



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

29 Elizabeth II

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



VOL. XXVIII No. 134 - 8:00 p.m., TUESDAY, 29 JULY, 1980

MANITOBA LEGISLATIVE ASSEMBLY
Thirty - First Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, A. R. (Pete)	Ste. Rose	NDP
ANDERSON, Bob	Springfield	PC
BANMAN, Hon. Robert (Bob)	La Verendrye	PC
BARROW, Tom	Flin Flon	NDP
BLAKE, David	Minnedosa	PC
BOSTROM, Harvey	Rupertsland	NDP
BOYCE, J. R. (Bud)	Winnipeg Centre	NDP
BROWN, Arnold	Rhineland	PC
CHERNIACK, Q.C., Saul	St. Johns	NDP
CORRIN, Brian	Wellington	NDP
COSENS, Hon. Keith A.	Gimli	PC
COWAN, Jay	Churchill	NDP
CRAIK, Hon. Donald W.	Riel	PC
DESJARDINS, Laurent L.	St. Boniface	NDP
DOERN, Russell	Elmwood	NDP
DOMINO, Len	St. Matthews	PC
DOWNEY, Hon. Jim	Arthur	PC
DRIEDGER, Albert	Emerson	PC
EINARSON, Henry J.	Rock Lake	PC
ENNS, Hon. Harry J.	Lakeside	PC
EVANS, Leonard S.	Brandon East	NDP
FERGUSON, James R.	Gladstone	PC
FILMON, Gary	River Heights	PC
FOX, Peter	Kildonan	NDP
GALBRAITH, Jim	Dauphin	PC
GOURLAY, Hon. Doug	Swan River	PC
GRAHAM, Hon. Harry E.	Birtle-Russell	PC
GREEN, Q.C., Sidney	Inkster	Ind
HANUSCHAK, Ben	Burrows	NDP
HYDE, Lloyd G.	Portage la Prairie	PC
JENKINS, William	Logan	NDP
JOHNSTON, Hon. J. Frank	Sturgeon Creek	PC
JORGENSON, Hon. Warner H.	Morris	PC
KOVNATS, Abe	Radisson	PC
LYON, Hon. Sterling R.	Charleswood	PC
MacMASTER, Hon. Ken	Thompson	PC
MALINOWSKI, Donald	Point Douglas	NDP
McBRYDE, Ronald	The Pas	NDP
McGILL, Hon. Edward	Brandon West	PC
McGREGOR, Morris	Viriden	PC
McKENZIE, J. Wally	Roblin	PC
MERCIER, Q.C., Hon. Gerald W. J.	Osborne	PC
MILLER, Saul A.	Seven Oaks	NDP
MINAKER, Hon. George	St. James	PC
ORCHARD, Hon. Donald	Pembina	PC
PARASIUK, Wilson	Transcona	NDP
PAWLEY, Q.C., Howard	Selkirk	NDP
PRICE, Hon. Norma	Assiniboia	PC
RANSOM, Hon. Brian	Souris-Killarney	PC
SCHROEDER, Vic	Rossmere	NDP
SHERMAN, Hon. L. R. (Bud)	Fort Garry	PC
STEEN, Warren	Crescentwood	PC
URUSKI, Billie	St. George	NDP
USKIW, Samuel	Lac du Bonnet	NDP
WALDING, D. James	St. Vital	NDP
WESTBURY, June	Fort Rouge	Lib
WILSON, Robert G.	Wolseley	PC

LEGISLATIVE ASSEMBLY OF MANITOBA
Tuesday, 29 July, 1980

Time — 8:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . . Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills . . .

ORAL QUESTIONS

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

MR. SAUL CHERNIACK: Mr. Speaker, I would like to ask the Honourable Attorney-General whether Manitoba presented position papers of the July negotiations on the constitution and, if so, were they made public?

HON. GERALD W. J. MERCIER (Osborne): Mr. Speaker, there was only one position paper that was made public, that being one with respect to family law.

MR. CHERNIACK: Mr. Speaker, I'd like to ask the Honourable Attorney-General that in view of the report to the effect that the federal Conservative caucus has the federal and provincial position papers used during the negotiations, whether the Minister is aware of any manner in which they have been made available to parties other than those who have actually participated at the conferences.

MR. MERCIER: Mr. Speaker, I have not heard that report and I am not aware of any way in which the party would have obtained provincial position papers.

MR. CHERNIACK: I thank the Honourable Minister. I am wondering if he and/or the First Minister would consider whether or not the position papers would be available to the committee which will be appointed after tonight to deal with the entire question intersessionally.

MR. MERCIER: Mr. Speaker, I indicated earlier on in the session to the Honourable Leader of the Opposition that we will be preparing papers for the members of the committee for their deliberations and which will also be available to the public.

MR. CHERNIACK: Just one final question, would the Honourable Minister undertake to see to it that copies of these documents would be sent to all MLAs, wherever they happen to be at the time?

MR. MERCIER: Perhaps what we could do, Mr. Speaker, is not only make them available to members of the committee but to the caucus rooms and to the independent members.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN: Mr. Speaker, I would like to direct a question to the Honourable Minister of Municipal Affairs, relative to my question earlier today as to whether or not he gave Ministerial authority for a legal residential subdivision in the Local Government District of Armstrong within one mile of a pig ranch?

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

HON. DOUG GOURLAY (Swan River): Mr. Speaker, there was a subdivision approved in the area of Fraserwood.

MR. GREEN: Mr. Speaker, could I determine from the Minister whether that subdivision was approved by himself and whether it is not a fact that the chief planning recommendation was against the subdivision, and also the agricultural representative being against this subdivision, or either one of the two?

MR. GOURLAY: Mr. Speaker, I would have to check further on the specific details on that question.

MR. GREEN: Mr. Speaker, I wonder whether, in the event that we do not have another legislative question period, whether the Minister will undertake to see to it that the questions that I asked this afternoon and the ones this evening are conveyed to me by some form of writing, which is a practice which we employed in the past, and which I would ask whether the Minister would furnish me with that information.

MR. GOURLAY: Mr. Speaker, I would be pleased to endeavour to get all the specific information that the honourable member would care to have.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. JUNE WESTBURY: Mr. Speaker, thank you. My question is addressed to the Honourable First Minister, and I wonder if he is in a position to answer a question which the Minister of Finance took as notice last Thursday. I asked whether it could be confirmed that the province is having discussions with the official delegation of the city of Winnipeg relative to cost-sharing in a study of an electric-powered rapid transit system. This was announced by Councillor Harold Piercy and I asked if we could have confirmation and also whether the study is to be completed within six months of the September date that Councillor Piercy announced.

MR. SPEAKER: The Honourable Minister of Urban Affairs.

MR. MERCIER: Mr. Speaker, I did have some discussions with the official delegation of the city on

this question of whether or not the province would participate in the funding of such a study, in the month of June, prior to one of the council meetings. I understand that since then the council passed a motion in favor of asking for the study and that they will be dealing directly with the Department of Mines and Energy with respect to that matter. That's as much information as I have about it at this time, Mr. Speaker.

MRS. WESTBURY: Mr. Speaker, in view of the fact that Councillor Piercy has been assuring the council that the money was to be forthcoming from federal and provincial governments — and I'm sorry, I addressed the question to the wrong Minister — would the Honourable Minister of Urban Affairs be willing to look into this and perhaps let me also have a reply in writing.

MR. MERCIER: Yes, Mr. Speaker.

ORDERS OF THE DAY

REPORT STAGE

MR. SPEAKER: The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, would you call the remaining matters in this order: Bills No. 96, 7, 48, 80, 75, and then the motion in the name of the First Minister.

MR. SPEAKER: We were in report stage when we quit at 5:30, we still had one amendment to hear at report stage on Bill No. 96. The Honourable Member for Elmwood.

MR. RUSSELL DOERN: Mr. Speaker, I have decided not to proceed with that amendment.

MR. SPEAKER: Shall the report of the committee on Bill No. 96, be concurred in? (Agreed)
The Honourable Member for Fort Rouge.

MRS. WESTBURY: Mr. Speaker, I'm sorry, at which point can I speak to the bill itself. We've just been dealing with amendments, Mr. Speaker, I didn't want to speak to an amendment.

MR. SPEAKER: Order please. If the Honourable Member will just wait a second the Honourable Minister without Portfolio.

THIRD READING

BILL NO. 96

THE ELECTIONS FINANCES ACT

HON. EDWARD MCGILL (Brandon West,) presented, by leave, Bill No. 96, The Election Finances Act, for third reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I'll defer to my seat mate.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. WESTBURY: I do beg your pardon, Mr. Speaker. I've been warning people that I'm feeling a little numb, and I've just proved it unfortunately to my own embarrassment. Thank you, to the Member for Elmwood as well.

Mr. Speaker, I just wanted to speak briefly in connection with Section 3 of the bill, Page 3, which calls for the elections commission, and in speaking at second reading, I objected to this on behalf of the Liberal Party. There have not been any changes, Mr. Speaker, and I just wanted to get on the record the fact that Section 3, subsection (2) remains unacceptable to the Liberal Party. For this reason the commission is to be charged under the Act with the authority to regulate and police all registered political parties operating in the political process and, therefore, all parties ought to have a voice on the commission. But Section 3, subsection (2) states that the commission shall be composed of the Chief Electoral Officer, a person appointed by the Lieutenant-Governor-in-Council to be Chairman of the Commission, and two persons representing each registered political party that is represented by four or more members in the Assembly.

Therefore, all registered parties are not represented on this policing commission, Mr. Speaker, and I really believe that they should be. They have watchdog powers over registered parties taking part in the political process and all the elections of Manitoba. They are not limited even to overseeing the activities of those parties which have seats in the legislature. They can oversee the activities of parties which have never been registered and represented in this Chamber, Mr. Speaker, and my party is suggesting, not only that this is not fair to the Liberal Party, that the Liberal Party should have representation on such a commission, but that it should have lay representation, not just political representation, Mr. Speaker. We'd really rather see it come perhaps under the Civil Service.

The Commission's powers give it authority to regulate and prosecute any party registered under The Election Finances Act, and therefore, our position is that all such parties should have an opportunity, if any parties are represented all parties should have the opportunity of being represented. Otherwise, an analogy could be brought in to taxation without representation. Here we have policing without representation. On behalf of my party, I want to object to that, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I, too, will be brief and leave the major remarks on this bill to be made by, I gather, the Member for Elmwood, who is willing to defer.

Mr. Speaker, I haven't looked at the new amendments. I looked at the Act as it was originally drawn. I find the Act offensive. I find it to be a denial of liberty. I find it to be a denial free speech. I regard

all of its provisions, Mr. Speaker, as being conceived in good motives, but completely unworkable. It's my belief, Mr. Speaker, that the new Act will not bring about, as did not the old Act, so that there be no misunderstanding, as did not the old Act bring about any more honesty or more integrity in elections, that it will not create a better situation, that it will create many many liars out of normally honest people.

I intend, Mr. Speaker, to fight the next election as I fought in my first election; to do so honestly, with integrity, to the best of my ability, and to abide by what I consider, Mr. Speaker, to be the proper means of seeking office in a democratic society. I intend to obtain such financial support as people wish to make available to me; I intend to make such expenditures as are reasonable within the circumstances and within the amount of money that is made available in donations; I intend to use such methods of public communication as are available to me.

If any of these things, Mr. Speaker, are held to be illegal by the Commission that is to oversee political parties, all they will be doing is making illegal honesty, integrity and the best use of the democratic process.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I think that this bill was one of a number of examples of legislation that was hastily conceived and extremely ill-advised and damaging to the democratic system, because of the fact that it was directly related to the manner in which elections would be run in our province. It was clearly a bad bill and now we have a gutted bill. There is little left and there is much that should have been included in the bill that was omitted.

Mr. Speaker, I just wanted to allude to some of the bad provisions that were deleted in our committee discussions and deliberations. There was a section, for example, preventing a party from contributing more than a few thousand dollars, a federal party to a provincial party, or from blocking a provincial party from donating, in the case of Manitoba, more than 1,400.00. There was an incredible amount of red tape which would have forced political parties to spend a great deal of time writing receipts and getting involved in all sorts of bookkeeping and checks in regard to this legislation. There was a harsh penalty for nonfiling, and I have to say to the Attorney-General that he seems to operate in two extremes. On one hand, he seems to either not take action in regard to a matter, or he seems to come down with the full force of his office and has done so, I think, on a number of occasions when maybe a moderate reaction would have been in order.

He was going to, for example, bar someone from taking their seat in the Chamber if they failed to file their expenditures and income during an election. Mr. Speaker, it was only a few weeks ago or so that there was no action taken in regard to somebody who did the same. Now we suddenly go from a position of inaction into someone being barred from taking their seat if they were duly elected.

We're not happy about the commission which has been set up instead of a strengthened Chief Electoral Officer. I think there are problems with that type of

system. I think it is a mistake to say that there should only be a limitation on advertising. That remains in the legislation. The previous pattern was to limit total expenditures and I think that was a good system. It needed to be enforced. But now we only have a limitation on advertising, and although that is good and although that is central, I'm worried about thousands and thousands of dollars being spent, by parties that are flush with funds, on paid workers and on barbeques and all sorts of other celebrations and forms of election expenditure.

Mr. Speaker, I think there's a reluctance, as well, on the part of the government in regard to corporations. This bill will for the first time allow corporations to make donations during the electoral period, and it's clear that the government is attuned and comfortable with corporation donations. I am not and I am concerned about sizable contributions from businesses and what that may mean in terms of legislation or favour. The saving grace there is that there will have to be some disclosure.

And similarly with trust funds, it's good that there's going to be disclosure of trust funds but it is bad that that will not be retroactive and it will not be in the present or in the near future, because the government is still going to protect trust funds. I suppose there will be a scramble among political parties to go out, establish a trust fund and get all the money they can prior to the next election. So the 1981 election will be fought with some money in the pot in terms of trust funds. I guess it's difficult to wean the Progressive Conservative Party away, just as it's difficult to break a baby away from the bottle. They're too used to receiving donations from corporations and from attempting to make them disclose the fact that they are. So I am worried about that provision, Mr. Speaker, and I note the reluctance of the government to give up that source of funding or to make it more open.

Mr. Speaker, there is probably one good provision in the bill, namely the income tax rebates on a provincial level. Before there was, I think, an attempt by political parties again to launder their money through Ottawa or do something to circumvent the legislation. This will encourage people to make donations and get tax rebates. My concern, however, is here again, it always tends to be people who can make considerable donations; 100, when you get 75 back, isn't a large donation, but it is for a working man. For somebody's who's middle-class or a professional, they are, I think, accustomed to making more sizable contributions. They don't consider it unusual to buy 100 tickets to dinners, especially when you get 75 back. But the average person, I think, is unable and unwilling to make that kind of a donation.

Mr. Speaker, if Bill 95 contained a silly section, which is what the Premier said, Bill 96 was a silly bill. It has now been changed considerably because of the pressure of the New Democratic Party in the House and in the committee. I note the editorial in today's Free Press which refers to legislative butchery and then lists a number of acts and, in regard to Bill 96, says that it emerged from the committee stage in the same condition it would have from an office shredder. That, I think, was an accurate comment.

Mr. Speaker, I will conclude my comments by saying that I don't accept the weak defences put up by the government, like the Minister of Government Services who said, well, they had problems with legislation because they are still inexperienced. He said that it wasn't the legislation per se; he's quoted in the Tribune a day ago saying it was due to inexperience. Mr. Speaker, that government has a process by which they vet legislation. Surely they have a committee; surely the Minister makes recommendations and they have committees, then it goes through caucus and Cabinet and so on. They obviously are fumbling the ball. They obviously are not performing well. They obviously are mismanaging the legislative program of the government. They are not businesslike in their operations. And for a government to say that they are still green after three years in office I think is a shattering self-admission. A government that's led by an experienced Premier, that contains a couple of Ministers from the Roblin administration, and that has been in office for almost almost three years, I think it has shown bungling, mismanagement and inefficiency.

Mr. Speaker, I will simply conclude by saying that there is still much to be done. There is still much to be done. This is a faltering step in electoral reform. What we are essentially left with in the bill, in my judgment, is tax rebates for provincial donations and disclosure of contributions in regard to, in the future, trust funds, etc. That much is okay. What we need, however, and must move towards, is similar systems to other provinces and the federal government. Ontario has this, but they also have direct funding. Saskatchewan has some direct funding. Quebec has some direct funding. Ottawa has a significant system whereby there is funding from the federal government. We need year-round monitoring, Mr. Speaker. We don't need it just during the election period; we need it year-round so that people don't order and donate at one time, and beat the law in that way. We need maximum expenditures, Mr. Speaker.

I simply say that we started out with a very bad and sloppy piece of legislation. Most of it has been eliminated and now we're left with a couple of provisions. I'm not enthusiastic about Bill 96 because its main fault is that it went too far in the wrong direction when we started the debate, and now it doesn't go far enough in the right direction.

MR. DEPUTY SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Thank you, Mr. Speaker. Just a few brief comments, Mr. Speaker. Just prior to the supper hour, the Member for Elmwood was speaking with respect to an amendment, and I refer to it only because it should be seen as a background to his remarks on this bill, Mr. Speaker. He spoke against the amendment that was proposed at that time, but when he called for the Ayes and Nays, Mr. Speaker, he clearly did not have the support of his caucus and his party in the comments that he made on that particular amendment. In fact, Mr. Speaker, his caucus supported the amendment that was before the House. Mr. Speaker, it is very difficult under those circumstances to know when, if ever, to accept

the comments from the Member for Elmwood as the position of his party.

Mr. Speaker, I will just refer very briefly to the comments of the Member for Fort Rouge. She refers to the fact that the Liberal Party is not represented on the Electoral Commission. Mr. Speaker, the difficulty there is how far do you go in appointing members to the Electoral Commission and how many of the various and many parties that exist in Manitoba could be represented or should be represented on that commission? That's the difficulty we had on that particular matter.

The Member for Inkster made some comments on the bill and I think it should be acknowledged, first of all, that he apparently did not read the revised bill after it came from committee, Mr. Speaker, so his comments have to be taken in that regard.

One of the important items in this bill, Mr. Speaker, is the income tax benefits, and I just refer to a report that was in the Globe and Mail on Friday, June 11, that covered a report on the number of individual contributions that have arisen at the federal level since they have introduced tax benefits, Mr. Speaker. They noted that the Progressive Conservatives went from 6,423 individual contributors in 1974 to 34,952 in 1979, an increase of 444 percent. The NDP more than doubled the number of people who supported the party financially in that period, and the Liberal Party increased by 31 percent. So, Mr. Speaker, I think the fact that income tax benefits will now be available for political contributions in Manitoba will serve as a method, for every party, of broadening their base of individual support throughout the province, Mr. Speaker, and I think that's an excellent thing for the system. Thank you, Mr. Speaker.

QUESTION put, MOTION carried.

ADJOURNED DEBATE ON THIRD READING

BILL NO. 7 — AN ACT TO AMEND THE MANITOBA EVIDENCE ACT

MR. DEPUTY SPEAKER: Bill No. 7, An Act to amend The Manitoba Evidence Act, adjourned debate on third reading, standing in the name of the Honourable Member for Inkster.

The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, this is a relatively important bill, although it is not something that members come into contact with on a daily basis, namely whether or not a witness is going to be asked a question concerning her or his adultery in a court case.

When the bill was introduced, Mr. Speaker, I indicated that I felt that the basis of the law upon which a person was not asked to testify as to her or his adultery had some sound basis. I indicated, Mr. Speaker, that the people who formed the law knew that the oath would only go so far. For instance, Mr. Speaker, there is a law that says that a woman cannot be called to testify against her husband. There is also a law that communications between a husband and wife are privileged and you cannot ask a person to testify as to such.

