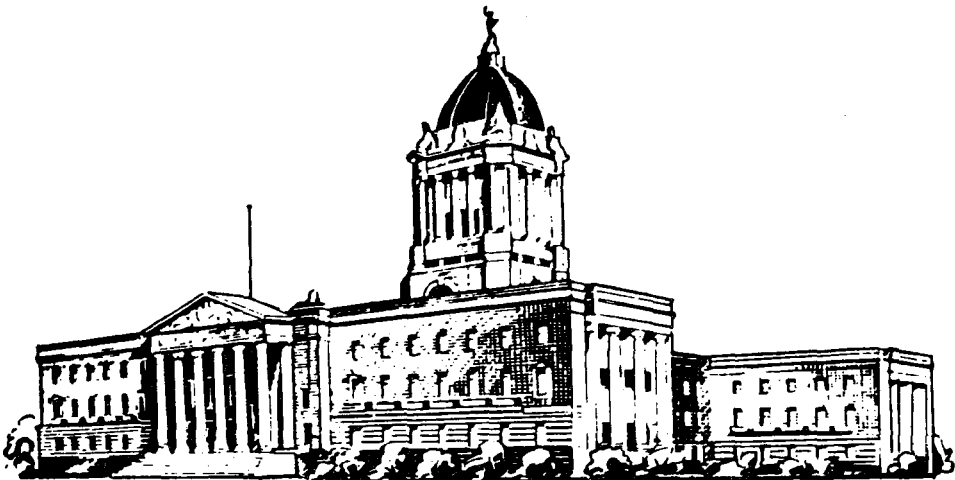




First Session — Thirty-First Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

26 Elizabeth II

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



Vol. XXV No. 3B

8:00 p.m. Monday, November 28, 1977

THE LEGISLATIVE ASSEMBLY of MANITOBA
Monday, November 28, 1977

Time: 8:00 p.m.

THRONE SPEECH DEBATE

MR. SPEAKER, Honorable Harry Graham (Birtle-Russell): Brandon East has six minutes left.

MR. LEONARD S. EVANS: Thank you very much, Mr. Speaker. As I was saying before the supper hour adjournment, that we have a government that might be characterized as a government that had an undue amount of corporate influence upon it, and I refer to it — I said it might be characterized as “corporate godfather government.”

I, in conclusion, would like to reiterate a point or two that I was making prior to the supper hour, and that is that I really and truly believe that the economic policies of this present government will lead to further unemployment in Manitoba. Unfortunately, this government has not seen fit to proceed with the job creation program. The Minister of Industry and Commerce has announced that they have scrapped the “Jobs in Small Business” program which would have put hundreds of people, particularly young people, men and women, would have given them jobs this winter.

We haven't heard a word yet about what they're going to do in terms of job creation in cooperation with the municipalities of Manitoba. We have set aside \$1.5 million for job creation at the municipal government level. There was \$1.5 million set aside to create jobs to improve community clubs and to service community clubs throughout the province. We had a special inner city program, a core area program, where there is a great deal of unemployment, unfortunately. We had a special northern program. There was a program to provide for jobs in institutional structures, institutional maintenance and repair — a million dollars for this. And, in addition to that, we came up with a special youth program — a million dollars available for those in the age bracket of 16 to 24 years of age, providing at least 300 jobs in the very worst part of the winter between December and the spring time. And, unfortunately, instead of direct job creation, as we had proposed, we have a program of proposed effective tax cuts, and I'm suggesting, Mr. Speaker, that a program of direct job creation is far more effective in stimulating the local economy because we know directly that the money is being spent on giving men and women jobs, and that these people are more than likely going to be spending their money locally, rather than the very rich people who will be getting the many millions of dollars of succession duties if this bill is passed. As I said earlier, these people, the rich, will take their money and spend it, whether it be in foreign travel in the Bahamas or Hawaii or what-have-you, or spending it on items, expensive manufactured items that are manufactured outside of Manitoba, or simply save those monies, and therefore the giving of money to the rich, which is this government's policy — giving this money to the rich, I say, will not stimulate the economy and therefore, it is simply a disaster that the new government has not seen fit to proceed with a job creation program where we could have put thousands of young men and, indeed, old men and women to work this winter in the province of Manitoba. Instead, they're going to collect Unemployment Insurance.

MR. SPEAKER: Order, please. Order, please. I would request those in the gallery to please refrain from any applause. It's very difficult to hear the speakers.

MR. EVANS: So, I believe, Mr. Speaker, that the Tory government will be true to its principles. It will cut corporation income taxes, it will cut personal income taxes, in effect, essentially giving money to the rich, but given their intense desire for a balanced budget, and given the fact that they are going to save very little with their Task Force efforts, or unless there's a real severe cutback in programs, whether the daycare, whether the home care for the elderly, or whatever it be, I say that what we will end up, Mr. Speaker, after we've given a good share of the largess to the rich, we'll end up by seeing a sales tax of one or two points brought in, or we may see the elimination of the property tax rebate system that the previous New Democratic Party government developed. One way or the other, it's going to be disastrous for this economy.

So, in conclusion, Mr. Speaker, I say, unfort we've already seen in just a matter of a few weeks a government that is looking backward, that is trying to turn the clock back to the nineteenth century, that has shown itself truly to be anti-labour in its views, and has shown itself to be very right-wing in its tax policies, and these tax policies, I maintain' are certainly going to hurt the elderly and hurt the less fortunate, and certainly, as I said earlier, a government that is against the rights of women.

MR. SPEAKER: Order, please. Order, please. Order, please. The Honourable Minister of Public Works, did you have a question?

MR. HARRY ENNS (Lakeside): Mr. Speaker, acting in the capacity as acting House Leader, I would make the request of the honourable members opposite whether or not they would not consider granting leave to allow the Attorney-General to introduce the Family Law legislation which appears to absorb the interest of all of us, and including a goodly number of Manitobans, I might add, at this particular point.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. ED SCHREYER (Rossmere): I wonder, Mr. Speaker, if I may have your indulgence to raise a Point of Order that really has to do with the decorum proceedings of this House.

MR. ENNS: With all due deference to the Honourable, the Leader of the Opposition, I believe I raised the question for consideration before you, Mr. Speaker; that is the question of leave to introduce into this Chamber for discussion the matter of Family Law. Can we dispense with that first?

MR. SPEAKER: I believe that there was a point of order that was brought up by the Leader of the Opposition.

MR. SIDNEY GREEN (Inkster): Mr. Speaker, we are now engaged in the Throne Speech today. May I say that everything that can be discussed within the Bill can be discussed within the Throne Speech to date. There are members on this side who wish to participate in the debate. Proceeding this way will not in any way inhibit anything that has to be said with regard to the legislation. The legislation has been filed. In short, Mr. Speaker, we want to proceed with the normal precedence of the House which will enable all members to participate. I may say, Mr. Speaker, that the Leader of the Opposition does wish to speak on this point, on what I consider to be a very important matter. That is the decorum of the House. I would urge Mr. Speaker, that you recognize the Leader of the Opposition because we do not want the decorum of the House to degenerate for any group of people.

MR. SPEAKER: The honourable acting government House Leader.

MR. ENNS: Mr. Speaker, I still believe we advance the cause of our deliberations best by solving one thing at a time. I just want clarification from the House Leader. You are not now prepared to let the Attorney-General introduce the Family Law Bill into this Chamber for discussion. Is that right?

MR. GREEN: I indicated to my honourable friend that we are proceeding with the Throne Speech Debate in which these matters can be discussed. I make it plain to my honourable friend that when our speaker has completed, we would (and I did indicate to him earlier) that we would when the speakers that have been prepared for tonight of which there are two, and we were assured by my honourable friend s that there would be no response from members on the other side, that's the implication of his remarks this afternoon was that we would have two speakers and then the honourable members will be given leave to present that bill. In the meantime Mr. Speaker, full discussion of this subject matter can take place.

MR. SPEAKER: The Honourable First Minister.

MR. LYON: On the same point of procedure and that is all we are speaking to at the present time, I think it was made clear, at least we attempted to make it clear, Mr. Speaker, to my honourable friend the member from Inkster, that what we were proposing was not the abandonment of the Throne Speech Debate, but rather the suspension, with leave, at which time the Attorney-General could then proceed to introduce Bill No. 5 and then, after that, if the adjournment were taken on it by one of the honourable members opposite, we could resume with the Throne Speech Debate and everyone present, including those who my honourable friends have in the galleries, could hear of the benefit of the reason for Bill No. 5.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I want to assure my honourable friends that I understood perfectly what they were saying and that the fact is that proceeding in that way will cut off some time on the Throne Speech which my honourable . . . —(Interjection)— Well, Mr. Speaker, I calculate different than my honourable friend. We have a speaker ready on this question, ready to proceed. If the debate is exhausted tonight the honourable members can then introduce their bill, suspending family law legislation in the province of Manitoba.

MR. LYON: Is my honourable friend then saying by implication that he is prepared to sit beyond the 10 o'clock hour and let the Attorney-General proceed tonight, by leave?

MR. GREEN: I have never, perhaps contrary to my honourable friend, considered that it is wise to change legislative practice because of the gallery.

MR. SPEAKER: The Honourable First Minister.

MR. LYON: Mr. Speaker, in order that the record may be pristinely clear then, my honourable friend is now saying that he does not wish Bill No. 5 to be introduced tonight.

MR. GREEN: Mr. Speaker, I go farther. I do not want Bill No. 5 to be introduced at all.

