



FOURTH SESSION — THIRTIETH LEGISLATURE

of the

Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS

26 Elizabeth II

Published under the
authority of
The Honourable Peter Fox
Speaker



VOL. XXIV No. 71B MONDAY, MAY 30, 1977 2:30 p.m.

THE LEGISLATIVE ASSEMBLY of MANITOBA
Monday, May 30, 1977

TIME: 2:30 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Honourable Peter Fox (Kildonan): Before we proceed I should like to direct the attention of the honourable members to the gallery where we have 25 students of Grades 7 and 8 standing of the Grand Rapids School under the direction of Mr. R. Koreen. This school is located in the constituency of the Honourable Member for The Pas, the Minister of Northern Affairs. On behalf of the honourable members we welcome you here.

Presenting Petitions; Reading and Receiving Petitions.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The Honourable Member for Logan.

MR. WILLIAM JENKINS: Mr. Speaker, I beg to present the First Report of the Committee on Law Amendments.

MR. CLERK: Your Committee met on Monday, May 30, 1977 and considered Bills:

No. 4 - An Act to amend The Land Acquisition Act,

No. 5 - An Act to amend The Expropriation Act,

No. 20 - An Act to amend The Social Allowances Act,

No. 27 - An Act to amend The Health Services Insurance Act,

No. 28 - An Act to amend The Elderly and Infirm Persons' Housing Act and the Health Services Act,

No. 33 - An Act to amend The Licensed Practical Nurses Act,

No. 44 - An Act to amend The Marriage Act,

No. 68 - An Act to amend The Social Services Administration Act. And has agreed to report the same without amendment.

Your Committee also considered Bills:

No. 2 - An Act to amend The Securities Act,

No. 7 - An Act to amend The Provincial Judges Act. And has agreed to report the same with certain amendments.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Mr. Speaker, I move seconded by the Honourable Member for Ste. Rose that the Report of the Committee be received.

MOTION presented and carried.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister for Consumer Corporate Affairs.

HONOURABLE RENE TOUPIN: Mr. Speaker, I would like to announce that the Manitoba Telephone System takes this opportunity to invite every member of the House to participate in one of the most comprehensive and complete business communication presentation ever assembled under one mobile roof. The project is called, "Let's Talk Business." There will be working units of all the latest telephones, a small solid state switch board, electronic secretaries, pages, and mobile units. The data field will have the latest terminals all working through the Manitoba Data Services computer programs, designed to demonstrate the flexibility of the total system concept. There is a trailer now located on the southeast corner of the legislative grounds, that exhibits a full range of voice and data terminal connected to MTS exchange facilities and capable of hand-ons, operation design to demonstrate to the business people in the province, the availability of communication, that may be used by them to solve their problems not only in communications, but also in transportation and statistical areas of concern.

Presentation by voice and data consultants are scheduled hourly from 10 a.m. to 5:00 p.m., June 1st and June 2nd, and I, as Minister responsible for MTS, would personally like to invite every member of the House to preview the trailer before it proceeds north next week to begin its tour of 20 cities and towns in the province. Because of space limitation, MTS is attempting to schedule the participants and I request if you are interested, please indicate your time preference to Mr. Art Powell, project manager, at the telephone number indicated.

MR. SPEAKER: The Honourable Member for Riel.

MR. DONALD W. CRAIK: Mr. Speaker, I wonder if I could direct a question to the Minister and perhaps he might want to answer at the question period if he doesn't feel disposed to now, but with regard to the electronic secretarial business, how many other private companies in Winnipeg or in Manitoba will the MTS be in competition with in going into this field?

MR. SPEAKER: We are running into a procedure of difficulty, asking a question during a Ministerial Statement. I would advise the Minister to answer the question when we get into the

question period.

Any other Ministerial Statements or tabling of reports? Notices of motion; Introduction of Bills.

Before we get into the question period, I personally have a question to raise of the House. I had sent out a letter in respect to the Internal Economy Board in respect to telephone numbers that the members were supposed to reply on if they wanted this new Zenith number to start for June 1st. To date, I have had very few replies so I would hope the members would co-operate and check their mail if they haven't done so and reply to my office.

ORAL QUESTIONS

MR. SPEAKER: The Honourable Member for Riel.

MR. DONALD W. CRAIK: Well' Mr. Speaker, perhaps I could direct the question to the Minister at this point that I asked him during his Ministerial Statement.

MR. TOUPIN: Well, Mr. Speaker, I don't really know. That is something that can be checked into. It's really up to any private company to offer the same type of service that is being now offered by the common carrier, the common carrier being owned and operated by the people of this province.

MR. CRAIK: Mr. Speaker, I wonder if the Minister would make enquiries and advise the House how many private companies are now operating electronic secretarial service that is the same as what the MTS is now moving into.

MR. TOUPIN: Sure, for my own benefit, Mr. Speaker, I will. That is something the honourable member can check for himself but I will certainly check into the matter myself. In any case, the Manitoba Telephone System is offering this type of service and I felt it a courtesy to have the members of the House view it before the trailer goes and make an extensive tour of the province.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Mr. Speaker, I would like to direct a question to the Minister of Consumer and Corporate Affairs dealing with his portfolio as dealing with credit unions and Caisse Populaire in the Province of Manitoba. This is with regard to a story that appeared in the Winnipeg Tribune on Saturday, May 28th, that the Provincial Government has bailed out the credit union . . .

MR. SPEAKER: Question please.

MR. JENKINS: . . . to the extent of \$250,000 grant and one million dollar interest-free loan. Is this a fact, through you to the Honourable Minister.

MR. SPEAKER: The Honourable Minister of Consumer and Corporate Affairs.

MR. TOUPIN: Well, Mr. Speaker, this is completely false reporting by the Winnipeg Tribune. It is more than misleading, Mr. Speaker, it is false. I challenge any member of this House or any of the dailies to find that type of statement in my remarks on second reading of the bill. There was a financial responsibility taken by the Stabilization Fund but not by the Crown. To my knowledge, Mr. Speaker, never in the history of credit unions in this province has any government bailed out any credit union. No member in my recollection since 1938 has lost funds in credit unions and never in my knowledge has any government in this province, either provincial or federal, bailed out credit unions.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. HARRY J. ENNS: Well, Mr. Speaker, I just want to underline for clarification purposes that answer. What the Honourable Minister was saying is that this government has been not any more helpful or any more helpful in bailing out any credit union than any other government. Is that what he's saying?

MR. TOUPIN: Mr. Speaker, the Honourable Member for Lakeside knows that . . .

MR. SPEAKER: Order please.

MR. TOUPIN: Mr. Speaker, the Honourable Member for Lakeside should at least have the courtesy of listening when someone else is talking. Credit unions have never had to be bailed by governments in the past. This government, Mr. Speaker, and he knows that, this government has treated credit unions much better than the previous administration, in many ways.

ORDERS OF THE DAY

ORDER FOR RETURN

MR. SPEAKER: The Honourable House Leader.

HONOURABLE SIDNEY GREEN (Inkster): Mr. Speaker, the Member for La Verendrye has an Order for Return that he wants to . . .

MR. SPEAKER: The Honourable Member for La Verendrye.

ORDER NO. 40: On Motion of Mr. Banman Order for Return:

THAT an Order of the House do issue for a return showing the following information concerning the Department of Industry and Commerce:

1. The date on which the position of Director of the Project Development Branch was first established.

2. The names of the individuals who have held this position from the time it was first established.

3. The number of job competitions held and the Civil Service competition numbers for this position since it was first established.

MOTION presented.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: It's agreeable, Mr. Speaker.

MOTION carried.

ADJOURNED DEBATES - SECOND READING

MR. SPEAKER: The Honourable House Leader on procedure.

MR. GREEN: Mr. Speaker, by way of explanation, Bill No. 10, the Attorney-General wants to read the remarks of the Member for Birtle-Russell and the Hansard hasn't yet come out, so he will not be taking that up at the moment. Now I am going to count the bills in order. No. 32.

MR. SPEAKER: Bill No. 32, the Honourable Member for Rhineland.

MR. BROWN: Stand, Mr. Speaker.

MR. SPEAKER: Bill No. 40, the Member for Morris.

MR. GREEN: No, no. 40 is standing.

MR. SPEAKER: No. 48 also? No. 56. The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM: Stand, Mr. Speaker.

MR. SPEAKER: No. 59. The Honourable Member for Flin Flon.

MR. THOMAS BARROW: Stand, Mr. Speaker.

BILL (NO. 60) - THE FAMILY MAINTENANCE ACT

MR. SPEAKER: No. 60. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Speaker, dealing with The Family Maintenance Act, and really, Mr. Speaker, this bill and the following bill, Bill 61 are two pieces of legislation which are very closely allied and much of what may be said in one bill may also apply to the second one. The Family Maintenance Act probably, Mr. Speaker, has less controversy involved in it than Bill 61. As you are well aware, Sir, there was a Committee of the Legislature that was set up last year and we held a series of public meetings. And one of the significant points I think that was raised at that particular time was there were numerous requests made from various organizations asking for the concept of no-fault maintenance. And this the government has chosen not to proceed with and the recommendations of the Law Reform Commission were such that they also recommended that we do not proceed with the aspects of no-fault maintenance. I have to concur, Sir, with the basic philosophy that was espoused, and the arguments that were put forward of the Law Reform Commission on that particular aspect.

In the wording of the bill that is before us, I have to suggest, Sir, that some of the drafting and the wording that is involved in this bill certainly require much more clarification, and I would hope, Sir, that when this bill gets to Committee that that clarification will have an opportunity to come forward. I think that there are many areas where we need further clarification and probably word substitution. I have looked at the basic philosophy of the bill and that, Sir, is what we must, of necessity, discuss in second reading.

While I have some reservations on certain aspects of it, I find again, Sir, that I, as an individual, anyway, find there is significant portions of this bill that we can support in principle. We do realize that there are many aspects in today's society that make the problem greater than what it may appear on the surface. One of the fields that I know the Law Reform Commission addressed itself to, and we, as Committee members attempted to address ourselves to, was the question of second marriages and the relative responsibility of either spouse, or maybe both spouses if they were both married a second time. The relative relationship with respect to maintenance of children of the first marriage when there are children of the second marriage also in the picture. Do you treat them both equally or is there a priority that should be established? This bill has not, in that particular field, clearly defined where the priority should lie. And, Sir, I was hoping that perhaps we could have maybe identified quite clearly where first preference was as compared to second. However, it appears that that will be left to the courts to decide and the courts, whether it be the unified Family Court, the Court of Queen's Bench, or the County Court, or it could even be the Provincial Judges Court, I suppose — we're not really too concerned about which court it goes to as long as it does have the opportunity of being placed before the judiciary for adjudication.

One of the aspects that I have pointed out that again deals with PART II in the bill — I've pointed this out on numerous occasions, Mr. Speaker, mainly in Committee — Part II of this bill deals with children and maintenance and the responsibilities for the proper maintenance of children and the whole concept of Family Law, as dealt with by the Committee, dealt with children mainly in the field of maintenance and basically ignored children's rights in other respects.

And I see again — well I can only deal with Bill 60 here which is purely maintenance. I have to use this opportunity, Sir, to point out that children's rights have been down-played in this government's approach to reforming Family Law. Yes, they have made sure that children are maintained until they

reach the age of majority. They have assured that they will be properly clothed and educated as far as is humanly possible, but having said that, then this government has proceeded to take away from children rights that presently exist for children in the statutes that are presently on the books of the statutes of Manitoba and that, Sir, I think is a very regressive step and, while it doesn't apply to this particular bill, I want to point it out at this particular time.

A MEMBER: Mr. Speaker, I wonder if the honourable member would submit to a question?

MR. GRAHAM: Well, Mr. Speaker, yes I'll gladly submit to a question.

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

MR. SAUL CHERNIACK: Thank you, Mr. Speaker, and I do want to thank the honourable member for allowing me to ask a question because it is just apropos of what he has just finished saying. I'm not clear on what present legislation there is where rights that now exist for children are being or are in the process of being removed. I just don't know what he is speaking about. Could he clarify it, please?