The one with regard to adultery, Mr. Speaker, I indicated that, although I wasn't there when it was formulated, it was probably formulated because the judges who first pronounced it were wise enough to see that if you asked somebody to testify about adultery, which he doesn't wish to acknowledge, that he will probably be a perjurer rather than cease to be an adulterer; that it was also a fact, Mr. Speaker, that common decency would probably prevent a person from testifying as to her or his adultery, if it involved another person who was an innocent person, and that the testimony affecting that person would be far more damaging in the total scheme of things than would be the obtaining of that testimony.

I indicated to the Minister that I would want him to give pretty good reasons as to why he would ask members of this House to reverse a position that has been the law for many many years. The Minister indicated that several other jurisdictions have reversed the position and, Mr. Speaker, I can see how that could easily happen, because some Minister probably got up and said that a law reform commission or a group of lawyers said that this should be done, he had received a recommendation, and that everybody said that it's archaic law, and therefore it was reversed. And on that basis, it would be reversed and has danger of being reversed in this Assembly.

Mr. Speaker, if it's reversed in this Assembly I want to make sure that at least the eyes and minds of the members are open to what they are doing, because the Minister didn't give any real reason as to why this should be done, except he said that other jurisdictions have done it. And then there was an appearance by a lawyer, Mr. Speaker, before the committee that was sitting to consider the bill, and I have read what the lawyer said, and I wish to bring to the attention of this House my particular disagreements with what was said and I ask the members to consider them, to consider who is making better sense on the question before the House.

The first thing that the lawyer said was that at one time adultery was considered to be a crime and was considered to be a very serious thing and therefore the person would not be asked to testify as to themselves having committed a crime. Miss Hall then said adultery is no longer considered to be that serious. It's still a matrimonial offense admittedly, but I don't think it's viewed any more serious than any of the other matrimonial offenses such as cruelty and that type of thing, so the rationale no longer exists.

In the Legislature when I first spoke on this bill, Mr. Speaker, I said that it would be easier to ask a person to testify as to a crime that they committed than to ask a person to testify as to adultery that they have committed, which, Mr. Speaker, presumably, nobody knew about. And I asked the members of this House to say whether the consequences of admitting to a crime and the consequences of being asked questions of adultery are any less serious when the issue of adultery is in question.

Mr. Speaker, the other issue that was raised was that in filiation procedures — a filiation is somebody suggesting that a man is the father of an illegitimate child — that it should only be fair that if the man is an adulterer he be asked that question. Mr. Speaker,

admittedly this is a particular type of proceeding. The woman is known, the man is known, he is accused, there is no secrets involved, but is it necessary, Mr. Speaker, to have a filiation case proved to be able to ask the putative father whether he, in fact, committed adultery. It is a civil proceeding, Mr. Speaker. The woman can testify and if the man does not testify it has been held, in filiation proceedings, that although that might not be outright corroboration, the fact that he did not deny it could be used by the judge as forming part of the corroboration. If one wanted to deal with that question, a filiation proceeding, which is not the most serious one, all that one has to do is say that a person not denying the allegation can be considered corroborative evidence of the person who is claiming that he is the father. All that you would have, Mr. Speaker, is a woman testifying, no denial, the judge seeing that there is testimony and not hearing a denial could be able to find for the proceedings and that would easily be solved.

Mr. Speaker, the other area which the lawyer referred to, was the area, Mr. Speaker, with respect to divorce actions. Mr. Speaker, if it was only divorce actions, I can tell you I would still be against requiring the testimony; but if it was only the divorce action, then why is the Minister, why is this House being asked to say that in any proceeding, that's not a divorce action, whether the person is a party thereto or not — that means it doesn't have to be a respondent in a divorce action. No person shall be excused from answering a question as to whether or not he or she has been guilty of adultery. Why not say, Mr. Speaker, in a proceeding where adultery is alleged, and the parties are named, those parties should be compellable witnesses as to their own adulteries and as to the allegations contained in the petition.

Mr. Speaker, I would still not say that it should be compellable, because my experience in divorce cases was not that people were not prepared in many cases to testify, but that the judges, for reasons that have to do with collusion and connivance, were not always anxious to grant a decree on the basis of the admissions of the correspondent and the respondent. It wasn't good enough and therefore, I'm not saying it wasn't done, Mr. Speaker, but it wasn't considered the best type of independent evidence and people were only too willing in many such cases to get up and give the testimony.

Mr. Speaker, that's not what is suggested here. What is suggested here is that in any proceeding, whether a person is a party thereto or not, he or she will be required to answer questions tending to show that they have been guilty of adultery. Mr. Speaker, the lawyer also said that it would have to be relevant question. But, Mr. Speaker, you do not know when a judge is going to say that it is a relevant question and there are many divorce petitions, or there can be divorce petitions, where the opposite party is not named; where the wife sues her husband for having committed adultery with a person unknown or a husband sues a wife for having committed adultery with a person who the petitioner cannot name; and what will occur, if this law is enacted, is that the husband, or the wife as the case may be, would be asked to testify with regard to their own adultery

and, as the Minister has already indicated, would have to name the other party.

Mr. Speaker, I see no validity for changing the existing rule, and I can tell my honourable friends that there are many cases in which this could come up which have not been brought to the attention. It could come up in a defamation case, Mr. Speaker; it could come up in a case involving alienation of affections; it could come up, Mr. Speaker, merely because a lawyer is trying to prove an affinity between one of the witnesses and another party to the proceedings; and when it is going to be relevant, we don't know. The lawyer who appeared before you said it would have to be relevant and that it is usually in order to assist a divorce. If that were the case, Mr. Speaker, I would suggest to you that the law would be changed to require that answer to be made in a divorce proceedings where the parties are named. Where that is not the case, Mr. Speaker, I've already indicated that it should not be.

The First Minister a few days ago said you had better not go changing law before you know the reason that they were there in the first place. There has been no good reason given, Mr. Speaker, why this law should be changed and I would say that the privilege that has existed for many many years should continue to exist and should only be changed insofar as somebody comes in and presents an absolute reason for changing it.

It has also been suggested, Mr. Speaker, that this rule, although it applies to adultery doesn't apply to other heinous acts. That's The Evidence Act, Mr. Speaker. But if you go to the common law, there was always a privilege of against self-incrimination and that didn't only involve crimes, it involved heinous conduct, and there is good reason for the rule, Mr. Speaker, both from the point of view of the administration of our courts and what is common decency. I tell the honourable members, and I ask them to speculate upon it. If there was a case and if there was a woman who was on the witness stand and she was asked a question about having committed adultery with a person and that woman said she will not answer that question because she does not wish to disclose the name of the person who may be a very respected gentleman in the community with a family, and these things can happen, Mr. Speaker. Which one of you would uphold the judge in saying that woman should be imprisoned for contempt of court? Those who would say she should be imprisoned for contempt of court, vote for this bill. Those who say that what she is doing is right, under the circumstances, vote against this bill.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I wonder if the Member for Inkster would answer a question?

MR. GREEN: Sure.

MR. MERCIER: Just to clarify, Mr. Speaker, the Member for Inkster's position, would he advise me whether his concern relates more importantly and more seriously to questions of this nature being asked in other than proceedings instituted in consequence of adultery?

MR. GREEN: Mr. Speaker, I have indicated that if the privilege was taken away where a witness, where the person was a party, where the adultery was alleged, where the allegations of the adultery are in the petition and therefore already public, that a person not be excused. Where the adultery is the basis of the proceedings, Mr. Speaker, I could see a reason for it. I have the tell the honourable member that I think I would still be against it, because I don't think it's necessary, but I could see other people being convinced on that type of case but not on the legislation that is before us.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I thank the Member for Inkster for his clarification, which I think was a most important one because he acknowledges that a reasonable number of members could be convinced that it is important, say, in divorce proceedings or filiation proceedings; that where it is important that the truth of the matter be ascertained that the protection should probably not be allowed in those circumstances, and his concern is other than those types of proceedings.

Mr. Speaker, in a situation like this it is always interesting to note what other jurisdictions do. Mr. Speaker, I indicated previously that England had repealed this privilege some time ago, that the Uniformity on Law Conference recommended it, but it is interesting to note the provincial legislation. Each of the Atlantic Provinces, other than Newfoundland, have legislation in this area but the protection is limited to the parties and their husbands and wives, and the protection applies . . .

MR. SPEAKER: Order please.

MR. CHERNIACK: Mr. Speaker, I'm sorry, I do want to hear the Honourable Minister. I can't hear him, and I would like to be able to.

MR. SPEAKER: Order please. I hope all honourable members will give the honourable member the attention that this deserves.

The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I will try to be as brief as possible. I was pointing out that in the Law Reform Commission Report, it pointed out that each of the Atlantic Provinces, other than Newfoundland, have legislation in this area, but the protection is limited to the parties and their husbands and wives and the protection applies only to those proceedings instituted in consequence of adultery.

Ontario has followed the English legislation in granting of protection to all witnesses but confining the proceedings to those grounded in adultery, as in the Atlantic Provinces.

British Columbia has limited the protection to a petitioner in matrimonial proceedings.

Saskatchewan's legislation is similar to British Columbia's in that it confines the protection to matrimonial proceedings, but their protection applies to any party, not only the petitioner.

So it would appear, Mr. Speaker, that in about seven or eight provinces in Canada, the protection exists, but exists only in proceedings instituted in

consequence of adultery and does not apply in respect of other legal proceedings, which is the main concern of the Member for Inkster.

I am not aware, Mr. Speaker, of any harm that has resulted in those provinces, those seven or eight provinces where they do not have the protection in proceedings other than divorce proceedings or filiation proceedings.

Mr. Speaker, we talked about this in committee. Clearly the determination that a court would use in whether or not to allow such a proceeding in any other proceeding other than a divorce or a filiation proceeding would be whether the question is relevant. Obviously that is being used, Mr. Speaker, in all of these other jurisdictions, these seven or eight other provinces, in avoiding any of the harm that the Member for Inkster is suggesting. Inasmuch as he agrees that there is at least a reasonable argument that the protection should be done away with in proceedings instituted in consequence of adultery, Mr. Speaker, I suggest that the fact that these seven or either other provinces in Canada, as well as England and numerous law reform commissions, etc., that have looked at this, is evidence that the harm that the Member for Inkster suggests is inherent in passing this bill is just not there.

QUESTION put, MOTION carried.

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

MR. SPEAKER: Has the honourable member support? Call in the members.

Order please. The question before the House is third reading of Bill No. 7, An Act to amend The Manitoba Evidence Act.

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

YEAS

Messrs. Adam, Anderson, Banman, Blake, Brown, Cherniack, Corrin, Cosens, Cowan, Craik, Doern, Downey, Driedger, Einarson, Enns, Ferguson, Filmon, Fox, Galbraith, Gourlay, Hyde, Johnston, Jorgenson, Kovnats, Lyon, MacMaster, McGill, McGregor, McKenzie, Malinowski, Mercier, Miller, Minaker, Orchard, Parasiuk, Pawley, Mrs. Price, Messrs. Ransom, Sherman, Steen, Wilson.

NAYS

Messrs. Barrow, Bostrom, Boyce, Desjardins, Evans, Green, Hanuschak, Jenkins, Schroeder, Uskiw, Walding, Mrs. Westbury.

MR. CLERK: Yeas 41; Nays 12.

MR. SPEAKER: I declare the motion carried.

Bill No. 48, An Act to amend The Legislative Assembly Act. The Honourable First Minister.

THIRD READING — AMENDED BILLS

BILL NO. 48, as amended, was read a third time and passed. (On Division)

MR. SPEAKER: Bill No. 80, An Act to amend The Payment of Wages Act and The Real Property Act.

The Honourable Minister of Government Services.

THIRD READING

BILL NO. 80 - AN ACT TO AMEND THE PAYMENT OF WAGES ACT AND THE REAL PROPERTY ACT

HON. HARRY J. ENNS (Lakeside) presented Bill No. 80, An Act to amend The Payment of Wages Act and The Real Property Act, for third reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Labour.

HON. KEN MacMASTER (Thompson): Mr. Speaker, I think it is important that we say a few words about this bill before it does in fact pass. There have been some comments by the Member for Logan, in particular, that I was absent when the vote was taken at second reading. I should tell him that I was out of the city representing the government on that particular day. But I should also tell him, Mr. Speaker, that I will be here this evening and I will be here when third reading is taken and I will be voting in what I consider an appropriate manner.

Mr. Speaker, I think that the piece of legislation is very important, especially to working men and women in this province who in fact are employed by others. It's important, Mr. Speaker, because it illustrates the false protection and the false security which the NDP tried to parade as something significant when they revamped The Payment of Wages Act in 1975, that's why it's important, Mr. Speaker. With the approval of this bill employees in the province of Manitoba will know in fact exactly where they stand as it relates to their payment of wages and as far as it stands where the mortgage payments and moneys are forthcoming.

Mr. Speaker, that's why the courts have interpreted the laws of the land. It's not our government which is determined that the federal law takes priority over provincial legislation. It wasn't our particular government, Mr. Speaker; it wasn't the government of Saskatchewan, Alberta and B.C. who, by the way, are all having problems with the same similar type of legislation today.

No amount of tinkering or complaining or political posturing will change the facts of life. Bill 80, as it is here this evening, reflects the law of our land. My friends opposite have attempted to make a rather big deal out of the bill. They have again tried to sell the bunch of nonsense that the Conservative Party is only interested in the big corporations and only the NDP really understands and cares for the working men and women in this province.

Mr. Speaker, I think, after 20 years in Thompson and 10 or 15 years previous to that working around this country, I think I have an idea of what the aspirations, the desires and wishes of working men and women are. The members opposite scored some political points in 1975 when they introduced the legislation which our government finds it now must amend. They are now trying to score some more political points, Mr. Speaker. They doled out false

hopes five years ago; false hopes when they brought in the original legislation. Now they are still trying to forcefeed more false hopes to working men and women.

Mr. Speaker, the members of the opposition have speculated on some of the legislation we have brought in. They have speculated on the fact that it may not do what we think it will; it may not be as good as we believe it to be. Mr. Speaker, we now in hindsight, in history, can say that they made some errors themselves. They made in an error in 1975 when they brought in this particular piece of legislation.

Mr. Speaker, the members opposite may think that they are pretty wonderful fellows because they are standing up and grandstanding on this particular bill. There are several possible reasons for their bizzare behaviour. Mr. Speaker, the first one may be that they just don't understand the legal reasons which really make this legislation rather straightforward, or else they don't understand but they refuse to admit it. I should add, Mr. Speaker, that this certainly wouldn't be the first time that some of the most vocal members on the other side of this House didn't understand simple logic. Another reason may be that they just want to play politics with this particular bill; that they are willing to do anything just in the dying moments of this particular session to attempt to get themselves some time. They have, during the second reading and through committee, discussed this particular bill and are making points that aren't, I don't believe, valid, Mr. Speaker.

I think it's about time that working men and women in Manitoba were told the truth. It's fine and dandy for a politician to claim that he or she represents working people. I have always believed that actions speak louder than words, and our government thinks it's about time the workers in the province of Manitoba were told about the legislation that was brought in, in 1975. I don't intend to deal in detail with the complex legal arguments or the interpretations by the courts which are in fact, Mr. Speaker, the basis for Bill No. 80. However, I do think that it is politically dishonest for members opposite to totally ignore the legal basis for the bill.

This is not a provincial jurisdiction in Canada. There isn't one that I know of, Mr. Speaker, which can guarantee wages as the number one priority as it affects such matters; not one, not even our sister province in Saskatchewan. Other provinces have legislation which is similar to ours and not one has been able to designate wages as the number one priority. The reason, Mr. Speaker, it can be answered in two words and that's the "courts of", the courts of our land, and yet friends opposite like to try and make people believe that this bill results because our government is only interested in large corporate citizens. It's not the fact, Mr. Speaker. The fact of the matter is that the laws of the land dictate that priority for wages is in fact not permissible as a number one priority.

The Supreme Court of Canada recently ruled on a British Columbia case and said that registered mortgages have priority over payment of wages. The Manitoba Court of Appeal referred to the Supreme Court decision when it ruled that wage earners do not rank in priority over registered mortgage. I might

add that our Manitoba Payment of Wages Act was fashioned after the British Columbia Act.

Mr. Speaker, it's the highest courts of our country which have made these rulings that registered mortgagors come before the claims of workers. So much for the legislation which was passed five years ago. This amendment to The Payment of Wages Act does not take away any protection from the working men and women because they never had that protection, Mr. Speaker. They never had the protection to begin with and it's dishonest and hypocritical for members opposite or otherwise to pretend otherwise. Their amendment five years ago may have looked good on paper but, Mr. Speaker, that's all it was good.

The amendment in Bill No. 80 simply places my department and our employment standards staff in a position, Mr. Speaker, to work accordingly to the laws of Manitoba and the laws of Canada. There is no point, Mr. Speaker, in creating a false impression and giving people false hope that wage earners will receive top priority when we know this is just not true. The argument might be made that the Legislatures and not the courts should dictate the law; however, this situation just isn't that simple, Mr. Speaker. No matter what legislation we might want to pass under The Payment of Wages Act, the simple truth is that the federal legislation would take precedence. For example, consider The Federal Bank Act. Banks can lend money to employers and use goods as security. Once a bank has registered that security, The Bank Act provides the bank with priority over all rights in respect of such property and also over the claims of any unpaid vendors.

I want to refer, Mr. Speaker, to a Court of Queen's Bench decision involving The Payment of Wages Act. A decision was handed down by Chief Justice Archie Dewar, and he said, and I would like to quote, but before I do, Mr. Speaker, in making reference to the Chief Justice, some of the members opposite, and I would think particularly the Member for Kildonan and the Member for Logan, in their history in unionism, I don't think, Mr. Speaker, that they would find a man who had greater respect by the labour movement in Manitoba than Mr. Archie Dewar, when he was handling arbitration cases and conciliation problems in the province. He was one of the best, Mr. Speaker, that a lot of union people felt. We thought he was one of the best in the province, Mr. Speaker.

Chief Justice Doer said, "In my view, the provincial legislation intended to create only a priority for a lien over rights it had power to effect. These did not include priorities confirmed by Section 89, part 1, of The Bank Act. Even if it were otherwise," said, Mr. Dewar, "and conflict can be said to exist between the priority provisions of the two statutes, the provisions of The Bank Act must prevail." That was said by the Chief Justice in the province of Manitoba, Mr. Speaker.

Mr. Speaker, I really don't know who we are fooling with opposition to Bill No. 80, when the highest courts have clearly stated that the Manitoba Legislature does not have the authority to give wage earners the number one priority through The Payment of Wages Act.

Mr. Speaker, I said a few minutes ago that Bill No. 80 does not take away protection from Manitoba workers because that protection, in fact, doesn't

exist. In a positive light, Mr. Speaker, what this amendment does do is place The Payment of Wages Act in a position which my department staff and the Employment Standards' staff feel they can defend, and which my department feels confident will not be challenged. This amendment recognizes the facts of life and only puts wage earners behind the money lenders. The workers will not be standing in line behind company suppliers to collect their wages, as some people have charged.

I suggest to you, Mr. Speaker, that we talk just for a second about who the money lenders are. Certainly they are banks and they are trust companies, but they could also be credit unions which are owned by working men and women in the province of Manitoba. They could be elderly couples living in any particular section of our province. I don't really think that we'd want to take away the moneys of the elderly couples who have in fact invested their life savings, Mr. Speaker.