MR. SPEAKER: Order please. Order please. Order please. I would ask again that we have some semblance of decorum in this House so that the speakers can be heard. I now recognize the Opposition House Leader to complete his remarks if he so desires.

MR. GREEN: Mr. Speaker, I want to make it clear that I am not seeking to deal with the legislative business in a different way because of the gallery and if my honourable friend wishes to start making a point of this then I tell him that I can do it in spades. I asked you a few moments ago, Mr. Speaker, and I regret that we did not revert to it, to recognize the Leader of the Opposition because I do not want to legislate in this atmosphere. And I believe that he could have done something to prevent the kind of thing that could see the legislature degenerate. I would urge you, Mr. Speaker, to cut off the kind of thing that my honourable friend is trying to do and recognize the Leader of the Opposition as I requested you to do earlier.

MR. SPEAKER: If the Leader of the Opposition has a point of order which could lead to the improvement of the decorum in this chamber I would welcome that very much.

MR. SCHREYER: Well, Mr. Speaker, I do wish to rise on a point of order and, if it is permissible with you, Sir, a few moments later I should like to deal with the point of procedure raised with respect to how we conduct the business of this House for the remaining 1-¾ hours or whatever this evening. But first, Sir, may I speak to the point of decorum of this House if I may.

MR. SPEAKER: Order please. Can we then deal with one subject at a time. We're dealing with the question of decorum at the present time.

MR. SCHREYER: Precisely, Sir, and in that connection I should like to reiterate, Sir, and urge respect for your observation — and indeed it is a very important observation — that in parliamentary institutions it is always important that the rule of decorum be observed, namely that members of the House and all citizens in the gallery refrain from spontaneous demonstration while within these chambers or its gallery, Sir. That is something which is observed I shouldn't perhaps say completely, perfectly, but almost so, over the years — over many long years here and in other assemblies of this country. And whatever the degree of desire for spontaneous demonstration it is only completely fitting that we all — including citizens in the gallery — observe that this is not a place for spontaneous demonstration, including expressions of enthusiasm for the opposition.

MR. SPEAKER: Very well. Then we will proceed with the resolution on the proposed motion of the Honourable Member for Pembina and the amendment moved by the Honourable Leader of the Opposition, and we are dealing with that amendment at the present time. I recognize the Honourable Minister without portfolio.

HONOURABLE SIDNEY SPIVAK (River Heights): Mr. Speaker, my first remarks are to congratulate you, Sir, on your appointment and to wish you well in these deliberations and the deliberations of the future and really, Mr. Speaker, to respond to the few remarks that I heard of the Honourable Member for Brandon East, who made particular reference to the task force and particular reference to this side and the activities and the judgements that have been made so far with respect to job formation and to the problems that we face in our economy.

Now, Mr. Speaker, I think that it's fairly important at the outset of this new administration to declare unequivocally that our commitment is to try and bring, as much as we can, a greater measure of employment opportunity in this province than has existed under the previous administration. And we intend to do that, Sir, by examining the programs that the previous government undertook, reviewing the administrative procedures and the mechanisms that existed for monitoring what was happening in the economy and in turn implementing the kinds of measures that will stimulate the private sector to allow them to do the things that will be important in job creation. We do not believe, Mr. Speaker, that a make-work position is really offering anyone in Manitoba a permanent job or a job of any significance. I have to suggest, Mr. Speaker, that the honourable member who is a former Minister of Industry and Commerce is not in a position to indicate to this side the results of the so-called programs that he spoke about. Because in effect, Mr. Speaker, there was no mechanism that the previous government had of monitoring anything that was really happening and they are not in any position to even have any understanding of what the impact. . . Well, the Honourable Minister says it's not true, and in the course of this session and the sessions to come he's going to have ample opportunity to stand up in this House and to prove his statement. And, Mr. Speaker, I suggest that he cannot prove that statement. Mr. Speaker, every government, when it comes into power and there is a change of administration, basically turns a new direction. Usually governments defeat themselves and they defeat themselves because somehow or other they are out of tune with what the people of the province, or of the jurisdiction, want. And the new government is committed to try and turn direction, recognizing whatever progressive legislation may have been introduced in the past but that there is a need for a turn. And, Mr. Speaker, this government was elected to change direction and the direction is a very simple one: to try and get government under control, to try and lower the levels of taxation in Manitoba, to try and create a climate of competence where, in effect, individuals, businesses (small businesses, large businesses), can in fact operate and through the course of their conduct to create the permanent jobs that will allow people to stay in Manitoba and to be able to earn

their livelihood. Mr. Speaker, this is what we are committed to do and in order to do this we have created a task force; a task force which will in fact have the participation of the private sector. It will have the participation of those who are involved in the variety of volunteer agencies that are affected directly by government funding or through government program in the whole social service field in an attempt, Mr. Speaker, to try and make an assessment of what really has happened in the past period of time, and to try and gain control of what appeared to be, from the outside, an apparent runaway on government spending that was occurring. Now, Mr. Speaker, it's a question of I guess which side you sit on as to whether the case that I am presenting was really the facts or not. I think that time will bear out that what I am saying is correct, that not withstanding the supreme effort — the absolute supreme effort — of the former First Minister, who is the Leader of the Opposition, to try and hold together a government that was really out of control, and notwithstanding that supreme effort for which he has not been given the credit that he should be given, which marks both a failure, Mr. Speaker, of many of the former Ministers who now sit on the opposite side, and a failure of re-organizing the structure of government which was operating, which was frankly, Mr. Speaker, the same structure that existed for the last almost twenty years. Mr. Speaker, notwithstanding all of that, there were many failures and the kinds of mechanism and the kinds of machinery that should have been internal and would have monitored what was happening, did not occur.

Mr. Speaker, there is an ability to cut taxes in this province, and it will come from a control of government spending. There is an ability, Mr. Speaker, to try and create a confidence in this province, wherein at least those who are in the commercial field can be competitive with anyone else in Canada, by at least creating equality in the conditions under which they work in this province, so that they will do the things that are in their interest, and in the course of doing that, create the kind of permanent jobs.

Mr. Speaker, there is need, and there will always be need at different times when the economic cycle changes and varies for government participation, and for the priming of the economic pump. But I have to suggest to you, Mr. Speaker, that the kinds of programs that the members opposite believed in, and the kinds of make work programs that were suggested, accomplished very little and much was lost in the administration of those programs. The trickle down theory — and that's very interesting, Mr. Speaker, the trickle down theories that the members opposite were trying to apply to the economy, in effect did not really work.

No, Mr. Speaker, I have to say that the trickle down theory was the members opposite who believe that by allocating so much money to a program and not concerning itself about its administration, and not being concerned about who was receiving the money, what they were receiving, and how it was being applied. Mr. Speaker, this was a failure. All one has to do is recall what happened in the Co-ops. Do we have to go through that? The former Minister of Agriculture was here. The millions and millions of dollars that were lost in the ventures up north simply because of the poor administration of the members of the Department of Co-Operative Development, and all the millions of dollars that were applied in PEP programs — for what? Who did it benefit? Who actually received the benefits? The fishermen? No, they only went further in debt because of the bad administration of the departmental people. The continual monitoring that should have been undertaken, Mr. Speaker, during that period of time and did not occur was, in fact, a failure.

So, Mr. Speaker, what has been conceived of, is an attempt now to try and review the government programs, to try and bring it under control, to try and get a handle on what is happening, because I have to suggest to the members opposite that during their administration, at least in the last stage, there were very few of them who understood what was happening. I think the First Minister did, and I think he's a much happier man being on that side than on this side in spite of the fact that there may be other appearances. Certainly a much easier job than he had before.

Mr. Speaker, the government is going to review all the programs. It is going to try and make some assessment of cost benefits. It is going to try and establish at least guidelines under which we will operate in the next period of time. It's going to try to monitor the economy and to be able to determine with some reasonable degree of forecast those who are going to be entering the labor force and the probable absorption. This is what any government should have been doing. This is what the former government should have been doing, and I, again, ask them to stand up and tell me, and to show me where in fact this was being done. Mr. Speaker, the previous government was running on the seat of their pants, and in effect, Mr. Speaker, they did not have the information upon which sound judgments could and should have been made.

This is, unfortunately, really, the characteristic. When the former Minister of Industry and Commerce stands up and basically, in opposition, gives the same speech that he gave when he was Minister of Industry and Commerce, it's ludicrous, Mr. Speaker, because really he has a psychological set. He only has one thing to say and he's going to say it whether he's on this side or that side, and the facts really don't mean very much because he's not really concerned about the facts.

Mr. Speaker, the Honourable Member for Brandon East was asked time and time again whether his officials were concerned at all about the tax policies of his government, whether they were, in effect, in any way inhibiting the growth and development of business in this province. And he indicated that that wasn't so, that they were very happy, that you could ask any businessman, and his officials supported his position. Mr. Speaker, I think there's enough evidence, and I think this will be forthcoming, to indicate that he and many others were told that the kinds of activity that they were undertaking were in effect, having a devastating effect on the development of the economy, and on

the growth of business in this province.

Mr. Speaker, there were occasions when the honourable members opposite in government were asked whether they had monitored, or whether they had any idea of the outflow of capital that was occurring in this province as a result of the fact that there were other jurisdictions that did not have succession duty and gift tax, including Saskatchewan. You were asked that. —(Interjection)— Prove it. You didn't know it. Mr. Speaker, I think there is evidence to indicate that those arguments were presented, and I think there is evidence to indicate, Mr. Speaker, that the members opposite were in fact, warned of this, but they were oblivious to it. They were oblivious to what was really happening, and as a result, Mr. Speaker, they allowed it to take place, because there is still freedom of movement in this country, and the result was that the kinds of things that should have been happening here, and the resources that should have been here, were not here.