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

MR. GRAHAM: Well, Mr. Speaker, I realize that property rights quite properly fall under Bill 61 and I am dealing basically with children's rights with respect to property. So perhaps I shouldn't be dealing with it in this particular bill. This bill deals only with maintenance but I suggest that children have other rights that extend beyond the field of maintenance and perhaps this may be only a side issue, but I feel that I should raise it at this particular time.

In the field of enforcement, Mr. Speaker, the field of enforcement of maintenance I think that we may be seeing a little tougher approach being taken by the government than exists in present law. And I see where they are suggesting here that in the enforcement of maintenance, in the enforcement of maintenance in this particular respect, they are suggesting that there be opportunities for security deposits to be placed to secure that maintenance is paid on a regular basis. I don't know whether the government intention is to issue directives to the court, suggesting that the establishment of security deposits become almost mandatory. If so, then it raises more issues than it solves. We don't know how much security would have to be put forward; whether it be enough to cover a 12-month period or a 24-month period. None of this is spelled out.

Those questions I think we will probably have to wait until we get to Committee to find out exactly what the government's intention is in this particular respect. I raised it as an issue at this time to say that there is some concern. I think it may be, although I am not too familiar with the laws in other jurisdictions, but I think that we may be breaking new ground here when we require advanced deposits to secure maintenance orders.

Then there's also the question of the filing in County Court and also in Land Title's Office; those orders I think strengthen the hand of the courts in being able to assure that maintenance is paid on a regular basis. But when we do get to Committee on that particular aspect of it, I hope that the Attorney-General and other members will give us a further explanation of what their full intention is in the Security of Maintenance Orders and what they plan in that respect.

Mr. Speaker, I know these comments are very brief, but they are probably no briefer than those of the Attorney-General when he introduced the bill. I hope that there will be many other members that want to speak on this, make their comments and their recommendations known. I know that there are members of the Legislature who have heard many many comments from various people with respect to maintenance and I refer in particular to those members that sat on the Committee but there are many members of the Legislature who did not sit on that Committee and they may have some knowledge and some information that we on the Committee did not receive and I certainly don't want to leave the impression that this legislation is the ultimate. I think that there are many faults with it; that there are many loopholes that exist in the present legislation that will have to be improved. The legislation is not final yet. We are only talking now on the principle on second reading and until we see what occurs at Committee, it is a little too early at this time to make up your mind in . . . I think it would be very foolish at this time to take a very firm, fixed opinion on it. We must listen to the views of all people because we are dealing with relatively new ground and a new concept and I would hope that everybody approaches new concepts in law with an open mind. I look forward to hearing the debate from other members of the Chamber.

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

HONOURABLE HOWARD PAWLEY (Selkirk): If there are no other members that wish to speak on this bill, the Family Maintenance Bill? I wouldn't want to prolong the debate except to indicate I appreciate the remarks by the Honourable Member for Birtle-Russell and also express the recognition that there are areas of the bill before us that require further clarification and improvement. Amendments are in the process now of being put together basically of a technical and legal nature which will ensure that the meaning is better reflected than that which exists within the present bill. I would hope to have those amendments available to members of Committee upon our meeting.

I do I do appreciate the words of the honourable member in which I gathered that there was basic

support in principle to the intent of the legislation by accepting the fact that family maintenance legislation such as this cannot in itself be the ultimate solution. We can have all the best legislation in the world dealing with family maintenance and unless the machinery of collections is improved — and I say, Mr. Speaker, that I think that our own machinery although it has been improved, and I refer here to enforcement officers, garnishee orders, etc., has been improved, there is still a long, long way to go along the road until we can have a system that will properly deal with the question of maintenance.

We certainly have been exposed to enough examples of the real cruel hardship that is imposed, not only by outdated and outmoded legislation presently on the books in respect to the Wives and Family Maintenance Act but too often as a result of less than effective machinery of collections. I would just like to indicate this commitment at this point that certainly that is an area, the area of enforcement, that is one that will be uppermost in our minds upon the passage of this legislation in order to try and develop improvement there.

I appreciate the remarks and look forward very much to the submissions that we receive in Committee and honourable members will receive the draft amendments to 61, which won't take away substantially from the bill as it now exists but I will think it will assist in clarifying the bill in a technical and legal sense.

QUESTION put MOTION carried.

BILL (No. 61) - THE MARITAL PROPERTY ACT

MR. SPEAKER: Bill No. 61. The Honourable Member for Gladstone.

MR. JAMES R. FERGUSON: Yes, Mr. Speaker, I adjourned this for the Honourable Member for Fort Garry.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. R. (Bud) SHERMAN: Well, Mr. Speaker, with Bill 61, I would suggest that we come down to what is some of the real nitty-gritty of the 1977 session of the Manitoba Legislature. It is a subject that has been in contention and under discussion for some considerable time. Now we have it before us in this Legislature, which I think is premature but nonetheless it is here and we intend, Sir, to offer our comments and opinions or constructive suggestions and not attempt in any way to retard examination of the bill in the public arena. We take the position that there is a great deal of public comment and commentary and opinion which should be sought on legislation as far-reaching as this, and we anticipate that that opportunity will be fully exploited during committee stage consideration of the bill. As a consequence our debate on second reading may be somewhat limited, I'm not saying that my remarks will be limited, Mr. Speaker' it's difficult for me to limit my remarks as you know and I'll keep an eye on the clock with you, Sir. But there may not be 23 participating members of the Progressive Conservative Caucus in debate on the bill at this stage. There will be some, no doubt, but I can assure you, Sir, that we will be participating *en masse* very fully at committee stage, and we hope that there will be a wide-ranging appearance before Committee of members of the public, members of the Bar Association and others who are directly affected. In fact, of the population of Manitoba in general because the whole populace of Manitoba today, and in the future, is affected by this kind of legislation that we have in front of us at this time.

Sir, I want to say at the outset that it has been a privilege for me to serve on the Standing Committee on Statutory Regulations and Orders during the past eight months, four months of which were spent in consideration of Family Law Reform. I consider it one of the highlights of my legislative career to date, to have had the opportunity to serve on that committee. I want to recognize the distinguished manner in which that committee was chaired by the Honourable Member for St. Vital. I want to recognize the impartiality, and objectivity and fairness with which the considerations were handled by the Chairman and by the Minister, the Attorney-General, throughout the hearings of that committee. It was a very constructive and worthwhile exercise for me and I'm sure for my colleagues who were on that committee, Sir.

If I have one regret it is that we worked, in my view, under a stricture imposed by the government to produce something in a hurry in order to get legislation into this session of the Legislature. I want to reiterate a position that I have taken, and my colleagues have taken throughout those committee meetings and throughout the past four to six months of discussion, and that is that this bill, Sir, is far too, and this kind of legislation is far too serious in its impact, far too wide-ranging, with far too many ramifications for every single Manitoban born today and born tomorrow to be rushed through in order to meet some arbitrary legislative schedule imposed by whatever party happens to be in government in the province at the time and I would say that of any government, of any stripe. We had four months in which we were able to hold seven or eight committee meetings. Some of them were meetings for the purposes of public representations, some of them were meetings for the purposes of examining the report of the Family Law Reform Commission, and some of them were for the purposes of examining our own views in an intra-committee way. But, Sir, that is not enough time to study and develop legislation based on ideas and concepts so far-reaching as contained in the field

of Family Law.

I want to emphasize for members of the House and remind the Attorney-General that there was not a single meeting, there was not a single meeting of that committee in which new anomalies, new difficulties, new conflicts, new questions were not raised by persons appearing before that committee, or by members of the committee themselves, that had obviously not been anticipated in the initial thinking done by the government when it first proposed it would move in this direction. Every meeting contained any number of additional questions of far reaching import and impact, and on the basis of that, Sir, I think it would be reasonable to conclude that a process of that kind would continue in future over another four to six months before we had exhausted the possibilities that can occur, and that can accrue when you are dealing with legislation in such a far-reaching field as this. And for that reason I took the position, and we took the position, and we take the position again today, that notwithstanding the goodwill of the Honourable the Attorney-General, this legislation is being rushed through this Legislature and rushed through this province and we're likely as not to end up replacing existing bad Family Law with new bad Family Law.

I remind the Attorney-General that he could well find himself, Sir, in terms of this legislation, in the position of the legendary and ancient lawmaker of classical Greece. To propose his statute in some of the villages of ancient Greece, the lawmaker used to be required to stand on a platform with a rope around his neck. If the law was acceptable and good they removed the rope. If the law was bad, they removed the platform. The Minister may well find himself in that position six, eight, twelve months down the road. There may be other agencies which remove that platform, Mr. Speaker, hopefully those of us on this side of the House will have an opportunity to dismantle that structure. But if we don't, I think there is likely to be a reaction among the public generally that will make things very uncomfortable for the Attorney-General and for this government unless they pause now and consider the seriousness and the serious results of what they are doing. It's poorly thought out, ill thought out legislation at this point.

Sir, let me say that the time for reform of Family Law in the Province of Manitoba is at hand, it's not overdue. None of us on this side, none of us in the Progressive Conservative Party challenges that. We have accepted and acknowledged from the outset that reform of our Family Law structure and framework is necessary and long overdue. Much of the present law is archaic and medieval. A great deal of it is extremely unfair in its attitude toward and its treatment of women, married women, women whose marital difficulties have placed in them in a second class or third class citizenship status in this society of ours through no fault of their own.

So we recognize the need to move in this area and equalize the status and the positions of those persons who enter into marriage relationships, and we applaud the intentions of the government to examine that problem area and to try to come up with some acceptable and equitable proposals. But beyond that, Sir, we say the government in office today, which has proposed Bill 61 and the companion legislation which is in front of us, is moving irresponsibly, because it is moving with too much haste and too little consideration of all the factors and all the problems and all the effects involved.

It is an enormously complex field, the field of marital law, and I and I don't need to tell the Attorney-General that, he doesn't need to hear that from me. He knows as a lawyer the complexities of the field in which he is moving at this present time. It affects dozens of statutes already on our statute books. It affects dozens and scores of legal instruments in which we are already enmeshed in terms of our social environment. And it affects the rights and the lives, not only of all those ill-treated spouses in our society, the majority of them women, but it also affects the rights and the lives of all the good marriage partners and all the good marriages too. It affects all the working marriages, the ones that are working out all right. The ones where there is a mutual respect, and the ones where there is, in the opinions of the partners, an equality. Equality is a relative term in everything except science and mathematics, Mr. Speaker. In terms of social and human relationships, I suggest to you that there are many partners of many marriages in this society, and every society, who would insist that they enjoyed equality in their relationship although in its pure mathematical terms it might be possible to prove that four didn't always equal four on the other side of the equation but as far as those persons are concerned, in their relationship they enjoy a successful marriage relationship and in their terms they have equality. There are indefinable ingredients to a social relationship like marriage that affect what can be described as equality. It can't always be measured by an account book or by a ledger.

So, Sir, I say that the Minister is treading on very broad and very dangerous and tricky ground when he moves in the area in which he is moving without all due consideration ranging over much more time than has been given to the subject thus far. I think we need six more months of committee study and public hearings on legislation of this kind to ensure that we don't replace bad law with more bad law. Why should we take a framework of bad family law and put a few pieces of Band-Aid on it? Why should we not take the effort and the time and make the commitment to come up with family law that is equitable and workable? Why replace an inequitable law with other inequities which is what is

going to happen under the proposed legislation in front of us at this time.

Sir, there is a principle embodied here and I would like to be able to separate it from the bill because I want to support the principle and oppose the bill. That's a rather difficult thing to do but I am going to try it.

A MEMBER: We wish you luck.

MR. SHERMAN: I am going to try it. The principle, Sir, is that marriage is an equal partnership and should be recognized as such. I think I can speak for my Party when I say that we believe fervently in that principle. Marriage is an equal partnership and it should be considered as such and it should be enshrined as such and all parties to it should treat it as such. For that reason, Sir, for that reason, we are disposed to permit this bill, Bill No. 61, to pass beyond the particular legislative stage at which it stands at the present time in order to get it into Committee, in order to expose it to and subject it to the views and the participation of the public generally to effect the changes and the improvements in it that we think are absolutely necessary to eliminate the defects in it that we believe are absolutely necessary for elimination to move the amendments and have them accepted that will make it a workable, equitable law and then be able to pass final judgment on it at third reading.