Mr. Speaker, I am not saying — repeat, not saying — that workers should be without rights or recourse if their employer fails to succeed in free enterprise in the free enterprise market system. I want to assure you, Mr. Speaker and I want to assure the members opposite and the workers of Manitoba that my department will do everything it can to ensure, Mr. Speaker, that such workers are fairly treated. We have done so in the past and we will continue to do so in the future.

The whole question about priority is not unique in Manitoba, it has been raised across the country. British Columbia and Saskatchewan are presently encountering similar difficulties in regard. Alberta is reviewing the problem and so is Newfoundland. Our department has been in touch with the Province of Saskatchewan recently to find out what they are doing about the problem and they are saying, we are looking at ways to amend our labour legislation so that we can maintain as much priority as possible. Mr. Speaker, that's exactly what we are doing in Manitoba; we are attempting to maintain as much priority as possible, the same as they are doing in Saskatchewan, Alberta and British Columbia because of the court decisions that our country has been faced with. That, Mr. Speaker, is a lot different than provinces saying "top priority" because we now know the law of the land says we can't.

We refuse, Mr. Speaker, to play a charade of appearing to give workers number one priority when we know, in fact, the courts, the federal jurisdiction makes such legislation meaningless. It goes against my principles, Mr. Speaker, and it goes against my sense of common decency to try and tell working men and women that they have something, when I know they do not have it according to the courts of the land.

The argument about whether the federal legislation should be changed to give Manitoba's Payment of Wages Act priority is not something that we are going to settle here. Of course, my friends opposite have a wonderful ability to ignore reality and, in fact, human compassion and to play politics with the lives of working men and women in this province. And that is what's going to take place if, in fact, we don't support this particular bill, Mr. Speaker.

Mr. Speaker, this bill is the facts of life, it's the law of the land. I don't believe we should be teasing

people or fooling people or trying to lead them down a garden path and saying that they have something, they are entitled to something, when the law says they don't have it.

One last thing, Mr. Speaker, the opposition remarked that I wasn't present for the vote, the second reading of Bill 80. Mr. Speaker, I'll be standing here this evening to be counted. Mr. Speaker, I will not be counted among those who try to mislead the working men and women in Manitoba with false promises and false hopes.

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

MR. CHERNIACK: Thank you, Mr. Speaker. Will the Minister permit a question or two? Mr. Speaker, is the Minister stating unequivocally that under no circumstances does the present law giving priority of wages over registered mortgages applicable; in other words, setting aside the Bank Act, setting aside bankruptcy, is the Minister saying that in no case would the wages have priority over registered mortgages as outlined in the present law, is he stating that?

MR. SPEAKER: Order please. The honourable member is asking for a legal opinion.

MR. CHERNIACK: Mr. Speaker, I would not ask the Minister of Labour for legal opinion as one that he is able to give in a legal capacity, but he stated time and again that it is misleading to suggest that this law would in any way be a protection to wage earners, and I want to get clarification from him whether he is quoting the Bank Act and the Bankruptcy Act, or whether he is applying his statement that it does not assist at all to all cases. I think we are entitled to an answer from him as to what he is trying to convince us of.

MR. MacMASTER: Mr. Speaker, I think that the Chief Justice of the Province of Manitoba has given his findings and his decision, and he claims that if the Payment of Wages Act runs in conflict with the federal legislation that the federal legislation would prevail.

MR. SPEAKER: The Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Speaker. We had waited some time for the Minister of Labour's participation in this particular debate and had, quite frankly, anticipated more. Because if ever there was a sham or if ever there was someone trying to score political points, and by doing so flying in the face of the facts, it was the Minister of Labour in his remarks just previous to the questions from the Member for St. Johns. But, he put it very succinctly, Mr. Speaker, when he said — and these are his words directly; it is a direct quote as to what he just said — that this Act, what it accomplishes is only to put the wage earners behind the money lenders, and that is exactly what the Act does. He can use all the hyperbole that he wants, he can use all the arguments that he wants but he, himself, in the end has to admit that this particular Act accomplishes

one purpose only, and that is to put the wage earners behind the money lenders. He has accused us of trying to make a big deal out of this Act. Well, Mr. Speaker, we have tried to make a big deal out of this Act because we believe that this Act will have a profound impact on the wage earners of this province, and we happen to think that the wage earners of this province are a big deal; we happen to want to support them.

He said this piece of legislation is important. Of course, it is important and that is why we have spent the time and the energy and the effort on fighting it; it is important. But he says, or he would have us believe, that it is important to working people; it is important to those who work for others, not because it takes away from them, not because it puts them behind the money lenders, but because, in fact, it only clarifies the situation and it removes from them false hopes and false expectations.

Well, this piece of legislation is important to the working person. It is important like the rent decontrol legislation is important to the tenant, and it is important like the milk decontrol legislation is important to the consumer; it is important because it takes away from them a protection to which they are due. That is why it is important, Mr. Speaker, so we will make a big deal out of it. And if he thinks he's seen a big deal in this House, wait until he sees us on the hustings with this because that is where we are going to make a big deal out of it.

Mr. Speaker, he talks about the laws of the land and we all respect the laws of the land here and we should have a better understanding than he has shown that he has in his speech. What he tries to tell us, and through us the people of the province — and talk about trying to perpetrate a sham on the people of this province; it's ludicrous the argument that he uses — the argument he says is that because of this Act, which dealt with a federal jurisdiction, with a federal problem, because this Act was overturned in one instance in the courts that, in fact, it does not afford any protection to the provincial worker. Well, Sir, that is like saying we should throw out our Workplace, Safety and Health Act, which I think some of them would like to do, because we have federal jurisdictions in the Province of Manitoba and it doesn't apply to them. The fact is that this does apply and it can be made to apply even better; it can be clarified even more for those in provincial jurisdiction. And if he chooses to ignore that fact, that's his problem; but if he chooses to tell the province that that is not a fact, then he is perpetuating a myth and a fallacy, Mr. Speaker.

He has said that we have tried to score political points on this; he has accused us of being politically dishonest, of grandstanding, of being hypocritical. Mr. Speaker, notwithstanding the parliamentary usage of those words, I can only suggest to him what he has misinterpreted is an honest and a sincere effort on the part of the New Democratic Opposition to protect the interests of the working people of this province, no more, no less. And if it appears anything else to him, then he, Sir, has a very poor attitude as to what this party stands for, he does not understand it, and as to what rights the working people of this province should enjoy.

It's been customary the past day, when standing to speak to a bill, saying that I don't want to add to this

debate, or I don't want to prolong this debate, or I'll be brief, Mr. Speaker, I am going to say none of that because that is not how I feel. I want to add to this debate and if I could prolong this debate so long as to not have this bill passed I would do so, Mr. Speaker. But I know my limitations in opposition so I will speak full length to the bill because I believe it is a bill that we must address ourselves to and we must do so comprehensively and to the best of our ability, and that means giving it our best shot.

Time has passed since this bill was first introduced. It's been quite some time since this bill was introduced. We've gone through debate in this House; we've gone through committee hearings; we're now into further debate on this particular bill and I am certain that the study of this bill will continue on past this debate. But in all of that, Sir, nothing has changed. Our worse fears have been substantiated and they were just compounded by the statement of the Minister of Labour. Because, quite frankly, I had held out some hope that the Minister of Labour would use his office and would use his influence and his clout within his caucus to convince them of the folly of this Act, to convince them that it was not necessary, to convince them not to take away what protection there was but to convince them to build into the legislation even greater protection. If there is a problem with the courts, clarify the problems. We make the laws of the land in this Chamber here; they interpret them. If there is a misinterpretation or if, in our imperfect ways, we happen not to make legislation that the courts agree with, then it is not our only choice to throw that legislation out, but we have a much better choice, I think, if we believe in the principle behind the legislation and that is to clarify the legislation so it does suit the courts, to expand upon it so that it does suit the courts.

That was the choice that they had and they obviously chose not to do that. They chose to throw the bill out and they had to find an excuse for that; that is what the Minister has given us this evening, not an enlightened speech, not a speech of conviction or philosophy, but an excuse. An excuse for the fact that he is going to have to stand up in a few moments and put squarely on the record the fact that he has voted against the working people of this province. That is what he will have to do.

So our original allegations, which have been scoffed at, were confirmed just recently by the speech from the Minister of Labour. This legislation attacks the rights of workers, and by doing so it attacks the workers themselves. It takes away their economic protection; it places the banks and the money lenders before workers, you don't have to take my word for it, you have the word of the Minister of Labour; it puts mortgage companies before the employees and it favours financiers over those who must labour for a wage in this province. It is typical Tory legislation and there's no need to pretend. There is no need for any further excuses, such as we just received from the Minister of Labour, as to the intent of this particular Act. It is nothing other than philosophical and it is nothing other than ideological. We've heard some ludicrous discussions; we've heard some ludicrous justifications and excuses for bringing this bill forward, Mr. Speaker. Exceedingly shallow in most instances, ill-thought

out, an attempted defence of the indefensible because this bill is, in fact, indefensible.

Workers, as investors in mortgage companies, as holder of savings accounts in banks and credit unions — we've heard that statement from the Attorney-General, we've heard it from the Minister of Labour and now we've heard it from everyone on that side who has talked to this particular bill — as stockholders, they have suggested they might lose their investments. If a mortgage company, or a financial institution, or a bank, or a credit union, or a loan company was forced out of business because workers collected their just due, the wages due to them, up to 2,000.00 — there's a limitation on that also — before the financiers collected back their investment, their full investment, if there is that much —(Interjection)— plus interest, certainly, before they had collected that. Mr. Speaker, that argument is so ludicrous as to defy any sort of logical excuse for its use.

When the representative of the Mortgage Loans Association of Manitoba appeared before the committee hearing we asked him to document such cases and he was unable to do so. We asked the Attorney-General to document one single instance where that had happened. He was unable to do so. We asked anyone, and the challenge still is extended, to document one individual case where that has happened and I will suggest to you that they will be unable to do so, to document one instance where a mortgage company, or a financier, or a bank, or a credit union, or a loan company was forced out of business because the workers collected their just due. Such is not the case. That's the type of fantasy, Mr. Speaker, that they have asked us to believe throughout this debate and I can only suggest that it is hogwash. I hope that word is parliamentary, I think it is. It's hogwash, it's balderdash, it's ludicrous, it is inane, Mr. Speaker. (Interjection)— I'm sorry, I will sit down to allow the First Minister to put on the record.

MR. LYON: He said to the honourable member, Mr. Speaker, that his interpretation of the law is not appropriate for Canada.

MR. COWAN: I will allow, Mr. Speaker, those who are far more able to defend the statements that I made in regard to legalities and to counteract and contradict the statements that the First Minister has just put on the record, to stand and do so after I have finished my presentation. I am certain they will because there are those in this room who know the law of Canada much better than I do, much better than most in this province. I assure you that I have checked with those persons, that I have asked them for their opinion and they have given me their opinion and I trust their opinion. As a matter of fact, if the First Minister is saying that this Act cannot apply to provincial foreclosures, I think that he will find himself wrong also. I don't mean to be so presumptuous, as to say I know the law better than him, the law of any jurisdiction better than the First Minister because I don't. But I know what affects working people, Mr. Speaker, and I know what this bill is going to do to them. When asked to substantiate the claims that perhaps these businesses and these financiers will be driven out of

business because workers had claimed wages that were due to them in the event of a foreclosure, the Attorney-General smiled his Cheshire cat smile, Mr. Speaker, and leaned back and was unable to document his claims, unable to prove the economic necessity for this anti-employee legislation, which leaves us only with the justification, and it is the justification that they embrace to their heart, and that is, that it is anti-employee. It was intended to be so and it will serve to accomplish that purpose, Mr. Speaker.

One does not have to take my word for it alone. The Minister of Labour, when speaking, read into his speech a quote from the Chief Justice. I'd like to read into my speech, Mr. Speaker, a quote from the Executive Secretary of the Manitoba Federation of Labour. And I am not, by doing that, in any means suggesting a comparison between the two, but what I want to bring forward into this House is two different perspectives on the issue. I want to bring forward the perspective of the person who has been chosen by the Manitoba Federation of Labour to run their administrative businesses, to deal with this sort of legislation, to look into this sort of legislation, to determine the impact it will have on working people, to determine in fact if it will be negative or positive.

What this executive secretary said, and I quote, Mr. Speaker, from the committee hearings of July 14, 1980, when the Executive Secretary of the Manitoba Federation said, "It seems there is a complete reversal in thought and principle," he's addressing himself to this bill, "I guess, as to who is most deserving, the individual that is putting his sweat to do the job to provide the revenue for the company. After they have done that, then they are going to be deprived of their earnings in that respect." So this seems to be a very low type of attack on workers with preference given to other monied interest; it's just as simple as that. And indeed, the Minister of Labour has indicated, when he stated that all this bill is intended to do is put the wage earners behind the money lenders, that it is just as simple as that. It is a low attack on the rights of the working person of this province; it is a philosophical attack; it is an ideological attack; it is an attack on the rights and the interests of the workers. It is not so much anti-union as it is anti-working person, Mr. Speaker, because unionized workers — and this was put on the record also during those hearings — will be able to provide themselves with protection in regard to bankruptcies and foreclosures through the collective bargaining process and the Minister of Labour knows that. They will be able to take this to the negotiating table and, as the President of the MFL said, and I wholeheartedly concur, will make the negotiating process more complicated. It might create a strike or two, but they've learned to live with that and they will, indeed, provide protection for their workers.

So when they came here to speak before the committee they were not coming here so much to speak for their own self-interest, but to speak for the interests of those who were not fortunate enough to be organized, who did not have the power of organization, those who were going to be most affected by this Act. That's the non-unionized and non-organized employee who will suffer the brunt of this bill, will suffer the economic loss of this bill, and there will be suffering, let there be no doubt about

that. There will be suffering as there has been in the past and it is historical, and by being historical we can, in many respects, derive assumptions from the past. And one of the assumptions that comes first to mind, and one of the assumptions that will be borne out first, is that this Act will create suffering for the working person in this province, because the original legislation was not created in a vacuum. It was not just thought up out of the blue. Someone was sitting back and saying, what sort of legislation do we want today? Let's put this particular piece of legislation in. No, Sir, it was brought in because there was a need, there was an economic need. It addressed itself to that particular need, Mr. Speaker. If I can quote from the hearings again. Again, the Executive Secretary of the MFL and I quote, "We had case after case after case where workers were not getting their wages as a result of bankruptcies. It's a simple as that. We had some very pathetic cases, large in numbers, groups of employees after working for a considerable time for an employer being deprived of their earnings when they came to try to collect it down the line a month later or two months later". So we find that there will, indeed, be suffering because there had been suffering in the past.

When this bill was brought forward by the Minister of Labour in 1975, or the amendments to the bill, it was intended to prevent economic misery. It was intended to forestall, to correct, those pathetic situations to which the Executive Secretary of the MFL addressed himself. It was attempted to bring into balance a situation that was out of balance, that was out of kilter. It attempted to rearrange power. What it was intended to do was to take power away from the financiers. A partial list of some members and associates of the Mortgage Loans Association of Manitoba, this is who it was intended, Mr. Speaker, to take power away from, the Bank of Montreal, the Bank of Nova Scotia, the National Bank of Canada, the Great-West Life Assurance Company, the Monarch Life Insurance Company, the Royal Bank of Canada, the Toronto-Dominion Bank, Sun Life Assurance Company, Royal Trust Company of Canada, National Trust Company, Montreal Trust Company, Mercantile Bank, Mortgage Insurance Company of Canada. Mr. Speaker, I went through the list of members of the Mortgage Loans Association of Manitoba, as provided to us by their representative at that committee hearing, and I found that out of the 40-some members that were listed, nearly one-half of them had contributed to the Progressive Conservative Party. If you took their lump sums on a federal level they would have contributed a-quarter-of-a-million dollars to the federal Progressive Conservative Party.

Now, I'm not going to say, Mr. Speaker, that there is any connection between that contribution and the fact that this type of legislation has been brought forward, but there will be those that say that and I will not declare them wrong. I will not suggest that they're wrong, Mr. Speaker. (Interjection)— The Member for Flin Flon said, you would be probably be one of the first. The Member for Flin Flon has a very astute insight into what makes governments tick. He's been here much longer than I and he knows much better than I. Mr. Speaker, what we have is a piece of legislation that's been brought in against all reason, against all logic, and worse of all, contrary to

justice and fairness. (Interjection)— The First Minister asks, whose justice? Well, we all have a perception. My perception of justice, exactly, and my perception of justice is that the wage earner who works for a living, who only demands a fair day's wage for a fair day's work should get their due before the Bank of Montreal and before the Royal Bank Trust comes in and rips the money from their very pockets, takes the food off their tables — because that's what it will do; that is what it will do. And if that is not justice, Mr. Speaker, then I am in the wrong business . . .

MR. LYON: You sure are.

MR. COWAN: . . . because I have come here to fight for exactly that type of justice. I have come here to see that type of justice brought forward after many many years of darkness for the working person, Mr. Speaker, and just when we see it happen, just when we see this type of legislation brought forward, we are unfortunate to have a change of government and be cast back into the darkness once again, to be thrown back into the pre-1975 days when this amendment was brought forward.

We've looked at what the original amendment was intended to accomplish, justice and fairness; let's look at what their particular amendment is intended to accomplish and what it will accomplish. (Interjections)— Mr. Speaker, I've grown used to the red baiting, I don't think it's particularly becoming to the First Minister but, again, the people will decide as to whether or not they believe that that sort of activity should be part and parcel of this particular Chamber. But that will be their choice, Mr. Speaker, and I don't want to in any way add to that particular form, or sink to that level of debate. I think that the First Minister is perfectly comfortable there, along with his colleagues.

But, Sir, what will this amendment do? It will place the priority of the wage earner behind that of the registered mortgage holder, of the holder of collateral, of the financial elite. It is legislation that is typical, as well as expected from the likes of the government that we face, for what they are in fact saying, and this is implicit in the argument, Mr. Speaker, if they don't have the courage to put it on the record, it is nonetheless implicit in their actions, and they are saying that wages are not as important as mortgages. I don't think that they will deny that. They are saying that working for a wage is not as valuable as lending —(Interjections)

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

The Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Speaker. What they are saying and what they did not want me to put on the record as what they are saying is that working for a wage is not as valuable to our economy as the money lenders, as lending money, as bank rolling industry, as financing. Again, I quote from the Executive Secretary who said it quite well in his presentation before the committee when he suggested, Mr. Speaker, and I quote, and he's talking about what this bill is and he says, "I think it

is one of disrespect for the workers that work for wages.”

That's different from an anti-labour attitude as far as I am concerned. I think it is a basic principle, that where do you put your principles first, in support of the corporation or in support of the individual. I think this bill answers that question for the government and that is why, Sir, they are attempting to be so defensive. But again, they cannot defend the indefensible and that is what this particular bill is. It typifies their disrespect for the worker, for the wage earner that asks for no more than a fair day's wage for a fair day's work. It is that wage earner, Mr. Speaker, who looks to the government for the protection of their wages, for empathy and for understanding. And it is the Progressive Conservative government, it is the Attorney-General, it is Minister of Labour who turn their back on the worker to embrace their wealthy friends. Their friends embrace them, Sir, with arms of gold and one only need read the list to understand that.