All we're trying to do, Mr. Speaker, is accept the mandate of the people to turn the corner and to change the direction of the previous government, to try and be able, Mr. Speaker, to provide the opportunities through the development of commercial and business activity, rather than the continual requirement and need for the infusion of public money in make-work programs which, Mr. Speaker, are not the kinds of activities, employment activities that the people of this province want.

Mr. Speaker, I want, for the members opposite, to try and give some indication of the way in which we're going to operate with respect to the task force, of the attempt that we're going to make in this short period of time, to review the government programs, and how it will dovetail, Mr. Speaker, with the efforts of the other ministries. This afternoon at Question Period, the Honourable Minister of Health was asked a number of questions and he indicated quite properly that the restraint period is in, and that in effect the review is taking place. Mr. Speaker, the task force will, in co-operation with the ministries, be dovetailing the work that is happening in terms of the internal review, with the external review of programs. I would think there is a — not only can I indicate the degree of co-operation in this respect — I think there is a degree of co-operation within the Civil Service because of their recognition, Mr. Speaker, that the kind of effort we're putting forward had to be put forward, because in effect, there were really, in each department, situations in which there was a need for either an alteration, a change, or a discontinuation of a program, simply because there was really no benefit to the people who were supposed to be the recipients of the program, and the costs could not be justified. This is because of the lack of discipline on the part of former Ministers in handling their departments, and frankly, the fact that in the whole process of the Estimates, they were really not a part of it, and the reality was that the Management Committee's input with it, was so limited to the ministries, the decision really came up through the cabinet, finally to the minister, to the former Premier and the former Finance Minister, and the two of them had to make the decision. Mr. Speaker, it's very hard in the structure that we have for two people to spend the time and to provide the effort. —(Interjection)— That's not so. I believe the former Minister and the Member for St. George will have the opportunity to rebut my statement.

Mr. Speaker, our purpose in this structure will be to try and accomplish a number of objectives. First, to provide the line departments with the responsibility that is theirs, and to assume, Mr. Speaker, that they will take that responsibility and, Mr. Speaker, to force them to in fact, take the responsibility, and in turn to follow a procedure whereby they will have to, with their Ministers, not without their Ministers, Mr. Speaker, come forward to the Management Committee for the decisions on a weekly and daily and monthly and annual basis. So that in effect, the Ministers will be responsible for the policies of the line departments. And we are going to try and find, Mr. Speaker, that the research will be handled within the departments and the analysis will be done with the departments, but we are going to try to centralize as best we can the development of the information, so that the kind of duplication that exists right today in the research and planning of almost every one of the departments in fact has been eliminated and the consolidation will take place and the people will be dealing with the statistical data and with the information in the correct manner.

Mr. Speaker, the objective of the task force will be to review in a significant way all the Crown agencies and Crown corporations, to deal with their procedures, to determine how the management decisions are arrived at, to understand the control feature as well as the finance feature, as well, Mr. Speaker, as the total operation.

Mr. Speaker, we recognize as well that as members of this House, we spend several months and we receive annual reports and we deal with some of the Crown corporations in our various Committees. We may be fortunate in spending three or four days; we may have only one day in which the Chairman will present and ask us to answer questions. Now, the question then has to be asked, Mr. Speaker, outside of that legislative supervision, outside of that question period within the legislative structure, who else asks the Board of Directors, the management, to answer and to account for the way in which they operate? Well, I guess, Mr. Speaker, the Provincial Auditor does to the extent that he audits. And I think that we know what his position is. He questions the degree of accountability, the legislative accountability that occurs and Mr. Speaker, there is no question, the kind of analysis that now has to be made is a very fundamental one as to whether we can allow agencies and departments who employ in many cases numbers which are as significant as any line department and whose budgets are even higher and whose aggregated budgets are even higher than the provincial government's *perspe*. Are we now going to allow them to continue as they have been or are we going to put in a mechanism and a degree of control which will make them account and allow us to be sure that the same kind of scrutiny and restraint that now must be exercised because of conditions today will in fact be exercised by them and that we can be sure that it's happening?

And so, Mr. Speaker, the task force is going to address itself to that. It is not a new problem for

Manitoba but I suggest this will be the first time that that kind of review will be undertaken and it's fundamental to the ability of the province in the next period of time to be able to control and hold growth, both in terms of its capital costs in the future and in terms of its continuing costs and it will require probably some very fundamental changes to be considered by the Executive Council in terms of policy decisions and if in fact they so decide, then it will be coming forward to the Caucus and to this Legislature. And it would seem to me that . . . I can foresee, at least, on the horizon, some very fundamental changes to the manner in which we have operated, but, Mr. Speaker, consistent with the belief that there is a need for greater accountability.

Now, our purpose, Mr. Speaker, will be to review the departments, to review the main capital expenditures and the main expenditures of the departments, to examine the grant systems, to examine the whole host of programs on the federal-provincial level, to try to see the co-ordination that occurs and the way in which money has been applied, to be able to understand structurally how each department has operated and to try to eliminate what has really been a structure, one pile built on another as a result of the whole range of different kinds of federal and provincial relationships of the past and those that are in existence today, and to try to simplify those procedures so that, Mr. Speaker, we will be in a position to eliminate part of the administrative cost and at the same time, Mr. Speaker, to be in a position to make the kind of assessment as to their benefits and to try to see that those who are supposed to be the recipients of whatever programs we are talking about in fact are receiving it in a most efficient manner and to try to eliminate what appears to us to be substantial administrative cost in the administration, which means simply that those who are receiving it are receiving not as much of the benefits that they may very well be entitled to under these programs.

We'll have to make an assessment, Mr. Speaker, with respect to what our capacity will be in the future. Does it follow, Mr. Speaker, that every time the federal government comes forward with a program that the provincial government must accept it simply because it is federal government money? These are questions that are going to have to be asked, and these questions are going to have to be answered. It's not a question of a rigid policy but certainly there has to be an examination of the basic problems of dealing in the federal-provincial level.

I am not unaware, Mr. Speaker, as well of the withdrawal of the federal government from many of the cost-shared programs and what the implications will be for the future. It is because of that — and there's more to come — and the former Minister of Finance agrees, and it's just because of that that the kind of effort that we are going to be putting forward is necessary. And it's just because of that that it's necessary to try to establish in our own minds what our priorities are going to be and to be able to deal with the contingencies.

Mr. Speaker, I would hope that those within the civil service, those who have some direct contact with government, will in fact provide and bring forward information to the task force, will submit written presentations. We certainly have had a number of calls already from individuals who have asked how they can contribute and basically they have been told to write to the task force, to offer their submissions. In some cases I have no doubt that the task force will ask those who have submitted their presentations to come forward, to explain, if possible, in greater detail so that in effect there can be some additional benefit received from a direct communication with those people who have indicated what they consider areas of concern, possible solutions, possible changes.

There is a need, I think, Mr. Speaker, to think in terms of the end of this decade and the Eighties as to the kind of government that we should have; of the ministries that should be in operation; of the economies that can be undertaken. In terms of the task force responsibility, there will be an attempt to try to look at the restructuring of government with that in mind.

Mr. Speaker, the members opposite know what the Estimate process is. They understand very well the fact that the Estimate process is something that is usually in its final stage by December or January and yet the new government has taken over and the Estimate process itself, Mr. Speaker, is really just starting.

We are going to try, Mr. Speaker, as best we can, to influence the Estimate process with the information that will be provided to us and with whatever decisions we feel are necessary for consideration. The process will be a very simple one. The policy matters that we identify as matters for the present government to be concerned with will be referred automatically to Cabinet. Those decisions which are not policy decisions but are recommendations for alterations and changes in the administration of programs will automatically be sent, Mr. Speaker, to the First Minister and to the Management Committee for their consideration, with our recommendation. We feel, Mr. Speaker, in this way, that we are going to be in a position to be able to influence — to actually influence the Estimate process to a reasonable degree at this time, recognizing that we have a deficit and that if we continue on this critical path, we would have one heck of a deficit by next year as well.

Now, Mr. Speaker, how successful we will be, what this will mean in dollars, I'm not going to predict. But I believe, Mr. Speaker, that we can say that we are at least starting.

Now, that's the short term. The long term, Mr. Speaker, is more significant, and the long term, Mr. Speaker, will really mean an examination of everything that is happening, in the attempt to try to control government spending so that we are going to be able to maintain in this province a level of taxation which will make us competitive with the other provinces and will allow those people who live in Manitoba to be in a position to at least have equality and at the same time, Mr. Speaker, to be in a position to know that once they have commenced whatever they are going to do in terms of professional or business activity that in a sense they are not going to be done and they are not going to be put in the position of being penalized and this becomes a discouragement for them to do the things, Mr. Speaker, because in the long run, the permanent jobs in this province will in fact be

developed and created by the private sector. It will be created in the service sector; it will be created by those industries that we can attract; it will be created in the development of the food processing and the development of those industries related to our resources. And hopefully, Mr. Speaker, it will be created by the new discoveries that may in fact take place in the north and the opportunities that may result there. We are going to try to create a climate, Mr. Speaker, in which those who are in the business community will not feel that the government is an antagonist of theirs or an adversary.

