr. Speaker, and opposed vigorously it will lead to all kinds of misuses in the system. You can bet your bottom dollar that in the next couple of years if this passes in its present form, the next step is in the collective bargaining to start bargaining for a week, then two weeks, then three weeks paternity paid till you get up to there. So not only will the people be given the

opportunity, Mr. Speaker, to go ahead and have that leave, they will then be paid for it; and the pressure that puts on the small businessman, and I reiterate, the large corporations that are doing business in this province, it will not affect them really, but the people that are employing two or three or four people, it will really affect them.

Take a small farming operation that has three people. It comes to combining season . . .

A MEMBER: Take a small law office.

MR. R. BANMAN: Somebody now says, I'm giving you four weeks notice as according to law and I'm going away for six weeks. I'm having a family and I'm going to go away for six weeks.

A MEMBER: I'm having labour pains.

MR. R. BANMAN: Mr. Speaker, that farmer cannot afford to go through the whole thing and hire somebody new and keep a spot open for this individual. It shows, Mr. Speaker, I believe, a total lack of understanding of what the small businessmen are facing in this province today.

Mr. Speaker, it's a matter of having a little common sense and the people out there, the average person, the ordinary person that the members opposite refer to as being their constituents, they really chuckle at this.

A MEMBER: Right on, Bob.

MR. R. BANMAN: For a male to get six weeks off if his wife has a baby, Mr. Speaker, by law, is absolutely ridiculous and I cannot support that section at all and I can't understand the thinking of members opposite. It shows they do really live in some kind of a cocoon and really don't know what's happening out there in the real world.

A MEMBER: Right on.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, I'll be brief because the only reason I want to bring something to the honourable member's attention is because of the sort of funny chattering we heard from a couple of the members of the other side when the Member for La Verendrye stated that it would have an effect on small business and because there was competition from other areas that were very great concerns to small business; and I refer to the Small Business Report that I just received this morning which is put out by the Manitoba Business Development and Tourism. It refers to an article about Ancast. Mr. Clyde McBain, in the article is talking about his impro-share at Ancast, meaning a type of profit sharing.

Mr. Speaker, Mr. McBain says some people are reluctant to buy in on shares, recognize that in small companies there is a limited market when it comes time to sell. They are just looking for greater liquidity, but here's what he said: "McBain says the main reason

for wanting to employ a participation program was a strong desire to remain competitive with foreign markets. He realizes that to compete with the cheaper labour, companies from abroad, Ancast had to look at new ways to compensate its employees and increase productivity."

So right in your own brochure you're saying that there are companies in Manitoba - and it's being stated in your own brochure - that there are companies in Manitoba that have got competition from other than Canadian companies and certainly from offshore.

Mr. Speaker, knowing the particular foundry that's been written up here or any foundry whatsoever, they are highly trained people to handle very hot molten metal products and they have to be highly trained; and to have one of those people just go for six weeks could probably upset a production line within this company and that very same thing will happen with many other companies, Mr. Speaker, and I just wanted to point out that even in their own small business report they say that small business in Manitoba does have competition from outside sources. They say this in one report and then they have legislation to do completely the opposite and that's the type of thing we've learned to expect from this government.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. D. BLAKE: Thank you, Mr. Speaker.

I only want to make one or two comments on this bill because unfortunately I won't be here to see the final debate on it. As the Member for La Verendrye has stated, there are pieces of legislation that contain many good parts and many good points in it, but when you slide in one or two that are objectionable it becomes a problem of throwing out the whole bill or voting against the whole bill when you may support certain parts of it, which was a good case in Bill 72. With some amendments, the bill could have been acceptable probably to all members on this side of the House. There were one or two sections in there that we objected to very strongly.

I would only be paraphrasing the Member for La Verendrye if I stated my objections to the paternity section of six weeks leave in this particular bill because I know, in my constituency, there are very few if any, employers that employ a large number of people. They're all two and three and four and five employee businesses and there are none of those that can afford to let a key member of that business go for six weeks without a complete disruption and probably devastating effects on that particular business.

Mr. Speaker, I just wanted to record my strong objections to this particular section of the act. As the member stated, there are other parts of the act that are quite progressive and could be supported quite easily; but when they throw in a section of the bill like this that is absolutely ridiculous to those ordinary people out there. I've had calls already as a result of the headline that it got in the paper, that the average guy out there just thinks this is absolutely ridiculous to even consider it and, as the member stated, that's only the thin edge of the wedge.

The next will be to have a paid leave and there is no possible way that I can accept a ridiculous piece of legislation like that.

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

MR. G. MERCIER: Mr. Speaker, I move, seconded by the Honourable Member for Sturgeon Creek, that debate be adjourned.

MOTION presented and carried.

**BILL 86 - THE CONSUMER PROTECTION ACT;
LA LOI SUR LA PROTECTION DU CONSOMMATEUR**

HON. R. PENNER presented, by leave, Bill No. 86, An Act to amend The Consumer Protection Act; Loi modifiant la loi sur la protection du consommateur, for Second Reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Thank you, Mr. Speaker.

Mr. Speaker, I'll be brief. The primary purpose of the proposed amendments is to allow for variable interest rate credit instruments in Manitoba. The act at present allows only for a credit written at a fixed interest rate.

The Bank Act regulations were amended by, of course, the Federal Government in April of 1983 to allow federally regulated institutions to provide variable interest rate credit. As a result, provincially regulated institutions - one need only think of credit unions, Caisse Populaire and so on - finance companies, trust companies and retail vendors have been at a competitive disadvantage because in the market there's quite a demand by consumers of financial services for variable rate interest at a time when interest rates are quite volatile.

In the general case, variable interest rate instruments provide, at the outset, for lower interest rates at the time of the signing of the contract because the risk of providing credit is reduced for the credit granter. Over the entire life of the contract, total interest charges to the consumer could be less, more or the same for variable or fixed credit contract.

The outcome, of course, will depend upon the movement of interest rates in the market. While interest rates can move sharply in relatively short periods of time - and we've all seen that happen - consumers using variable credit can always protect themselves by using the existing right to prepaid credit agreements without penalty and move to a more advantageous credit facility for themselves.

As the amendments would provide both consumers and credit grantors with a wider choice of credit instruments, and would also reduce the competitive disadvantage for provincially regulated credit grantors, I recommend this bill to the House.