During the committee hearings, Mr. Speaker, representatives of the Mortgage Loan Association of Manitoba present a brief and appear to support the sanctity of the registry and it handed out that list, and it is that list, Mr. Speaker, whom they embrace and who embraces them back. And as I say, I do not wish to imply any connection, either direct or indirect, it will be up to the electorate to decide. It will be up to the voters of this province to determine what return to the financial institutions, what return the financiers realized on their political investments of a quarter of a million dollars to the federal Progressive Conservative Party. It will be up to the wage earners, who may lose their wages because of the provisions of this Act, in the event of a foreclosure, so that the banks and the mortgage companies can once again come first; once again come first. It is up to them to decide to whom the Tories listen, to whom they owe their allegiance, for whom they shape their legislation. For in my opinion, Mr. Speaker, there is no doubt that is a philosophical piece of legislation, that it is an ideological attack of the worst type, a dogmatic attempt to take away the priority of the wage earner for the advantage of the financial institution.

It is not my opinion alone, Mr. Speaker. I find myself in such unaccustomed company as a column writer that appears frequently on Page 2 of the Tribune, of the Free Press editorial staff, as well as the accustomed company and the pleasurable company of my colleagues, my friends and the working people of this province. And such a diverse and varied crowd, Mr. Speaker, can't be all wrong. In fact, if there is someone who is wrong in this, it is the government; it is the Tory government who are now showing their historical and ideological perspective. It is they who are wrong, Mr. Speaker, and I do not mind them being wrong. We have grown rather used to it this session; we have grown rather used to it historically. But I do mind them trying to impose their wrong-headed views and their wrong-headed attitudes to the disadvantage of the working people of the province. That is why we stand to speak against this bill. It's not grandstanding. I say that sincerely to the Minister of Labour and I hope he takes that comment sincerely. It is not to score political points; for if there were any political

points to be scored, Mr. Speaker, I would do so if I thought it would take this bill away, if I thought it would take this nightmare out of existence, but there isn't. No, we stand here to defend a principle; we stand here to defend a philosophy; we stand here to defend an ideology also, because an ideology is what the First Minister addressed himself to, and that is the perception of justice, a perception of fairness.

I don't deny any political party their ideology, for political parties, Sir, without their ideology will be rudderless. A political party without their ideology will be less than they should be. A political party without their ideology, Sir, would be not to the best interest of either that party or the province that they would hope to represent. But I do wish that when they do bring forward that ideology that they have the courage to stand there and say, yes, it is a philosophical piece of legislation; yes, it is an ideological piece of legislation because it promotes what we believe in our mind to be justice and fairness. We can argue against that and we can argue back and forth, and I believe it would be a good debate. But I don't believe the calibre of the debate is any way raised or increased when certain people come forward and suggest that we are not discussing such, that all we are doing is discussing a simple housekeeping amendment to a particular Act that has been necessitated by a court decision, and that anyone who makes it any more than that is guilty of the most heinous of crimes, of scoring political points, of grandstanding, of being politically dishonest.

Sir, that was not our attempt and I hope quite honestly that was not what was accomplished, because it was not intended to be accomplished. I would have only hoped that, for all our debate, we would have been able to convince them to change their mind. It is obvious that we have not. And for that I suffer a bit of sadness, not for myself so much, Mr. Speaker, but for the working person. Because I have been informed by members on this side that there are cases already happening that will, once this amendment becomes legislation, will in fact disadvantage economically workers in this province, that the impact of this bill will be felt much sooner than anyone had anticipated; and we suggested that that would be the case, Mr. Speaker.

It is with some sadness that I, Sir, finish my contribution to this debate, but I can only, in some solace, Mr. Speaker, I can only say that we will fight this battle again and I am certain, given the political climate of this province, that we will fight it shortly and I am certain, Mr. Speaker, that when we fight it next, that we — and by “we” I mean the working people of this province — will be on the winning side.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. WESTBURY: Thank you, Mr. Speaker. I have a couple of questions of law to ask and I hope that someone on the government side will answer my questions. I have thought about this particular provision, Section 7(6), long and hard — my two selves have argued, because that's all I have to argue with — of the relative positions that I've heard expressed in the committee and here.

Mr. Speaker, what I want to ask is this: If this is reflecting the law of the land as it stands, why is it worded in the way it is? Mr. Speaker, why would it not be worded, for instance — and I'm talking about Section 7(6) — notwithstanding the provisions of subsection (1) or of any other Act of the Legislature, whether of special or general application, any mortgage registered in a land titles office, prior to (a) and (b), has priority according to the whatchamacallit Act or whatever Act it is, that this is merely complying with?

I don't understand why, in fact, this is here at all if it is merely complying with the law as it already exists. Maybe there is more than one Act which sets out what is in Section 7(6). But if there is in fact no choice available to this Legislature, why was a choice made available to this Legislature? Why do we wait until the last half-day of the session and much debate that's been preceding on this particular bill to be told that this is merely complying with the law of the land? Why have we wasted all this time talking about the darn thing, Mr. Speaker? I hope that someone will answer these questions because they are troubling me, and to me, it means either poor draftsmanship or that somebody is trying to hornswoggle us.

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

MR. CHERNIACK: Mr. Speaker, I admit that there have been times when the Minister of Labour has irked me by suggesting that no one else knows the labour legislation and that he does know labour legislation. Mr. Speaker, it's a waste of words to make that kind of accusation, unless it gives him a great feeling of superiority so that he can just put down others by saying, well, you don't know what you're talking about. That's the action he gave today: You people don't know what you're talking about, the legislation is meaningless and that's why, on the standpoint of principle and the standpoint of common decency, he does not want to mislead the workers.

Mr. Speaker, I have always had certain problems with this legislation and I have opted in favour of the NDP approach because, on balance, I think it is right in moral principle, in attitude in regard to the protection of those people who are least able to protect themselves. And I'm now really talking about employees who find themselves in the position, indeed, where there is not one week's wages owing, but several weeks' wages owing, and more than that. Usually it is unorganized labour that's in that position. It's usually someone whose employer said, "Wait a bit, I'm in a little bit of a bind now. I'll straighten it out. Something will happen. They are going to pay me for the order as soon as I am complete." People get caught in that.

So from the standpoint of principle, from the standpoint of common decency, I want to assess what the Honourable Minister of Labour said, because he was so unequivocal. He said it's contrary to the law. Mr. Speaker, I don't know who wrote his speech for him, I assume it was a legal opinion that he was quoting, but I think it was either half an opinion or he did not give us the whole opinion. I'll tell you why, Mr. Speaker, and let me premise it by

saying that I've been in the practice long enough to believe — in the practice of law — that the lawyer who claims to have all the answers at his fingertips is not that good a lawyer. The lawyer who knows where to look for the law is the lawyer on whom people should rely and I have to say now, that I did not prepare myself to have a legal debate, and I did not prepare myself to speak at all on this matter until the Minister of Labour started to tell us what the law is.

Mr. Speaker, what I am about to say is my impression of the law, my opinion of the law, and I don't think it is in conflict with Archie Dewar, or with any other judge. Frankly, Mr. Speaker, I don't set up Archie Dewar any higher than I do any other judge. I think all judges should be considered to be doing what they think is the right thing. But, Mr. Speaker, it is clear that the citation, the case quoted by the Minister of Labour, deals with The Bank Act, clearly deals with The Bank Act, and he then drew a conclusion from that case that it applies to everything. I don't believe it does, Mr. Speaker. Let me tell you what I believe, and only on the basis of my recollection of the law, and on what I've been able to bring to my desk in the last few minutes. My belief is that — and I have the BNA Act in front of me — under Sections 91 and 92, there is a description of the distribution of legislative powers between the federal and the provincial jurisdictions. Under the exclusive — I stress the word "exclusive" — provincial legislation under No. 13 — is property and civil rights in the province. Mr. Speaker, on that one section, we do a great deal of the work in this Legislature dealing with the property and civil rights of the citizens of Manitoba.

Section 91, which deals with the legislative authority of Canada, it says that Canada — I'm paraphrasing it for simplification — may legislate, may make laws in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislature of the province, and for greater certainty, it then spells out certain matters that are of federal jurisdiction. No. 15 says banking and corporation of banks, and the issue of paper money; No. 21, and this is very important, Mr. Speaker, is bankruptcy and insolvency. When I asked the Minister of Labour whether he was trying to tell us that unequivocally the law that gives certain priority of wages over certain forms of mortgages is not the law of Manitoba, which is the impression he tried to give us. He did not respond to my satisfaction because I don't think he understood the difference.

Now, I state my position, my belief, and I don't have more law to back it up, but I have a concept. (Interjection)— Mr. Speaker, it is the Minister of Economic Affairs who knows only one answer from his seat and that is not to speak, but to insult. Every time he opens his mouth, and I don't always hear him, every time I hear him, it is to insult, and I will guess that every time I don't hear him, it is to insult. That is what he is doing now. (Interjection)—

Now he says: Good, it's straightforward. One thing about him is he is an honest straightforward person. He wants to insult, he says so, except, Mr. Speaker, he hesitates to do it on a speech. That Minister ought to be speaking on this legislation; he ought to be speaking on this legislation. Mr. Speaker, it is my belief that under the property and

civil rights section, this government can legislate, must legislate and legislate effectively and constitutionally, except where it infringes on the field of bankruptcy and the field of banking. Those clearly are taken out by The BNA Act and, therefore, in the case of a bankruptcy, when one looks at priorities, one has to look at The Bankruptcy Act. But in the case other than bankruptcy, and excepting for the case where the Minister quoted dealing with Section — I thought it was 88, but I think he said 89 — dealing with security taken by a bank under The Bank Act, I understand that would be federal, but I believe in all other cases, that the legislation we passed is constitutional. Now, it may not be right; it may not be in accord with the opinions of many people, but I think it is constitutional if it is passed. Therefore, it is not a matter of principle or of common decency to try and tell the people, based on a bankruptcy decision or a bank law decision, that they have no protection under the present legislation. I don't believe that was the legal advice given to him in the full breadth of the protection offered to wage earners. He did not answer the question I asked him, and I suspect he didn't know the answer, and I really don't fault him for it. He is the one who poses as the authority on labour legislation, and as long as he poses in that way, then, of course — what is the expression, I was corrected the other day when I misused it — hoist on his own petard, is the expression.

Mr. Speaker, now let's talk about for a moment my concerns, and I've always had certain concerns about the principle in this legislation. If a mortgage lender lends money to a business enterprise, that mortgage lender knows to whom the money is being loaned and must know the risks involved and the protection required. Let me tell you, every mortgagee knows, if his lawyer tells him or if he is trained to know, knows that he must ensure that taxes are paid because taxes are always a priority over property tax. Every mortgagee knows that is the law, and therefore every mortgagee who is sensible, and they are all pretty sensible, either requires a-twelfth of the annual taxes to be paid monthly to the mortgagee, or at least, requires a tax receipt annually to be filed with the mortgagee, or at worst, phones up and makes sure that the taxes were paid, because if the taxes are not paid for a few years, that mortgagee is in real trouble. Every mortgagee knows that he must be insured for risk, and every mortgagee knows that he's got to keep watching that that insurance policy is renewed and the premium paid, and that mortgagee knows that if the premium isn't paid, he pays the premium — or it pays the premium. Every mortgagee knows that if the property is allowed to go into disrepair, the value of the property deteriorates, the mortgagee is in danger. Every mortgagee knows that under the contract of the mortgage he has a right to enter on the premises to make necessary repairs so that he is not damaged by the fact that there is neglect. Every mortgagee knows that he has to make sure that the property is not changed in form. Mr. Speaker, you can't even tear down a building and erect a better building without the permission of the mortgagee, because the mortgagee knows his security and should not have to risk what an owner might do it.

I recall a case where some owner of a property wanted to tear down an existing house and build a different form of residence with unusual features like extremely large rooms, like kitchen fixtures that were not quite what was generally acceptable. The mortgagee at that stage complained and said, you may be spending more money on the property, but it is less saleable, and therefore I want to protect my property. Every mortgagee knows that there are protections that he has to look after from time to time during the term of the mortgage. And Mr. Speaker, when a mortgagee lends to a business concern, I think that under this law as it stands today, and not as is proposed to change it, every mortgagee ought to make very sure that he knows that wages are paid, and that's not difficult. Every mortgagee in his contract can require a couple of things; one, and that's not unusual — I'll bet The Bank Act provides for it — he should have a right to check the books of the borrower to make sure that wages are paid. He has a right to ask to see a certificate or an affidavit that the payroll has been looked after month to month. It's a contractual relationship; every mortgagee should do it.

Therefore, it doesn't bother me that we are endangering that security by this legislation. What does bother me, Mr. Speaker, and it's very seldom it occurs in this sophisticated day and age, in the case of an unincorporated individual operating a business who does not pay his wages, it bothers me somewhat to think that the mortgagee who loaned him money on his own home, who may not even know what business he is in, is endangered. That's always bothered me somewhat and I would have liked to have seen some refinement in that respect.

I think also that there's a problem when there's a sale of a property that takes place. I, as the mortgagee may be quite satisfied that I know that owner and I'm satisfied he's going to pay wages, or indeed he doesn't employ anybody, but if the property changes hands, who knows who will be the purchaser. So there is a concern there I have that I admit to having, but as I say, on balance, I opt for the law as it is today and rather than the way they are trying to change it.

Mr. Speaker, I want to point out, as did the Member for Fort Rouge, and she was right. You don't bring in legislation you don't need, and you don't have to exclude other legislation if you are stating that what you are putting into legislation is the law — and that's what the Minister of Labour said. Her question is one I can't answer. Her question was, why do you exempt this section from all other Acts by stating a priority of a registered mortgage ahead of wages, if the law is that wages do not get ahead of a mortgage? Why bother to do it? She's asked the question; I can't answer it.

Mr. Speaker, nevertheless, I want to point out one more thing — what mortgagees are in danger of. Mortgagees are in danger of mechanics' liens. Did you know that, Mr. Speaker? The law of mechanics' liens — and when I spoke earlier on The Builders Act, Bill 90, I said that it is a very complicated law, I don't pretend to know it well, and few lawyers would claim to know it well — but my recollection was that a mechanics' lien can come ahead of a registered mortgage, the moneys on which were advanced well before the work was commenced, if the value of the

work done by the lien claimant improved the value of the property beyond that of the amount owing on the mortgage, the principle being that the work of a workman or a supplier of material should not improve the value of the mortgage at the expense of the supplier of the goods or services.

Let me tell you, Mr. Speaker, I'll read to you a section of The Mechanics' Lien Act: If the land upon — I hope I'm reading the right section, it's Section 5(3) — or in respect of which the work is done, or materials, or machinery are placed, is encumbered by a mortgage or other charge existing or created before the commencement of the work or of the placing of the material or machinery upon the land, if that's the case, the mortgage or other charge has priority over a lien under this Act. Now, the important words: to the extent of the actual value of the land at the time the improvements were commenced. In other words, Mr. Speaker, from the time the work was commenced, any improvements made to the land to carry the value beyond what the value was at the time that the work was commenced, that would get in ahead of the mortgage. That's my understanding of the law and that's what I find is in The Mortgage Act. Mr. Speaker, although I said publicly in this House that I was not going to look at The Builders Act, I have already broken my statement, because 10, 15 minutes ago I looked at Bill 90. And what do I find in Bill 90, Mr. Speaker? The same provision as I've just read from the present Mechanics' Lien Act, with a slight difference in wording, but the same principle in Section 20(1) of the Act which the Attorney-General brought and is not proceeding with.

Mr. Speaker, there are laws by which a mortgage will stand second to subsequent claims. That to me, and I believe I proved it in The Mechanics' Lien Act and in the examples I gave, which are part of the contract, negates the statement baldly made by the Minister of Labour, which does not mean, Mr. Speaker, that there are circumstances where this law would not apply. I spelled that out; the circumstance of bankruptcy. Once there's a bankruptcy, then the federal bankruptcy law takes hold and I guess that wages rank, wherever they are put, in the bankruptcy law as it may be changed from time to time. I would hope that with this example in this debate, there may be members of parliament who would be trying to change the bankruptcy law to give greater protection to the wage earner.

But, aside from the bankruptcy law and aside from the special rights acquired by banks under The Bank Act, I am not aware of any justification for the Minister of Labour's statement. I protect myself, Mr. Speaker, by saying I did not have an opportunity to investigate the law. I may be wrong, but I don't think I am, there is nothing that was said by the Minister of Labour that convinces me that I'm wrong, and that this law, as it was, was a law which was enforceable except under those circumstances. The reason I'm saying that, Mr. Speaker, is that I want to change the Minister of Labour's bland acceptance that the law isn't right anyway, so why fool people? Let him, as Minister of Labour of a Conservative government, say I opt to protect the registered mortgage and, Mr. Speaker, I will not only understand it, I will have some degree of empathy in that kind of circumstance that I described. It always

did bother me a little bit, Mr. Speaker, and as I say, on balance, I opted in favour of this law.

I would give much more credit to the Minister of Labour if he said, it's not the law, so why talk it, but I believe that what the Conservative government is doing is right. As I say, if he said he believes it is right, I would respect his opinion because I understand the whole concept that a mortgagee, a registered mortgage, needs protection. I understand that. I have opted in favour of the other way, but I clearly understand that point of view. I fault the Minister of Labour for not directing himself to the principle of the bill, to the principle of the legislation, but coping out by saying, well, it's not effective law. I believe it is effective law, with those two exceptions I gave, and I would like very much, Mr. Speaker, in due course, tomorrow, next week, for the Minister of Labour to do me the courtesy and give me the citations of the cases he quoted so I can look them up in the future, and for my own satisfaction, see whether I'm right or wrong in the way I postulate it what I believe the law to be.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I want to indicate that I, too, have had misgivings about the law. I don't think, Mr. Speaker, that there is anybody in the House, although we can hurl accusations at each other, who is happy or callous about hearing that a person has lost a pay cheque, his next pay. It has happened; it has happened under scandalous circumstances, Mr. Speaker, and I have to act for people who have been under those circumstances. Therefore, every effort should be made — and I consider it to be a major priority — that every effort has to be made to see to it that one payroll — because I think if a man works beyond getting paid in one payroll, he starts in risk-taking himself — but that one payroll is something which we should make every effort to protect. That, Mr. Speaker, was the philosophy of the legislation that dealt with mortgages.

Mr. Speaker, I think that we should only pursue this legislation as far as it goes, and that's why I have some misgivings about what has been said tonight. To suggest that this Act, as it stands now, not the bill, will protect a worker's wages over a secure debt of any kind in a bankruptcy proceeding is not true, and we should not be running around telling the workers that is so. Mr. Speaker, I've heard it said here that workers have been losing wages in bankruptcies and that this legislation is going to protect them, the legislation now on the books. In bankruptcies, there will be no protection. These wages have never — (Interjection) — well, Mr. Speaker, I heard that said when I was in the House. I heard one of the members of the House get up and say that workers have been losing wages in bankruptcies and that this legislation is somehow going to make that more possible. This legislation has never protected a worker in any bankruptcy. It has never protected a worker in any bankruptcy.

But, Mr. Speaker, it has given certain protection. The Member for St. Johns has indicated that there is a way in which the mortgagee starts protecting the worker. Because what will happen, it's not the money lender who is going to lose by this. The money

lenders will start doing exactly what they have to do, just as they retain 15 percent for Mechanics' Lien and retain so and so, the money lender will now say, if there is a loan of 100,000, your payroll is 5,000 a month, 10,000 will be held back, you will be advanced 90,000, double your payroll will be held back, you are going to have to send us every month an indication that your payroll is paid. The money will be put in a trust account; you will earn the interest. If there is a lack of payment, we will be able to go into the money and pay the man. And that's good, really, I think that's good. Every time they came before committee, Mr. Speaker, I said to them, look, if you know this is the law and there is no bankruptcy, you can take the same steps to protect your position vis-a-vis wages, as you do with respect to taxes, as you do with respect to mechanics' liens, etc. Therefore, it does, Mr. Speaker, offer some protection, and the proof that it offers some protection is that it's being repealed.