Mr. Speaker, let's examine what would have happened in the next six months or the next year in the event there had not been a change of government. I have no doubt, Mr. Speaker, we would have had a winter works program of significance, another \$20 or \$30 million. And we would have the former Minister of Industry and Commerce standing up and simply saying, "We are now going to give small business another loan, another contribution, for the next period of time." Mr. Speaker, that would have been their answer to employment in the short term in the next period of time.

Now, Mr. Speaker, the question is, "Well, how good have the results been so far? Is there an expectation that the results will be worthwhile in the future? Can you expect as a result of this that in effect there will be any significant retention of those jobs that have in fact been created as a result of the small business efforts?"

Well, Mr. Speaker, I don't know. Can the Minister indicate to me that 30 per cent at this point of the total 100 per cent that has been invested in a small business and has been retained at this point is a significant factor? Does he know whether it will be 20 per cent next month, or 10 per cent or 5 per cent the month before? Is there any way in which anyone can be sure that this make-work position that we are talking about is really the answer.

Mr. Speaker, no one wants to see people in the position of not being able to find a job. No one wants to see people in the position of not being able to stay in Manitoba. No one wants to see people in the position of not being able to live in their own community and to be able to work in their own community and be able to have all the benefits. Mr. Speaker, this is what we are going to try to do. We suggest that the honourable members opposite, for a number of reasons, were unable to do this. Part of it was national in scope, and certainly the members opposite cannot be blamed for the national influences that have impressed Manitoba with respect to the economy, or the international. No one is suggesting that. But, Mr. Speaker, you cannot have the former House Leader, who was then Minister of Mines and Natural Resources, standing up and talking as he did about the mining industry. You cannot have the rather silly remarks of the former Minister of Industry and Commerce talking about business and about the major corporations as he did today, and you cannot have, Mr. Speaker, the general attitude of the members opposite, standing up as if there was government policy and saying anything that they wanted to about business and about the professionals in terms of their contributions to this community and to Manitoba, and believe honestly, Mr. Speaker, that they are free to feel comfortable and do the things that there that were going to have to be done in this province. And all we're going to try to do, Mr. Speaker, is correct it, and in the course of doing it, what we hope to do, is be able to provide the kinds of incentives, and I'm sure that those incentives will be shown in, in the days and weeks and months ahead, to try and create — (Interjection) — . . . well, we know, I don't know, think you know, I doubt very much the members opposite will ever learn. I think they're still convinced, Mr. Speaker, I'm still convinced, that somehow or other, you know, that they were right, and the people of Manitoba were wrong. Well, Mr. Speaker, I believe, and I think, that there are important changes in attitudes that have to be formed in Manitoba on the part of the professional business community if things are going to happen here, in this province. I do not believe that there's any evidence to indicate that the government's programs over the last period of time have in fact created either the climate or have been able to deliver — (Interjection) — Sure, no, that's fine.

MR. SPEAKER: The Honourable Leader of the Opposition has a question.

MR. SCHREYER: Pardon?

MR. SPEAKER: Have you a question for the . . .

MR. SCHREYER: Mr. Speaker, I asked the Honourable Minister's concurrence to ask a question, he's agreed, so I'd like to ask him simply this. That, while acknowledging that confidence, and hope it's a virtue, how does my honourable friend account for the fact that the many factors that affect the province's economy, that there are a number of provinces in our Dominion of Canada that have a Conservative administration, presumably they are well aware of the various methods and techniques that our honourable friend has been talking about for the last thirty minutes, and notwithstanding their awareness of Conservative philosophy and techniques, are grappling with unemployment and financial downturn, at least fifty percent greater than here, so how does he account for that?

MR. SPEAKER: The Honourable Minister: ten minutes.

MR. SPIVAK: Thank you, Mr. Speaker. I think this time I will, I just have a feeling I will. Well, Mr. Speaker, I indicated, and I think the First Minister will acknowledge that I indicated that there were national and international influences on the province of Manitoba and other provinces. I think we're in a position in which one has to be realistic about what our potential can be. I think we have problems which are severe, for Manitoba, and every government will have to cope with that reality. We have our

agriculture base, our mineral and forest base, Mr. Speaker, we have our water resource, which we've utilized. We've tried to build our whole industrial structure on it, but we have problems, Mr. Speaker, into the extent that we have developed it in many respects to its maximum potential, that in terms of our resources base, although we have certainly a much greater opportunity in agriculture. And to the kinds of opportunities that will occur will occur really because of the creativity that can be developed from the quality and characteristics of the nature of the population we have.

And, Mr. Speaker, my problem is that those people who are creative and those people who in fact can do the things within this province will be attracted, Mr. Speaker, to other jurisdictions, simply because staying in Manitoba creates a problem for them. It creates a problem which is severe. There is a problem of the acquisition of risk capital, there is the problem of the level of taxation, there is the problem of the attitude of government to the support with respect to the kinds of things that they are doing, and as a result, Mr. Speaker, I think we have lost, in this regard, and the kinds of things we are trying to do, Mr. Speaker, is to try and first of all see that capital is available here, to try and create a climate where people will in fact have a degree of confidence, and a degree of stability. Mr. Speaker, you know, the members opposite want to talk about time and three-quarters, and we will shortly, but they are suggesting that Manitoba should be the only jurisdiction in North America to have time and three-quarters. It's a progressive measure the members opposite believe. But in reality, for those businesses that are going to expand, or for those who may in fact start a new business here, and I've just come back to the basic position that we're limited in the potential that we have, and that we have to nurture what we can, they're not going to stay in Manitoba, not in the situation where the labor costs are going to be higher than the next province, when we have all the additional costs of transportation from here to our own markets, and all the problems attendant with respect to our winter, and other problems that are related to the geography where we are. And so, Mr. Speaker, what I'm suggesting is this, suggesting I'm is a need for a reconsideration of what we should be doing, and how we can best develop the potential that was within this province. And I think, Mr. Speaker, that the kinds of efforts with respect to our attitudes to the business community, and to the type of economic climate we want to create, is going to be the best way of assuring it. And we'll have, Mr. Speaker, the next few years to make that judgment. The members opposite have had their opportunity. I don't think it's been that successful. I think there have been many unfortunate experiences with the business and professional people, simply because of the attitude of many of the opposite side and to that extent I'm not blaming the First Minister, or former First Minister, the Leader of the Opposition . . . —(Interjection)— We're going to have that problem, Mr. Speaker, for this session in any case. However, who knows what'll happen afterwards. And I say that, and I say that quite honestly, cause I think there were others who misunderstood the reality and I think if he had had his way, there probably would have been significant changes. We needed tax cuts before, Mr. Speaker, we didn't have to have the Economic Council of Canada tell us that. We needed it, Mr. Speaker. There was no reason for Manitoba to be put in this uncompetitive position when Saskatchewan, with respect to the succession and duty and gift tax when Saskatchewan, who in effect are a government of similar political philosophy, said that there was just no point in doing this, because it simply meant that there was an outflow of cash from their province. And so, Mr. Speaker, I think our problems are a little different than the other provinces, although I think that some of the conditions that affect the other provinces affect our province as well.

Now, Mr. Speaker, we, and I'm glad the Member from Brandon West is here, because I want to cite an example of the kinds of things that concern us as we review . . . —(Interjection)— . . . Brandon East, I'm sorry. Mr. Speaker, these are the kinds of things that concern us as we look at the structure of government. The degree of accountability, the control, the way in which the line departments have operated, the way in which management committee reviewed the line departments' activities, the process in which the expenses were analyzed, the estimate process, the decision making process, and ultimately the degree of accountability.

Now the former Minister of Industry and Commerce had a department. He had a deputy-minister. But his deputy-minister was not in charge, Mr. Speaker, of all the things that he was responsible for within his department. His structure was such that there were five or six areas, Mr. Speaker, that were directly responsible to him, not to his deputy. And one has to look at them, and look at what they produced over the last few years. Look at the money that was spent and simply say, "Was this really necessary?" Can the economic advisory board, budget small, over the last three, four, five years, maybe \$350,000, maybe \$500,000 . . . What is produced? What did it do? Who did it advise? Who did it influence? Did it have any impact, Mr. Speaker, on the economy? Did it have any influence on the decisions Cabinet had to make? Did it have any influence on the Minister? Or, Mr. Speaker, did they just simply spin their wheels for the last three, four years spending money? Now, Mr. Speaker, I cite that as one of many that can be identified, and my purpose here is not to get into that harangue, but to indicate that we are going to do the things that the members opposite were not prepared to do. Mr. Speaker, we're not prepared to continue, or to allow this to continue. And the members opposite knew better, and they should have stopped it. But they didn't. And they allowed really activities that were meaningless. Functions that had no purpose . . . —(Interjection)— I just mentioned the Economic Advisory Board. Do you want me to continue? I can continue. But I only have a few more moments, Mr. Speaker, and I think that I would rather use my time better, and Mr. Speaker, I have to tell you . . .

MR. SPEAKER: Order, order please. Order please.

MR. ENNS: Mr. Speaker, on a point of order, if I may. I think the Leader of the Opposition has requested, and I will once again make that request, that we try not to arrange our affairs that we are ruled by those in the galleries. If this persists then you leave us no other choice that we have to think of limiting access to the gallery.

MR. SPEAKER: Order please. Order, order please. The Honourable Minister has three minutes.