I should point out that the secondary purpose of the proposed amendments is to extend a consumer right that currently exists with respect to the use of vendor credit by the use of credit cards. At present a consumer is entitled to a rebate of credit charges, where a vendor does not deliver goods at the time agreed upon. It is

proposed in the bill that a similar right be provided where credit cards or other forms of variable credits are used in the purchase.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. C. BIRT: Thank you, Mr. Speaker.

I'd like to thank the Attorney-General for seeing me this morning to discuss the merits of this bill. I hadn't realized it was going to be "Attorney-General Day" in the House, but I appreciate the few moments he gave me.

The thrust of the act is primarily to allow the true cost of borrowing to be passed on through the consumers, and it seems ironic that under The Consumer Protection Act, you'd be providing provisions for basically money lending institutions, being credit unions, caisses populaires, etc., to pass through the true cost of borrowing. But it's an important and I think a necessary ingredient because having been a vice-president of a credit union when the rates were going high and you were locked into fixed rates that you soon caused havoc with the financial sheets. So I think it's important that it be there.

The only concern that I have with this type of legislation is that - and I've expressed this to the Minister in our earlier conversations - there is provision for increasing and decreasing of the cost of monies during the term of the contract, and I can see where the particular individual would want to give notice and raise the particular cost where the rates go up. We're left to assume that these same institutions will lower the rates when, in fact, the cost of money does go down, and I think in most cases this will occur.

If it doesn't occur, there doesn't seem to be any penalty or anything in place to ensure that the moneylender or the supplier of service, in effect, is adjusting the charges to the consumer to match those with his costs. I can appreciate that there is provision for the consumer to find alternate financing and you can discharge the loan and perhaps get a cheaper loan, if this does not occur. But it seems to me that something should be done, either through consumer education programs and/or something to be added into the act that would make it mandatory that the lenders reduce the cost of credit as well as having that right to increase it.

But that's the only concern I have on it. As the Minister indicated, it brings us in line with the federal situation and the other credit granting institutions in this province. I think it is long overdue, and I'd be prepared to move it to committee stage.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. D. BLAKE: Thank you, Mr. Speaker.

I can see no reason for not moving the bill on to committee stage. I just would like to comment; I have felt that there was always the provision there for institutions other than banks to vary their interest rates. I know that I had a personal experience where I was advised that my interest rate had gone down, and it wasn't a banking institution. I promptly took it to my

banker and said, how many times have you written to your customers and said that your interest rate is going down?

The one factor I can see in it that may cause maybe a greater freedom in interest rates and those in the world of finance will have some concern, possibly in being able to regulate their portfolio in some way. As we all know, the money flows to the credit institutions from the marketplace. They receive money in at a fixed rate and they lend it back out at another rate and hopefully there is some profit in the spread that they're able to obtain.

There may be some problem now in managing their portfolio in such a way that they can put their credit out at a fixed rate and know that is the return they're going to receive on that many dollars for a certain period of time. I don't think you can take away the privilege of the borrower from saying, well, I realize that I borrowed that money for one year at a fixed rate, but I really don't like that rate six months down the road and I can get it cheaper somewhere else.

You have to have that privilege of paying it off, if he could get that money at a cheaper rate somewhere else. But there may be some small difficulties there in the financial institutions planning their portfolio, in trying to get a fixed rate for a certain period of time, if they were able to arrange it. I can see the consumer being the beneficiary of any fluctuations or any changes in interest rates and that certainly is all to the good.

So I can see no reason, Mr. Speaker, for not allowing the bill to go to committee, and we may hear some representations that may enlarge upon the implications that this may have.

QUESTION put, MOTION carried.

**BILL 62 - THE CHARTER COMPLIANCE
STATUTE
AMENDMENT ACT; LOI MODIFIANT
DIVERSES
DISPOSITIONS LÉGISLATIVES AFIN
D'ASSURER
LE RESPECT DE LA CHARTE**

HON. R. PENNER presented, by leave, Bill No. 62, The Charter Compliance Statute Amendment Act, for Second Reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, in many ways the bill that I am now introducing is I think not only the most important of those that I've introduced this morning, but, on reflection, I think many members might agree one of the most important of this Session.

Section 8 of the Canadian Charter of Rights, with which this bill deals, prohibits unreasonable search and seizure. This prohibition has necessitated a number of amendments to provincial statutes. I think, as I go through them, members will agree changes in many circumstances is long overdue. Through the amendments, the concern has been to balance the

individual's right to security and privacy with the public interest and the effective enforcement of provincial laws, mainly in the instances I will be covering, taxation laws.

The following then is a summary of the major changes. First of all, with respect to taxation enforcement powers, it is intended that amendments to the enforcement provisions in provincial taxation statutes will meet the requirements of chartered clients without jeopardizing the collection of revenues.

The statutes are being amended in four basic areas; first of all with respect to forfeiture of goods. Under current provisions, taxable goods which are imported in bulk without payment or the required tax may be seized just like that. Unless the goods are redeemed by payment of double the tax owing, they are forfeited to the Crown. The goods are then sold and the proceeds of the sale are applied firstly to the double tax liability with the surplus of any to be returned to the individual. This procedure is unrelated at present to prosecution which may or may not follow and thus operate outside the protection of court review.

The provisions in our view are unreasonable in that they require the individual to pay up or forfeit without the requirement of an objective determination of tax liability. Under the new provisions, an individual will still be given the opportunity to, in a sense, admit liability by redeeming the goods - he can still do that - however, if the person fails to pay the double tax, a prosecution must commence in order to provide the taxpayer with an opportunity to put his case before the court with respect to the goods.

The proceeds of sale from the goods will be kept rather than escheated to the Crown pending the outcome of the prosecution and will be returned to the accused upon an acquittal. In any event, the proceeds bear interest until their disposition is determined by the court. So if the court says no there was no wrongdoing; there should be no tax penalties; the goods should be returned or - and we are dealing here in the main with perishable goods which may have had to be sold - the proceeds plus interest are to be returned to the taxpayer.

Secondly, extra judicial enforcement powers: All of the taxation statutes we have, as is the case with other provinces, grant to administrators the statutory power to enforce alleged debts to the Crown through a variety of procedures. Presently these powers can be exercised without a court judgment to establish the legitimacy of the alleged tax debt.