So at this point, I am saying, Mr. Speaker, to the Attorney-General that we are withholding our final judgment on the bill. We do not like the bill as it is presently worded; we think that it is an open doorway to a colossal jungle of problems and difficulties far out-stripping the difficulties and the problems that exist in the field at the present time but because we embrace the concept of marriage as a 50-50 partnership, we believe we can make a contribution to this Legislature and to the Province of Manitoba by addressing ourselves to all those serious short-comings and defects in the bill at Committee stage in attempting to have it made a workable acceptable piece of legislation at that point.

If we can't succeed at that point, then I put the Attorney-General and his colleagues on notice that we will stand — I am certain, Sir, we will stand in very strong opposition to Bill 61. It is not a passable, acceptable piece of legislation at the present time. It is only acceptable in a highly categorical unlimited way. That is, to get the argument into Committee where public opinion and public expertise can be heard.

Mr. Speaker, I want to identify what we believe are at least three serious defects in Bill 61. I recognize that I can't deal with it clause-by-clause, Sir, I am dealing with the bill in total and I want to refer to the defects as we identify them in that context.

The first, Sir, is that the definition of asset in the bill is totally illogical, totally illogical; no one could live with that definition. Under that definition, wages are not shareable but income that is not wages is shareable. Well that creates on the surface, Sir — I don't need to belabour you with details — it creates on the surface a readily recognizable anomaly and difficulty for countless marital relationships.

Secondly, Sir, a major defect in this bill as we see it, is the emphasis on immediate joint ownership of family assets or what is known as immediate community of property. We took the position in Committee, and the Manitoba Law Reform Commission took the position, that immediate community of property is not desirable because of the artificial strictures that it places on a marriage because of the fact that that concept takes a marriage that, although perhaps not made in heaven, is working all right and turns it into the equivalent of a business relationship, the equivalent of a business operation. It imposes what the Manitoba Law Reform Commission referred to as "inflicted equality" on a marriage.

I subscribe to the views taken by the Commission and its Chairman, Mr. Frank Muldoon, that inflicted equality can create difficulties leading to friction, leading to disruption, leading to dismantling, leading to scars, leading to ruination of certain relationships, which are tenuous at best but which are kept together because there are no enormous and unmanageable pressures imposed on that relationship. Once artificial pressures of this kind are injected where a wide-ranging number of decisions affecting property, affecting purchases, sales, affecting use of particular assets is concerned, I submit to you, Sir, that that marriage relationship is placed in the equivalent category as I have suggested of a business deal and there, although it is not measureable and it is hard to define in conversational terms in a legislative debate such as this, there lies the potential for pressures and strains which can affect the marriage very seriously and which are simply unhealthy and unnecessary and unneeded. So we stood on our side of the Committee for deferred sharing of property, for a concept that said that when the marriage was terminated on separation or death or divorce or for whatever reason, then the 50-50 division of the assets of the marriage would be effective and affected.

Sir, a third area in which we have extreme concern — and I only mention it third because of some informal information I have had, otherwise, I would have put it at the top of the list — is the whole concept of retroactivity which is contained in Bill 61 which is totally unacceptable to me, personally, in any legislation and I think I speak as a Conservative for my party when I say that we, essentially, essentially stand on principle and on philosophy against retroactivity in legislation. We never

Monday, May 30, 1977

subscribe to the retroactivity concept in any of the Committee hearings. The section in this bill that wipes out all existing agreements is absolutely unthinkable, absolutely unthinkable, Mr. Speaker — (Interjection) — but the Attorney-General says, “Agreed” and I don’t think I am breaking any confidences when I suggest that the Attorney-General has suggested to me informally that an amendment will be moved in that area so I won’t labour the point and that is why I put the defect as No. 3 on my list, Sir, rather than No. 1.

Sir, two other aspects that disturb me very much are those dealing with the dissipation of assets which I suggest is almost immeasurable and can lend itself to extreme unfairness in terms of interpretation. When one has to consider what were the reasons for dissipation, they could range across the whole spectrum from spite and envy to mental illness or a nervous breakdown. I think the field, as it is dealt with in this legislation leaves itself wide open to severe misinterpretation and exploitation, not intended, but exploitation that could result in great inequities and hardships for people. And the section dealing with accounting and equalizations, Sir, I think, is equally fraught with the possibilities for unfairness. I think the Attorney-General and his colleagues should have a second look at that section. We will be recommending that at Committee stage.

The bill has those defects, as I see them, in terms of what exists in the bill at the present time, Sir. It has other defects in it because there are things that should be in it that aren’t in it. In other words, it has values and strengths missing from it that would make us much more supportive of it if they were contained within it. One of them is the matter of a transitional period. Why is there no transitional period permitted under this legislation, such as there is, if I may make reference to one section of The Family Maintenance Act, Sir, such as there is under Section 39 of that bill? We believe there should be a transitional period allowed in this bill.

We ask the Attorney-General what does this bill do to income tax situations? There is nothing in this bill to protect against the kinds of arrangements, many of them designed perhaps to evade and avoid, available under the legislation as it is worded. The dividing of assets, I remind the Attorney-General, provides an opportunity to get into a lower tax bracket. And I wonder whether the Attorney-General and his colleagues have considered that aspect of the legislation, that weakness in the legislation.

Sir, we have considerable concern over a general aspect of the legislation and the companion bills associated with it. And that is this, Sir, that it seems to me and my colleagues that the thrust and the emphasis in this bill, and the companion legislation introduced along with it, tends to elevate the common-law marriage at the expense of the conventional institution of solemnized marriage. We believe that there is a serious shortcoming in this legislation and the companion bills in that they do not contain any provisions for the strengthening of the institution of marriage, and in fact they do not, in terms of what is implicit in them, even contain any tacit support for the concept of solemnized, institutionalized marriage. They do the opposite. They will encourage people, Mr. Speaker, in my view and in our view, to avoid institutionalized marriage and to engage more and more the common-law relationship. I have nothing against the common-law relationship except when it’s put up in comparison to formalized, solemnized marriage. I know that in some parts of society and in some parts of the province, it is not possible and practical for people to go through the formal ceremony and I do not discourage their living together in a common relationship, or criticize that kind of a relationship under those circumstances. There are other circumstances where you don’t have to be dealing with remote areas, where the common-law relationship, because it reflects the mutual love and trust between two people who are prevented, through circumstances beyond their control, of formally becoming married, to live together as man and wife. And I accept that and I commend it. But I do not commend any kind of legislation that, because of the impediments that it places in certain people’s way; because of the discouragements it places in certain people’s way; because of the emphasize that is included, at least at the implied level, in the things that it is saying, that it downgrades institutionalized marriage and makes it more attractive for persons to practice the common-law relationship than the formal one. And I think that is a serious, moral and ethical shortcoming in this legislation.

Sir, could I ask the Attorney-General, in concluding my remarks, whatever happened to the recommendations of the Manitoba Law Reform Commission? The Law Reform Commission, containing a pretty acceptable crosssection, I think, of citizens of this province, including trained lawyers, trained men and women at the Bar, like the Attorney-General himself, laboured pretty diligently to produce a report which, I think, reflects the most reasoned kind of thinking that could be obtained from, and for, society on a subject like this. But the government has not seen fit to take the counsel of the Law Reform Commission into account very, very seriously, Sir. They have accepted some of the Law Reform Commission’s proposals, but they certainly have rejected and deviated from a great many of them.

In the report that came back from the Committee into this House, filed by the Attorney-General, dealing with the meetings and the decisions of our Committee on this subject, there are 16 specifics noted on which the Committee, of which I was a member, and the Family Law Reform Commission

recommendations were at variance. There were 16 positions noted where there was no concurrence among Committee members with the Family Law recommendations. But that is an assessment, and that is a table, Sir, that deals with the Family Law recommendations as a whole and it deals with the Committee as a whole.

I want to remind the Minister that there were four of us from the Progressive Conservative Party on that Committee who, as he has noted in his report, in fact, expressed concern on a wide-ranging number of the points that he has cited in his report. In some cases, we supported the views of the Family Law Reform Commission against the views being expressed by government members on the Committee, but because the government members outnumbered us on the Committee, naturally, the interpretation of the Committee's position would be the interpretation of the government position. I am not suggesting the Minister has been unfair in any way in preparation of this report. He has not, where there has been concerns expressed by us he has noted that, but I just want to remind him that there is a wide-ranging list there of points recommended by the Family Law Reform Commission on which many, many of us on Committee, with which many of us agreed, although many of the government members did not agree.

And we still wonder why there is so much deviation, so much difference on the government's part from the Law Reform Commission's report. I see nothing in the recommendations' having come forward from the government in the form of the bill notes in their report as to how and why they came to that conclusion and they balance it rationally against the other position, the other argument which insists that only bilateral opting out will be accepted. That concept up to this point, the unilateral one, has been dismissed pretty summarily by the government in its thinking and I would plead for a much more honest and candid examination of that concept before the legislation proceeds anywhere near its final stage. I think it is just as unfair for many marriage partners in this province to insist on bilateral opting out as it is unfair in the opinion of the Attorney-General to permit unilateral opting out. I could mount several lengthy arguments to support that, Mr. Speaker, but I won't do it because I neither have the time on the clock nor probably the patience of members in this House but I will do it during Committee.

As a matter of fact, the Attorney-General has heard my basic arguments on the subject already. I just wish he would go home and think about them; I think they are fair and acceptable. — (Interjection)— Well, tell us, the Member for Assiniboia says, Mr. Speaker, let me capsize it in just twenty words. One basic argument that I put in that area is that you are making two classes of citizens out of Manitobans if you insist on bilateral opting out because those persons who are thinking of getting married today, who are engaged to be married, have the right to opt out unilaterally. You can walk away from your fiancé, you can say, "This legislation is unfair; I don't want to live with it so, listen, baby, we're not getting married." But those people who are already married can't do that. — (Interjection)— Well, I put it to my friend, the Honourable Minister of Health, with whom I attended the fights the other night in the Convention Centre — very peacefully I might say, Sir, we weren't the main event — I put it to him, Sir, that that makes two classes of citizens in this province, those who are already married and those who aren't but were just thinking about getting married. That's the kind of retroactivity, I think, that is unfair to impose on citizens.

What right has a government, what moral right, I ask the Member for Assiniboia, has any government of any stripe got to come along and say to you, "Now, we are changing the rules of your game." They can say we'll change them from this day forward, that this is the way we're going to do it from this day forward, but what right has any government, Liberal, Conservative, New Democrat, any stripe, got to come to you and change the rules of your game in midstream. I say that is a moral question that this government has not faced up to and there will be considerable reaction I suggest in the community if they insist on enforcing that particular provision.

Well, Mr. Speaker, let me conclude by saying that I recognize, and my colleagues recognize, that there are many many problems today in the field of marital sharing, in the field of division of assets, in the field of maintenance and in family law generally. We can all agree on that. But, Sir, there are many expert opinions available and trying to make themselves heard in this province and I think we should be listening to them that insist that under this proposed new legislation, we will face many many more problems and many of them haven't even been anticipated by this government yet as was evident when a number of the difficulties were articulated during our Committee hearings. Most of them have not even been anticipated by this government so we want to see a principle in this province that recognizes the 50-50 equal partnership of marriage but we want to see a law that is acceptable and workable and equitable to both sides of the equation and to as many members in Manitoba's society as it is possible to touch and as it is possible to cover.

I just remind the Attorney-General, he is dealing here with the lives of everyone in Manitoba. He is proceeding too fast. He's got a principle that is acceptable; he's got a bill that is not acceptable. The only way that we can make our contribution is to try to differentiate in that way and make that point and with great great reluctance, Sir, permit this totally unacceptable, totally incomplete piece of

proposed legislation to move into a Committee on Environment where the public can be heard. Thank you.