MR. SPIVAK: Mr. Speaker, you know, I think there must be a great temptation on my part to take almost all the activities of member, former minister, whose the member for Brandon East and deal with him now. I really want the opportunity to be able to deal with that in the next period of time, not just in this session, because I will relish that, Mr. Speaker, for the simple reason I think, that as we deal with it, and as the minister stands up and makes the kinds of speeches that he's made before, we are going to be able to rebut it in a very formidable way. Because, Mr. Speaker, in reality, there was much that was happening, there was much to do about nothing, and Mr. Speaker, you know, the kinds of results, and the kinds of influences, the kinds of, of impressions, and the kinds of activities that he's suggesting, you know, just didn't exist. I mean, he was alien living in an imaginary world, and this has been true of some of the other members, opposite. And my purpose, Mr. Speaker, is to indicate that we are going to review that, and we are going to make the hard decisions that have to be made. They are going to be difficult ones, because they involve some programs that people in the community do believe are important in our, and those who have some contact may appear to have invested interest in, but Mr. Speaker, we have to make the fundamental assessment as to whether they are achieving anything or whether they're just a continuation of the program or the growth of program that's occurred over the last period of time, and whether in fact, Mr. Speaker, those programs should be discontinued because they existed before, or whether in fact they have any relevance to the last part of the decade of the '70s or the 80's.

The kind of change that we are going to make is the kind of turn that is necessary if government spending is to be brought under control and if we are then going to be able to establish and have money to be able to support the priorities we believe in. Mr. Speaker, it is necessary if we are going to try and basically provide the benefits to the very people who the members opposite wanted it to benefit and who were supported in this House, because it cannot continue the way it was. The kind of things we are going to try and do, and there are going to be difficult decisions to make, and they are going to affect a number of people, Mr. Speaker, will have, I think, the result of controlling government spending, allowing the government to deal with taxation measures, to be able to provide, an ability to be competitive with other provinces, create a climate of stability for people who are in Manitoba to know that they are going to be able to exist in a climate in which the government understands the nature of the effort they are putting forward to try and see that we can stimulate the economy to create permanent jobs Mr. Speaker, and not just simple "make work" solutions, recognizing that there still will be need at different times for efforts by government; at the same time to try and look at the economic levers that the government has and the various programs that it has that influence the economy to be in a position to in fact pull those levers when necessary, so that the impact will be felt in the economy so that the balance will occur. Mr. Speaker, we are going to monitor the economy and we are going to have some reasonable basis on which to forecast what we are doing, rather than to run by the seat of our pants which unfortunately characterizes the government's last few years of its administration.

MR. SPEAKER: On the proposed motion of the Member for Pembina and the amendment proposed by the Leader of the Opposition, the Honourable Member for Selkirk.

MR. HOWARD PAWLEY (Selkirk): Mr. Speaker, first I must warmly congratulate you on your appointment as Speaker of this House. I must say that I will find it a little difficult recalling the days when you acted as my critic as Attorney-General, doing that in an effective way. It is not an understatement to say, Mr. Speaker, that I find it a little difficult to grasp how the Honourable Member for Birtle-Russell who acted effectively as my critic while I was Attorney-General, now will be presiding as Speaker of the House. I am sure he will do every bit as effective a job of speaker as critic.

Secondly, Mr. Speaker, I listened with interest to the comments by the Honourable, the Minister Without Portfolio, the Member for River Heights, as he went into considerable discussion as to the machinery, the Task Force, the monitoring, the processes which he and others in his group would be entering into in order to develop lower unemployment and less spending in the province of Manitoba per capita. One can only ask the question of the Minister Without Portfolio, if he really feels that he has invented the wheel first. In Canada, certainly there are many Conservative governments throughout the land, length and breadth of this land, and our average in Manitoba, yes, after eight years of New Democratic Party government, is below the average in unemployment, below the average in per capita spending and I believe it is correct to say, Mr. Speaker, that insofar as per capita spending is concerned, that we are the second lowest in Canada. I believe only one Conservative province is lower than we are, but Conservative provinces such as Newfoundland, Ontario, New Brunswick and others, are higher in per capita spending. On unemployment Mr. Speaker, it is my understanding that only Alberta of the Conservative provinces is lower in rates of unemployment than is the province of Manitoba. I say to the honourable Minister Without Portfolio, if he in fact is condemning or criticizing indirectly the conduct of affairs of his cousin Conservative governments in

other parts of Canada.

Mr. Speaker, I would also like to draw attention that during the election campaign we heard much in Manitoba from the Premier about the New Democratic Party government being one of antagonism, being a government of confrontation and suggesting that we had arrived at that point at the end of our eight year tenure in office and that therefore it was time that the New Democratic Party be ousted from office. Well Mr. Speaker, they have been in power but only thirty-five days. Tonight we have seen a demonstration, a demonstration I think, Mr. Speaker, of an adversary role on the part of that government; an example of confrontation by that government; an example that is developing of a failure and a refusal to listen, to listen by that government, after only thirty-five days.

MR. SPEAKER: Order please. I recognize that there are some people that obviously are quite enthused with what has taken place here tonight, but I also ask you to please show some respect for the Chamber and the speaker, because I am sure I want to hear what he says, even if you do not. Proceed.

MR. PAWLEY: Thank you, Mr. Speaker and I share your concern in that respect. Mr. Speaker, we are dealing with the Family Law legislation which now appears to be under attack from the government of the day — a law which consumed three years, three years of study and research; family law legislation which consumed the time of three public hearings: one, Mr. Speaker, by the Law Reform Commission of the province of Manitoba and two public hearings which involved members of the legislature in this House. To those hearings I think it can be said without too much overstatement, were probably more groups and individuals presenting briefs than we could probably identify with any other piece of major legislation within the last decade or two in the history of Manitoba. In fact, Mr. Speaker that legislation that developed and that process that developed, and which brought about the birth of the Family Law legislation in June of last year, was of such a nature that I recall very clearly and very distinctly the comments by the present Minister of Health and Social Development that indicated in this House that he was pleased with the process, that there was great involvement; there was a process of consultation, of listening and in fact, he expressed in what were very moving words, on the final night I believe, of the 1977 session, his admiration for the legislative system at its best in the development of the Family Law legislation. I hope Mr. Speaker, that words are also borne out by actions in the next few months.

Mr. Speaker, there are three main functions to this Family Law legislation. Three areas of recognition; one, that there is a function involving financial support. Secondly, there is a function involving home care and maintenance. Third, the function of child care. All three of these functions, Mr. Speaker, are the responsibility, the responsibility of both spouses. If the wife does all the child care, the home care, she is in fact doing one half of the care job while the husband is doing his one-half of providing financial care for the home. But during this period of time, during the duration of the marriage, it was our finding during those hearings, Mr. Speaker, that often the wife lost experience during the term of the marriage. She lost advancement opportunity. She lost service years. She lost pension and fringe benefits. She lost re-entry into the job market, in fact often finding it to be most difficult.

Mr. Speaker, I believe it was on those premises, on that firm principle, that we as legislators determine that there was long overdue need in the province of Manitoba for the ridding of this province of an outdated and archaic family law and the replacement of family law in Manitoba with principles of equity and decency.

Mr. Speaker, we have heard repeated assurances by the Premier. In fact only a few moments ago in front of the Legislature he urged those that he was speaking to to feel confident, to feel confident that he was only suspending and deferring the legislation in order to arrange for greater administrative efficiency but that he continued, he said, to share the concern for equal sharing.

We heard words from the Attorney-General that his concern was re-wording — improvement in the wording — of the legislation. And I hope, Mr. Speaker, that honourable members will not feel that we are too suspicious if we doubt that direction — that profession — on the part of the present government in Manitoba.

We know first, Mr. Speaker, that on the Family Maintenance Act the members that are presently in this House that are sitting on the government side voted, to a man, against the Family Maintenance Act when it was introduced. We know, Mr. Speaker, that when it was the turn of the Marital Property Act that the members opposite who were in this House in June, 1977, voted all, save for five, against the Marital Property Act. Those, Mr. Speaker, are matters of clear record.

A MEMBER: And we came back.

MR. PAWLEY: Mr. Speaker, we also can trace through Hansard the comments by certain members opposite; members who I do believe were expressing very well the position that they shared, the sentiment that they felt as members at that time of the opposition. In fact there were words spoken by the present member without portfolio, the Member for Sturgeon Creek, in which he expressed great concern, great displeasure, about some of the briefs that were presented to the committee dealing with family law. He uttered words to the effect that — and I quote — “I’ve never heard of so much distrust of the judicial system in all my life.”

Mr. Speaker, the Honourable Minister without portfolio refused or neglected to recognize that what was being questioned was not the judicial system but was the use of broad discretion in our

courts, involving matters of family law. That is what he refused to recognize in the debates of last June, 1977.

The Minister without portfolio stated, Mr. Speaker, that this legislation says, he indicated, that women need the protection of the province of Manitoba. That's what it says, and I don't believe they do. I've got more confidence, he said, in marriage, than that. You know, Mr. Speaker, on that basis then I think it would be not unfair to say that the Minister without portfolio would throw out pretty well every piece of legislation in the statute books dealing with family law that have evolved over the past fifty years.

Mr. Speaker, I have with me an information press release, and I wish to read from the press release of November 10th, 1977, issued by the Attorney-General and place on record the words of the Attorney-General from that press release. Mr. Mercier emphasized that the intent and principle of this significant legislation would remain the same. The review would deal with ways in which the uncertainty and ambiguity of the present act could be eliminated. As the legislation now stands, he said, it would be difficult to apply it practically and would lead to a great deal of litigation.

Then he went on to say that the principle of equal sharing between marriage partners must be clearly maintained and protected, he declared. We want to ensure, in our review, that the way it is applied is clear, understandable and unequivocal.