The amendments we propose, Sir, will require a court judgment or admission of liability or some similar confirmation of indebtedness before the statutory power can be exercised. Additionally, the department may take enforcement proceedings upon the commencement of a court action to recover the debt allegedly owing but, in this case, and this is quite similar to garnishment, the money is to be paid into court pending the resolution of the case. Finally, where a tax liability has not been clearly established, the department may still act to enforce the debt but the alleged debtor then has the right to apply to court for an order of restitution.

The third area in the taxation statute deals with inspection, search and seizure. Inspection powers grant authority to enter premises on a random basis to inspect physical activities and records therein to determine compliance with the particular statute. These powers

have been left virtually intact. In our view a random inspection probably is not a search within the meaning of the Charter Section 8 and that issue has not yet been determined by the Supreme Court and certainly is not unreasonable given that inspection powers are essential to ensure compliance with regulatory law.

However, the present statutory requirement, and this is what we're getting at, that the taxpayer answer all questions asked by an inspector creates an unreasonable obligation to provide information prior to possible litigation and has accordingly been removed. Also the power to enter private dwellings where business records are purported to be kept will be restricted to the power to enter premises only where there are reasonable and probable grounds to believe that business records are kept therein.

I now deal with search and seizure powers. Search and seizure powers grant authority to officials to enter and search for evidence of a violation of a statute and to seize the evidence for use in court proceedings. These powers are being amended throughout to meet the requirements enunciated by the Supreme Court of Canada in the recent Southam Press decision - that's Hunter, Lawson, Hunter vs. Southam Press.

The exercise of these powers will require a judicial warrant, and I think that's right. To obtain such a warrant, the following conditions will have to be met. There must be reasonable and probable grounds to believe that a violation of the act has occurred. There must be reasonable and probable grounds to believe that evidence of the violation is to be found at the place of search and that the application must be supported by evidence on oath of the reasonable and probable grounds to which I've just referred.

The concern, which is a real concern, that evidence might be destroyed if warrants are routinely required for seizure is met by allowing warrants to be obtained when necessary without prior notification to the party whose premises are the subject of the proposed search.

The amendments also introduce a standardized procedure whereby warrants may be issued by a justice of the peace, magistrate or provincial court judge. This conforms, Sir, to the Southam finding of the Supreme Court that warrants need issue only from a person capable of acting judicially, not necessarily just from a judge. At the same time, this amendment will provide easier access to an appropriate official authorized to issue warrants. We have, for example, justices of the peace who are available to the government at any reasonable time.

Finally, and this I think is very important, we are proposing to repeal all existing statutory provisions allowing for search and seizure without warrant. There will no longer exist in our statutes provisions for search and seizure without warrant.

Access to records: Amendments have been made to expand the right of the taxpayer to get access to records which have been seized by or handed over to the Tax Department. Upon request, and where the document is reasonably required for business purposes, the department must return the records or provide a copy of it to the taxpayer. Furthermore, new provisions require that seized items, including records, be returned within 180 days of the seizure unless a court authorizes an extension for purposes of court proceedings or an ongoing investigation.

I move to a second major area, industry compliance powers. Under a number of statutes - The Consumer Protection Act, The Landlord and Tenant Act, The Employment Standards and so on - an administrator is given authority to enter premises to investigate alleged violations of the particular statutory obligations. We are proposing amendments which will create a uniform procedure throughout these acts and which will preclude the use of the power to investigate, simply in order to conduct fishing expeditions. The amended sections provide that the right of access arises only for the purposes of investigating a specific complaint and only where there are reasonable and probable grounds to believe that specific records relevant to the complaint are to be found on the premises.

A person has the right to refuse consent to enter. Where entry is denied the administrator may apply to a justice of the peace, magistrate or a provincial court judge for an access order. However, an order will issue only where specific conditions are met. There must be reasonable and probable grounds to believe that the premises contain specific relevant documents and the authority for access must be reasonable and necessary for that investigation.

Also, Sir, we are proposing to remove the requirement that a person under investigation provide any further information which the investigator may desire. We are strengthening throughout, the right of a person to remain silent and say I'll see you in court.

Liquor Act amendments are the third category in this bill. The very sweeping enforcement powers under this act have been limited to make them consistent with the powers contained in other similar statutes. We are proposing to repeal the current provisions respecting forfeiture of vehicles involved, incidentally, in liquor violations. That's a horrendous power. Now mind you, it's not used now as it was in the past, but it's there and it could be used - it's been taken out.

Some of the reverse onus provisions which put the burden of establishing innocence on the accused are also being removed. That is clearly wrong, that is to have that kind of a reverse onus provision. In conformity with the taxation statutes that I've talked about earlier the blanket power of search and seizure has been modified. Although the right to seize liquor which is the subject matter of a violation that has been retained, provided that the seizure is made in the course of duty by a constable or inspector.

Administrative subpoenas: Some statutes, Mr. Deputy Speaker, give administrators the power to compel oral testimony or the production of records as a means of enforcing the regulatory authority. The impact of Charter 8 on these provisions is an issue presently before the Court of Appeal in this province. It's being heard and we're waiting for judgment, therefore possible amendments regarding these powers have been postponed pending judicial resolution of the matter.

Mr. Speaker, as I said at the outset, I regard this bill as a major step forward in fulfilling the mandate of the Charter. If I may be so bold, I would call it a new Bill of Rights for the taxpayers of this province. It establishes a benchmark for other provinces. It's an important aspect of the development by this government, of a made-in-Manitoba equitable tax system for ordinary Manitobans.

I want to say it has the full support, not only of the government in Caucus, but especially I want to make note of the strong support I've had throughout of the Minister of Finance.

Thank you, I recommend this bill.

MR. DEPUTY SPEAKER, P. EYLER: The Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, just a question for clarification on the bill to the Attorney-General. Could he indicate whether he is amending The Liquor Control Act with respect to the restrictions on advertising?

HON. R. PENNER: No, that proposal which has been considered is not contained in any of the bills introduced so far.

MR. G. MERCIER: Is that something that can be done by regulation or does it require an amendment to the act?

HON. R. PENNER: It would require an amendment to the act because there is a specific provision. The so-called, I think it was Campbell-Sterling Lyon compromise of 1967 that led to the present provision and it's still there; and perhaps if those two gentlemen could get together and come up with a proposal we could deal with it, or we might deal with it in committee.

MR. G. MERCIER: Mr. Speaker, I move, seconded by the Honourable Member for Morris, that debate be adjourned.

MOTION presented and carried.