MR. SPEAKER: The Honourable Member for Thompson.

MR. KEN DILLEN (Thompson): Mr. Speaker, I listened very carefully to the remarks of the Member for Fort Garry and I couldn't help but feel that he was taking a typical Conservative Joe Clark stance on this issue, that is, with both feet firmly planted on both sides of the fence. It's so typically Conservative. You know, you would almost think that the kind of legislation that would be acceptable to the Conservative Party where it applied to marriages would be the kind of legislation that insisted that people must love each other and care for each other for as long as they are together. We both know that that is not the case, that as much as I liked the Member for Lakeside when I first met him, I'm telling you that we are growing further and further apart.

MR. ENNS: . . . leaves dispersions on my character.

MR. DILLEN: That's all right; I won't mention that again to the Member for Lakeside, if you will remain in your seat.

You know, people just don't remain constantly caring for each other, in love, whatever the case may be, in every case. There will always be a case where there are people who may have thought at one time that there were going to spend the rest of their life together will come to a conclusion, whether it's three months or three years or thirty years down the line, that they no longer want to remain together. I was pleased to see that he recognized that there are two classes of citizens in society. He didn't go far enough to say that those two classes are those that have and those that have not. You know, I'm going to support this bill, not because I'm under any illusion that it is going to solve the marriage problems in this province or the problems that are associated with the breaking up of marriages but I believe it is going to apply to those people who have assets with which to divide.

If you are talking about the majority of the people of Manitoba, when they get all of their assets accumulated together and then they use their assets to dispose of their liabilities, you will find that the majority of the people of Manitoba would be able to get their entire assets that are left into about one good-sized trunk each and they would go their separate ways.

But where we run into difficulty in the dissolutionment of a marriage, where the courts are called upon to dispose of assets is in the case of deciding who is going to get the Jaguar and who is going to get the Cadillac; who is going to get the summer cottage and who is going to get the yacht; who is going to get the apartment block and the contents of the safety deposit box and the stocks and bonds, and so on. That's where we run into the trouble in the case of marriage.

While we were talking here on the Estimates of the Attorney-General, I couldn't help but think that here we are preparing a whole bunch of laws and spending a tremendous amount of money which appears to be solely for the purpose of the protection of property and the manner in which we can ensure that property is held legally by the person who happens to be in possession of it. If you go through the entire department, you will see that that is primarily the purpose of the Department of Attorney-General.

If there was not this preoccupation on the part of people for the accumulation of property, the accumulation of wealth and to use the Leader of the Opposition's words, that this is part of human desire, it's pretty hard for people who are not of means, or who have means to understand that not everybody in the Province of Manitoba, not everybody in Canada wants to acquire, wants to achieve, and wants to amass property and wealth. There is a group, a class in society that wants to do that and good luck to them. But in each case, where there are problems arising from the accumulation or the division of that property, then the public is being called upon to provide the means with which to divide that wealth. If I had a choice, like I say, I am going to support this bill, but knowing that it is not going to have any significant effect on at least 75 percent of the married couples in the Province of Manitoba, that it will be a bill that is designed for the assistance and the dissolutionment of property accumulated in the upper-middle and upper classes of society. And I believe that they need some assistance. If I had a choice, on the manner in which we would resolve these problem — and I can speak only for myself — I would try to insist that that property which is accumulated during the course of a marriage and is being dissolved as a result of a separation of the married couple, that all of the property that is accumulated would revert to the Crown. I am telling you that there would be no necessity for going to the courts. There would be no necessity for the courts to become involved because I am telling you, if the Member for Lakeside and myself were going to dissolve our partnership, that we would sit down over a piece of paper and pencil and we would say, "This is what you get and this is what I get." Is that right? — (Interjections) —

MR. SPEAKER: Order please.

MR. DILLEN: No, but seriously, in the case of a marriage, where a couple had the option of knowing that every piece of property that they presently own would revert to the Crown, that they would sit down and say, "How do we dispose of it without the necessity of having a third party determine who gets what?" And they would dispose of it and go each their separate way. I believe that that would be the case. And where there was a situation where neither one could agree, rather than

hiring a battery of lawyers on one side and a battery on the other to determine a method in which to dispose of assets, and the lawyers ending up with the assets, if everything reverted to the Crown, then it would reduce the amount of law, reduce the amount of legislation necessary and certainly we could at least reduce the number of public servants in the court system.

QUESTION put.

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

MR. SAUL CHERNIACK: I am sorry, Mr. Speaker, I thought there was a disposition to permit the bill to go to Committee today and in that event I would have desisted, but since it became apparent that there will be another speaker on this, I thought I'd like to make some comments.

Mr. Speaker, I do not recall a measure that has been studied by this Legislature that I believe was more important, in my time, than the measure we are dealing with now. I was elected, along with certain other members who are still in the Legislature, in 1962, and we've dealt with very many matters dealing with the lives and property and relationship of people in Manitoba. And many times I was proud when I helped to persuade the Legislature to adopt a certain attitude, and I was sorry that in other cases I was unable to do the persuading. But in any event, I have seen a great deal of what I would call progress in those 15 years of my experience. I believe that we have not dealt with a more basically important measure than we are dealing with now. That to me, Mr. Speaker, is a tremendous justification of the whole system of democracy and the whole system of the legislative process.

There is one statement made by the Member for Fort Garry that I thought I should mention because he spoke in relation to one feature of the present bill, asking what rights has the government to change the law? He was dealing with the opting-out provision. And I thought to myself, that is not the role of government ever, to change the law. And if it happens on occasion it is an oversight and usually Legislative Council points out that by passing regulations there may have been an effort by government to change the law. To change the law is the right of this Legislature and I do believe that this Legislature, under the proper process, does have the right and indeed on occasion, the obligation to change the law. Indeed, that is the purpose for which we were elected. And my faith in the democratic process — (Interjection) — Well, the Member for Sturgeon Creek disagrees, we may yet have a debate as to whether or not my statement is right. I believe it is right, I think that this Legislature, the people elected, democratically elected, in this province, have the obligation to study laws and to change laws if they think it so advisable.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, I thank the Member for St. Johns, I don't mean to interrupt but I just wonder if I might ask him a question and ask him whether, for the sake of being precise, whether what I said was not what he said I said, but rather what right has the government to change the rules of the game? I did not question the right of this Legislature to change laws. I said what right has any government to change the rules of the game in a situation like marriage?

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

MR. CHERNIACK: The honourable member is quite right, Mr. Speaker, I didn't jot down what he said, "What right has the government to change the law," but he did go on and he spoke about obviously changed. When they were married they knew at that time that there was no way, no conceivable way, of a termination of that marriage unless there was adultery. But now that's not the case. So the rules of the game were changed. And indeed, that is the way we do develop our system of law, and we do change it.

Now the Member for Sturgeon Creek was saying something at the same time as the Member for Fort Garry, and I would dearly like to respond to whatever it was that the Member for Sturgeon Creek wanted to . . . Oh, he doesn't want to do it now. I guess I won't get the chance because if the Member for Sturgeon Creek speaks after I do I won't be able to respond, but that's all right. I just wanted him to know that I would be glad to give him the opportunity to pose a question such as the Member for Fort Garry asked for. But I still don't hear him, and yet he's speaking, so I have a problem.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. J. FRANK JOHNSTON: Mr. Speaker, if the member is asking me to speak now, I can only say to him there is third reading, there is Committee, there are several opportunities, he'll have the opportunity to answer what I say.

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

MR. CHERNIACK: The honourable member is quite right. I just misunderstood what I thought he wanted to say.

Mr. Speaker, I was talking about the faith that we all should have in the democratic process and the procedures of the parliamentary procedures which, I feel, are very much exemplified in the matter we're dealing with today. I did say earlier that I felt that this was probably the most important issue and I want to differ with the Member for Thompson who seemed to feel that it was not that important. I think he said that 75 percent of the people in Manitoba or the marriages in Manitoba would not be affected by this bill and I really differ from him in that approach, Mr. Speaker.

I have had quite a number of years, close to 40 years, in the practice of law and I have had the

opportunity to represent spouses in a marriage, arranging an economic level from the very poor to — not the very rich but the pretty rich — and I would think that the pretty rich may fight and may scrap and settle their affairs but when they walk away from it they each walk away with a certain amount of security. It is the poor that I have acted for and against that have had a tremendous problem given to them or which they had, because of the laws and the inadequacies of the laws, relating to their relationship. And I tell you, Mr. Speaker, that today there are people and I know, and I could cite specific instances of some, where a wife may be so dependent on her husband's whim that she dare not do anything that might destroy that marriage relationship because she has the complete insecurity of being able to assert her rights.

I know of a person, a wife, who has helped bring up a family, who has helped maintain what appeared to be a fairly good marriage on the surface, who suffered through many many years because of the abuse of her husband, who received nothing whatsoever in terms of security, in terms of sharing any of the assets, but indeed her husband controls every asset in the family. It's not a rich family, but whatever they have it means that much more; every stick of furniture, the house, the car and who knows, that in order to buy groceries for the household she has to go out and work because cash has never changed hands in that marital relationship. The husband has had control of the money and he has control of the savings and she has no security whatsoever in the event that she would feel that she would want to rebel and resolve the problem under which she is living because she lacks that security and our present law does not give her that. So I must tell the Member for Thompson that a very very large and significant number of people in Manitoba need the security that the law we are contemplating dealing with will give them.

Now, Mr. Speaker, the other reinforcement I face in the democratic process came about when first I was able to read the recommendations and report of the Law Reform Commission. When I was able to see the depth of review and the depth of understanding of the members of the Law Reform Commission, to which they had arrived after hearing, I don't remember the number on that long list of representations which they had, and they travelled throughout Manitoba, they advertised their hearings extensively, they heard a very large number of representations and one needs only to read their report, even superficially to see that they did not do any superficial approach, that they studied it carefully, and they came up with opinions. And their hearings were available to us and not only their hearings but some of their members actually appeared before our committee because having received that report, at this government at the last session, agreed to pass legislation which made it possible to have an intersessional committee study the report, its recommendations and the entire subject raised. And that then meant, Mr. Speaker, that we were able to have that kind of a review which is seldom accorded to the legislative process. In advance of proposed legislation we were able to discuss the entire matter and review it and arrive at certain conclusions. And part of the democratic process resulted in a committee being established which had the usual number of members, where the government had its number of members, its proportion of members, and the Official Opposition its proportion and the Liberal Party its, in accordance with the representation in this House and we met then to study, review and it turned out — and this is usually not the case — it turned out, in my opinion, that there was a non-partisan approach to the problems that were presented.

I do not believe that any of the groupings within that committee came with any pre-arranged plan or pre-arranged platform and I can say for our part that the NDP members of that committee did not caucus in advance, did not prepare a position in advance and from the discussions that took place I am certain that the same applied applies to the members of the Conservative Party. I imagine that, as Jake Froese used to say, that the representation from the Liberal Party was unanimous in its decision having caucused and come to a conclusion but that's only because he was the only Liberal on the committee. But we had a very . . . —(Interjection)— Mr. Speaker, it's funny that with my own colleagues who are not listening to me, are able to jump in and attempt to assist me. So I will tell them that I quoted Jake Froese in the way Jake Froese used to say that he would caucus with himself, and I referred it to the member of the Liberal Party who sat on our committee and who caucused with himself because he was the only one. I must ask members who are so close to me not to interrupt me unless they really feel they can be of assistance, most of them.

Mr. Speaker, the Member for Fort Garry referred to this bill as being too rushed, that the government was moving irresponsibly, that there was not enough time, and I just have to reject that, Mr. Speaker, on the basis of all the time that was given by the Law Reform Commission, consisting of the those people that the Member for Fort Garry praised because of their experience, consisting of — I think we were at least eleven members of the committee of the Legislature who sat between sessions, and who spent a great deal of time having already read and reviewed that of the Law Reform Commission — Mr. Speaker, those two series of meetings of those two separate bodies, were so much more than ever does or usually appear before a bill is presented in this House.