Now I'm sure that this must have been reassuring to many Manitobans to read the contents of this information service bulletin. But, Mr. Speaker, I think a closer examination is necessary. To the committee of review was appointed an individual by the name of Kenneth Houston.

Now, Mr. Speaker, I would assume from the statement issued by the Attorney-General that all that we are dealing with here is a question of re-wording, improving the re-wording in order to improve understanding, to remove a lack of clarity, that that was the purpose of the board of review.

So that, Mr. Speaker, I would assume from the press release that what the Attorney-General was looking for was a good draftsman—a good draftsman, not somebody that would be dealing with this legislation which he said in his press release was of the finest principles.—(Interjection)—

Well, Mr. Speaker, the honourable member talks about Q.C.'s. If I had my way I would have gotten rid of the Q.C.'s.

MR. J.F. JOHNSTON: You were the Attorney-General. You made him a Q.C. You made him a Q.C. You!

MR. PAWLEY: Mr. Speaker, Mr. Houston, on page 467 of this brief, stated that "I am not a draftsman. I am not in the position to offer you the wording that I am suggesting." Kenneth Houston — not a draftsman.

In fact, he went later to reassure a little further and he said, "I am not a draftsman." Page 474, Mr. Speaker. "I am not a draftsman. I do not pretend to be one and I don't claim that I could have done it. So I'm certainly not critical of anyone that has tried."

Mr. Speaker, I wish to ask the question of the Attorney-General if we are only dealing with a question of advising and re-wording from a technical and legal point of view on the re-wording and the improvement of the phraseology in order to remove uncertainties and ambiguities then why are we appointing one who clearly and unequivocally indicated to that committee that he was opposed to the principle of the legislation itself?

MR. SPEAKER: Order please. Order please. Again I must ask you to kindly refrain so this gentleman can complete his remarks. The Honourable Member for Selkirk.

MR. PAWLEY: Mr. Speaker, I just say that it will not wash. And if the Attorney-General, who I recognize was not involved in the proceedings which lead to the enactment of the family law legislation, doubts my words as to this individual's opposition to the legislation, then I will read to him a comment from Page 467 of the proceedings before the committee when he stated "I am opposed to this bill in principle as being unnecessary."

Well, Mr. Speaker, if I could just pause for a moment, he's not saying that now. I have release which he issued to the press only a few days ago — on Thursday, November 10th, The Winnipeg Tribune — in which he states . . . He said he was not essentially attacking the principle of the bills before the committee but the simple arbitrary rule of the marital property legislation and the retroactive provisions.

Well, Mr. Speaker, if he had only said that he was opposed to the principle of the bill once then it might have been a slip of words. But we read further on page 468 the following words: "Well before you get into that" — this is Ken Houston speaking — "the whole premise of my comments was that the law is presently sufficient." The law is presently sufficient, he said, June of 1977. "And as far as I am concerned, this legislation is unnecessary."

Then during the proceedings, Mr. Speaker, and you will recall, as you sat on that committee, he warned that six businessmen were on the verge of leaving the province of Manitoba. He urged the committee to recognize that the six businesses employed 1,000 employees and that businessmen he knew had contacted him and had told him of their plans.

Mr. Speaker, I'll be interested in hearing from the Attorney-General the names of those six businesses that we were told in June of 1977, with 1,000 employees, that were leaving the province of Manitoba because of the Family Law Legislation.

Mr. Speaker, I turn now to the Minister without Portfolio, the Member for River Heights. He has talked a great deal w this evening about the task force and the economy. Mr. Speaker, if the Honourable Minister without Portfolio wishes really to save some money, if he wishes to trim unnecessary costs, then I would suggest that he arrange for the use of the Legislative Counsel in this building to do the necessary rewording and redrafting of the Family Law Legislation.

MR. SPEAKER: Again I must ask you to please refrain from any demonstrations or else we will have to adjourn this meeting. The Honourable Memb Member for Selkirk.

MR. SPIVAK: I wonder if the Honourable Member for Selkirk would allow a question.

MR. PAWLEY: Mr. Speaker, I join with you in urging that there be proper decorum maintained in the House during the remarks. But, Mr. Speaker, I do have to say that I regret the fact, and I hope the Minister without Portfolio does comment on this, that we do have to leave this building to hire high-priced lawyers downtown as they cost \$50.00 an hour to do nothing more than a rewording, supposedly, of the Family Law Legislation in Manitoba. —(Interjection)— Mr. Speaker, there are some words about incompetent. I resent any reference to our Legislative Counsel being incompetent in this building. They are not. . . —(Interjection)— Mr. Speaker, I would have thought, when the legislation was passed in June, like the Honourable Member for Fort Rouge, that the legislation would become law of this province. I recognize that there were a number of members that were not pleased with the legislation, but I was also aware of the fact that it was not a campaign issue, or I had thought it was not a campaign issue. I know that I was never approached about the Family Law Legislation although I had been the author of the legislation in the House in June of 1977. I know that was not raised by any Conservative candidate that I was aware of during the campaign. I read the Conservative platform during the campaign. Today I have been checking through whatever Conservative pamphlets I could find, this is one that was issued by the Honourable Member without Portfolio; this is one that was issued by the Premier himself; and this is one that was issued by the Member for St. Matthews; and this is one that was issued by the candidate that was running against my colleague the Member for Lac du Bonnet. Nowhere, nowhere, Mr. Speaker, do I find in any of those pamphlets, and I would challenge honourable members opposite to show me, not only these pamphle pamphlets, but any other literature or platform documents that they may issued, any reference to an intention to suspend the Family Maintenance Act and to defer The Marital Property Act of the province of Manitoba.

Mr. Speaker, I do wish that during that campaign the present members who now form the government of the province of Manitoba had clearly and unambiguously indicated to the people of the province of Manitoba what their intention was, what their clear intention was, pertaining to Family Law in this province. Mr. Speaker, I don't know whether it would have made any difference on October 11th, but I do know, Mr. Speaker, it would have been fair and it would have been more honest and it would have been clearer representation to all Manitobans.

Mr. Speaker, I want to read into the record what I believe to be an excellent list of the basic principles of this legislation, one by one, so that we can move away from vague generalities as to equal sharing, because in Ontario, the Ontario Conservative government states that their legislation recognizes equal economic partnership, but it's a poor excuse for equal economic partnership. The Conservative government in Alberta introduced legislation recently dealing with family law. The They too heralded it as equal partnership, but again, Mr. Speaker, if you examine their legislation, again it's a miserable excuse.

So I would like to place on record clearly the principles, which I must say a reporter today for The Winnipeg Tribune did so well in today's paper, in listing the principles of the The Marital Property Act and The Family Maintenance Act. I would encourage the Attorney-General to participate in this debate tonight to clearly indicate which of those principles he is in agreement with and to also clearly indicate which of those principles he intends to discard so that all Manitobans will know exactly and preciselz what this government has on its mind.

Mr. Speaker, I would like to ask the Attorney-General whether he concurs with the principle of the Family Law Legislation that a family house purchased for the marriage is jointly owned by the couple and cannot be sold or mortgaged without agreement. I would like to ask him if he agrees that property acquired by either spouse during the marriage will be shared equally except for gifts, inheritances, and such. Three, that property not used to produce income, the family car, furniture, the cottage, the trailer, and what not, is jointly owned, property used jointly by the couple during their marriage relationship. Three, whether he concurs that property not used to produce income, the commercial assets, that he concurs that the commercial assets acquired during a marriage such as bank accounts, bonds, apartment blocks, businesses, etc. are shared only if the couple separates, but that they will be shared and they will be shared on a fifty-fifty basis in the event of the termination of the marriage, commercial assets as well as the family assets. And also, Mr. Speaker, because there was great debate last June, between members opposite and ourselves in connection with this particular item, that a couple may contract out of this equal sharing, but it must be a couple, it must be mutual, it cannot be unilateral.

The Family Maintenance Act; I ask whether the Attorney-General agrees that custody of children and separation will be decided by a judge according to the children's best interests. I ask him whether or not both parents are equally responsible for supporting their children until age 18 even if separated? A judge to establish the maintenance amount considering living costs, financial

circumstances, and need for providing a stable environment for the child. Also, whether the Attorney-General concurs that on separation, both spouses have the right to ask for support? The judge will consider their financial needs, the earning capacity of each, the standard of living, the responsibility for children or others, the financial dependence, the length of marriage. And also whether or not the Attorney-General concurs that maintenance will not depend on fault but on need? And lastly, whether on separation each spouse will be expected to attempt, within reason, to become financially independent.

Mr. Speaker, if the Attorney-General responds affirmatively to those very precise and specific questions, then, Mr. Speaker, he will have lightened the concern that is imposed upon the hearts of many Manitobans pertaining to the destiny of this legislation in Manitoba. And I urge him to do so now and forthwith since he has indicated very clearly for all Manitobans that his Board of Review is only concerned about the rewording, the phraseology, removing ambiguity. Since that is the case, Mr. Speaker, then the Attorney-General ought to have no problem, no problem this evening, in responding in connection with the principles of the legislation and we will gladly cooperate with the Attorney-General and with his Board of Review insofar as passing legislation that may improve the family law legislation pertaining to the legal or technical wording of the legislation. We would be glad to do that, and I think that all Manitobans as a result would benefit.