ADJOURNED DEBATE ON SECOND READING

BILL 18 - THE HIGHWAY TRAFFIC ACT; LE CODE DE LA ROUTE

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Minister of Highways, Bill No. 18, standing in the name of the Member for Lakeside.

MR. H. ENNS: Mr. Speaker, I adjourned debate on this bill on behalf of my colleague, the Honourable Member for Minnedosa.

MR. DEPUTY SPEAKER: The Member for Minnedosa.

MR. D. BLAKE: Mr. Speaker, Bill 18, on perusing it, is basically a clean-up bill, although there are one or two sections in it I think that would bear some comment.

Firstly, I was glad to see the amendment they proposed that deals with mobility vehicles, which are the advanced stage of mopeds, I suppose, that handicapped people have to use to transport themselves around, uptown for shopping and various short trips like that, that are limited to a minimum speed of 15 kilometres and not more than 50 maximum - but I don't think you'll get too many of them that will go up around 50 kilometres an hour.

We covered this section fairly well in the Minister's Estimates. The Member for Virden had an ideal case that we covered at some length, and I think the amendment that's now being proposed in Bill 18 will certainly cover those types of vehicles and also give some flexibility to the Registrar of Motor Vehicles that he might be able to - for the lack of a better term - bend the rules a little bit to provide licensing for these particular vehicles so that they would have some insurance coverage and other protection under the act that other vehicles have.

There's another section of the act that deals with suspension and this stems from a ruling by the late Judge Ferg recently on the section, "Notice of Suspension", just merely being mailed out was contrary to the Charter of Rights, where a notice of suspension merely mailed was not sufficient because there was no conclusive proof that the recipient had received the letter and was aware that his licence had been suspended. So those changes in the act, Mr. Speaker, will probably solve those problems and clear up that area that was somewhat grey.

The amendment with the use of flashing red lights is a good addition to the act I think, Mr. Speaker, because I know I have used that method of indicating that there was a slow moving vehicle myself, on many occasions, not realizing that it maybe was contrary to the law. I find that my hunting dog can run three or four miles alongside of the car much easier than I can keep pace with him out on the road, so I've used that warning signal to any traffic that may be approaching, that my vehicle was moving at a little slower pace than I normally travel on the highway. So I think that amendment is an amendment to clarify some fuzziness that was maybe in the act.

The licensing also is a move to clear up the licensing of utility trailers, the sale of utility trailers and boat trailers. Those selling utility trailers are no longer required to post a \$25,000 bond, which I think is probably a good clarification in the act; as well as the section to indicate lane changes on the divided highways that are used in heavy traffic indicated by arrows. I guess there has always been some confusion in that particular section of the act, Mr. Speaker, but there was never any clear indication of when the change of lane signals should have been used, or whether the indicating arrows were completely clear on when someone should signal a change of lanes.

So, Mr. Speaker, as I mentioned earlier, this is largely a clean-up of the various sections of the bill. The item on educational driving courses, the 15-1/2s, those sections of the act I think provide more clarity in what can be accomplished in that area, and also I think gives the Registrar of Motor Vehicles a little more direction on what his powers are. I note the ability is still there to suspend a licence for those young drivers who are not complying with the requirements of their learner's permit and I think that's a good section of the act. Also those younger drivers who have had their first driving permit if they're convicted of traffic offences or have a couple of accidents within a short period of time on their first year's driver's licence can have that licence cancelled probably fairly quickly on them that would indicate pretty strongly to them that their driving licence was a privilege and not actually a right.

So, Mr. Speaker, I don't have too many more comments to make. As I mentioned, the act is to clear

up a lot of grey areas. I think the section that deals with the deletion of the 30-day time limit for appeals to the Medical Review Committee is a good one. There are many cases where drivers' licences have been suspended on some medical grounds that maybe were not completely clear and there maybe wasn't complete justification for them.

Also it appears to give some more direction, through the act, to those on the review panel. I have had a couple of instances in the past year with those who have unfortunately suffered from small strokes and have been incapacitated in one way or the other but are still reasonably capable of driving, whether it be under a restricted licence or under a full licence.

There has been a great deal of inconvenience and frustration caused with the necessity to come into the city for a review panel and find, when they got in here with some difficulty and inconvenience, that some little requirement that they weren't aware of or some small technicality that they were unable to have the review or were unable to complete it successfully enough to obtain their licences. I think these provisions in the new act with regard to the Medical Review Committee will clear that up to some degree and that is something that we can support, Mr. Speaker.

With those comments, we can move the bill on to committee and hopefully there will be presentations made at that stage if there are some of those that have strong objections to it. But as I say, at the outset, it looks like largely a clean-up piece of legislation and two or three of the items that I have covered certainly required some clarification and this act appears to do that to a very large degree.

MR. DEPUTY SPEAKER: The Honourable Minister of Highways will be closing debate.

HON. J. PLOHMAN: Mr. Deputy Speaker, I don't want to comment in any length at all but just simply to thank the member for his positive comments to the bill and look forward to passing it through Law Amendments Committee, hopefully, very quickly.

It seems that most of the amendments that have been proposed are acceptable to the opposition and I appreciate the positive remarks from the member.

QUESTION put, MOTION carried.

BILL 53 - THE PAY EQUITY ACT; LOI SUR L'ÉGALITÉ DES SALAIRES

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Minister of Labour, Bill No. 53, standing in the name of the Member for Kirkfield Park.

MRS. G. HAMMOND: Mr. Speaker, I'm happy to make a few remarks on the Pay Equity Bill. As indicated by the Member for La Verendrye, we will be in support of this legislation.

Equal pay for work of equal value is not a new demand. In the United States, The Equal Pay Act of 1963 specified work of equal value and established an evaluation criteria. Fourteen American states, including our immediate southern neighbours, Minnesota and North Dakota, have similar legislation. The most

progressive example in terms of legislation is New Zealand's Equal Pay Act of 1972.

I'd like to put some facts on the record about women in the workplace and I know we've all heard them before, but 77 percent of the women in the labour force are in five of 22 major job categories: retail sales, clerical, service industry, health and teaching - often low paying, dead-end jobs.

Women earn 64 cents for every dollar earned by men. Women in 1982, with university degrees, earned the same as men with high school education. Last year women accounted for 71 percent of all part-time workers, providing less security, fewer benefits and promotions; and yet, in 1984, it was forecast that women will account for 67 percent of new business starts, but the barriers there are great, both for accessing loans and financing credit.