Why, this morning we had a bill on which I spoke, where the Member for Brandon West brought in a bill that had not been reviewed at all by an outside committee, and we spoke on and were dealing with it. But that happens, that's part of the legislative process. In this case, there has been the Law

Reform Commission, there has been the between session commission after which a bill was brought into the House for consideration, and I gather now from the Member for Fort Garry, that it will pass second reading and will go into committee, and that is then going into a very vital part of the legislative process, because there is no doubt in the world that anyone who wishes to, can present or can come to the committee and make representation. We've learned already in this last week that they don't have the time constraints that members of the Legislature have, to present their point of view. I understand that at one of the meetings I missed last week, there was a two-hour presentation, and I had the opportunity to listen to one that extended considerably over an hour, so that there will be all sorts of opportunity for representation and then there will be the detailed review.

I welcome the fact that the members of the Conservative Party are giving a great deal of thought to the specific matters, so that we will, in committee, be able to review the bill in specific detail and improve on it. I have no doubt that it will be possible to improve on it, and I honour the Conservative Party for its undertaking to give serious thought and serious proposals and positive proposals to improvement of the bill.

Now, the Member for Fort Garry spoke about it being a complex field that affects dozens of statutes — although I'm not really familiar with how many dozens, I don't think there are that many — and deals with the rights and lives of good marriages. Mr. Speaker, I agree, and to me a good marriage is a marriage where the economic problems between the two are not there to hold the marriage together, nor are there to create problems within the marriage. I consider it a problem if either one of the spouses lacks a sense of security in the marriage.

I believe wholeheartedly in marriages which are existing and which are healthy marriages, but not if they appear to be healthy but indeed are not, because of the fact that there is that power in one of the spouses to affect the other to the extent of — I think the Member for Fort Garry, in something he said, used the word "exploit" — and that takes place in many marriages.

So I am hoping that with legislation we will be able to remove that artificial bond that I know, and I'm sure other members know does exist, the artificial means of holding people together against their desire to live a fulfilled life, and in some cases it may well be better fulfilled and a more satisfying life to live separate and apart. If they're held together by economic constraints, that is not in my mind, a healthy marriage.

The Member for Fort Garry mentions certain defects, and I listed them, but I was listening somewhat intently and yet I was called away for a few minutes so I may not have gotten them clearly, but he spoke about the definition of assets as being inadequate, and I think that we will, of course, have to study that and improve it where necessary.

He spoke of inflicted equality, as if he says, a marriage is a business deal. But, Mr. Speaker, we don't hesitate to speak of a marriage as being a partnership. I don't want to relate it to a business deal. I want to take the business out of the marriage and provide security within the marriage. Therefore, I do believe very sincerely, and I really think all of the members of the committee that have already dealt with this do believe, in the partnership of the marriage and in the fact that you cannot really measure the contribution that each of the partners makes to the marriage and to the accumulation of assets, but indeed there is a recognition that there is that. And failing any formula, and there isn't any formula whereby anybody can decide the extent or proportion of the contribution to a marriage, an equal partnership I believe is the best solution, because I do believe that when there is a difference of opinion that it should be settled on an equal basis. I do not accept the fact that either partner has the right to be in a superior position insofar as the other one is.

That, to me, applies to what they have accumulated as much as what they are going to accumulate. The Member for Fort Garry said, well now, when they married, they married under a certain set of rules, which may have meant, that the husband, who is the breadwinner, will be able to keep all the assets. Of course, it may have meant in the minds of some couples, that the wily wife, regardless of whether I bring in assets, will be able to take them and give them off into my own name. Either way, if that is the basis on which they felt they were marrying, then I would like to think that that was not a healthy approach. I think their marriage should have been one — and I am not one to be able to repeat the marriage ceremony that takes place in so many religions and even civil law — about the sharing of a life in the future, about being together and working together to build, because I do believe that that is the vital part of a marriage.

Whether the law at that time was that they would not be required to share, and we say now that we recognize that that was the purpose of the marriage, that that was the basis of a marriage, that a partnership in all matters was the foundation of a marriage, then I think that we are in this legislation proposing that we should recognize it and recognize it for what it is. Not that so and so should have owned the property or a half share, but that so and so has become entitled to own a half share, and therefore shall be given what is really an entitlement that we recognize now and that it should cover what they now own.

Now that's not a basic fundamental difference of opinion, it is an approach that we have yet to debate. The Law Reform Commission was not prepared to go that far. They said, well let's have

unilateral opting-out, and the drafter of this bill — the Attorney-General has to assume responsibility of course, but I'd like to think that I share it with him — thought that there should be only opting-out on the basis of agreement of both parties, a bilateral decision. We will yet debate it, and we will make the decision. Either way we will make a decision.

The Member for Fort Garry said, "Well why didn't you follow the recommendations of the Law Reform Commission?" If it were merely to rubberstamp the Law Reform Commission, we didn't really need to have that committee sit and review it. Under those circumstances, the Member for Fort Garry might say, since you've rubberstamped the Law Reform Commission you obviously haven't given it any thought, so we'd better give it more thought and therefore it's premature.

I think it was studied. The whole concept follows a recommendation of the Law Reform Commission. The details do not in every respect, and ultimately it is our decision as to what it ought to be and we are the people who have been elected to make decisions of this nature, after hearing the representations that have been made and have yet to be made.

The one point that the Attorney-General made I think in passing — and the Member for Fort Garry wasn't sure whether or not it was confidential — but I will breach any confidentiality that may have existed to indicate that the Attorney-General stated he never contemplated that existing agreements involving the ownership of assets accumulated during the marital regime should be affected by this legislation. He never intended it and since there is doubt raised as to whether or not the intent is clearly shown, I believe he has already instructed that there should be an amendment drafted to make it clear that any pre-existing arrangement, a separation agreement, involving separation of property, or any agreement relating to the ownership of property between the spouses, would not be changed. That is the intents that I would support and which I believe exists.

A member suggested, well he said, "Did you realize that a splitting of the property during the marriage could create a lower income tax base?" And Mr. Speaker, I, who was a tax collector for some little while, haven't the slightest hesitation in saying that if we recognize that the asset is shared equally and the tax therefore is the burden on each of them, and if they are therefore in a lower bracket, then by all means, that is only carrying out the principle of progressive taxation to a further step, and that is why I am pleased with this legislation for another reason altogether.

When I was involved in dealing with gift taxation, that's succession duty taxation, and arguments were presented that a marriage is a partnership and why should you tax the spouse on making a gift or on a succession, I remember arguing with the previous member for Fort Rouge, Mrs. Truman, when I said, "Well, why is it that if people recognize indeed that there is an equal sharing of the assets, that they don't make it equal and wait until death in order to create that recognition in a legal sense." And I argued then that there was no problem for any person starting out with good faith, willing and anxious to share with a spouse the accumulation of assets, that they could have started from day one to start recognizing that by giving title to half that asset to the spouse. I have had so many occasions in my legal practice, not only to see it done but to assist in it being done.

Well, now we are recognizing that very argument that has been presented all along, that a wife is entitled to half of the possessions of the two of them, that a husband is entitled to half of the possessions of the two of them, providing they are accumulated during the marital regime and providing they are as a result of the earnings and savings of the partners to the marriage. I agree completely with the Law Reform Commission which excluded assets accumulated before the marriage, assets accumulated after the marriage terminated and assets acquired by way of gift or succession from some outside source. Because in those cases clearly there was no partnership involved in the accumulation of the asset and therefore I don't recognize and there is no suggestion made that those assets other than what is acquired out of the earnings and savings of the couple during the marital regime should be split up.

Now the Member for Fort Garry spoke about common-law marriages and that this bill elevates their marriage. I really don't think it does. I don't think it does. He spoke warmly, I believe, about those people who have no choice and form a common-law relationship because of impediments that made it impossible for them to have a solemnized marriage. But, Mr. Speaker, they don't have the same rights and I suppose in a common-law marriage they could of had a choice not to enter into it, but the fact that it is not solemnized doesn't really make it a worse marriage. Because again in my experience I have seen some very very firm loving lasting relationships of a common-law nature, where even their children didn't know that they were not married according to the law of the land, but a common-law relationship. I think that when the marriage, be it common-law, be it solemnized, in a legal form, either way, that if that marriage has been of that length and that nature that prevented one of the parties to that marriage, usually the wife, from acquiring an independence, either of ability to earn or of a financial security, that if that marriage relationship was such that she couldn't get that security, that our law should recognize that she should have it.

The important thing in the bill that we have already passed is the principle that every person should acquire an independence from other people, of being able to earn and support and acquire — and again I disagree with the Member for Thompson who has the concept that that asset should

revert to the Crown in case of any breakup.

If I have a moment, Mr. Speaker, I am reminded that in a particularly "ideal" — I put that in quotation marks — commune known as a kibbutz in Israel, where there is common ownership of all assets. I have a cousin who went to Israel twenty years ago to join this kibbutz and it was a very very highly principled one, talking about the sharing of all the assets, in the true Biblical sense I must say, not the Socialist sense but the Biblical sense, of sharing. After about a year of her living and sharing and working to build the commune she wanted a pair of white socks and there was a meeting held as to whether or not she was entitled to have that pair. They pointed out she had come from her marriage in Canada to this kibbutz with five pair of blue-grey or black socks and therefore she had socks, and the fact that she wanted white ones didn't justify that the communal endeavour should be used to give her socks that she didn't really need, albeit she didn't have white ones. I believe that was the straw that broke the — I suppose it is right to say in Israel about a camel's back being broken. And I believe that she left the kibbutz as a result of that.

I can't say that I agree with the Member from Thompson on his view of it, because I recognize, as I believe all of us do, including the Member for Thompson, that we do have a right to financial security, we do have a right to economic security and for too long, and in too many cases, have the women of our society been in a dependent subservient position. I think that is why the members — I mean all members — of the committee that met to deal with this matter, and who proposed legislation, believe that something had to be done.

Now the Member for Fort Garry says that the Conservative approach is to be careful not to replace inadequate law with another inadequate law. I have never seen a law that was perfect, either at the beginning or even at the end. A law is a changing thing. And in the long run we will pass legislation, we will correct legislation, we will update legislation, and in most of the cases dealing with this legislation, it will be the adjudication of a judge that will determine the extent to which and the degree to which the security we grant will be given.

But, Mr. Speaker, it is long overdue. I consider that as a lawyer I have acquired a conservative approach to change. But, Mr. Speaker, let it not be a hindrance to dealing with the progressive measure which we all agree and I believe we do all agree, with the progressivity of this proposal. Let us not delay forever the passing of a recognition of the rights of both parties to a marriage because we find that certain "i's" are not dotted, certain "t's" are not crossed. They never will be. We will never have a perfect bill presented before us. There has never been an important bill that hasn't been amended from time to time. And to that extent I do not believe that we can be creating such a terrible effect on people after we will have studied it.

So, Mr. Speaker, I am concluding. I welcome the position of the Conservative Party as I interpret what was said by the Member for Fort Garry in the sense that the Party is willing to have this legislation go to Law Amendments Committee, or whatever Committee it is referred to, to hear the representations that are to be made, and then to work through the bill in order to make it a better one. And that is what I welcome. The fact that they are so critical of it at this moment they wouldn't want to see it passed as law is something I acknowledge and I respect, because I do believe, and let me qualify it, at least for the members who were in the Committee which shared with us so many of the deliberations, that each one of them supported in principle the entire concept. I believe that. And since I believe that to be so and I haven't heard to the contrary, I believe we can do a good job in Committee. Let us not be rushed in dealing with it. Let's deal with it in a proper way and that will then be the third time around for submissions that can be made, for consideration that can be given, and for a detailed review of the wording of the bill itself. If, as a result — and I shouldn't even say if, I am not speculating — I'm sure that as a result we will have corrected an inequity in society that has existed, I suppose, from Day One of the system under which we live. And that will not be fully corrected, but we will make more equal. I would not say more than equal, but I would say we would make much more equal the position of the parties to a marriage.