The Member for Fort Rouge says: If the law has not been changed, why are we enacting the bill? There is a piece of ultra vires legislation on the books. That has happened before, that ultra vires legislation is on the books but, Mr. Speaker, it is not true that it is totally ultra vires. There is some effect of it, and that effect of it, Mr. Speaker, and my main criticism with the government is not the repeal of this legislation. My main criticism is they've come in and said the legislation doesn't protect anybody, therefore, we're repealing it. It would seem to me, Mr. Speaker, that a conscientious government would say the legislation doesn't protect anybody, we are bringing in legislation to protect them. (Interjection)—

Mr. Speaker, my friend says you can't. I'm going to give you some suggestions that you can. Mr. Speaker, the worst cases I have had, the most pathetic, are when a worker comes in and applies himself to a job for a period of two weeks and at the end of the two weeks does not get paid. Those are the most pathetic cases. Mr. Speaker, I think that it would be relatively simple to require — and here we get into the requirements and bureaucracy, and I know I'm dealing with a problem, but I say that the Minister should have directed his attention and his department's attention to it — to say that where there is an employer who does not have assets and liabilities which can guarantee a month's wages, that he has to furnish a bond with the Department of Labour, sufficient to take care of one payroll. One payroll. It wouldn't be a big bond. It would not be a big bond because the chances that he won't make the payroll are also very remote. When one talks of the fact that workers have lost wages, it is also the fact that the vast majority of workers have been paid, so the percentage we are talking about is a small percentage and it would probably be a very small expenditure for a bond to guarantee two weeks' wages. I think that would be far more important, requiring a bond of that kind than requiring a bond from a travel company that a person is going to get back and forth to Winnipeg, when we talk about bonds.

So there are ways, Mr. Speaker, to do it, and what I really reject is the Minister coming in saying: "You've tried a way, it's ineffective, therefore we'll repeal it, but we have nothing to

offer." I think that this Act is a problem. For people to pretend that it is not a problem is not so, Mr. Speaker. I have New Democratic Party constituents, some of them move from Inkster Boulevard to East Kildonan. They sell their house to a contractor; they sell their house, their life savings for 40,000.00. They take back a mortgage of 35,000 on which they are going to collect interest for the rest of their lives and have that as somewhat of a pension plan. They sell their house to a contractor. The contractor has a payroll of 10 workers; the 10 workers are not paid. There is 20,000 payable prior to their mortgage and they have sold the house expecting 35,000 in return.

MR. CHERNIACK: The contractor incorporates himself.

MR. GREEN: Mr. Speaker, the honourable member says every contractor incorporates — he could also buy the house in the name of the corporation. I mean, there are different ways. But the fact is it needn't be a contractor. He could have sold his house to a restaurateur, and the restaurateur's house is liable on the mortgage which he has sold to a New Democrat who has moved to East Kildonan, who said you passed the law that says that I have lost my 35,000.00. There are problems. Let's not build this case up, the workers against the money lenders. There are problems, and I suspect that the government has not considered those problems and I criticize them for not considering those problems. I say that the legislation could be refined, that there could be things done with it, but in the meantime, it affords some protection. There are dangers. They might have an Act brought into this House for the relief of Joe Jones who sold his house with a loss on the mortgage. We could have that.

Let's look at the problem. I say, Mr. Speaker, I'm going to vote against this bill. I do so with the knowledge that I'm not voting against it that it is a horrendous attack, but the bill shows a lack of concern. I believe that there is a way of protecting one payroll. There must be a way. And there must be a way of requiring a bond for one payroll. It could be the Department of Labour that sets up a fund. We do it for Unemployment Insurance; we have a Unemployment Insurance Fund. Why cannot there be a one-payroll insurance fund so that people who lose their wages as a result of working, get that money? That's far better than attacking registered mortgages, Mr. Speaker, I will be the first to admit it, because a mortgage is an advance. Why do you do it better equity by stealing from one and giving to another? The mortgagee has given somebody 10,000.00. He's given it to him; the worker is given the wages. They both should be entitled, one to the return of his money, the other to the payment of his wages. So it is a problem, and I can see that it's a problem, and I tell the Minister that the answer that it's not effective is not an answer. First of all, it must be effective, otherwise you wouldn't be repealing it. I believe it is effective; I believe that mortgagees can protect themselves, but do something effective. Is it more effective to say I repeal the bill? That is also ineffective; do something effective.

MR. SPEAKER: The Honourable First Minister.

MR. LYON: Mr. Speaker, my contribution to this debate, like that of the Member for St. Johns and I'm sure the Member for Inkster, was unanticipated. I rise merely to say that in the last two speakers, we have heard, I think, a reasoned exposition of the problem following upon the remarks that were made by the Minister of Labour. I'm not going to say anything about the speech of the Member for Churchill because that was not a reasoned exposition of the problem. The Member for Inkster and the Member for St. Johns, and I give the Member for St. Johns full credit, point out the problem that faced their government in trying to enact a piece of legislation which was imperfect. The courts have said, Mr. Speaker, that notwithstanding the good intentions of the New Democratic Party to try to do what they were doing, they conferred a paper right upon the workers in Manitoba. My honourable friend for St. Johns and I'm sure the Member for Inkster know that as well. The courts have said that the so-called right conferred under the existing legislation before this amendment is brought in confers no right at all.

Furthermore, Mr. Speaker, I just make this brief point, if I may, are we acting in a vacuum? Are we acting without the benefit of proper legal advice? No. We are acting, Mr. Speaker, and I use them not as a shield or a defense at all, but we are acting after full and careful consideration of this matter by the Law Reform Commission of Manitoba. Now, surely to heaven, nobody is suggesting, Mr. Speaker, that the Law Reform Commission of Manitoba, and I am not going to get into the wild rhetorical kinds of class arguments that were bruted about the House earlier by the Member for Churchill, because really that kind of nonsense has no place in a reasoned debate on what is a difficult topic. Of course it's a difficult topic because we have at stake, under the legislation that was passed back in 1975 by the previous government, it, because of the deficiencies in it, it conferred, first of all, as others have said, only a paper right; and secondly, —(Interjection)— The courts have said it, Mr. Speaker, and I can assure my honourable friend the Law Reform Commission, in effect, have said the same thing, based on the judgments that have come down on the B.C. legislation and the Manitoba legislation. So I can say to my honourable friend that what we have to do, then, is to ensure that we elevate that right of wage lien as high as we can without destroying the whole fundamental system of the Torrens system upon which titles in Manitoba, by and large, except those that are under the old system, rest and reside.

When I asked across the House the question, what about the Torrens system, when the Member for Churchill was speaking, I know the Member for St. Johns, I know the Leader of the Opposition, some of the other members in the House knew exactly what I was speaking about. The Member for Inkster knows exactly what we are talking about in terms of priority of liens. And the fundamental guarantee that is contained in a title that is issued by the land titles system in Manitoba, which is a guaranteed title and every working man and woman in Manitoba who gets one of those titles, with respect to his premises, with respect to his home, with respect to his summer cottage, feels that he has a title that is guaranteed by the government. Along comes the legislation of

1975, which throws into jeopardy, because of the wording of that legislation, which throws into jeopardy the security of title under the Torrens system. And that is why the government is being advised by the Law Reform Commission, that is why the other authorities who have looked at this matter, the advice that we can take internally, that is why lawyers who know anything at all about the land holding system in this province are aware that this kind of legislation has to be brought in to clarify and to make certain that what was conferred and turned out to be only a paper right, at least is given some elevated priority in terms of the nothingness that in effect exists under the present legislation.

Mr. Speaker, I hope I am true to my word, I am not trying to perpetuate the debate, I merely rise to say that the remarks of the Member for St. Johns, the Member for Inkster, indicate an understanding of the problem that the Minister of Labour spoke on tonight, that I have attempted to address very briefly. It is not, as the Member for Inkster said, and I concur with him, it is not a question of class against class; it is not a question of the mortgage companies against the working people; it is not a question of all of this rhetorical nonsense that we heard from the Member for Churchill; it is a hard and a difficult question of law which impinges upon your whole land title system in Manitoba.

The Member for Inkster used a better example than, I think, has been used by the Law Reform Commission, with respect to robbing Peter to pay Paul, and that is exactly what you are permitting under the old legislation. If it had been effective that is exactly what you would be permitting. People with registered claims, working men and women in this province with registered claims could have those claims wiped out under this imperfect legislation that we have.

So we are moving ahead with this clarifying amendment that is here. I think that the Attorney-General, who may perhaps engage in this debate, would have some interest, and the Minister of Labour as well, in following through with the idea of the Member for Inkster. What other alternative means is there whereby you can secure one wage term for workers in Manitoba. There has to be another way. To use the hackneyed expression, Mr. Speaker, you can't have a law which is going to throw out the baby with the bath water, which is going to put into jeopardy your whole land title system in this province, which is fundamentally important to every working man and woman in this province. Don't try to say that you can do that because you're for labour and the government is against labour; that just doesn't wash, it isn't so. It's a difficult problem. We're trying to deal with it in a reasonable way. The kind of rhetorical flourish that I know is tempting from time to time is fine and dandy, but I suggest that it really doesn't come to grips with the problem, and that we've had contributions from the Member for St. Johns, the Member for Inkster, that are helpful in looking at the problem.

I commend the bill to the House because it is not anti-labour it is not anti the working man at all. It's an attempt to clean up a piece of legislation that has been contested in the courts since it was put into place in 1975. It's an attempt to make sure that

every man and woman in Manitoba who owns property has some security to know that that title that they hold is not placed in jeopardy by legislation that does not do what it was intended to do back in 1975. So I suggest that if cooler minds prevail, as I am sure they will, that we can look at ways of bettering the position of the working man in Manitoba, but not by the kind of rhetorical flourish that we heard tonight from the Member for Churchill. That really doesn't bear upon the problem at all, and we should be bending our best efforts to ensure that the legislation that we do pass does give some kind of priority or some kind of protection to the average working man and woman in Manitoba, not at the expense of other average working men and women in Manitoba. No more of this robbing Peter to pay Paul, because that's precisely what that old legislation said, as mentioned by the Member for Inkster and in that succinct example he gave of a New Democratic Party supporter in his constituency mortgaging his own house and finding that somebody else could come along and take priority.

That's as good as an example as you'll find. That's not anti-worker, it's not anti-class or anything at all. I suggest that we don't do any service to the working people of Manitoba by pretending otherwise.

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

MR. CHERNIACK: The Minister, I believe, undertook to answer a question. The question is, was that Law Reform Commission Report that he referred to a published report of the Law Reform Commission, which would therefore be in the hands of the public?

MR. LYON: Mr. Speaker, I cannot say. I have seen the recommendation that went to the Attorney-General. Perhaps the Attorney-General can answer it. I don't know if it's public or not. As I recall, it was in reference to some draft legislation on this matter that was previously considered.

MR. CHERNIACK: Mr. Speaker, in view of the fact that I would assume that the First Minister is familiar with that green-covered publication cover for all Law Reform Commission published documents, whether the document he saw is in that form of a printed document with a green cover, in a form which is familiar, I am sure, to all of us.

MR. LYON: Mr. Speaker, if somehow or other the word "report" crept into my comments, I should have said "letter" — letter from the Law Reform Commission to the Attorney-General on this topic.

MR. CHERNIACK: One further question, Mr. Speaker. It obviously cannot affect the vote, but could the Minister at least make it possible for all of us to see the actual "letter" he's referring to. As I say, it probably won't affect the vote, but at least we ought to see, Mr. Speaker, what it is that he has been referring to in his speech.

MR. LYON: Mr. Speaker, I think the Attorney-General can refer perhaps more accurately to this

matter than I can, because he's more closely familiar with the letter in question.

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. BOYCE: Mr. Speaker, I don't know a tort from a tart or a Torrens title, but nevertheless the Minister of Labour, in making his presentation, I think precipitated the type of debate which has followed. The First Minister said in his few remarks that there was a paper right. I didn't hear anybody on this side say that it was only a paper right that was granted. In fact, in his very examples that he used referring to the Member for Inkster, example, the very fact that in some instances wages can supersede a mortgage right does cause problems.

Mr. Speaker, my remarks are going to be very brief in this regard, but it is as a lay member that I speak, and the principle is being lost sight of. It was raised by the Member for Inkster, but I wish the Member for Inkster was here, because I felt like I was getting a lecture from him. I don't know whether I was asleep; I didn't hear anybody around here say — I may have been asleep, as I say — say that the Act as it exists at the moment is going to stop people losing money in bankruptcies — (Interjection)— Well, you may have heard it; I said I didn't hear it.

Anyway, the question of protecting workers as far as their wages are concerned, for a week or one pay period or two pay periods, that's to which we should be addressing our attention. But for the Minister of Labour to stand up and say that we had gone around kidding people — I was part of a government that passed that particular piece of legislation and it was an attempt to solve that problem, albeit created other problems. But to come up and stand and say that this is the law because some judge, with all due respect to Mr. Dewar, has adjudicated that we were wrong, that it didn't supersede The Bankruptcy Act or The Bank Act, that doesn't make us stupid for having passed it, or our motives questionable, I don't think. In fact, I sat in the Cabinet, Mr. Speaker, and passed an Order-in-Council taking us unwittingly and unwillingly into the AIB Program. That was tested in the Supreme Court and five justices said we didn't have the authority, and four said that we did have the authority. I don't think the four people who said we had the authority were idiots either.

There are other remedies to this particular problem. People are talking about repatriating the Constitution. What are we going to do with that damn thing when it's floated across the river? We keep talking about Section 92 of The British North America Act. Perhaps this intersessional committee should look at some of these things and in some areas the federal legislation should not supersede. I'm not saying that in this particular case it shouldn't.

But let's get back . . . I mean, to the lateness of the hour, we're here to solve problems, not the "your mistakes are stupider than mine" once again. So the problem is, how do we protect the wage earners? Also, not to make it more expensive to borrow money or lend money or put people in jeopardy who have advanced the 10,000, in the case of the Member for Inkster. How do we solve the problem? One suggestion, I think it's a good one that the

government should look at, was preferred by the Member for Inkster. But another one — and this is the general case, perhaps there are other areas which we have to clarify — if we are going to repatriate the constitution, how are we going to address ourselves to the division of powers in many of these areas? It's not just a question of how much we're going to soak each other for oil, and a few other questions, bilingualism and a few others. There are many things which have to be solved. This is a very important area, generally and specifically, with reference to this kind of legislation.

So, Mr. Speaker, I just wanted to, perhaps even at the lateness of the hour, chide my friend, the Minister of Labour, for precipitating this type of debate.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Thank you, Mr. Speaker. Mr. Speaker, I think it would be useful to review briefly the history of this legislation. In 1979 we brought in, in a section within The Statute Law Amendments Act, a provision, an amendment to The Payment of Wages Act that would have given any instrument registered in Land Titles Office prior to the filing of a caveat or certificate of judgment, priority over the wage earner's lien based on the certificate of judgment, would have given any registered instrument in the Land Titles Office priority over a wage earners lien. We reviewed that matter, we discussed that in Law Amendments Committee, and we agreed at that time to make an amendment to The Statute Law Amendment Act that would allow that section only to come into proclamation, and I indicated that I would refer the matter to the Law Reform Commission for review and study.

Mr. Speaker, I did so and we received a report from the Law Reform Commission. I have sent over a copy to the Member for St. Johns. We did discuss it in committee. Their main recommendation, Mr. Speaker, was that The Payment of Wages Act should clearly set out that all payment of wage liens must be registered in the Land Titles Office as a condition of their enforcement against real property and that their priority is established according to the time of registration. They further went on to say, in fact, that the lien should be filed against specific titles, not just in the general register but against specific titles.

Mr. Speaker, we did not accept that recommendation and we brought forward this legislation, which in fact gives priority to wage earners' liens over all other claims except registered mortgages, what are called registered purchase property security interests, which really means conditional sales contracts and chattel mortgages registered under The Personal Property Security Act.

Mr. Speaker, I don't want to get into this discussion of anti-labour, anti-workingman rhetoric that has gone on, Mr. Speaker, but if anything, the position set out in this legislation that gives this priority to wage earners' liens over all other claims except in these two instances, despite the recommendation of the Law Reform Commission does, I think, indicate the concern that the Minister of Labour has and the government has over these kinds of liens.

Now, as members have indicated in this debate, there are still lots of problems with this legislation, Mr. Speaker, and it is interesting to note that wage earners' liens, for example, can, even under what we have here and what we had before, a wage earner's lien can take priority over a mechanic's lien, which may be a lien filed by a worker for work done to a specific piece of property. It can take priority over a garage-keeper's lien, which is work done by a person in a garage on a car, specific work. It can take priority over what is called a thresher's lien, a repair shop lien, and a large number of liens which are liens filed by workers for special kinds of work done.

Mr. Speaker, I recognize that these problems do exist and over, I think it would be a year and a half ago, I referred this whole question of priority of liens to the Law Reform Commission for a review. It is a massive work, unfortunately, because there are a tremendous number of different kinds of liens that exist, and there never has been any kind of overall review of them and study done as to priorities. Hopefully, Mr. Speaker, that review will be completed within a reasonable time and we can bring to this whole area of liens some system and some order.

Mr. Speaker, as I indicated, we did not follow the Law Reform Commission report. The Member for Inkster has referred to specific examples of inequities that can occur under the previous legislation. The question should be asked, how would any individual person in this province who has sacrificed to buy a home, like to have to pay an unregistered claim by an unpaid wage earner, who is deemed by a statute, to have a lien against his home? Mr. Speaker, it has been pointed out that all lenders are not financial institutions. An individual who sells his home and takes a mortgage back from a purchaser, like the example cited by the Member for Inkster, is in the same way in the business of lending money.

Mr. Speaker, there are still, under the existing legislation, different methods of protecting wage earners' liens. Mr. Speaker, prior to filing a lien against either real property or personal property, there is no need for the employee to prove before a board or a court that he is entitled to those wages. He simply has to make a complaint to the Employment Standards Division and the director can immediately file a document in the Land Titles Office or the Personal Property Registry Office to give the claim for wages priority from the date of registration as against all registration or advances after that date.

An additional protection to wage earners, which is preserved out of the existing legislation, is the power given to the Minister of Labour to require an employer to furnish him with security in the form of a bond, with one or more sureties, to ensure that the employer can and will pay the wages of the employees.

I think the Member for Inkster referred indirectly to that kind of approach, Mr. Speaker, and it exists under the present legislation. If an employer refuses to get such a bond, the Minister of Labour may prohibit that employer from carrying on business in the province until the security is furnished. That is a very far-reaching power, Mr. Speaker, but it is one that could be used to guarantee that an employer would pay wages to his employees.

There are many other protections afforded by existing law to ensure that employees have rights of recovery, not only against their employer, but also against the directors of a corporate employer. One such is the requirement that wages be paid at least as often as semi-monthly and if wages are not paid within five days after the end of such a period, under Bill 80, an employee could have the Department of Labour file a lien to him after that fifth day.

Mr. Speaker, what I am trying to to point out is that under the existing Act, there are many protections that the Minister of Labour has available to him to assist in preserving and protecting wage earners' liens. Generally speaking, the maximum exposure of an employee is unlikely to exceed one-half of a month's wages.

Another protection to wage earners is a section under Bill 80, which deems wages due and payable to an employee to be held in trust by the employer for the employee and gives a lien right in the form of a lien which does not have to be registered as against the assets of the employer, that in the ordinary course of business, it would be entered in the accounts of the business.