Women's contributions to the economy, as both employees and entrepreneurs, have increased, but women have not benefited in proportion to that contribution. Mr. Speaker, changes in thinking are needed.

In the mid-'70s, workers at the Health Sciences Centre negotiated a job evaluation committee and consequently the disparity between salaries of nurses' aides and orderlies was erased. Nobody wants inequality in the workplace. It is time for attitudes to change. It is to the advantage of everyone that women become financially independent. How much better to utilize this wonderful resource than having our taxes keeping women on welfare or pension supplements.

One of three Canadian marriages end in divorce. Educators and parents must insist our daughters persevere in Mathematics and Science while they are at school. These are the prerequisites for new technologies, the prerequisites for jobs.

In the bill, on Page 5, the General Objects and Purposes, it says: "The objects and purposes of this Act are to establish the principle of pay equity in Manitoba; and to inform employers, employees and bargaining agents, within the public and private sectors, of the principles and practices of pay equity." Mr. Speaker, businesses in Manitoba have been fighting for years, for the last number of years, and are still fighting to keep their heads above water. Naturally they fear this legislation because they see it as an added cost.

It is imperative that this legislation, pay equity, be explained to them, to show them that they should have nothing to fear from this legislation. I think it's incumbent on the government, when they bring in legislation like this, that they don't have one segment of the economy opposed to a piece of legislation that they see as possibly hurting themselves, hurting their business. I think that's one of the things that must happen in government and through this legislation. We would like to see it work; as a woman, I would like to see it work and its time has come.

On Page 11 of the bill, its "Referral of failure to implement plan of wage adjustments," it says: "Where the government fails to implement wage adjustments required by this act, the executive director or the association may refer the matter to arbitration."

Now when I was talking to some people in the hospitals that this bill will affect, the external agencies, I think one of the fears is that the funding will not come

through as it should; will it include the fringe benefits? I think this is something that we're going to have to watch very carefully because we certainly don't want to see our hospitals underfunded because of legislation that is brought in, and I think the health care of our citizens has to be paramount. So that is something that is going to have to be very carefully watched, that the government lives up to its end of the bargain when it's bringing in this type of legislation.

The Minister of Labour, when he spoke on the bill, spoke about in 1842, in Britain, The Mines Act was passed prohibiting the employment of women and girls underground and setting boys age limit to age 10. Of course, this is the beginning of discrimination against women working in non-traditional jobs, and from there on we want it to protect, certainly the young girls and the young boys, from these practices, but this was the start when they included women in areas of non-traditional jobs. I think that certainly nothing much has really improved in the last years.

The government also talks about the dual strategies which are pay equity and affirmative action and mentions that affirmative action is in place in the Civil Service. Well I'll deal with that part later.

The Member for Wolseley indicated how delighted she was with the bill. I must say that I am pleased to see this legislation come in, as well, but she went on to say that it didn't pop up in government caucuses in March, April or May, but I have a feeling that it did pop up in January or February, that this is a — (Interjection) — Yes, the Minister mentions, or at least the Member for Wolseley mentions, that it was brought up in 1981. Well it's significant that this is 1985 and we are getting the legislation in the last days of the Session. I think that women have been fighting for this and we're happy to see that it is coming about.

When the Member for Wolseley was also referring to the Member for La Verendrye's words, and I'll use her words, "absolutely adorable," because he talked about caring for his fellowman; and I hope that she will think that the Minister of Labour's words were absolutely adorable when he said, referring to the same bill, "not a giant step for mankind, this." Old habits die hard and I think that it's really so easy to criticize and I think it's better to encourage in this area.

Most women today do work because they need the money and they need jobs that pay a living wage. But when the Member for La Verendrye spoke about women, who we sometimes forget, women who stayed at home till their children were grown. These are the women who do the majority of the volunteer work in the community today; they volunteer in the schools, day cares, Meals on Wheels, community clubs, crisis centres - they are working all our crisis centre phones, not paid staff, these are the women that have chosen to stay home. These are the women who feel that they must apologize because they don't work outside the home. These are the women the Member for La Verendrye was talking about, and he's right. After all, the years of being unpaid and totally undervalued - at least that's how they see themselves in society today - these women are wanting a sense of achievement and a sense of accomplishment, and the only way they see that they can get this is by being paid.

I really feel that the Member for Wolseley was making a fundamental error when she made comparisons about

women in need and the women who go into the workplace not because of dire need.

Dr. Alice Boulding (phonetic) made the point, and I will quote, "The role of women, in simply carrying out the tasks and meeting the family challenges of everyday life, is now becoming seen as a badly ignored factor. We have ignored it to our detriment."

We shouldn't be polarizing, any of us. As feminists, while most of our energies are spent on the needy women in the work force, there is a large group of women who are at home and who are needing the support, and I think they are badly forgotten at times. So I would hate to see us get into a position of comparing women in need and women maybe who are not in need. They have different kinds of needs and, as women, we want to pull together because we want the support of all women, not just the support of people that are considered in the lower end of the social economic strata. I think it's really one of the things that feminists should pay more attention to because I know that they really are concerned about this, but it's not coming out.

But, in spite of what the Member for Wolseley put on the record, the Conservatives understand very well the distinctions between pay equity, equal opportunity and affirmative action.

The problem sometimes I think with Hansard and speaking, that everything that you don't put into the record is considered that you don't understand or that possibly you're not in agreement with. Not at all. When someone has made the point, I don't see it necessary to constantly make it over again.

We have seen this government's actions, or I should say non-action, when it comes to affirmative action. We saw it in Government Services where they said they were going to start a program. Now this was in the promises that the Premier made during the election about affirmative action. We're in the dying days of this Session with an election upon us and all of a sudden we see a bill for pay equity, which we appreciate, and affirmative action starting now. Where was it before?

I go back to the chairman of the Manitoba Telephone System. When a man was in the position, it was \$35,000.00. A woman, all of a sudden, can take that same position, but it can only be part-time because obviously they don't feel that they need the same input. This to me is a putdown, because perception is everything, and the perception here to me and what we have is a woman taking a job for \$25,000, but what on earth was the fellow that was in there - who was it that had that job for MTS taking \$35,000 - if it could have been done for \$25,000.00. If staff were able to do it now, they should have been able to do it before. I take exception to that, because now that job has been downgraded, and a woman is in it. I don't see where the affirmative action helps in cases like this.