I welcome the legislation. I look forward to more briefs and more discussion in Committee. And in the end I foresee a bill become a law of which I think all Manitobans, and especially the Manitobans who sit as representatives in this Chamber, will be extremely proud. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. LLOYD AXWORTHY: Thank you, Mr. Speaker. I rise at some disadvantage to other members who have spoken. I rise primarily to speak on behalf of our Party, but in the absence of the Member for Portage, who was our member on the Committee, I felt that we would not want to delay the discussions much further. There has already been more than enough delay and therefore I will try to stand in for my colleague, who I am sure would otherwise be able to present a more comprehensive examination of our point of view. But it doesn't mean to say, Mr. Speaker that I am unwilling to offer my own opinion because perhaps in some ways I have a certain advantage in being able to have been a listener on the sidelines, not being a member of the Committee that examined us, and being more interested in listening to the variety of opinions and attitudes I have heard over the last while concerning this very important piece of legislation.

Let me start by saying, Mr. Speaker, that we are not interested in any way in delaying any further this legislation. We do not agree that necessarily any more extensive time would necessarily lead to a better legislation. It is our opinion that there has already been more than enough discussion and that the longer it goes, that simply we will get more lost in the maze of specific detail, that I think would be otherwise better handled by having a bill on the table that could be examined, can be amended and certainly is going to have to be amended as time works. But I think we need the statutes first and I say that also because I think that the remedies offered in this bill are important, far more important, in terms of remedying the inequities that presently exist than any problems that may exist as a consequence of this bill.

It may be a little convoluted but I guess it simply comes down to — we believe that the balance of the present inequalities are such that this bill is a better remedy to them than trying to maintain further and find the perfect bill. We simply feel that the present way in which the property laws work in relation to marriage, have been proven to be both inequitable and disadvantaged for many people, primarily women in our society, and that the corrections that this bill provides are ones that we support.

We also see, Mr. Speaker, in this bill something perhaps that should be looked at in a more positive vein. And that is that this is not simply a way of correcting past grievances or past problems. We see that the whole area of family law reform should be looked upon in a way of creating a better opportunity for equality in marriage. It is simply not a matter of taking away from one spouse and giving to another. We see that in the kind of economic climate that we live in, where there are major demands for the establishment of new roles in society, that the existence of our present property laws create limitations in marriages, create handicaps to the full choice of options for what kind of role does either spouse want to play. The traditional roles of the male as the man who makes the wherewithal and the woman who stays home to look after the home, are no longer adequate to cover the range of options that should be available in a marriage.

So one of the things that should be available through a law like this is to provide for a greater range of opportunities so that both spouses in the marriage have an opportunity to make a better choice for the kind of role that they want to play, and not feel themselves being couched into sort of more traditional conventional areas.

So, Mr. Speaker, we see this whole movement towards family reform as being one that can have a certain liberating effect. Now it doesn't mean to say that there won't be problems in doing that. We are fully cognizant of all the difficulties. There has certainly been enough lawyers who have spoken to me — I think the most popular form of reading material on every lawyer's desk in the Province of Manitoba these days is a copy of this bill. And rightly so, because I think probably not only does it cause them great consternation, I think they even see a glimmer of a great deal more work coming their way, and that they certainly want to know what the bill is all about.

But be that as it may. The fact of the matter is that interestingly enough I think it enjoys general support from amongst the population. I was interested in a survey I took in my own riding just in January or February, to ask what people felt about the equal division of property, community property sharing, and I was frankly surprised by the results, where the overwhelming majority I think in the range of 70 or 80 percent believed in an equal sharing of property. And as a result it struck me that there was obviously a real concern that something be done on it.

It is for that reason that we feel that the legislation should be put forward as quickly as possible and be given the most thorough examination in Committee that is available. And then if changes have to be made, I'm sure that other legislative sessions coming around as they do will be then able to modify and revise the bill as necessary.

That doesn't mean to say, Mr. Speaker, that we don't have some questions about the bill, and in some cases some reservations about the omission of certain areas and the inclusion of others. If there is any major concern that we have about the bill it is in the whole question of retroactivity. We think that the particular bill by the retroactive clause in terms of including assets for their six years prior to marriage will simply result in unworkable arrangements, that it would be impossible to make the kind of assessment and an evaluation that is necessary. The Attorney-General has indicated he plans to bring in changes. But we really think that the retroactivity clause is bound to create a lot of problems and we would really like to see that on the question of retroactivity that we limit it to the tangible assets that are held in the existing recommended and which even our own Law Reform Commission has talked about, is the use of judicial discretion. Now our own Law Reform Commission in the minority report by Mr. Hanley and by Professor Gibson indicated that judicial discretion should be allowed in extraordinary circumstances, meaning where there could be a case where there should not be a straight 50-50 equal sharing of property. There are a number of cases that come to mind, Mr. Speaker, where I think that that use of judicial discretion would be appropriate.

Furthermore, and I think is something that the Attorney-General may want to consider, if there is a

major problem with the application of this bill to existing marriages it may have been more appropriate to have borrowed the recommendation of the Canadian Law Reform Commission — Justice Hart's Commission — and indicated that a greater degree of discretionary application of the law be applied to existing marriages. So that rather than simply having the idea of community property sharing for family assets and deferred sharing for commercial assets, we will also allow a higher degree of judicial discretion in the application of the Act for existing marriages; and that that would mean the kind of case where one of the spouses may have been sort of a wastrel and used up the resources, someone who has been very thrifty put them together and all of a sudden there has to be a 50-50 split regardless of it, it would seem to me that judicial discretion should apply in those cases. And there are cases where the discretion of the courts, I think, would be an appropriate arena in which the application of the law should be applied.

We feel that it's unfortunate that the government didn't see to it that there was opportunity afforded in the law for discretion to be applied in certain circumstances or for the concept of discretion to be applied in terms of existing marriages. I think that that would have pulled some of the particular pain out of the regime and allowed it, therefore, to have had a greater degree of flexibility in the law than it presently applies.

So, Mr. Speaker, we feel that this is something we would intend to propose in committee. That the law be amended, or we would propose amendments for discussion by committee relating to a greater use of judicial discretion in certain circumstances' to see if we can provide a greater degree of flexibility in the law, to make sure that it is not sort of totally categorized into an all the time 50-50 split, that would be the basic standard. But I think as Mr. Hanley and Professor Gibson pointed out in their own dissenting opinion, that the legislation can itself set out certain guidelines as does the British law set out — which is the changes in the British law that occurred several years back — does set out specific instructions in the legislation by which the courts can apply discretion, and we think that that should be something which should be looked at in terms of our own legislation; that on the deferred sharing for existing marriages certain degrees of discretion be allowed. It would alleviate as a result, that kind of case, where there is an unfair division, that the 50-50 split would be an unfair division according to the kind of merit that is acquired on the part of certain spouses.

So, Mr. Speaker, we would hope to be able to introduce that particular concept into the consideration of the committee and have it examined at that time to see if it is appropriate.

Mr. Speaker, on the question of opting out, it was one that I think has caused a great deal of concern for a lot of people as to whether there should be a bilateral or an agreed upon opting out procedure and in being unfair. I would say that my own opinion is, that I am convinced, I think, by the arguments presented by the minority in the Law Reform Commission. That, in fact, if you didn't have a mutual opting out arrangement that it would result in a continuation of certain inequalities in the law. I think as the Law Reform Commission has pointed out, those who are the most concerned about the unilateral opting out provision are those who would probably have the most to lose and that, therefore, the whole question of equality of property would be lost if there was that unilateral opting out principle.

We think that if, however, you are going to maintain the mutual opting out arrangements or procedures, then again I think that is where the role of discretionary use of the courts does come into play; that it again would appease some of the major concerns that are being applied in those areas.

So, Mr. Speaker, that is, I think, the concerns that we have about the legislation; that we think the retroactivity is too severe that it will result in a high degree of confusion; we see the need for greater flexibility in the law which we think could be applied through discretion; and we do think though, that if there is going to be mutual opting out that a discretionary clause is required. But we want it understood that in no way do we say that that interferes with what we think is the basic agreement with the principles of the law. We agree with the principle of the family assets, of community property, as far as this standard marital regime, and we agree with the deferred sharing concept which is the other major portion of the bill. And we have no reservations about agreeing with those in principles as this bill espouses them. But we do see a need for a change in the procedures by which the allocation of those would be applied. So on that basis, Mr. Speaker, we are also prepared to vote on second reading for this bill to allow it to go to committee, and we would be prepared to bring up our recommendations at that time.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, I just want to speak briefly on one area of this legislation that my colleague from Fort Garry had brought up. It's the immediate ownership — 50 percent ownership — of assets. The Member for St. Johns put forth a great speech about the lady who was timid and couldn't say anything around the house and didn't have much to say. Under the legislation, the way it was proposed and the way they proposed it from the Law Reform Commission, it's 50 percent ownership on separation. If she was staying because she felt she would not have anything if she separated, that would be wrong, she would own 50 percent — (Interjection) — 50 percent on separation, that's what would happen. But this legislation says when it goes through, that 50 percent

assets are owned by both spouses.

Well, Mr. Speaker, when we were in the committee the honourable members on the other side were very much opposed to the recommendations that said, that neither spouse could spend any money of over \$100.00 and we talked \$500.00 without asking the other.

A MEMBER: Sure, it's a good law.

MR. F. JOHNSTON: They thought that that was a terrible thing to have to do, and quite frankly I don't intend to . . . —(Interjection)— I wouldn't want my wife to have to ask me if she wants to buy anything, nor would I want to tell her or be even part of it if she wanted to sell her fur coat; it's hers, she can sell it. And if I happened to be out with the boys the night before and there's a little bit of an argument and I want to trade in my car that day, I can't do it because she might be a little mad at me. Mr. Speaker, that's why I said when I was sitting here, to the Honourable Member for St. Johns, let the God stand up.

I firmly believe in 50 percent in marriage. I firmly believe in 50 percent assets, but since when did we as a legislative body, start to legislate the lives and what goes on within the family home? If there is reason for separation it's going to be a 50-50 split, but we right here, we right here are now starting to legislate how people are going to live and what they're going to do when they're living together, and we don't have that right. Mr. Speaker, when I said we don't have that moral right, we really don't. We may have the legislative right, but this is just straight meddling — meddling — in the House. —(Interjection)— I don't particularly want to own a house. My home is in my wife's name for the protection of my family, and my wife, if I happen to get sued or something, I don't want to own a house, but I've got to. So if I happen to get sued we can lose the house and everything, or the roof over their heads. That's what the 50 percent asset thing is, and that is — the Member for Radisson is shaking his head and he doesn't know a damn thing about the bill, he's never read it. —(Interjection)—

So, Mr. Speaker, if you examine that particular aspect of this legislation, this legislation should say that if you don't want to live with somebody, you want to separate, you have a right to 50 percent; and if you don't like the way that you're treated by your spouse you can say, "I'm separating and I get 50 percent." But when you start to say that there is going to be meddling within the family, which is going to be the law, this is not legislation that is even respectable; and the members on the other side of the House, when that particular situation came up in committee, they were opposed. They opposed that. Every single one of them did. As a matter of fact, when it came to allowances to a spouse, the Honourable Member for Ste. Rose basically said it would be an insult to a woman to set an allowance for her in there. I don't completely agree with him, but I think that he had a point. And now, now, they are presenting legislation that says that this Legislature has the right to put the 50 percent immediate ownership on, which will cause more trouble within families; it will cause more break-ups. If a person is in an inquiry of a farm that's not incorporated, you know the man couldn't even sell his tractor, he couldn't even buy another one.

A MEMBER: Then the third party is liable.

MR. F. JOHNSTON: Yes, and then the third party is liable. —(Interjection)— Well, do you want to bring it all in? It's all there. I'm sure it will come out in committee. Mr. Speaker, that legislation on that particular aspect of it is really basically fooling around in the bedrooms of this province, and this government has no right to be involved in it. —(Interjection)—

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Well, Mr. Speaker, I'm prompted not to rise because the remarks made by the Honourable Member for Sturgeon Creek nor the Honourable Member for Fort Garry, but rather the Honourable Member for St. Johns.

(a) I would like to give him opportunity to confirm or deny that his cousin who left the kibbutz is not now playing short-stop with the Chicago White Sox. Perhaps he's doing something else.