But, Mr. Speaker, to revert back to the The Wives and Family Maintenance Act where it states that where a married man, and this is what has to be proved, where a married man — it doesn't deal with both sexes, only a married man, Mr. Speaker — where a married man has (a) been convicted of assault upon his wiv wife; (b) has deserted her without lawful excuse; (c) has been guilty of persistent cruelty to her; (d) is a habitual drunkard; or (- (e) has neglected or refused without reasonable excuse to provide reasonable maintenance and support for her or her children, the wife or any person on her behalf may from time to time make an application to either a County Court Judge or a Magistrate for an order. Mr. Speaker, to return to that legislation, that archaic legislation, and to throw into the dust bins this legislation introduced last June, is a scandal.

Mr. Speaker, so many throughout Canada have looked at our legislation and have responded positively to the legislation. Let me read to you the words from the Citizen of Ottawa, an editorial, Wednesday, June 22nd, 1977. It states, "Legislators amending Ontario's Family Law Reform Bill would be wise to study Manitoba's proposal to enshrine in law the equal status of marriage partners". It proceeds to state, "In both provinces, equal sharing is the basic rule of proposed reform", but then, Mr. Speaker, it proceeds to say, "But in Ontario, the concept of equal rights doesn't apply outside the home." Outside the home. "Equal sharing applies only to the splitting up of family assets, defined as property ordinarily used or enjoyed by members of a family for shelter, for household, for transportation, education, recreational, social, purposes." They herald our legislation in Ontario, and they're saying, Mr. Speaker, what an improvement our legislation is over what they've attempted to introduce into the Ontario Legislature. And by the way, Mr. Speaker, that legislation has never even received Royal Assent yet in Ontario, as weak as that legislation is.

So, Mr. Speaker, I urge the Attorney-General tonight to remove doubt in Manitoba, not to leave doubt in the minds and the hearts of Manitobans for the next several months, but to proceed to remove that doubt by a clear, nonequivocal statement in this House, during this short session, preferably tonight, Mr. Speaker.

Mr. Speaker, if we do not receive affirmative response to the specific questions that have been asked, outside of vague sloganeering, a support for equal sharing, as we heard earlier this evening on the Legislative steps, then I can only assume that there is more behind the scenes than an intention to simply re-word or re-draft certain words in the legislation, not to tamper with it too much. So don't get upset, Manitobans, we're only re-wording the legislation.

Mr. Speaker, the Attorney-General can put all this to rest this evening, and I call upon him to do so. In conclusion, Mr. Speaker, I speak this evening, not only as the Attorney-General and as a member of the Legislature, but also as one who has, like every other citizen in this province, interest in seeing that this law, which enshrines within its wording, some of the finest principles — principles long overdue, that this law in fact is born, does become a full child in this province, so that all Manitobans may breathe the fresh air of what is a decent and fair and humane family law in Manitoba.

MR. SPEAKER: Order please. Dealing with the proposed motion of the Honourable Member for Pembina, and the amendment moved by the Honourable Leader of the Opposition. The Honourable Member for St. Johns.

MR. SPIVAK: I believe that the Member for Selkirk allowed a question at the end and I wonder if he would permit a question, or, with leave, if the time is up . . .

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, I wonder if the Honourable Member for Selkirk will acknowledge to the House, that when they were the government, there were occasions on which they hired lawyers and solicitors to draft bills other than the Legislative Counsel.

MR. PAWLEY: Mr. Speaker, I can recall the rarest of instance when we hired lawyers to do drafting of legislation. With this particular legislation, "in-House" legislative draftsmen did the drafting, and I think, Mr. Speaker, that he did a reasonable job despite what certain other lawyers in the province

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may say. The work was done in-House. And there was consultation obtained from outside the Legislature from lawyers dealing with the substance or the principle of the legislation but not dealing with drafting.

MR. SPEAKER: The Honourable Minister without Portfolio.

MR. SPIVAK: Yes, I wonder then, again, if the Member for Selkirk would acknowledge that the government of the last eight years did in fact hire solicitors to draft bills other than the Legislative Counsel.

MR. PAWLEY: Mr. Speaker, it was never, never done in such a way as to kill a bill. It may have been that there were instances, but never to kill a bill, like what is being done here.

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

MR. CHERNIACK: Mr. Speaker, I hesitated in rising in the expectation that the Attorney-General would rise to respond to the Member for Selkirk. If I am wrong and if he was going to rise, I would be glad to defer to him, Mr. Speaker. Well, Mr. Speaker, it is clear . . .

MR. SPEAKER: The Honourable Acting Government Leader on a point of order.

MR. ENNS: As Acting House Leader, I would like to reiterate the offer made earlier. Is the government prepared to allow the Attorney-General to introduce the particular legislation at this time by leave.

MR. CHERNIACK: Mr. Speaker, was that a point of order? Or was the Acting House Leader out of order?

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

MR. CHERNIACK: Mr. Speaker, I will dispense now with the normal introduction, which I will defer for tomorrow so I can deal with this matter before us. Let me point out to the Acting House Leader, Mr. Speaker, that the Attorney-General is sitting in a row with people of great parliamentary experience, especially the Acting House Leader, and when there was an occasion for a member of the government side to speak, it was the Minister without Portfolio who rose and spoke for forty minutes when everyone in this House who knew anything about procedure knew that the Attorney-General had every right to participate in the Throne Speech and state his position on marital property.

MR. ENNS: It's a question of manner of order. Mr. Speaker, I'm asking privilege to raise a question of order of the House. The request was made by the government to introduce, not lengthy speeches on the Throne Speech, but the specific bill that many people are here to hear and to listen to. That request has been denied repeatedly by the members opposite.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. PETER FOX: Point of order, Mr. Speaker. I wish you would stick to the procedures of this House and ask the member who is acting as House Leader not to interrupt the member who is speaking on points that are not points of order.

MR. SPEAKER: I thank the Member for Kildonan and call on the Honourable Member for St. Johns.

MR. CHERNIACK: Mr. Speaker, it is obvious to me that I need your protection from the Acting House Leader, who is prepared to interrupt, and I suppose prolong the time during which I would like to speak in order to play to the gallery in such a way that he, himself, found reprehensible. Mr. Speaker, it is clear that the Acting House Leader, that the First Minister, that the Minister of Health, and especially the former Leader of the Opposition of the Conservative Party, had the opportunity to tell the Attorney-General that if he had a statement to make on family property and family maintenance, he had every opportunity in the world, and still has, under the Throne Speech — but no, it is necessary for them to try and get in to break the procedure of the House in order to show that the poor, unfortunate Attorney-General has been denied the opportunity.

Well, Mr. Speaker, I want to point out to you that these two gentlemen who participated in the debate just after 8:00 o'clock, the Acting House Leader, the First Minister, were trying to show that we did not want to hear a debate on maintenance law. So how did they show it? They produced the Minister without Portfolio responsible for reducing staff and programs to speak for forty minutes.

MR. SPEAKER: Order please. Order please. Again, I must ask you to please give the member the opportunity to make his contribution, and I must also suggest to the member that in making his contribution, he has a fair degree of latitude, but at times he may incite some type of demonstration.

MR. CHERNIACK: Mr. Speaker, I appreciate your suggestion, but let me tell you that in the Throne Speech, I have complete latitude and I intend to make use of it. Because I want to point out that it was the same Acting House Leader who, shortly after we had commenced, made the suggestion that if the gallery doesn't behave, the House may have to take some other action. He is the one who suggested that there would be a way to prevent the members of the gallery from expressing themselves, and I, too, agree, that they ought to make every effort to contain their response so that debate may continue.

Mr. Speaker, this question of family law to me has become the most important matter of legislation with which I've been involved. The Member for Virden came over to me this afternoon and informed me that he and I are the only members of this Legislature who have the longest continuous service in the House, having been elected in December of 1962. Mr. Speaker, I make the point only to indicate that in all that time I don't know of any legislation we've dealt with that is more important to many people in Manitoba, and therefore, Mr. Speaker, I would like to think that the time and attention given to it was not wasted.

But Mr. Speaker, the Member for Selkirk pointed out that in no literature that he has seen was this question of suspension or postponement of dealing with marital property a campaign issue with the Conservatives. Well, you know, Mr. Speaker, I told people who would listen to me that indeed, it was their intention to do exactly what I think they are now doing. Because, Mr. Speaker, to me, and living with members of the Conservative Party in the Legislature for some time, I am convinced that it is in the nature of the animal, or in the nature of the Progressive Conservatives, to oppose legislation that has that kind of progressiveness within it. I think that the government party has indicated in so short a time the manner in which it will operate for the next four years. Unfortunately, people will suffer.