We see in Community Services five out of six executive directors that were named to the new Child and Family Service Boards, five out of six men, one woman. What about affirmative action there? And here, Mr. Speaker, we have a woman Minister. This is a woman who is going to Nairobi with the Status of Women, talking about women and yet in her own department, I see sitting there day after day, six or seven men who are obviously in the top jobs, one woman. Then they change and another woman, but always the men. So there is a lot of work to be done.

The Member for Wolseley indicated that the women in the labour force are not all going to be bosses, and I agree with that. They're not all going to be bosses. But I do feel that when someone is in a job as a secretary, we want to make sure that they get the opportunity to move up. They don't have to move from the secretary to the boss, but there are other steps, and education is not a barrier to moving to another level. This is the sort of thing that we're not seeing.

So I hope that pay equity is not going to take the place of this kind of movement; that they're going to say oh well, fine, the secretaries are now earning the same as a Clerk 1, or whatever the comparison is. What I want to see as well is that these women have a chance to advance; that they don't end up in dead-end jobs; that they can move up in the system. So far, this government has failed miserably in doing that sort of thing. I have to say that, as a government who talks about women all the time and then they bring in a piece of legislation like this which is good and which is needed, I get the feeling that everyone's going to relax and say oh, we've done this; and we won't pay as much attention to the opportunities for women to move and advance.

I have been watching the papers very closely for the advertising for jobs. Social workers is a good example. Practically every job that's worth its salt, that has any good money attached to it, is looking for Masters Degrees. Why is that? Because normally, what has happened is the woman is married in most cases. She is looking after the home. She's got her degree in Social Work. She doesn't have time to go out and get that Masters Degree. Yet here we have a case of discrimination because of education requirements and I think that's something that has to change. It's the sort of thing that the government could have been looking at in these past four years, and these are changes that could have been made.

Mr. Speaker, I look forward to hearing from the public when this bill gets to committee. I'm just sorry that it has come so late in the Session that people are not going to have the same opportunity, when we're into summer, a lot of people aren't going to have the same opportunity to speak to this bill. I'm hoping that we hear some very good presentations on it.

MR. SPEAKER, Hon. J. Walding: The Honourable Member for Fort Garry.

MR. C. BIRT: Mr. Speaker, I move, seconded by the Member for Assiniboia, that debate on this bill be adjourned.

MOTION presented and carried.

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 63.

The Honourable Minister of Labour.

HON. A. MACKLING: Mr. Speaker, could you call Bill No. 63, please? Mr. Speaker, Bill 63. Oh, you called it?

MR. SPEAKER: Bill 63, the Honourable Government House Leader.

HON. A. MACKLING: I believe, Mr. Speaker, that bill was to be left, wasn't it? Yes, it can go to committee.

Well, just a minute. No, no, have this stand, Mr. Speaker. This is a sleeper, Mr. Speaker.

MR. SPEAKER: Order please. The debate is before the House, and it is in the name of the Honourable Government House Leader. If he does not speak to it and if it is not stood, then it comes to a vote.

HON. A. MACKLING: Stand.

MR. SPEAKER: Stand.

BILL 73 - THE SPECIAL SURVEY ACT: LA LOI SUR LES ARPENTAGES SPÉCIAUX

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 73, the Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, this bill has been on the Order Paper for some time because when the Attorney-General introduced the bill I asked him if he had consulted with the Land Surveyors Association and he had not. At my request he did, and I've now received from him, and I thank him for providing me with this information, a copy of a letter from the Land Surveyors Association in which they outline their meeting with officials in the Attorney-General's Department wherein they recommend amendments to this bill, which I understand the Attorney-General is prepared to agree to and I take it will introduce when the bill is in committee.

So, on that basis, Mr. Speaker, I think we can pass the bill on to committee and deal with the Land Surveyor's concerns in committee.

QUESTION put, MOTION carried.

BILL 75 - AN ACT TO AMEND THE PAYMENT OF WAGES ACT AND OTHER ACTS OF THE LEGISLATURE; LOI MODIFIANT LA LOI SUR LE PAIEMENT DES SALAIRES ET D'AUTRES LOIS DE LA LÉGISLATURE

MR. SPEAKER: On the proposed motion of the Honourable Minister of Labour, Bill No. 75, the Honourable Member for La Verendrye.

MR. R. BANMAN: Thank you, Mr. Speaker.

Bill No. 75, I believe flows from a number of initiatives that have been taken over the last, I believe, 10 years within this Legislature. I remember a number of years ago when the previous NDP Government, I believe, introduced some legislation which would have seen the workers' wages take precedence over the first mortgage on a property. I believe that was back in 1976, or maybe even 1977.

At that time it was introduced by the former Schreyer Government, and I remember sitting on that committee and different lending institutions, as well as private

individuals, coming forward and indicating to us at that time that if you did away with the first mortgage philosophy, and the first mortgage right, what would happen is that - we used the examples of a widow who is selling her farm and is taking a mortgage back - she would then be subject to not being sure that she would get the money that the mortgage, indeed, had stipulated and the money that she would be having come to her for her retirement or for use in her daily living.

The government at that time realized that there was a problem and withdrew that bill and, as a result, within the next couple of years, the previous government, the Lyon administration, introduced a program whereby the payment of wages was paid out of a fund which was provided for by the taxpayers of Manitoba.

Mr. Speaker, I believe at that time particular legislation was passed unanimously by the House, all members recognizing that there was a problem, and that employees who did have wages coming from bankrupt companies should be at least given a chance to recover a portion of it and not bear the brunt of the closure or the bankruptcy because, in very many instances they went through the traumatic experience of, first of all, losing their job, which they might have had for many years and then, on top of that, we all realized that people who are involved in housing and car payments and that, they did have certain commitments and, of course, if they then had to lose their wages with regard to that bankruptcy, that would produce a severe hardship.

So I believe everybody in the House at that time recognized the fact that the worker, in this instance, had to be looked after and, therefore, the previous Lyon administration established a system of payment of wages which I believe has served the province well.

I think the figures that were put forward this year, during the Minister's Estimates, indicate that the recoveries of those funds are starting to come in on an annual basis. It is my understanding, from the bill before us, that this will streamline the recovery of those funds and also allow the payment of wages, people involved in employment standards and that are administering The Payment of Wages Act, to go ahead and try in some instances to collect funds a little faster and maybe go after some of the directors who form part of the corporation.