Secondly, and more importantly, to agree with him that this is possibly, you know, the most important piece of legislation that is being presented to the Chamber at this time, among others, and there are three or four, and I name them: Bill 56, the Farmland Protection bill; Bill — I can't recall the number — but the bill dealing with the changes to the City of Winnipeg Act. I would suppose if the Minister of Labour were here, he'd want one of those bills to be considered, perhaps the bill having to do with overtime as being among the others.

My purpose in rising, Mr. Speaker, is that without exception, Mr. Speaker, this government has once again demonstrated that we as legislators are going to be asked to deal with the real hardened guts of this session in — I won't say it's the last days of the session because I'm sure the House Leader will rise and say, "What gives you that impression?" — but surely, Mr. Speaker, with the Estimates out of the way, with June coming upon us in the next day or two, we are once again, without breaking their format, dealing with the basic and the most important legislation in what surely will have to be counted, and I think will be proven to be the case, the last ten days of the session. All right, I'll stretch it to twelve days. The Honourable Member for St. Johns says we should not rush — we should not rush — and I agree with him we shouldn't rush.

Monday, May 30, 1977

But, Mr. Speaker, my purpose really in rising is simply to underline that that has been the hallmark of this government. And, Mr. Speaker, the other difficulty is — another hallmark is — that they have brought in messy, poorly prepared legislation; whether it's the Minister of Agriculture that brings in a bill having to do with fixing up of farm repairs or farm implements, and he brought that in two days prior to the end of the session; a 56-clause bill that required 59 amendments the next year. We have the situation right now where we have the City of Winnipeg bill in front of us, not even having heard all the representation, already being indicated that we are going to be facing major amendments, and the House Leader telling us that he's already bringing in another bill amending the amendments to the bill.

Now, Mr. Speaker, maybe that doesn't make all that much difference when we are dealing with changing the City Council from 50 to 28; or if we are changing the warranty clauses on a repair part for my tractor or combine; but I think what we all realize, even those of us that have not spent the time and that have not worked as diligently as those members of the committee that were charged with the specific responsibility of spending the many hours listening to the Law Reform reports; listening to the outside representation that was made; but all of us recognize that this is very important legislation. And, Mr. Speaker, I register an objection to the fact that we are — whether or not they are imposed on us or not — but simply by the constraints and by tradition find ourselves dealing with what honourable members opposite — including government spokesman opposite recognize as being perhaps the most important legislation that we're dealing with, dealing with it in these dying days, these last days of this Legislative Assembly.

So, Mr. Speaker, with those remarks I can't help but, you know, reserve the right of the opposition to express their concern as to the mechanics of the legislation. The Member for Fort Garry, the Member for Sturgeon Creek have indicated that there is no philosophical argument as to the basic principle of the bill. But, you know, unlike the members of the Liberal Party who share little responsibility in the kind of legislation that gets past in this Chamber, the Official Opposition does; and when it's lousy legislation you are the first ones to get up and say, "Where was the opposition to it?" And you have done that, and you have done that on your literature when we have allowed poor legislation be passed. That's the difference between a party that has responsibility and a party of individuals that is not recognized as a party in this Chamber. They can get away with that.

So we are concerned about the mechanics of the legislation. We are concerned, Mr. Speaker, and I am concerned when representation coming to us even now in caucus, is as diverse as it is. You know, normally legislation or representation that is being put to, particularly an opposition group, is very clear and very distinct. A government wants to put in a piece of legislation and outside representation fails to catch the ear of government, so the outside representation groups come to the opposition party in the hopes of being able to influence them to buttress their arguments and support them with facts and figures, and to fight the legislation. But that's not what's happening on this piece of legislation. The representation that comes to us in caucus during the course of the deliberations that we've had on this particular bill, has not been to fight the legislation, has been to make it better, has been to point out problem areas. In fact, it has really been a continuation of the kind of debates that have taken place during the committee hearings, the inter-session committee that sat dealing with this matter.

Again I say, Mr. Speaker, I'm concerned that we are so close to passing a bill and that I find such a divergence of opinion still being expressed on that bill by people representing women's groups, by the legal profession, by other outside interested observers. We seem to be a long way from arriving at a consensus on this bill. Mr. Speaker, I see no particularly partisan approach in this bill; I see this not as an NDP-inspired piece of legislation or a Conservative or Liberal-inspired piece of legislation, not in the same light that one could properly identify comprehensive automobile insurance, for instance, as being particularly attributable to one particular party. I see this legislation as being a response to the real means of reforming archaic marriage law.

Certainly, from the reports that I have had, whether they emanate from those members of my party that served on the committee, from having sat in on the committee hearings from time to time and listened to the arguments, not arguments but the positions that were put forward across the table, it was difficult to discern whether the Attorney-General was speaking as a New Democrat or whether the Member for Fort Garry was speaking as a Conservative. It was, in my judgment, a genuine searching out of some of the problem areas that the Law Reform Commission presented to the committee and the recommendations that they made.

So I don't see the kind of immediate pluses or negatives attached to this particular legislation that would want to rush us, or push us, into passing poor legislation. Mr. Speaker, I would just remind honourable members opposite the kind of grey areas that still appear to be surfacing on this legislation. We have not had the definitive word from the Attorney-General as to some of the major amendments that he proposes to bring to us perhaps at the committee stage on this bill. And again, Mr. Speaker, so we are really not debating the full nature of the bill right now.

I remind you, Mr. Speaker, and no matter what the honourable members opposite may say, that we can sit here until August or September to debate the bills, — we will not. This House will prorogue inside of ten or twelve days and all members opposite and on this side know it. I rise principally, Mr. Speaker, to indicate the true track record of this government that has persistently and consistently brought in the major legislation — even in a session like this session where we haven't had that much major legislation to deal with since we started on February 17th — but we have once again, true to form, have had placed onto our desk and onto our table, 95 percent of the heart and guts of this session in terms of legislative action, legislation that affects the lives of people in the Province of Manitoba, we'll be dealing with in the course of the last ten days of this session.

Sir, I raise an objection to that, I raise an objection as to the ability that it gives an informed opposition to mount the kind of responsible opposition and constructive criticism, and indeed, constructive help, to the kind of legislation that we are dealing with at this particular time.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, every year we are treated to this Opposition suggestion that somehow, Mr. Speaker, the sessions are operating in a fashion which does not give the legislators a chance to consider legislation. The fact is, Mr. Speaker, that most of the sessions which I participated in between 1966 and 1969 operated in exactly the same way as this one, except there was no important legislation. The piece of important legislation that there was in 1966, the year before I came here, was a pension for Cabinet Ministers which was introduced in the last days of the session, after speed-up.

Mr. Speaker, a legislative session is a problem to try to create and we sometimes don't know which things are going to be considered important and which are not going to be considered important. But for the honourable member to make those remarks on this bill shows how much of a parrot he is with regard to repeating things no matter what the facts are. He has a statement; he knows that after speed-up he is supposed to say, "Legislation, important legislation after the session." It's like "Polly wants a cracker." After speed-up any legislation, important legislation after the session is in its dying days.

Mr. Speaker, first of all let there be no mistake about it. When we say that the legislation is not introduced in its dying days, we mean it. We say that the legislation should be given every consideration that it is entitled to, and that the legislation should not be introduced in its dying days unless the Opposition wants the session to die, because we are prepared to consider it fully, and we are prepared to spend that time which is necessary for considering it fully.

However, Mr. Speaker, let's look at what has happened with this bill. Does the honourable member know on what date this bill was introduced for second reading? What date? The honourable member doesn't know. He couldn't have made that speech. Mr. Speaker, this bill was introduced for first reading on April 13th; second reading on May 6th — May 6th, that was long before the Estimates were completed. The Estimates were completed several days ago. So on May 6th, Mr. Speaker, which I think was just before the Budget Speech was finished, or if not immediately afterwards, which is the normal time, this bill was introduced on second reading by the Attorney-General.

And what happened to this bill? May 6th, introduced by Mr. Pawley and Mr. Ferguson, the Member for Gladstone, took the adjournment quite normal. May 9th, stand. May 10th, stand. May 16th, stand. May 17th, stand. May 18th, stand.

For those who are reading Hansard and don't understand what is taking place, when the word "Stand" appears, it means that the member who is holding it, who is a Member of the Conservative Party, is saying that his party is not prepared to proceed with that legislation at that time. That's what it means.

Now, Mr. Speaker, this legislation stood from May 6th to May 18th. What happened after May 18th? Why was it not picked up then? Mr. Speaker, approximately May 18th, it was indicated by the government that we would like to reserve the option, so that it would be available, that there either could be an election in June and that we would not be foreclosed from holding such an election because we had not completed the financial legislation of the government, and the Member for Morris got up and told the world, "They know how to do this. The House Leader knows how to do this. He showed us how to do it in 1973. He called all the Estimates until they were finished with the Estimates, and called only those bills that were absolutely necessary." And that was said by the House Leader of the Conservative Party.

So from that point on, Mr. Speaker, at approximately that time, what we said is that in order to maintain flexibility — and there's not a particularly profound strategy — that we would start dealing with the Estimates in order that the Estimates be completed.

So the Honourable Member for Lakeside says that after the Estimates are completed they start bringing in this legislation. Mr. Speaker, that's what they said we should do. And, you know, I'm not foisting the responsibility on the honourable member; I'm not saying that that's what they directed us to do. We did it because it made sense. But if he is suggesting that it would be nicer if it was done the other way and that we shouldn't bring these bills in after the Estimates, then, Mr. Speaker, we could have accommodated my honourable friend. We could have kept calling bills and the Estimates would

continue into June and then he would not be able to parrot at the Estimates legislation because the legislation would come before the Estimates which is, by the way, the way it was done last year when there wasn't the prospect of an election. We kept calling bills and the Estimates were dealt with in the more dying days. If the honourable member will correct me, I was here on a Saturday afternoon dealing with my Estimates.

So we know that the honourable members have to pretend that somehow the session is proceeding in a peculiar way; that somehow legislation is not being properly considered or that amendments to legislation somehow demonstrate the weakness of the legislation.

Mr. Speaker, I have had the occasion to be doing considerable reading on the parliaments of England under Disraeli, under Gladstone, under Balfour, under Lloyd George, and they keep talking about how a bill was brought in and then 150 amendments were brought to committee. Generally, Mr. Speaker, they are amendments that the drafters themselves see and which require the bill to be corrected. And that happened under the Roblin administration, Mr. Speaker, that happens under every administration. It's not a demonstration that there is a mess. That's why, when we talk about second reading, that we say that the bill is approved in principle, that what is intended to be brought about is approved, and clause-by-clause is forbidden by the rule to be discussed in second reading in the House, because it is understood that when you are dealing with the clauses individually they are dealt with in committee where amendments can take place.

So we on this side can't really take too seriously the Honourable Member for Lakeside in most of his criticisms, which don't relate to fundamental issues, which he sometimes does deal with, we can't take seriously his criticism as to the procedure of the House for two reasons, Mr. Speaker. One, we believe that the Conservative Party is conscientious and will consider the legislation and not permit the session to die until they have given it that consideration. We have been proceeding on that assumption. The honourable member says that that assumption is incorrect, that the Conservative Party is not conscientious, that they will let the legislation go through without giving it the consideration that it deserves. We don't believe him. Even though he will tell us that about the Conservative Party, like a lot of other things the Conservatives say, it's not true. We believe that the Conservative Party is diligent, is conscientious and will deal with the legislation and give it the attention that it deserves.

This particular bill, Mr. Speaker, this particular bill — let's look at what is being said as being something sprung at the last minute. I think it went to the Law Reform Commission, it was there for a year-and-a-half. A report was issued; a committee was set up; a committee considered it for a year. It came to the House on May 6th. Mr. Speaker, the honourable member says, "the dying days of the session." My friend, the Minister of Labour, was here when sessions didn't last much more than eight weeks. This bill is being brought in on May 6th, which means that even under the best of estimates it's going to have at least a month on the Order Paper for consideration. I would suggest to you that many pieces of legislation were passed by the previous administration which were never on the Order Paper for a month.