Officers of corporations are liable for wages, Mr. Speaker. The Labour Board has the power to deem associated businesses to be a single employer, and jointly and severally and liable to pay unpaid wages.

Mr. Speaker, there are many existing provisions of this Act which enable the Minister of Labour to take strong measures to protect the rights of employees, wage earners, to wage claims. Mr. Speaker, I have attempted to point out we have rejected the recommendation of the Law Reform Commission. If anything, we would indicate, I suggest, a bias in favor of protecting as much as possible wage earners' claims, and as I say, and it's necessary to say it over and over again, wage earners, under this Act, have priority over all claims except mortgages or things like a chattel mortgage or a conditional sale contract, Mr. Speaker.

We are attempting to deal with a problem that has caused a great deal of litigation. We are attempting to do it in a reasonable way. We are taking steps through the Law Reform Commission to attempt to resolve this whole area of liens and attempt to bring some order to it, Mr. Speaker.

Mr. Speaker, on the basis of the cases that have occurred, I hope the members will see fit to recognize the problems that exist in this area and to give some support to this bill.

MR. SPEAKER: The Honourable Member for Rossmere.

MR. VIC SCHROEDER: Thank you, Mr. Speaker. I listened with interest to at least the beginning of the remarks of the Attorney-General. He began his history at 1979. He stood up and said, "I'm going to deal with the history of this matter." I think we should go back to before 1975. There was no legislation in effect at all, and the previous government at that time enacted legislation which it hoped would put working people ahead of mortgagees on foreclosures. I happen to believe that that, in fact, has occurred. I believe that for the last five years, working people have been ahead of mortgagees on foreclosures. Nothing that anybody

on that side of the House has said has indicated in any way whatsoever, that that portion of this law has not been effective.

Now, several weeks ago, we were in committee and Mr. Cvitkowitz, who was the lawyer acting for the Mortgage and Loans Association, that fine group of companies which the Member for Churchill read out earlier, and I asked him several questions. I asked him, first of all, is there now a lesser ratio of loans being approved by your companies to lenders in Manitoba as a result of this legislation? He said, "No." Is your profit ratio down in Manitoba? "No." Then we went into some of these straw people that we have heard erected tonight and I asked whether there was one specific example of something that had actually occurred; could he give us an example? This legislation has been in effect for five years. We all know that in that five years, people have been foreclosed on. The Member for Inkster has, during this past session, several times raised the matter of the numbers of foreclosures in the Tribune and the Free Press, and the unprecedented number of foreclosures that have been occurring in this province, so we know that that is happening. We hear the Minister of Labour saying, "We're not doing anything bad here. What we are doing is we are following the quotation of Chief Justice Dewar who says the provisions of The Bank Act must prevail." Of course, that is federal legislation and this has nothing to do with federal legislation. Did Mr. Justice Dewar say the provisions of The Mortgage Act must prevail? He did not. Did he say the provisions of the Act respecting Debenture must prevail? He did not. No, this Act prevailed over those acts.

Now, in that committee, the Attorney-General, as well in the Law Amendments Committee several weeks ago, the Attorney-General indicated that the law that he has presented to the Legislature, I believe for first reading on June 15 — it's a month and a half ago and the Minister of Labour has just chosen to speak on that for the first time tonight — that law would change nothing. That's what the Attorney-General said. He said that in fact the courts had decided that this law that had been enacted in 1975 meant nothing. Then what are we doing here? If that is a fact, why are we tonight passing a law that will change what happened in 1975? It makes absolutely no sense whatsoever, other than that we now have a difference in intention. In 1975, the government that sat over on that side said that we will do something to protect workers on foreclosures, and they passed an Act. That side has not demonstrated to us in any way that that Act was not effective on foreclosures. That side has demonstrated clearly, as we could have told them, that that Act has nothing to do whatsoever with The Bank Act or with bankruptcies or assignments in bankruptcies, but it does have something to do with The Mortgage Act. So, what this government is trying to do is take away something that the workers had before this legislation was presented.

We heard the Attorney-General talking about the great number of priorities of liens, and how we have to look into that. I would hope that the government would shelve this law even now and come back next year with something that makes sense. If they say that there are problems, take a look at it, but don't do it piecemeal. Don't take this bite today and then

next year come back with some other nonsense. Do it all at once. Let's see where you are heading.

It seems to me that it would make a great deal more sense to come in with a package that could be supported by the Minister of Labour before the midnight hour of the last day of the session, a package that he could have stood up and discussed with us on second reading, or in committee, on principle — certainly, on principle. Should the wage earner be ahead of the investor? We've heard a lot about that, these straw people that have been set up by the Member for Inkster, and supported by the First Minister, the person from Inkster who moves to East Kildonan. Well, Mr. Speaker, when that individual moves to East Kildonan and he takes a mortgage back on his house in Inkster, 99 out of 100, or probably 999 out of 1,000, or maybe 999,000-and-some out of a million, has gone to see a lawyer who will have discussed with him the repercussions of taking mortgages back. And that individual has a choice of investing his money in a mortgage on a house, on shares in Sunexco or Gulf Oil, or a savings account in the Bank of Montreal, or many other investments. There are some which are safer than others. There are some which bring in a greater return for the investment than others. Ordinarily, when you get a larger return on your investment, there is greater risk and that, of course, is the issue.

Who is supposed to take the risk on investment? Is it the investor, or is it the worker? That is something that you people had better start thinking about. Is it the investor who takes the risk, or is it the worker? Because of the investor, at the end of the day, gets his money out before the worker does, then we disagree with you, we think that you are wrong, and we think, as the Member for Churchill previously said, that when we meet you on the hustings, this issue is going to haunt you.

MR. SPEAKER: The Honourable Member for Logan.

MR. WILLIAM JENKINS: Thank you, Mr. Speaker. I'm going to be very brief, because I think we've had considerable discussion on this topic this evening. I just want to say this, Mr. Speaker — I'm glad to see that the Minister of Labour is here this evening. I'm glad to hear the Minister of Labour state his point of view; rightly or wrongly, that is his point of view. But, this bill was introduced for first reading on June 5th. Between June 5th and July 11th, when it went to committee, there was ample opportunity for the Minister to make the speech that he made this evening. There was ample opportunity. There may be problems, yes, and I don't doubt that there are problems with The Payment of Wages Act, but what the Minister of Labour and this government have done is thrown up their hands. They say there is nothing they can do.

There have been many solutions thrown out here this evening by people much more learned in law than I am, and I never professed to know anything about law, even the labour law that we have passed. If the Minister holds himself up as an expert on that law, then I say he's only fooling no-one but himself, because we all know what happens when law gets discussed in the court. There are interpretations put to the law. There are interpretations, as I believe was

said by the Member for Winnipeg Centre, on whether we should have gone into the AIB or not by Order-in-Council. It was a five-to-four decision — a five-to-four decision. These are supposedly the most learned men in law in the country, and it was not a unanimous decision — law and its interpretation.

But to throw your hands up and say, there is nothing we can do, there's nothing, that is to say that the laws that we pass here — and we're not infallible, and even the people we have working for us, drafting the legislation, aren't infallible — it becomes a matter of interpretation by those who practise the law. But, in the final analysis, are we going to say that law is going to be made by Supreme Court justices, by the people practising in the Courts of Appeal, because these people are not elected. These people are appointed; they are appointed by government. If we are going to take that attitude, then there is no need for we 57 people sitting here, because all we have to do than, according to what the Minister of Labour has said, that is the law. The Minister of Labour said, well, The Bank Act and The Bankruptcy Act, those you can't deal with.

He spoke of credit unions. Now, Mr. Speaker, credit unions are exclusively under the provincial jurisdiction. They don't come under The Bank Act. And I'm not advocating that we should grab the money and go. But, Mr. Speaker, employees should know where they stand. There is certain protection under the Act as it is now; there are certain things that have been proved that there is no coverage for. Workers do not go to work to speculate. They go there to earn their bread and butter, meat and potatoes to put on the table.

The legislation that we're introducing here is not going to put them in second or third place; they're going to be 10th or 11th or 12th down the line. The Attorney-General says they can file liens. Would the Attorney-General and the Minister of Labour advocate that a worker, going to work for the first time for a new firm, that he file a lien for two weeks' wages so that he can be first on the list if that company happens to go belly up? Is that what the Minister is advocating? Surely to God, if the Minister is so learned in the law, as he told us here this evening, why didn't he put his head together with some people in his department to come up with something much better than to accuse us of grandstanding?

If the Minister wanted to speak on this bill and tell us his problems before the bill went to committee, he had ample opportunity to do so, not just when the vote was called on the last day before it went to committee. He wasn't absent all the days from June 5th to July 11th, because I know he wasn't, and he had his opportunities to speak on this bill. But he waits until the 11th hour, the 59th minute, the 59th second before we're passing the bill, to give us his thoughts on the bill. And if the Minister feels aggrieved, he has no-one, no-one, Mr. Speaker, but himself to blame, because he had ample opportunity to speak on this bill — ample opportunity. And what I said the other day, I still stay by. The Minister has not introduced one piece of legislation in this session, I don't believe he introduced one last session, I don't think he introduced one before — (Interjection)— Oh, Fireman's Arbitration Act, pardon

me. I beg the Minister's pardon. That was not that a contentious one.

But there have been others, other pieces of legislation, introduced by backbenchers, introduced by the Attorney-General — and I'll say to the Minister's credit, when one was pointed out in The Statue Law Amendment Act, that he pulled it out. But no consultation, no consultation, Mr. Speaker; no consultation with the people who were involved in the construction trade; no consultation with the people who were involved, because that came out very evident when Mr. Coulter, Mr. Martin, appeared before Law Amendments, when we had briefs on this bill. The Minister had never been in contact with them. Especially when these are the people who, in the long run, are going to get these cases. As was pointed out, where there is a union agreement, these people can look after themselves.

But we are talking about people in many cases who may be working for the minimum wage, and what a miserly stipend that is. These are the people who have no protection whatsoever, except the 57 members that sit in this House. And I say, through you, Mr. Speaker, to the Minister of Labour, you have done a rotten job. You have done a rotten job; you could have done much better. There were other options open to you and I think, sincerely, that you didn't do it because you didn't want to do it.

Thank you, Mr. Speaker.

QUESTION put, MOTION carried.

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

MR. SPEAKER: Call in the members.

Order please. The motion before the House is Bill No. 80, third reading, An Act to amend The Payment of Wages Act and The Real Property Act.

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

YEAS

Messrs. Anderson, Banman, Blake, Brown, Cosens, Craik, Downey, Driedger, Einarson, Enns, Ferguson, Filmon, Galbraith, Gourlay, Hyde, Johnston, Jorgenson, Kovnats, Lyon, MacMaster, McGill, McGregor, McKenzie, Mercier, Minaker, Orchard, Mrs. Price, Messrs. Ransom, Sherman, Steen and Wilson.

NAYS

Messrs. Adam, Barrow, Bostrom, Boyce, Cherniack, Corrin, Cowan, Desjardins, Doern, Evans, Fox, Green, Hanuschak, Jenkins, Malinowski, Miller, Parasiuk, Pawley, Schroeder, Uskiw, Walding and Mrs. Westbury.

MR. CLERK: Yeas 31, Nays 22.

MR. SPEAKER: I declare the motion carried.

BILL 75

THE APPROPRIATION ACT, 1980

MR. SPEAKER: Bill No. 75 — the Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, I move, seconded by the Minister without Portfolio, that Bill No. 75, An Act for Granting to her Majesty Certain Sums of Money for the Fiscal Year Ending the 31st day of March, 1981 and to Authorize Commitments to Expend Additional Money in Subsequent Years and to Authorize the Borrowing of Funds to Provide for the Cash Requirements of the Government.

MOTION presented.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. HOWARD PAWLEY (Selkirk): Mr. Speaker, I intend to spend a few moments summarizing the main events during this Session. Mr. Speaker, on June 14th, 1979, the First Minister in a press conference at the conclusion of the 1979 Session indicated that, and he indicated proudly, Mr. Speaker, "The Premier defended the slow workmanlike Session saying, the passage of only 58 bills, many of them housekeeping in nature reflected the Tory conviction that less government is good government. The effort", he said, "to slow down the intrusion of heavy handed bureaucracy was in marked contrast to a whole scatterization of legislative initiatives under the New Democratic Party", he said.

Mr. Speaker, we are just on the verge of completing this session, 115 bills, the longest session apparently in the history of the province of Manitoba. Mr. Speaker, rather than a scatterization of bills we received a bombardment of bills, but many of them, Mr. Speaker, simply fizzled because of ill preparation, sloppy preparation, and a lack of guidance on the part of the Ministers across the way.

Again, Mr. Speaker, we observed the lack of direction, the lack of confidence, the sudden lack of credibility on the part of the government across the way. In the same press conference, the First Minister said, "The dogs bark but the caravan moves on. We are driving the caravan and it is moving on." Mr. Speaker, if there is now a caravan that is moving on, it's moving on in total and complete route, in total and complete retreat backwards to oblivion, Mr. Speaker.

The First Minister also in the same press conference, Mr. Speaker, referred to pride which he enjoyed in the success of his restraint program and tax cuts. It is stated, billing this amputation of the long and twitching arm of government is the only economic curative for eight years of drunken sailor spending by the New Democratic Party. That was the Premier speaking on June 14th, 1979, Mr. Speaker.

Mr. Speaker, at the termination of this session we observe an economy which is amongst the worst in the history of the province of Manitoba. We observe a province under the misguided leadership of the Minister of Economic Development and those with him, that experienced last year, 1979, the first instance of depopulation since 1966.

We have observed a state of the economy in Manitoba which has witnessed the highest numbers of bankruptcies and foreclosures in many many a year in the province of Manitoba. Mr. Speaker, rather than amputating the arm, as the First Minister had indicated, what the First Minister and his government

has done, has stabbed the very heart of the economy in the province of Manitoba. And when the First Minister talks about spending like drunken sailors, Mr. Speaker, it was this session that we observed the announcement of the highest budgeted deficit that this province has ever had announced.

In addition, Mr. Speaker, the highest debt per person, in fact a 700 per person higher debt than in 1977, the last year in which the First Minister said there was spending like drunken sailors. If we were drunken sailors, they've been drunk for three years, Mr. Speaker.

Mr. Speaker, we have had a session in which their policies pertaining to Manitoba Hydro have been completely exposed. We have had a session in which there has been bungling on the part of this government pertaining to an unnecessary health worker stoppage in the province of Manitoba. A stoppage which caused unnecessary strain and suffering for many Manitobans. We have had a session in which legislation was introduced which can only result in increased inflation in Manitoba; changes to The Milk Review Act; changes pertaining to rent decontrol in Manitoba; and a Premier which is tagging along, Mr. Speaker, behind Premier Lougheed in escalating the prices of oil in Canada, and giving him his support.

Mr. Speaker, what we have had, I think, not only the opposition but all Manitobans, is quite an example of mismanagement, a lack of confidence, misdirection, a tremendous collapse occurring on the part of this government insofar as its own confidence as to where it is going.

Mr. Speaker, what we have discovered during this session, and it's interesting to reflect on the words of the Premier, when he was then the opposition leader, when he proclaimed to Manitobans that the New Democratic Party government of the day didn't know how to run a peanut stand — Mr. Speaker, I will concede to the Conservative government of today that they know how to run a peanut stand, but, Mr. Speaker, what I do know, is that they don't know how to run a government. That is clear.

Mr. Speaker, whether it is the sliding state of the economy, and we have heard no rebuttal, the Minister of Economic Development has only attempted to rebut from the seat of his pants, by the hurling of insults. Rarely, Mr. Speaker, has he attempted even to defend his record pertaining to economic development in the province of Manitoba, for good reason.

Mr. Speaker, a Minister of Finance that has tossed away every little bit of gem that his party has tossed about in the last number of years about careful spending, about reduction of the debt, about reducing the deficit. This Minister of Finance has been exposed, Mr. Speaker, and if we note increased nervousness on the part of this Minister of Finance we know its because this Minister of Finance has good reason for nervousness because his conduct, his management has certainly been exposed for what it is, Mr. Speaker.

Mr. Speaker, we have had legislation which will clearly become issues in the next election whenever the First Minister sees fit to call that election. We are ready. Mr. Speaker, I want to simply state by way of conclusion that this session has been one that has clearly indicated that this government no longer has

a direction. This government no longer even enjoys confidence in itself. This is a government that has given up basically on the purpose that it thought it was originally elected for. This is a government that has demonstrated its incapacity to govern efficiently, competently, the affairs of the province of Manitoba. This is a government, Mr. Speaker, that is now tired; a government that is in its last stages; a government which only after three years, Mr. Speaker, has run out of steam and deserves to be replaced.

MR. DEPUTY SPEAKER: The Honourable First Minister.

MR. LYON: Mr. Speaker, I hold in my hand the 1980 Manitoba Budget, and encompassed within that budget is the White Paper on taxation, and encompassed within that budget also is the province's statement on energy which I had to send personally to the Leader of the Opposition earlier on in the Session so that he could read it and understand the position that the government of Manitoba was taking.

In this budget as well, Mr. Speaker, was a sound and a rational approach to the finances of the province of Manitoba which was, I know, strange to my honourable friends opposite, but at the same time it is what the people of Manitoba elected us to do in 1977 and it is the mandate that we are carrying out in fulfilment of that promise to the people of Manitoba in 1977.

My honourable friend makes the point, Mr. Speaker, that within the budget we have, I think his words were, the highest budgeted deficit announced, and the most important word as the Minister of Finance says in that statement, Mr. Speaker, is "announced." Because we now have full disclosure to the people of Manitoba. We now issue a quarterly statement on the public affairs and the public accounts of the people of Manitoba to know how the revenues are coming in and how the expenditures are going out. And oh, what a different world it would have been, Mr. Speaker, back in those years from 1969 to 1977, if the Member for St. Johns, when he was Minister of Finance, if the Member for Seven Oaks when he was Minister of Finance, if the First Minister of that day had had to reveal to the people of Manitoba what they were doing in terms of their trusteeship and their husbandry of the public affairs of the province of Manitoba. Because let me use the word trusteeship in the sense in which all of us sit in this House, we are nothing more, nothing less, than the trustees of the public interest of the province of Manitoba. We are not here representing foreign or alien ideologies. We are here representing the people of Manitoba. The most fundamental role that we have in parliament is to vote supply. That is why this is a very important bill, and this bill is traditionally left to the last of the session, because it is by this bill that we are voting supply. That is the fundamental point of parliament to vote supply.

Mr. Speaker, I can't help but reflect upon the attitude of my honourable friends opposite who would stand tonight and in the rather milquetoast words of the Leader of the Opposition, would try to pretend that they gave sane, sensible and reasonable administration to the public affairs of the people of

Manitoba in the eight years in which they were in office.

Why do I say that, Mr. Speaker? Because on one occasion when this House, this sovereign Legislature denied those men across the way Supply on the 31st of March, they marched down the hall; they marched down the hall, Mr. Speaker, under the pretext of some legislative legerdemain that they found or thought that they could interpret for themselves. They turned their backs on parliament. They walked into the Executive Council room and they passed an Order-in-Council and said to hell with parliament. They said, like the Labour Government, when they came into office in 1945, "We are the masters now." That was the attitude that was typified by my honourable friends and their decimated ranks opposite when they were holding the reins of office in this House.

Why do I mention that, Mr. Speaker? I wasn't even in the House. Why do I mention that? I mention that because, Mr. Speaker, it reflects the attitude of the Socialist Party in Manitoba toward the institution of Parliament. That's why I mention it. Nothing reflects that attitude more than their arrogant march, under Mr. Schreyer — under Mr. Schreyer — down the hall to the Cabinet Room, when they said to this Legislature in that year, "To hell with parliament."