Since it is a bill which, from my understanding, and I put this caveat forward to the Minister, that I look forward to hearing some presentations at committee time at which someone might point out some problems with the bill. I would be open and receptive to see if there are any problems being caused by the changes which affect directors, because we are getting into more corporate law business, and I would be anxious to see what would happen there.

But, I think, as the Minister indicated when he introduced the bill, the bill is really trying to streamline and trying to tidy up some of the problems that the department has encountered over the last number of years in, not only disbursing the funds to the employees, but also at a time when they are trying to collect some of the funds back, either from a receivership or from some directors.

So, Mr. Speaker, this bill has had a history of cooperation in this Legislature. I say to members opposite that I cannot see any problems with it at the present

time; but I would, again, file that caveat with the Minister, if there are some technical presentations made at committee, I would want us to have a good look at those because, as I said, I'm not an expert in that particular field and, hopefully, the presentations will deal with any of those smaller fine points that might be causing some problems to certain segments of the population.

So, having said that, Mr. Speaker, we pass the bill on to committee.

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

MR. G. MERCIER: Mr. Speaker, I wish to raise a small point with the Minister for consideration.

On behalf really of the Member for Virden who has provided me with a copy of a letter to the Minister, dated January 28, 1985, from Mr. Frank Meighen from Brandon, a well-known lawyer who I'm sure the Minister knows. He wrote to the Minister with respect to claims under The Payment of Wages Act against various directors of the Co-operative Birdtail Equipment Co-op Ltd., in which claims were made against 10 directors for total wages of \$3,548.05. The individuals appealed that decision, but under the terms of the act had to pay the monies into court. Now the appeals were filed on behalf of all of the 10 directors and according to Mr. Meighen, the act requires that each director pay the amount claimed against himself or herself so that, in effect, 10 times the amount claimed - the total amount claimed of \$3,548 - had to be paid into court. In this case, Mr. Meighen advises that they paid in a total of \$11,871 which was less than what is actually required under the legislation, but still was three times the total amount of wages claimed.

Mr. Meighen, I think, rightly points out that this did cause some hardship and that the monies were held in court for some 15 months. Now we're all, I think in the House, agreeable, or of the same position that claims can be made against directors for unpaid wages, but it seems to me - and I would ask the Minister to consider this point - of an amendment in committee so it would be clear that the directors do not have to pay into court more than the total amount of wages that are being claimed. I think that is a reasonable position for Mr. Meighen and the directors of the Birdtail Co-op Ltd. to take and I think one that is worthy of consideration for an amendment in committee.

Thank you, Mr. Speaker.

MR. SPEAKER: Are you ready for the question?

The Honourable Minister of Labour will be closing debate.

HON. A. MACKLING: Mr. Speaker, I want to thank both the Member for La Verendrye and the Member for St. Norbert for the constructive criticisms and observations they've made in connection with this proposed legislation.

I appreciate the concern latterly raised by the Member for St. Norbert. I do recall that correspondence and the concern - and I'm not sure whether that really is affected - has been dealt with under this legislation. I doubt that it has and I'll discuss that with my staff

and see whether it is possible to work something in that would do it, because I think it would be desirable to be able to make a payment into court of just the amount that's owing rather than many times that. I don't know whether it can be done readily but I'll certainly look at that and if there are any other constructive suggestions that are made, as the Honourable Member for La Verendrye has said during the course of hearings, I'll certainly welcome any constructive advice as well. I appreciate those comments.

Thank you.

QUESTION put, MOTION carried.

BILL 76 - THE PENSION BENEFITS ACT LA LOI SUR LA PENSION DE RETRAITE

MR. SPEAKER: On the proposed motion of the Honourable Minister of Labour, Bill No. 76, the Honourable Member for La Verendrye.

MR. R. BANMAN: Mr. Speaker, we dealt yesterday with a bill before us which was introduced by the Minister of Education, at which time we saw some pension benefits given to a certain group within society which is funded to a certain extent by the Manitoba taxpayer. We are dealing with a bill before us now which again, if I could paraphrase really what the Minister said, that it's tidying up some of the loose ends from the old bill and again I have to plead somewhat, not ignorance, Mr. Speaker, but not as fully apprised of the facts about pensions that I would like to be and possibly should be. Having said that, Mr. Speaker, I know from my own experiences in dealing with my own businesses, that there is a growing concern among employees all over the province - and I would imagine generally across the country - with regard to the establishment of pension plans. I will take this opportunity to put a few thoughts on the table and maybe make a few suggestions to the Minister.

One of the things I think we really fall short of is explaining to a lot of small employers how we could better use the RRSP system in starting to provide pension plans for small employers; because what's happening now if you talk to - and I speak with a little bit of experience because I'm going through that myself. I have a couple of small businesses which employ three or four people each and as a result it is not a big enough plan, or there aren't enough employees to get into a large plan which has to be registered with the province and really the advice that the provincial people are giving, I would imagine myself and some other people, is to use the RRSP vehicle because it provides the employee with the benefit of having that fund very portable, because he or she can take it with them if they move on to other employment; but it also means that there is a lot less paper work for the employer because you don't have to get into the registering of the plan and adhere to all the different sections of the act and the different responsibilities that you have in reporting as well as investing the funds in other things.

I know there's a system now in place whereby most of the chartered banks and I believe some of the trust companies, will even administrate this RRSP on a joint

contribution basis between employer and employee and to that extent I was happy to see, Mr. Speaker, that the Federal Government raised the exemption level of RRSPs because it will now provide a vehicle for a lot of people who are, in many of the instances, retail operators who are probably paying bonuses to staff and as we all know, the retail businesses are cyclical. What happens is you might have a good year and a bad year.

But I say to members opposite that I would ask this Minister to review the RRSP system very carefully before he or his Ministers take the approach that it is only for the rich; because I see that as becoming a very important vehicle to provide pensions for employees of very small businesses and because it becomes very hard and there is a very cumbersome vehicle in place for small businesses to do that. I speak now of experience, because I've gone through it. I've been trying for the last six months to put a plan in place.

Now I know some of the companies will come and sell you the plan, but there are then service charges and other things which I have to say that while I want to see these guys making a living too, but I would rather see the benefits accrue to the employee rather than worrying about the different levels of investment, whether they should take a higher risk on some, maybe not so blue chip stocks and that type of thing, and you have to choose the different levels.

But I think the RRSP, for instance, the credit union at home, the banks at home are providing an excellent interest rate on a longer term.