Do you recall, how could you forget, Mr. Speaker? — that two days before the cabinet, the front bench was sworn in, the Premier, who was not yet Premier, summoned three Deputy Ministers to see him in five minute intervals on a Saturday afternoon, in order to tell them — oh, ten minutes, I'm sorry, double the time I said — in order to tell them that they are required to leave, and leave immediately. I mention that because of the kind of arrogance that is accepted by that government and by the people on the government side. The ones who could deal with three individuals without feeling, without dignity, and today I deliberately asked the First Minister whether he knew whether any payment had been made to any of these Deputy Ministers who were fired something over a month ago, I believe it was. And do you know Mr. Speaker, did you hear him acknowledge that he didn't know. He said it's the Civil Service Commission, who I believe have no jurisdiction to deal with the question of separation allowance. But that is not important. The fact is that that government, before it was a government, proceeded to fire three men, and let's not for a moment consider that a firing is just a casual thing. The livelihood and the support of individuals and their wives and their children was dependent on some form of security of tenure, some form of courtesy, some form of dignity, some form of indicating to people who have spent many years of their lives serving the people of Manitoba in the highest Civil Service ranks possible as deputy ministers, were cursorarily dismissed, were told you're finished as of Monday morning — it's a good thing Sunday intervened they had an opportunity to get over the traumatic experience of being summoned to be fired and dismissed, as indeed they were — to learn today that the First Minister does not know whether they have received any money on account of a separation allowance. That is the kind of government to whom the people of Manitoba have entrusted the management of its affairs, and they did without question they should have known that important measures such as Marital Property Act would get the same kind of treatment as their dealings with individuals. The firing or the demotion of three secretaries, without any notice at all, just told you're now demoted. I happened to meet one today and was told her income dropped by two thousand dollars just like that, just like that, Mr. Speaker. I believe that there is a lack of concern already evidenced by that government and those people in the way they are dealing with individuals. By the way Mr. Speaker, talk about working things out, it is that government and the Conservative Party which supports it, which were responsible for fiddling around with the Civil Service Commission and making it possible by a legal device to dispose of the Chairman of the Commission under the act, which act says that you cannot dismiss or terminate the appointment of any member of the Commission except by a vote of, I think it's two thirds, of the people in this House. That wasn't necessary for that government. They have good lawyers. They have calculated the way by which they can accomplish their purpose indeed, without circumventing the law and that is why I want to tell members opposite that Ken Houston is a good lawyer. Ken Houston can do the job he is given to do and I worry very much about the nature of the job he was given to do, knowing his feelings about the work and knowing how well he can serve the master who is prepared to cut it out.

Mr. Speaker, I . . . about a government which is supported by a party speak one of whose election platforms or attacks on the then government, was that stating that forty million dollars was lost in Flyer Industries. That was repeated so much that I met a young man who said he was glad the N.D.P. was out of government, he'll never forgive them for that hole on Portage and Main which he attributed as the fault of the government of Manitoba. Mr. Speaker, it is that kind of integrity, or lack of integrity that we see on the side of that party when the member for on Friday, asked Inkster, was it the Minister of Industry whether he would confirm that the loss was not forty million as stated by the newspapers, or stated by candidates of that party and indicated that there was a sixteen million dollar loss at the time of the change in government, the Minister of Industry had the temerity to sit and not rise and not respond because he had the arrogance in one day . . .

MEMBER: He took it as notice.

MR. CHERNIAK: He did not. I happen to have the Hansard before me. He may have taken it in his mind as notice, but Hansard does not show he did. Hansard shows that he sat on his first day in this House, as Minister, he did not respond. But that's all right. That's exactly the same kind of response his leader gave when my leader asked the question on the Civil Service, whether all members of the Commission will receive notice. You know what the answer was? Silence.

Mr. Speaker, I'm sorry the Acting House Leader left the Chamber, because I wanted to quote to him an article from the Winnipeg Free Press of April 27, 1977. Two paragraphs. I quote, "He admitted the Conservatives could be accused of not telling the whole truth, because they neglected to say that when all taxes are considered, Manitoba's taxes aren't the highest. One thing you have to do is recognize how candid and frank the Minister of Public Works can be on occasion, so he did admit the Conservatives could be accused of not telling the whole truth. I go back to the quotation. "Suggestions that the Conservatives don't have a "smidgion of human kindness were unfair, and Mr. Speaker, I have to accept that statement. He says that the statement that Conservatives don't have a smidgion of human kindness are unfair. I think they do have a smidgion and only a smidgion.

So Mr. Speaker, what can we expect from this government in dealing with what to me is one of the most fundamental and basic changes that we have proposed and made in regard to the law regarding the property rights of individuals who form a partnership in marriage. It is the reactionary groups of society who are always happy with the law as it is. It is the reactionary groups of society who say the way it has been, is the way it should be, because indeed, it is the reactionary groups of society who have accomplished and who have attained their greatest achievements under that law as it was. And what we have before us, is a government which is now asking us to go back to the old law. What they promise for the future, we don't know. They said nothing during the campaign, the election campaign the Attorney-General is still seated, neither he nor the First Minister nor any other member of government has indicated what their plans are in relation to marital law except for one clear statement, "We're going back to the old law". That came across loud and clear. When the member for Selkirk asked the Attorney-General to respond on principles, he had the opportunity, he has had the opportunity he has sat silent. We may yet hear from him and he may yet surprise us, but I don't think so, Mr. Speaker, because I believe that that government has a dedication and a purpose and, although in the Marital Property Law it has no mandate from the people whatsoever, clearly what they are going to do is change the law to stay just as they are now, increasing the tax burden on the vast majority of Manitobans by reducing it on those of one or two percent.

So will they start whittling away at the Property Tax Credit that we now have, and which the Minister of Finance opposed, even when he was in opposition. They start whittling away on the Tax Credit Plan. —(Interjection)— Oh, improve it, will they? Well, I would not trust the Conservatives to improve a law which they themselves did not agree with as they, Mr. Chairman, are clearly — I forecast this for the next four years — they will impose financial restraints on the access to health care, and I believe they will. I believe that they will reverse the trend of progressive taxation, and we already have that on the Order Paper before us. They will eradicate the program of increasing the educational opportunity that we now have for relocated native people. I believe they will reduce programs generally and will indeed honor their commitments to their sponsors. And that is what I expect them to do in relation to Family Property Law. Therefore I ask again the Attorney-General to rise at the first opportunity, he has had them tonight, he hasn't used them, he will have them tomorrow by about eleven o'clock, I promise him he will have the opportunity. You know, Mr. Speaker, the House Leader wants to dictate to this Legislature exactly how it is that he, the Attorney-General, will speak. Well let me point out that the Attorney-General will find it very difficult to stand up in the Throne Speech Debate and speak on Marital Property and not respond to the questions asked by the member for Selkirk. He will find it very easy indeed on introduction of second reading of the bill to read a prepared speech and tell us what the bill says. We know what the bill says. It is for him to undertake and in the Throne Speech is the best time, I believe, for him to express his opinion and state his beliefs. So, Mr. Speaker, I would like to know and I still hope that we will hear, and I hope we will hear in the cut and thrust of debate, from the First Minister who I believe has said nothing favorable about the principles that we are dealing with in The Marital Property Act and I hope we will hear from him because, Mr. Speaker, not only is he the Leader of the government party, he is the effective leader. He tells members of the Cabinet when they should rise and respond to questions and when they shouldn't. And Mr. Speaker, he wishes he had the power to tell me to sit down. It so happens you have the power, Mr. Speaker, and you will exercise it in two minutes, but not the First Minister. So, Mr. Speaker, I call on him to speak on what he believes. I call on the Attorney-General to tell us what he believes in this relation. I call on the Minister of Health to speak because he voted in favor of The Marital Property Act. I call on the other members; the Member for Wolseley, the Member for Crescentwood, the Minister without Portfolio, and the Minister of Finance to come and speak. These people voted for it; let them speak and tell us what they believe ought to be the law because, Mr. Speaker, as of this moment they are reinstating, making every effort to reinstate the old law.

The - House Leader said today in his speech, "Why, all we wanted to do was correct what had to be done, Anti-Inflation Board." We told him we could do that today, well, now we can do it tomorrow. I promise him we can do it tomorrow if they will withdraw the other bills. But he said, "No, we have a pledge to our constituencies, we pledged certain matters." **Show us where you pledged The Marital Property Act? Show us where you are under a duty to bring it in now? Mr. Speaker, let me conclude for this evening that there is no better legislative draftsmen in the province of Manitoba than the**

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Legislative Counsel, Rae Tallin, in this building. Let me tell them, Mr. Speaker, that Rae Tallin could not possibly be that busy in the last month and in the next month that he couldn't devote his attention to this very redrafting that they claim is necessary. Let me tell them, Mr. Speaker, that I believe that this side of the House would be happy to work with them to develop any improvements, any refinements in the wording providing the principles were maintained and if they were maintained, I for one would be ready to sit here day after day in order to make sure that the law is maintained but is fast in any improved form. But not killed, not postponed, because I believe their intention is indeed to do what the Act says. The Act doesn't say it will come into force on July something 1978. **The Act says, "until the Lieutenant-Governor-in-Council or the Legislature passes the law." And until then that is, the old law is what we have. Mr. Speaker, I . . .**

MR. SPEAKER: Has the Acting Government House Leader a point of order?

MR. ENNS: Yes, Mr. Speaker, I beg your indulgence and that of the House. I ask for the third time whether by leave the members opposite are prepared to allow the Attorney-General to introduce the legislation under question?

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. ENNS: Then just for the record, let it be shown that despite the pleadings, the Attorney-General has not been allowed to introduce the legislation.

MR. SPEAKER: Order please. The Honourable Leader of the Opposition.

MR. SCHREYER: Mr. Speaker, I believe that, in answer to my honourable friend, if he's asking the question, it is that there has been discussion about House procedure and it was not suggested earlier this day until this evening, in fact, that there would be a desire to proceed with the second reading on that bill this evening. But I can assure my honourable friend, if they are seeking accommodation, that very early, if not first thing tomorrow, that it should be possible. I fully expect that before noon tomorrow it would be possible to carry that through.

MR. SPEAKER: The Honourable Acting Government House Leader.

MR. ENNS: I won't pursue the subject that I have failed at thrice tonight, but simply for the information of the House, I believe it is the understanding of all honourable members that we meet at 10:00 a.m. in the morning.

MR. SPEAKER: The hour of ten o'clock having arrived, the House is now adjourned and stands adjourned until 10:00 a.m. tomorrow morning.