So, Mr. Speaker, when I rise to speak tonight on the third reading of the supply bill, which is the essence of parliament, I rise knowing that we would never do that. We would never do that to the people of Manitoba because we understand parliament.

So for my honourable friends opposite to talk about a tired government, to talk about a government that has no direction, Mr. Speaker, this government has never lost an understanding of what parliament is all about, and my honourable friends never understood it to start with. They were unfit to govern. They are unfit to govern and they always will be unfit to govern until they lose the addiction that they have to that rather quaint 19th Century ideology which seems to steam up — not all of them, Mr. Speaker, and may I say that the Member for Inkster is showing, in this session, freed as he is now, freed as he is, by his volition, from the yoke of that kind of 19th Century doctrine, the Member for Inkster is showing that kind — as he always has, may I say, Mr. Speaker, in this House — shown a respect for parliament and an understanding that the service of the public interest comes ahead of the service of an ideology, and if only more of my honourable friends could come to that understanding, then we would have, Mr. Speaker, a better parliament than we do at the present time.

Mr. Speaker, what were some of the remarks that were made tonight in this kind of a — what are the things that you toast over fire? — marshmallows — my honourable friend threw his last three wet marshmallows at the government tonight and they landed somewhere on the far side of the mace, Mr. Speaker. We have become accustomed to that, because my honourable friends still have their record around their neck. They still have that yoke around their neck, which weighs very heavily, as indeed it does, upon the people of Manitoba. And they have the nerve, under their Leader, to come into this House tonight and talk about this government bringing 100 or 115 bills before the Legislature of

Manitoba? They have the nerve, when in their day they brought hundreds of pieces of legislation to this House, much of it ill-prepared. —(Interjection)—

I hear the Member for St. Johns, in his usual way, giggling. I remind my honourable friends opposite of that dog's breakfast which they were pleased to call a family law for Manitoba. I remind my honourable friends opposite that it was the present Leader of the Opposition who piloted that piece of misguided legislation onto the statute books of the province of Manitoba and, Mr. Speaker, what was the first responsibility that we had in coming into office in 1977, after we reduced taxes, after we stopped the hemorrhage of moneys that were going out under their control? What was the first thing we had to do legislatively? To clean up the dog's breakfast that they had left and to leave behind us what? To leave behind us, Mr. Speaker, one of the most progressive pieces of family legislation, for which the Attorney-General of Manitoba can take considerable credit.

Mr. Speaker, my honourable friend, the Leader of the Opposition, well knows, from his discussions with the various women's groups in this province, that Manitoba now has the best, not because of him, but because of the corrections that were made, certainly not because of him, because the dog's breakfast that he left on the legislative books in Manitoba was unfit to call a decent statute in Manitoba.

And if my honourable friend doesn't like that one, perhaps he would like to compare his record on the collection of support moneys for abandoned wives in Manitoba compared to that of the present Attorney-General, who has got the best system going in Canada. He can sit with that sallow smile on his face all his wants, but I say to my honourable friend that if he wants to get up and fight, he wants to get into the heavyweight ring, then he had better be prepared to take what comes when he tried to crawl into the ring.

He deigned, Mr. Speaker, he deigned to talk tonight about the population of Manitoba. He deigned to talk tonight about the population of Manitoba, he, representing as he did, a government which drove more people and more money out of Manitoba than any government in the history of this province. The Member for Brandon East was the Minister of Economic Development in those days and he had a report in his possession, which he never revealed to the people of Manitoba, in which his own Civil Service told him how many tens of millions of dollars, the policies, the taxation policies of that misguided socialist government were driving, inevitably and almost forever, out of this province. Did they tell that to the people of Manitoba? No.

So, Mr. Speaker, if my honourable friend wants to talk about depopulation, then he had better go and talk to his friend, Premier Blakeney, next door, because the population of Saskatchewan today is less than it was in 1968, and they have never regained what their population was in 1968. —(Interjection)— Mr. Speaker, I am glad to hear the croakings from Brandon East, glad to hear the croakings from Brandon East, because was it not that outstanding economic intellectual who, in 1970, and I'm not disagreeing with his assessment in 1970, who in 1970 said, "A population increase is no indicator of economic progress in a province, in fact, it could be quite the opposite," said he, the

professor of economics from the University of Manitoba, also the Member for Brandon East. And I congratulate him on his acumen because now, when the province of Manitoba, under the Stats Canada figures, purport to show that there has been a drop of 3,700 people, or whatever the figure may be, a net drop in the population of Manitoba, who is the first on his feet to say that this is all of a sudden a very fundamental indicator of economic development in Manitoba?

Now, Mr. Speaker, the Member for Brandon East can't have it both ways. Either what he said in 1970 is right, or what he tries to say in this House is right, but he can't have it both ways. And he can't have it both ways in terms of economic development. Maybe my honourable friend from Brandon East would like to take some time, either tonight or at some other session, to explain why certain economic developments that could have taken place in Brandon didn't take place. Should we mention maybe Kraft Foods? Should we mention Kraft Foods? My honourable friends, caught up in their ideology at a time when it was trendily Left to be against Kraft Foods, we are advised, turned down an opportunity to have a Kraft processing plant here in the province of Manitoba — but, even worse, in the city of Brandon — because it was not in accord, trendily Left, to have Kraft come into Manitoba at that time. Maybe my honourable friend would like to explain to the electors of Brandon East how he and Mr. Schreyer and the Member for St. Johns and the present Leader of the Opposition inflicted that kind of an institutionalized envy upon the people of Manitoba so they could support their own rather quaint and silly 19th Century ideology. Maybe they would like to tell us that.

Maybe, Mr. Speaker, while they are at it, they would like to tell us about their negotiations with General Electric and Manitoba Hydro, when they had an opportunity in this province, Mr. Speaker, to provide 700 new, or 800 new industrial jobs in the province of Manitoba, and they turned that down; they turned that down. —(Interjection)— No, Mr. Speaker, lest I be misunderstood, that was not with respect to the Russian turbines, which were so close to their hearts. No, that was on another contract that they could have had. And those 700 to 800 jobs reside today, Mr. Speaker, where? In the province of Ontario, in the province of Ontario — because these great economic planners across the way, who stand up tonight in the person of the Leader of the Opposition and try to talk to us about economic management didn't have the wit, the brains or the understanding to attract industry to this province, to create jobs for this province. Mr. Speaker, what we have been attempting to do for three years is to clean up that unholy, bloody mess that they left in the eight or nine years that they were in office.

I know, Mr. Speaker, that what I say does not find favor. I regret, Mr. Speaker, that because I was elsewhere, when the forest fires were on, I was not able to participate in the debate on the Budget at that time. I really didn't expect, Mr. Speaker — (Interjection)— No, I didn't say — Mr. Speaker, contrary to the gutter insinuations of the Member for St. Johns, I didn't say that. If the honourable member would only realize that the color of his suit sometimes so matches his character, then he would

understand, Mr. Speaker, that kind of universal respect in which he is held by all members of this House.

Mr. Speaker, what else did the Leader of the Opposition say tonight? He didn't say a word, Mr. Speaker, about the White Paper, because he doesn't want to talk about it. He didn't say a word about the new program that was announced by the Minister of Finance in the Budget, the CRISP Program, the Child-Related Income Support Program for people on low income in Manitoba. Why didn't he talk about that? Why didn't he stand up and say, "You know, there are a lot of things that we disagree with you about," — there are a lot of things, ideologically, that they disagree with us about, Mr. Speaker — why didn't he have the fortitude to stand up and say, "but we do agree that the CRISP Program is good for the poor people in Manitoba." Why hasn't he got the graciousness to do even that? Because, Mr. Speaker, he belongs to that peculiar, and may I say sometimes freakish, group of people who belong to their party, who think that they have a total and a sole monopoly on compassion and understanding for the needs of all people in this province.

When we were in opposition, when we were in government before that, Mr. Speaker, I made it quite clear, as did many speakers on this side of the House on behalf of our party, that when elected to office, we did not have the kind of narrow tunnel vision with respect to whom we represented in this province. Do you not remember those famous words uttered by the former Premier of this province, now in other places, when he said that he didn't know what he would do if he had any members in Winnipeg who were elected from south of the Assiniboine River. He didn't know how he would feel with those members. That kind of sophomore 19th Century class identification that became so typical of the former leadership and the former party that sat in these seats in this province.

Mr. Speaker, were they not the same people who said, under their leader at that time, that everybody in Manitoba was going to be under the two and a half times one rule? Yes. And as my colleague, the Minister of Consumer Affairs said, Mr. Speaker, the NDP ladder of success in Manitoba was going to have two and a half rungs. That's why they were turned out of office, Mr. Speaker, in October of 1977, because they had degraded the whole business of running the public affairs of Manitoba and they had surrendered it completely to this kind of quaint and outdated kind of ideology that some of them still cling to. Others among their group haven't even learned the facts of life and that's why you hear, as we did tonight, rhetorical speeches from people such as the Member for Churchill, who really haven't emerged yet into the 20th Century. They are still reading the tomes in the 19th century, and they believe that all this nonsense about class warfare and all of the things and all of the envy that they have feed upon is still true. (Interjection)

Mr. Speaker, the Member for Point Douglas says, call an election. This government hasn't been in office yet three years, but I daresay, Mr. Speaker, that when we do come to call an election it won't — the results will —(Interjection)— yes, well I say that God in heaven, as my honourable friend knows perhaps better than most of us, God in heaven will

be the judge ultimately of the conduct of all of us. But in the meantime I think the people of Manitoba may help him along, and I don't think that my honourable friend in the temporal field is going to like the results that sees when that election is called, and he may be issuing a prayer to God on high, to —(Interjection)— Thank you, I thank my honourable friend, he says he is praying for me. I think he should pray for all members of the Legislature because I can think of no group that need them, for the believers and the non-believers.

Mr. Speaker, why didn't the Leader of the Opposition talk about the White Paper tonight. He didn't talk about the CRISP program that's going to redirect something like 28 million, along with the enlarged and enriched SAFER program for senior citizens in this province. No, he wants to forget about that. And when the government of Manitoba goes ahead in its regular way and prints a brochure on the White Paper reforms in Manitoba, the best that the opposition can stand up and say, Mr. Speaker, is, oh it's political propoganda. They should deign to talk in this House, Mr. Speaker, about political propoganda. They who, when I was running in Souris-Killarney in the by-election in 1976, in a constituency in which they didn't stand the chance of a snowball in hell, because the people there knew them inside and out, they were the ones in whose committee room were displayed all of the government publications up-to-date, and we didn't find any fault with that at all, Mr. Speaker. That was part of the government program. But for anyone, particularly the Leader of the Opposition, to stand up with that wan smile on his face and try to indicate that somehow or other this is a political document and that he would wash his hands, in effect like Pontius Pilate, and not be in touch with any kind of political propoganda is, Mr. Speaker, a kind of political hypocrisy at its highest.

Mr. Speaker, they ran one of the biggest propoganda machines that the province of Manitoba has ever had, and how were we able to bring under control that soaring deficit that they left us with? I notice that the Member for Seven Oaks has left, because he knew he would I return. He knew I would return, Mr. Speaker, to an announced deficit, because the deficit that the Member for Seven Oaks announced in September of 1977 was 25 million, and not going any higher — I don't have the clipping in front of me — and those words were echoed, Mr. Speaker. Those words were echoed by the then Premier of the day. According to them when they were in office, this great government that was so able in the administration of public affairs, one of the most incompetent, one of the most patronage-ridden groups that ever occupied the treasury benches in this province — they tried to stand up in this House or in any other platform in the province of Manitoba and to mislead and to misguide the people of this province and try to tell them that they were purer than the driven snow. Mr. Speaker, as I've said, they were amongst the most incompetent and the most patronage-ridden people who ever occupied the treasury benches and pray God, who ever will occupy the treasury benches of this province. The highest announced deficit, says he, tonight in his place.

Mr. Speaker, at least we tell, as honestly and as factually as we can, the people of Manitoba, on an

annual and on a quarterly basis, how their public affairs are being managed. I stood in this House, Mr. Speaker, in 1977 and invited the then Premier of this province and the then Minister of Finance to engage in that kind of quarterly report to the people of Manitoba so all of us would know. We are now getting those reports on a quarterly basis. We now get the public accounts of the province of Manitoba on a timely basis. We now deal with them very shortly after the close of the fiscal year, and that is accountability in government. We never hear a word from my honourable friends about that. But, Mr. Speaker, I don't expect them to carry laurels of flowers to us any more than I expect them to tell the people of Manitoba that the White Paper reforms proposed by the Minister of Finance in his budget are among the most progressive reforms that have ever been advanced in this province to help the people who really need that help.

Very shortly, Mr. Speaker, the Minister of Community Services will be announcing the enhanced program for day care and day care related programs in Manitoba, which are part also of the White Paper. You don't hear much talk about that from across the way — no, not much talk about that. But in their usual niggling, crying, whining way, they try to pick up little tidbits here and there, like the canary looking for the lost seed, and try to erect out of that some indictment against this government. Mr. Speaker, they can work all they want with their seeds, but they will have a monumental task to overcome the sad and the terrible record that they left for the people of Manitoba, both with respect to their accountability for the public trusteeship of public funds in this province, for the public debt that they left around the necks of the people of Manitoba, which will be here for generations or more to come, and that they should the brass, Mr. Speaker, to stand up in this House tonight, or on any other occasion, and talk about public debt.

Do they not remember that very piquant situation in this House, when I was sitting in the seat of the Leader of the Opposition, and the present Governor General was sitting in this seat, and I stood up and indicated what the per capita public debt of the people of Manitoba was? —(Interjection)— The gross, yes, now the Member for St. Johns makes the distinction which his leader failed to do. He stood and sat silent up there somewhere when his leader stood up and said that when I made the comment about Manitoba having the second highest per capita gross debt in Canada, that I was out by a factor of ten. Where was the cry of outrage then? Where was the cry of outrage then from the Member for St. Johns? It all depends on whose ox is being gored, and the Member for St. Johns sits as a living example of that kind of selectivity in terms of what arouses his so-called morality.

Mr. Speaker, what else did the Leader of the Opposition say tonight? The Leader of the Opposition said tonight that there was an unnecessary health worker stoppage in this province, and I suppose he is referring to the recent stoppage that we had at the Health Sciences Centre and other institutions in Manitoba. And what pray, Mr. Speaker, did we hear by way of constructive advice from the members of the opposition when that strike was in progress? Do you know what we heard from them?

They licked their fingers and went outside the back door and they held it up to the wind and they said, well you know, first of all if we can goad the government into forcing the workers back to work, that's something that we can really hammer them with for a while. It didn't matter a particular damn, Mr. Speaker, whether that was in the public interest or not.

Then they said, Mr. Speaker, why is the Minister not negotiating directly with the people; why is the Minister of Health not involved in the negotiations? They who on other occasions stand up and hold themselves up to the public of Manitoba as being the supporters of true collective bargaining in this province, the only defenders of the working people — what hogwash, Mr. Speaker. They lick their fingers, they hold them up to wind and whichever way the wind is blowing, they will speak and move.

Mr. Speaker, I would not have mentioned that topic tonight had it not been raised, foolishly I think, by the Leader of the Opposition, because in terms of pure and crass political opportunism, I never saw such a disjointed act as we saw from the opposition when that serious strike was underway in the province of Manitoba. Where was their responsibility at that time, when the Ministers were working to solve it and eventually did solve it through the processes of collective bargaining? So for the Leader of the Opposition to stand in his place tonight and try to make some cheap political points out of the strike of the support workers in the hospitals and other institutions in Manitoba, I say, Mr. Speaker, rather more epitomizes what that party stands for, which is nothing except pure political opportunism and an adherence to a fundamental way that even they don't understand; an adherence to a kind of outdated Marxist doctrine that has never worked anywhere on the face of the earth.

My honourable friend, the Leader of the Opposition, talked about rent decontrol. Let's have a word or two on rent decontrol, Mr. Speaker. On rent decontrol, when did you hear any of them stand up and say to the people of Manitoba, look, in this whole century we have had rent control in Manitoba from 1940 to 1946 and then we had it in Manitoba from 1976, starting to phase out in 1978, and terminated in 1980. To hear them, when they were speaking, you would think that rent control was the norm. You would think that rent control is what all good citizens should have in the public interest.

Mr. Speaker, with that kind of befuddled bureaucratic mentality that they have across the way, which says of course that the state should control everything, then you can understand the complete change of face. The Leader of the Opposition — no, to be fair it was not the Leader of the Opposition tonight, but one of his spokesmen in recent days talked about the government's changing tactics or changing position with respect to legislation. How would the Leader of the Opposition like to stand in his place tonight, and tell us when he sat on this side of the House, and Mr. Schreyer stood in this place, and stood before this House and said to the people of Manitoba and to the Legislature, we are bringing in rent control to be contemporaneous only with wage and price control. And we stood in our places on that side of the House and said it's a bad thing, and there were a number of speakers, Mr.

Johannson and others on this side of the House, who said yes, it's not a good thing. It's a short term panacea, that's all, and we asked, when we were in opposition, that they should put a self-destruct clause in the Rent Control Bill. Does my honourable friend, the Leader of the Opposition, not have that acute a memory? And the then Leader of the Party stood up in his place, in this seat, and said we don't have to put it in, Mr. Speaker; it's a useful suggestion, but we don't have to put it in because we intend to end rent controls when wage and price controls end in Canada.

Those were the words of passing truth spoken from this seat at that time. I can excuse, Mr. Speaker, members who were elected since 1977 not knowing that history, but to hear some of the members of this House stand in their place and try to berate this government for terminating rent control when we announced two years ago that that was the policy and that we were carrying out in effect the obligation of the previous government of Manitoba, says a great deal. My honourable friend from St. Johns is a great one for the record. Let him read the record from 1976 and see what his then leader said, and if he feels his ethics are so uproariously disturbed by that, let him write a letter. Let him write a letter to the Governor-General of Canada and tell him just how badly he feels that that promise wasn't carried out; and furthermore, Mr. Speaker, how badly he feels that his party has turned turtle completely, sticking their fingers into the wind and saying, we know that there are going to be on the periphery, some people who were going to suffer from the decontrol in rent, of course we know. We know that too, and we are as more genuinely concerned with them than I suggest my honourable friends. We have at least have the guts to carry out our policy, which is more than my honourable friends had when they were in office.

Mr. Speaker, not only are we carrying out our announced policy, announced by the Minister of Consumer Affairs in April of 1978, we are carrying out the fundamental undertaking made by them when they were in office and brought the bill in, in 1976, but not a word did we hear from any of their speakers about that very interesting history of rent control. Other provinces are getting out of it and there are going to be withdrawal pains and the duty and the responsibility and the obligation of this legislature collectively, as we have done, is to try to make sure that we can protect those who are the weakest in society as we withdraw out of what is genuinely regarded in all parts of the world as something that is not in the long term interests of landlords or tenants or other people in rental accommodation. Indeed, it was Bierdahl, I think, the great left-wing Swedish economist, who said: The best way to destroy a city is by rent control; the only better way is by bombing. And my honourable friends know that all of that literature exists as well.

And yet they stand up in this House, Mr. Speaker, trying to parade themselves as the only defenders of the defenseless in Manitoba. That's pure hypocrisy — that's pure hypocrisy. They know, and some of their own people in caucus know, that the public interest of this province demands that we do get out of rent control when we've got a vacancy rate that will accommodate the kind of withdrawal that we

have to go through. Do they ever stand up and acknowledge that 40 percent of the rental accommodation in Winnipeg and Brandon today is already decontrolled? You don't hear a word about that, Mr. Speaker, just the usual crass kind of "we're for the poor and defenceless, you're for the big and the rich" and so on, which really doesn't wash in this province anymore — it really doesn't wash. It's 19th century, it's out of date. Why don't you favour us, Mr. Speaker, I say to the Leader of the Opposition, why doesn't he favour us with something a little more intellectually stimulating than that kind of 19th century garbage?