I notice now that one of the larger employers in my constituency is starting to go to a profit-sharing program, and the RRSP vehicle is one which I believe is going to start to be used very effectively to try and get people, who now do not have any pensions in place at all, to move them into an area where they can build up something for retirement and build up a little bit of a nest egg.

So I say to the members opposite that before you take a hard swipe at the RRSP system and say it's only for the rich, I want to tell you that there are going to be, I believe, many people who are concerned about their employees' welfare and are concerned about their employees' well-being and want to see them save some money for their old age or for their retirement, are going to be using the RRSP system because, in my looking at it, it seems to be one of the best ways, one of the most secure ways to provide pensions that are, not only of a meaningful nature, but also of a portable nature to small businesses that employ only a few people.

So I say to members, and I point out to the Minister, that I think maybe his department and some people should have a good look at that because there might be an opportunity here to put a small booklet together to explain how this is done and that will have it a benefit to, not only the employer but, in this case, the employee who really in many instances needs this type of protection and is willing to make the contribution.

I say to the Minister that it's much easier if - and we are all like that - if the deduction is made before you get the money, it's much easier for a person to put it away than to wait at the end of the year and then having to go borrow the money or things like that. If you don't get it into your hands and it's put into an

RRSP or a pension fund, it seems to be a lot less painful because for any of us, and I think we are all like that - I know there are a few disciplined people in our group who are putting away so much money a month - but it becomes very hard, there is a tendency for all of us to spend it if it is in our account.

So I say to the Minister, I believe, that while this act is really of a caretaking nature, there are certain things that we can do, especially in the field of small business, where we can try and help the entrepreneur and the employee get together and get into a plan which is not cumbersome and will provide some benefits for the employees when they move on.

I would also like to say to the Minister that, as I mentioned, there are a number of employers now that are going into a system of profit sharing and, again, the RRSP system is an excellent way of doing that. I say that because I come back to what I just said a little earlier, one of the difficulties I have found with profit sharing is that when the money is given to the employee at the end of the year in the form of a bonus, or on a monthly basis in the form of a commission, what happens is that that money then becomes part of the daily standard of living that individual is involved with.

I know in my business, the automobile business, is very much like farming; we have good years and we have bad years, so some years the employee will make a fairly good cheque - this happened to me a number of years ago - the employees were all paid a fairly good cheque and so they incorporated that in their living standard. They took the money home, went out and bought maybe some new furniture and that, and next year anticipated receiving that same amount. Halfway through the year, the employees found out that the cars were not selling as well, there was a low point and, as a result, what happened is that we were faced with not providing any bonuses. Yet the family at home and the employee had already counted on that money because they had it the year before and they spent it. So their lifestyle had been put into a position - and we are all like that, I am not saying that we are any different - but we all incorporated that money. As we all know, it's much harder to cut back than increase your spending.

So the RRSP is also a vehicle where people are getting into the profit-sharing program, and if they are involved in a retail or a farming type of business, it allows them to put the money away before it really passes through the hands of anybody and then, of course, if it's put away, the tendency of drawing it out becomes much less.

So, Mr. Speaker, I put that on the record; I think there is an opportunity within the different programs that are being provided by private groups, as well as by credit unions, trust companies and banks, that there are vehicles being developed which will see more and more people putting away money, saving money for **future** retirement or for future emergency needs.

So having said that, Mr. Speaker, I pass the bill on to committee, again saying to the Minister that I am not as knowledgeable as I would like to be about the bill, about the finer points, but that I would be open to suggestions from people who might be appearing before the committee should the suggestions prove to **be of benefit** in trying to either tidy up or maybe make

the bill a better bill for the employees and the employers in this province.

MR. SPEAKER: Are you ready for the question?

The Honourable Minister of Labour will be closing debate.

HON. A. MACKLING: Mr. Speaker, I have an extensive reply, at least a half an hour in length but, in view of the very constructive observations of my colleague, the Member for La Verendrye, I will dispense with that.

There are obviously great strides that we have made in respect to pension legislation in the province. This, as the honourable member points out, affects some of the technical improvements that are necessary in the legislation. I, like the honourable member, am not particularly expert in this field, and it takes some thorough analysis to really understand some of these provisions.

When I, from my seat, indicated that the federal initiatives in respect to RRSPs will benefit the rich most, it's my concern that because of the increased size of the allowance that the Federal Government will permit in respect to RRSP loading that it will help the rich more than the average or the smaller income earner, and that is true. I am not completely negative on RRSPs; they do provide, as the honourable member I think has been indicating, a tremendous amount of flexibility, particularly for the small business person. However, in respect to pensions, our pension law does provide for a more thorough treatment of the monies that are held for retirement.

So, Mr. Speaker, with those few words, I commend the bill to the House and to committee.

QUESTION put, MOTION carried.

MR. SPEAKER: The time being 12:30 and Private Members' Hour.

HOUSE BUSINESS

MR. SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Speaker, I think there's an inclination to dispense with the Private Members' Hour, but before adjourning the House I would like to make this announcement.

The Industrial Relations Committee will meet Monday, July 8th at 10:00 a.m. in Room 254 to consider the bills referred.

On the same morning at the same time, in Room 255, Privileges and Elections, to consider Bill 12.

On Tuesday, July 9th at 10:00 a.m. in Room 254, Municipal Affairs Committee to consider bills referred, and also at 8:00 p.m. the same day, if necessary.

Statutory Regulations and Orders, Tuesday, July 9th at 10:00 a.m., and also at 8:00 p.m., if necessary; that would be in Room 255 to consider the bills referred.

Private bills, Wednesday, July 10th at 10:00 a.m. to consider bills referred in Room 254.

Finally, SRO, Wednesday, July 10th, also at 10:00 a.m. in Room 255.

MR. SPEAKER: Is there leave to dispense with Private Members' Hour today? Leave has been granted.

On the proposed motion of the Honourable Minister of Health, Bill No. 85, the Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, I would ask to have this matter stand. I believe the Acting House Leader indicated to you, Sir, that we wish to dispense with Private Members' Hour and adjourn the House at this time.

MR. SPEAKER: If there is a motion to adjourn, we will so adjourn, but otherwise our time is . . .

HON. L. DESJARDINS: I so move, seconded by the Minister of Labour.

MOTION presented and carried and the House adjourned and stands adjourned until 2:00 p.m. on Monday.