Mr. Speaker, reference was made by the Leader of the Opposition tonight to our alleged tagging behind Lougheed. I heard those words from the lips of the Leader of the Opposition tonight. I heard the Member for Brandon East stand up, though, day before yesterday, and he didn't say we should tag behind the Premier of Ontario, Premier Bill Davis. He said we should jump into bed with them on their energy pricing policy program, which is designed for the people of Ontario and for the golden triangle in the industrial heartland of the people of Ontario.

That's the kind of advice we're getting from across the way. I never indicated, Mr. Speaker, at any time, nor have we in our statements, that we accept the particular pricing formula that are advanced by the province of Alberta. Let it be clearly understood once and for all — if my honourable friend doesn't know it, he should learn it fairly quickly — that the discussions on energy pricing in Canada are made between the Premier of Alberta and the Prime Minister of Canada. And if you don't have very many chips — and we don't in Manitoba, we produce only a fraction of our requirements in oil and natural gas — you don't play at that particular table. And if my honourable friend, God forbid, ever gets across to this side of the House again, he'll learn that fact fairly soon.

But let me go further, Mr. Speaker, and say this: when he chose to open up the energy pricing policies of the government of Alberta, what else was he saying? He was saying that energy pricing is all-important. What I was attempting to say the other day, Mr. Speaker, and what we said in our statement, which is again contained in this budget document, for the edification of honourable members opposite who want to read it, was that energy supply, believe it or not, is going to be more important than energy pricing in this country. If we don't have the energy produced within this country, this country is going to be in dire straits, and my honourable friend may be quite content to have the people of Canada — and I'm not talking just about the people of Manitoba, I'm talking about the whole Canadian nation; I'm talking about the Manitoban and the western Canadian farmer; I'm talking about eastern industry; I'm talking about our mines in the north and our pulp mills; I'm talking about our service industry, our tourist industry; I'm talking about everything for which fossil fuel energy is needed in this country. And if he wants to leave this country hostage — hostage, Mr. Speaker — to the Kuwaitians and to the Middle East emirates, and to Venezuela, and to Mexico, then he can go and hie off behind anyone that he wants to follow who preaches

that false doctrine to the people of Canada. I don't, and this government doesn't.

We want self-sufficiency of supply in this country, and we are going — I'm sorry that that message has not been imprinted yet on the grey matter in my honourable friend's skull, to know that what is important in the decade of the 80s is supply and that pricing is relatively, by comparison, a second tier subject, but supply is important. Mr. Speaker, if you don't have any oil, why do you worry about the price of it? It's like that marvelous story that Myron Cohen used to tell, about going to the two butchers, the one who had the lamb chops at 1.25 a pound, and the other fellow who said, I've got them at 45 cents a pound. He said, fine, I'll take five pounds. He said, sorry, I haven't got any, but when I do have them, I sell them for 1.25.

Mr. Speaker, that's what we face in Canada. We're now dependent 20 percent on foreign oil supplies, whereas five years ago we were self-sufficient in terms of Canadian production. And how much further, by this crazy kind of pricing policy that is engaged in by the federal government at the present time, defended — defended apparently by the Leader of the Opposition, not defended by the Premier of Saskatchewan, but defended by the Socialist Leader of the Opposition here. How long are we going to have people paying homage to that kind of false doctrine which is guaranteed to lead this country into a kind of economic degradation, the likes of which we have not even begun to think about.

So, Mr. Speaker, I'm not tagging along behind Premier Lougheed. I'm not tagging along even behind Premier Blakeney. But I am trying to say that the people of Canada have to have a rational pricing policy if they are going to maintain the supply in this country, and that that was the message that was given at the energy conference in November of 1979 by nine of the ten provincial governments in this country, and by the then federal government. And if my honourable friend wants to be the odd-man out, that's fine and dandy by me, but I merely tell him that there are people in this country who understand the energy policy a little bit better than my honourable friend's technique of going out, wetting his finger and holding it up and saying, oh well, Joe Clark was defeated because he put 18 cents on gas; that must be a pretty good policy. So, we're coming up to an election in 18 months or 15 months or whatever the time may be, we can't be too far wrong if we're opposed to increased energy prices.

You may not be wrong in a partisan sense, Mr. Speaker, but you're wrong in the sense of the public interest of this country, and that is the only service that we have to make in this House, to the public interest of this country. My honourable friend finally talked about the sliding state of the economy in Manitoba. May I pay him and some of his friends in the media a little bit of a tribute, Mr. Speaker, because they've done a reasonable job in trying to convince the people of Manitoba that this province that this province is actually backsliding. They've done a reasonable job, through selective use of statistics, through the accentuation of unimportant statistics, one of which we talked about earlier, the population statistic mentioned by the Member for Brandon East, who of course completely contradicts

himself, but that doesn't matter — you know, you stick your finger in the wind and you hold it up, and if the wind blows in one direction, that's the way you talk.

Well, Mr. Speaker, the fundamental indicators in this province are good. They are good. They are more than good, Mr. Speaker, they are better than many of us have reason to hope they would be, after the eight years of slurry and slide and intimidation that my honourable friends opposite provided to the entrepreneurial sector in this province and literally drove people out of the province and built up their own kind of Berlin wall to keep people outside of Manitoba. They didn't want General Electric; they didn't want Kraft; they didn't want those kinds of job-producing industries in Manitoba, no. They were much more concerned, Mr. Speaker, about Saunders Aircraft, that marvelous example of socialist entrepreneurship, which, at 40 million, went broke and bankrupt.

And before my honourable friend from Inkster says anything, let me say that the argument that he has traditionally used about the federal government not fulfilling contracts and so on is part of that picture. At the same time, Mr. Speaker, it catered to that rather quaint notion that they have across the way, that government could run things better than ordinary people. Well, government can't run things better than ordinary people in this province, and the economy of Manitoba is demonstrating it at the present time — one of the highest levels of job participation ever in the history of the province of Manitoba; still the third lowest unemployment rate in the country, Mr. Speaker, still that; manufacturing exports and production that have gone up miraculously above the national average over the last two to three years, after suffering a slump when my honourable friends were in office. But they don't talk about that.

And some of their friends in the media who used these same —(Interjection)— some, some, Mr. Speaker. I suggest to the Member for St. Johns that he read a new book that is out on the market. He won't like it, but I suggest that he read it. It's called Confessions, and it's by an Ottawa writer by the name of Barbara Amiel. It's relatively available to most people. (Interjection)— Mr. Speaker, it may be Mickey Mouse to some of my honourable friends opposite, but it goes to underline what I say, and I say it without any rancour whatsoever. Some of my honourable friends' friends in the media like to repeat their selective statistics, but the story in Manitoba and the people in Manitoba know differently. They know that the economy of Manitoba is recovering from that kind of socialist aftershock that we had for eight years. They know, Mr. Speaker, that the different indicators that I have indicated, both in terms of employment, in terms of manufacturing outlook, in terms of farm income until we had the drought this year — I wonder, Mr. Speaker, why the Leader of the Opposition didn't blame the drought on us.

Mr. Speaker, we know that there is a final feasibility study on for a potash mine in western Manitoba and we know that there will be some word on that this fall. We know that we are in the final feasibility study, Mr. Speaker, for the western power grid, and if that desirable concept can be brought

about it will mean the start again of construction on the Nelson River. Not the kind of haphazard construction that my honourable friends engaged in, but steady construction to meet known and identified markets for the benefit of the people of Manitoba.

And so all of these things, Mr. Speaker, I had no intention of saying tonight until my honourable friend gave me a check-list that I've just moved down. He talked about the population; he didn't talk about the White Paper; he talked about the highest budgeted deficit announced; he talked about the debt-per-person which my honourable friends inflicted on the people of Manitoba, not this government; he talked about the unnecessary health workers stoppage; he talked about rent decontrol; he talked about tagging along behind Lougheed; he talked about the alleged sliding state of the economy. Mr. Speaker, he talked about nothing. He talked balderdash, and because he talked balderdash, he'll continue to sit for a long time on that side of the House.

MR. SPEAKER: The Honourable Member for Point Douglas.

MR. MALINOWSKI: I would like to congratulate the First Minister for a wonderful speech.

QUESTION put, MOTION carried.

MR. SPEAKER: The Honourable First Minister.

MR. LYON: Mr. Speaker, I beg to move, seconded by the Honourable Minister without Portfolio,

That whereas the Prime Minister of Canada and the Premiers of the provinces have agreed to give high priority to proposals for reform of the Canadian Constitution in order to make it more effective in meeting the needs and requirements of Canadians;

And whereas many constitutional proposals have been advanced by governments, interested organizations and by individual Canadians in recent years; and whereas First Ministers will be considering such proposals for making our existing Constitution more effective;

And whereas it is desirable and in the public interest to obtain the opinions of the people of Manitoba on proposals for constitutional reform;

Now therefore be it resolved that the Standing Committee on Statutory Regulations and Orders of the Legislature be authorized to enquire into matters relating to proposals for the amendment of the Constitution, to hold such public hearings as the Committee may deem advisable, to sit during recess after prorogation and to report to the next session of the Legislature.

Mr. Speaker, in making that motion, I indicate for the record that the members of the committee designated by the Whips of the government and the opposition party are as follows: Messrs. Blake, Brown, Steen, Hyde, Kovnats, Mercier, Einarson, Desjardins, Schroeder, Uskiw and Parasiuk.

MOTION presented.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, I'd like to just say a few words pertaining to this motion. Mr. Speaker, the committee was suggested, urged, some three months ago, first announced, I think it was, in the 1979 Throne Speech by the First Minister, indicated at that time there would be a committee in order to review constitutional proposals.

Mr. Speaker, the regrettable fact is that the committee is now being formed, after indeed there have been meetings for at least three weeks involving the Attorneys-General of Canada, meetings that have been held, for some reason best known to themselves, in camera, meetings which have discussed some 12 position papers that are being developed between the federal and provincial governments.

Mr. Speaker, we would urge that the committee, if it is to have any effectiveness whatsoever at this late date, that the hearings do take place just as soon as is possible. Mr. Speaker, there is not much point in ensuring that the public will have real input into this committee's work in the development of proposals and initiatives if the public are making their submissions not only after the Attorneys-General have completed their meetings with the Minister of Justice, Canada, but also the meetings have taken place after the federal-provincial conference which is to take place in September.

I fear, Mr. Speaker, that the committee already would be doing little but to review hard and fast positions that have already been adopted by the Attorneys-General, by the province of Manitoba at the federal-provincial conference. We will be supporting the establishment of this committee; we will be participating. Our only disappointment is that the formation of this committee, the hearings, the public input, might have indeed have come, Mr. Speaker, at a time when it would have really been worthwhile, at a time when indeed the public in Manitoba would assist and contribute in the development of proposals, rather than to request the public to make their submissions after already the province of Manitoba has staked out its position.

I trust, Mr. Speaker, that the hearings will take place in various parts of the province, including northern Manitoba. I trust that all the position papers that have already been tabled by the Attorney-General will be made available to the committee, to its members, so that they may be discussed in the openness that indeed they deserve to be considered. We all, of course, accept the fact that the work of this committee is important in view of the discussions that are taking place, the prodding, the urging of Ottawa, the participation of the provinces and the work towards a new constitution to reflect new purposes and objectives in the renewing of confederation.

MR. SPEAKER: Are you ready for the question?
The Honourable First Minister.

MR. LYON: Mr. Speaker, very briefly, to respond to the Leader of the Opposition, this committee has been undertaken by the present government of Manitoba since the early days of our administration, at the time when we said it would be appropriate for the committee to meet and hear representations. Had we listened to the requests of the opposition

two years ago, we would have wasted an awful lot of time in having a committee that was listening to proposals that are now defunct.

This is the appropriate time to have the committee and that is why the resolution is being moved at this time. The committee, as has been undertaken before, will travel throughout the different regions of Manitoba to solicit the opinions of the people of Manitoba on the current up-to-date constitutional proposals that are before them. I am sure that the members of the committee, from both sides of the House, will benefit from that kind of input that the people of Manitoba can make. The province of Manitoba, from time to time, will be making public and before the committee, its proposals with respect to various matters, but lest my honourable friend, Mr. Speaker, get trapped into what I call the Trudeau Syndrome, that the constitutional discussions are going to end on the 12th of September, let him rest easy. The constitutional discussions in this country are not going to end between the 8th and the 12th of September of 1980. They are going to go on for some time. But we are reaching one of the signposts on that trail toward building a renewed federalism in Canada and this committee, I think, will be extremely helpful in the achievement of that goal.

QUESTION put, MOTION carried.

ROYAL ASSENT

DEPUTY SERGEANT-AT-ARMS (Mr. Myron Mason): His Honour, the Lieutenant-Governor.

His Honour, F.L. Jobin, Esquire, Lieutenant-Governor of the province of Manitoba, having entered the House and being seated on the Throne, Mr. Speaker addressed His Honour in the following words:

MR. SPEAKER: May it please Your Honour.

The Legislative Assembly, at its present session, passed several bills, which in the name of the Assembly, I present to Your Honour and to which bills I respectfully request Your Honour's Assent.

- No. 7 -An Act to amend The Manitoba Evidence Act.
- No. 8 -An Act to amend The Fire Departments Arbitration Act.
- No. 9 -An Act to amend The Limitation of Actions Act.
- No. 12 -The Law Fees Act. Loi sur les frais judiciaires.
- No. 13 -An Act to amend The Defamation Act.
- No. 15 -An Act to amend The Brandon Charter.
- No. 19 -The Education Administration Act.
- No. 31 -The Public Schools Act.
- No. 32 -An Act to amend The Real Estate Brokers Act.
- No. 37 -An Act to amend The Highways Department Act.
- No. 38 -An Act to amend The Highway Traffic Act.
- No. 39 -An Act to amend The Social Allowances Act.
- No. 46 -An Act to amend An Act Incorporating The Regent Trust Company.
- No. 47 -An Act to amend The Land Acquisition Act.
- No. 48 -An Act to amend The Legislative Assembly Act.

No. 51 -An Act to amend The Highways Protection Act.
No. 54 -An Act to Grant Additional Powers to Charleswood Curling Club Ltd.
No. 55 -An Act to incorporate Brandon University Foundation.
No. 56 -An Act to amend The Child Welfare Act.
No. 57 -An Act for the Relief of Ingibjorg Elizabeth Alda Hawes and George Wilfred Hawes.
No. 59 -An Act to amend The Fatality Inquiries Act.
No. 60 -An Act to amend The Municipal Act.
No. 61 -An Act to amend The Dairy Act.
No. 65 -The Registered Nurses Act.
No. 66 -The Registered Psychiatric Nurses Act.
No. 67 -An Act to amend The Municipal Act.
No. 68 -An Act to amend The Local Authorities Election Act.
No. 70 -The Blood Test Act.
No. 72 -The Securities Act, 1980.
No. 76 -An Act to amend The Consumer Protection Act.
No. 77 -The Family Law Amendment Act being An Act to amend The Queen's Bench Act, The Family Maintenance Act, The Judgments Act, The Marital Property Act and The Real Property Act and to repeal The Parents' Maintenance Act.
No. 78 -An Act to amend The Executions Act, The County Courts Act and The provincial Judges Act.
No. 79 -An Act to amend The Expropriation Act.
No. 80 -An Act to amend The Payment of Wages Act and The Real Property Act.
No. 81 -An Act to amend Various Acts Relating to Courts of the Province.
No. 82 -An Act to amend The Clean Environment Act.
No. 83 -An Act to amend The Landlord and Tenant Act and The Condominium Act.
No. 84 -The Lotteries and Gaming Control Act.
No. 85 -An Act to amend The Mental Health Act.
No. 86 -The Milk Prices Review Act.
No. 87 -The Licensed Practical Nurses Act.
No. 89 -An Act Respecting The City of Brandon and Certain Neighbouring Municipalities and to amend The Brandon Charter.
No. 91 -An Act to amend The Brandon Charter (2).
No. 93 -The Dutch Elm Disease Act.
No. 94 -An Act to amend The Health Sciences Centre Act.
No. 95 -The Elections Act.
No. 96 -The Elections Finances Act.
No. 97 -An Act to amend The City of Winnipeg Act.
No. 98 -The Statute Law Amendment (Taxation) Act (1980).
No. 99 -An Act to amend The Teachers' Pension Act.
No. 100 -An Act respecting the Assessment of Property for Taxation in Municipalities in 1981 and 1982.
No. 101 -An Act to amend The Planning Act.
No. 103 -The Wildlife Act.
No. 104 -An Act to amend The Highway Traffic Act (2).
No. 105 -The Statute Law Amendment Act (1980).
No. 107 - An Act to amend The Public Utilities Board Act and The Manitoba Telephone Act.
No. 108 -An Act to amend The Water Power Act.

No. 112 -An Act to amend The Income Tax Act (Manitoba).
No. 113 -The Manitoba Energy Council Act.
No. 114 -The Manitoba Energy Authority Act.
No. 115 -An Act to amend The Homeowners Tax and Insulation Assistance Act.

MR. CLERK: In Her Majesty's name, His Honour the Lieutenant-Governor doth assent to these bills.

MR. SPEAKER: We, Her Majesty's most dutiful and faithful subjects, the Legislative Assembly of Manitoba in session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's person and Government, and beg for Your Honour the acceptance of these bills:

No. 23 -An Act to Authorize the Expenditure of Money for Capital Purposes and Authorize the Borrowing of the same.

No. 74 -An Act for Granting to Her Majesty Certain Further Sums of Money for the Public Service of the Province for the Fiscal Year Ending the 31st day of March, 1981.

No. 75 -An Act for Granting to Her Majesty Certain Sums of Money for the Fiscal Year Ending the 31st Day of March, 1981 and to Authorize Commitments to Expend Additional Money in Subsequent Years and to Authorize the Borrowing of Funds to Provide for the Cash Requirements of the Government.

MR. CLERK: His Honour, the Lieutenant-Governor, doth thank her majesty's dutiful and loyal subjects, accepts their benevolence and assents to these bills in Her Majesty's name.

HON. FRANCIS L. JOBIN: Members of the Legislature, before I begin, I would like to make the observation that you missed a great football game tonight, but that's your own fault. I missed the second half, and that was the fault of the Clerk of this Assembly.

Mr. Speaker and Members of the Legislative Assembly:

The work of the Fourth Session of the Thirty-First Legislature has now been completed. I wish to commend the members for their faithful attention to their duties, including many hours devoted to consideration of bills and estimates, both in the House and in the Committee. I convey to you my appreciation of your concern for the public interest and for the general welfare of our province.

I thank you for providing the necessary sums of money for carrying on the public business. It will be the intention of my Ministers to ensure that these funds will be expended with both efficiency and economy by all departments of the government.

In relieving you now of your present duties and declaring the Fourth Session of the Thirty-First Legislature prorogued, I give you my best wishes and pray that under the guidance of Divine Providence, our province may continue to provide the things which are necessary for the health, the happiness and the well-being of all our people.

MR. MERCIER: It is the will and pleasure of His Honour, the Lieutenant-Governor that this Legislative Assembly be prorogued until it shall please His

Tuesday, 29 July, 1980

Honour to summon the same for the dispatch of business, and the Legislative Assembly is accordingly prorogued.

God Save the Queen was sung.