Mr. Speaker, the Member for Rock Lake has said, "We did not get mixed up in the lives of people as you did." The Member for Lakeside has clarified that this bill is not a piece of New Democracy, it is not a piece of Conservatism. It is a bill that is brought about because women of all classes, of all economic income groups, of all politics, and men in society have recognized that some of the laws relating to marriage, husband and wife, which were passed by Conservative — (Interjection) — Mr. Speaker, please, let's not provoke where it is not necessary. I say that those laws were passed by Conservative parliaments getting into the lives of people. They said what shall constitute divorce; they said what shall constitute property; they said what shall constitute Dower rights; and they have remained like that for years and years. So don't say you didn't get into the lives of people, and don't represent this as a bill which is being pushed forward because of this government. This is a bill that is being pushed forward because people of all parties feel that this kind of legislation deserves to be considered. That's the way it was discussed at committee. So don't suggest that this and other legislation . . . — (Interjection) —

Well, you know, I would like to take the credit that we are the only group that has responded to the almost universal demand and in the Province of Manitoba, to some of the suggestions that are being made about the unfairness of the present laws relating to marital relationships. I wish I could say that this group was the only group that was concerned, but the Member for Lakeside told the truth. He said that at committee, it was a question of trying to bring forward a good piece of legislation. On May 6th, Mr. Speaker, immediately after the close, or just at the closing of the Budget Debate — and it means Mr. Speaker, that any earlier date we wouldn't have been any further ahead — this bill was given not first reading but second reading. And I'm going to repeat it, because it's worth repeating.

May 6th — introduced, taken by the Member for Gladstone. May 9th — stood by the Member for Gladstone, Progressive Conservative. May 10th — stood by the Member for Gladstone, Progressive Conservative. May 16th — stood by the Member for Gladstone, Progressive Conservative. May 17th — stood by the Member for Gladstone, Progressive Conservative. May 18th — stood by the Member

for Gladstone, Progressive Conservative. And then around that time, the Member for Morris suggested, if you want to make sure that options are available, stop calling bills. Mr. Speaker, he made that speech from his seat, stop calling bills. Call the Estimates and let's get them over with. So from that point forward, we called the Estimates' we are now through with the Estimates, and we're going back to bills. —(Interjection)— Well, I'm not suggesting it was a bad idea.

You know, the Member for Birtle-Russell once gave me a good idea. He said, "call committees at night". And we have called committees at night, and speed-up has become a holiday for many of the members, where it used to be a real . . . well, not for some of us. Not for some of us. Because we expect from each, according to their ability, you see, so some of us have to work harder.

But nevertheless, Mr. Speaker, the fact is that between that time and the present, we have proceeded with Estimates. Now there were charges last year that the government had deliberately asked that bills be delayed so that they wouldn't be given their full consideration until the session was over. This charge was made by one of my favorite reporters, that I worked out this strategy. By Mr. Ted Stupidly. And I wrote a letter to the Clerk of this House and to Legislative Council telling them to put on the record whether I, at any time, ever asked them to delay presentation of legislation on which drafting instructions are given . . . at any time that I asked them not to come forward with legislation that had been booked for the session. I'm prepared to give the answers to both of those letters to the Winnipeg Free Press' the Winnipeg Tribune, and the Member for Lakeside, because that is entirely false.

We have asked that legislation be brought forward as fast as it could. There have sometimes been changes which we have asked to be incorporated. But a strategy, to wait until what is called — which nobody knows what it is — the dying days of the session, by definition, Mr. Speaker, there is no such term.

The Honourable Member for Lakeside knows that we were in speed-up for two months in 1970, the year of Autopac, so you can't exactly call 60 days dying days. We were in speed-up in our first session, even in our very first session, for a considerable length of time. Mr. Speaker, I know that the honourable members, in grasping for straws, have to pull out of their repertoire, every little criticism to put on the table as a , I matter of record wish they would number them. Mr. Speaker, I wish they would number them. We could number, speech on delayed legislation Number 8, then the Member for Lakeside could get up and say, Number 8, and that would give us more time to consider the bill, which he says is so important. —(Interjection)— That's right, I could answer, Number 10. And this would make this kind of debate, which I agree is useless, this kind of debate, not necessary. But, Mr. Speaker, it has to be. I don't know if it has to be, but every once in awhile I suppose it's going to be responded to, and I can't think of a better example of a bill on which to respond than this bill which was brought in over three weeks ago, and stood for a full week, and longer, because it was stood last week. It was stood on Saturday. It was stood again, on Saturday, by the members of the opposition.

We have a little bit more confidence in the opposition than they themselves have. We believe that they will be conscientious and give good consideration to the legislation which has been brought forward in a very systematic and very orderly fashion.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BANMAN: Thank you, Mr. Speaker. Unfortunately, I was going to mention that I won't be making a traditional speech. I want to make several comments with regard to this bill, so I won't just pull a number out of the hat and throw it across to the members opposite.

Mr. Speaker, I think that the majority of members, as expressed by speakers on both sides of the House, agree in the principle of the 50-50 sharing of assets between husband and wife upon the breaking up of the marriage. I should point out as the Member for Sturgeon Creek did , in my particular instance, I've got our house in my wife's name and I don't find any problems with doing that.

The different problems, when I'm looking at the bill for instance, and I understand that because of certain succession laws that we have had, if a husband has gifted his wife half the house, he is not entitled to that particular half. In other words, in a situation where a husband has gifted his wife half the house, she is also entitled to a half of his half. —(Interjection)— Well, I stand to be corrected on that. But I would like some explanation on that particular point.

Another point that has been raised to me by the legal profession is that some of the areas which it has been indicated that the Minister has some changes to, would create a real bonanza for the legal people. I think, Mr. Speaker, I'd just like to tell a little story. It loses something in the translation when you translate it into English from German, but it was told to me by my father. He said, there were these two gentlemen that were sitting, enjoying a cup of coffee in their back yards on a nice sunny day, and it just so happened that right on the property line, there grew this tree. And in this tree, there was this bird, and it was singing a beautiful song this one morning. The one man, sitting on his side of the property line, said to the other fellow, well, isn't that birdie singing a beautiful song for me? The other man says, no, that bird is singing for me. And one thing led to another, and before you know it, they got into some hand to hand combat and one of them ended up in the hospital. What happened is that

they carried it even further, they went into civil court for a fairly extended length of time, they had a real heated court battle, and the day comes when the Judge hands down his judgment. The Judge says, listen, this is analogy of the situation. The tree was on the property line, the bird was up in the air, and the air belongs to everybody, nobody's got a monopoly on that' and therefore I think that bird really didn't sing for any specific person, it sang for everybody. And the two lawyers turned to each other in the court room and smiled, and they said, Your Honour, you're wrong, that birdie sang for us.

That story applies very much to this particular bill in many aspects. I think that is one concern that has been expressed to me, is that in many cases a lot of the assets will be eaten up in a legal situation.

I would like to know, also, if for instance, a husband and wife split up, or for this matter, a widow would remarry and she would maintain, keep the house. If the person that she got married to moves into the house with her, after roughly a year that person decides to say, listen it's not working, I want to leave. I would like to ask the Minister, if in a situation like this, the man that married the widow or the divorcee could then demand half of the assets of that house? That's another question. It was the marital home. Is he then, or she, that is spouse, entitled to half of that asset? I know according to the bill that any assets accumulated after the marriage, of course are 50-50. So you'd have to take date of marriage and then you'd have to have assessment at that time, and then you'd have to go forward and get a new assessment, and the difference in between there is what she or he is entitled to half of. And I wonder if this applies to the marital home. In other words, I know under the Dower system, I think they're entitled to one-third now, if you've lived in it for a year. But is a person like that entitled to half the home?

The other problem I see, as I mentioned with regard to the gifting, if the Minister would comment on that when he closes debate. The other point that I would like some clarification on is, third party liability. I'm going to use an example which maybe applie to me and it's sort of a parochial thing, but ' I think it sort of would cover the waterfront as far as people who are in the retail sales business. Take for example, a man comes to trade in an automobile at a dealership. I would imagine, the way the legislation is drafted now, the dealer would really have to have another line on the form asking for the wife's signature that she gives her approval to the sale of that particular asset, because it belongs to the family unit.

The other thing is, if this couple is in the process of getting a separation it complicates things even more. What happens now if, for instance, a man or a woman drives onto the yard and says, I want to trade this car off, and you almost have to ask them what their marital status is. Now' if they bring a friend along of the opposite sex and he or she can then say, listen, this is my wife, how are you . . . again, it really complicates things. If the person, the third liability person is going to accept a trade-in of any appreciable amount, whether — the Member for Sturgeon Creek used the example of a tractor — the third party will then be held responsible for this particular asset, and you could have a real donnybrook on this thing.

I'm just wondering what ramifications this particular item will have, because if it indeed is the way I interpret it, then you're almost going to have to check out a person's marital status before you start dealing with them, and I'll tell the Minister that's extremely impractical.

Mr. Speaker, I realize it's a very comprehensive bill. I've read it through several times and I'm sure it will take a lot more studying for a lay person like me to understand the total bill. These are a few areas of concern that I have.

Another area of concern that was mentioned by the Member for Fort Garry, of course, is the income tax problem, the joint filing. If indeed we work on the premise that 50 percent of the assets are the wife's, I can see all kinds of problems as far as the income tax filing is concerned. For instance, if my wife and I sit down and say, listen, I will look after the children from 9 in the morning till 9 at night, that is my responsibility. I then hire somebody to do that. What about if I hire her then to look after the children for that time, and I pay her a wage. And she says, okay, my responsibility is from 9 at night to 9 in the morning. Then I can pay her a wage and I can produce a joint income tax file, when I'm filing for income tax. That's another area of concern and it was brought up by the Member for Fort Garry.

Mr. Speaker, with those few remarks, I hope that some of these areas can be clarified, that we can simplify it so that it's at least not as complicated as it presently is, and to make sure that not all the assets on a particularly small family unit will be eaten up in legal fees and all kinds of legal battles and legal hassles. I think that's a real fear by people. We know what costs are today and it doesn't matter whether it be in the legal profession or any other service industry, the costs are high, and for \$1,000 you don't get very much, and if your estate isn't very big or the assets aren't that much, I can see it shaping up to a real court battle and all kinds of problems.

Mr. Speaker, I'm going to be anxious to see what kind of amendments are presented by the government' the retroactivity one mentioned' I'm glad to see that being taken out, but there are some other areas of concern and I hope that those areas can be straightened out in committee. Thank you very much.

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

MR. PAWLEY: Mr. Speaker, there's only ten minutes left and I think I can complete my remarks in the ten minutes because most of the matters, I believe, can be more fruitfully dealt with in committee. The final speech was a constructive one by the Honourable Member for La Verendrye and I would like to deal specifically with a number of the points made, first in connection with third party, and the example that he provided in regard to the garage keeper. The liability that would occur would be one which would be dealt with between the parties themselves, and that is, I think very clearly established within the bill, that that would be an internal accounting problem between the husband and wife, that if the goods are sold for value in good faith, *bona fide*, then the third party receives clear title to same.

Insofar as the question that was raised re the marital home, I trust that the Honourable Member did not receive this area of complaint from the legal profession, because if had, then they should have advised him that the present provisions pertaining to marital home involve the Dower protection in the very same sort of areas that interestingly he was expressing concern about, in respect to what might happen under our legislation. Fortunately, in Manitoba we have the Dower Act, and the Dower Act does properly protect a spouse in respect to the sale of the marital home, and certainly that is reemphasized insofar as the basic principle of this legislation is concerned before the House.

The honourable member referred to a husband gifting his wife one-half of the property, split up later, then does the wife also receive a half of the husband's property that remains? Mr. Speaker, the legislation intends to reflect in an equitable way any prior contribution that has been made in order to arrive at the one-half situation.

There were questions pertaining to the Member for Sturgeon Creek. And I must say to the Member for Sturgeon Creek, I don't know what reference he was making to in Bill 61. I think he was speaking to Bill 60, rather than 61, and if he would reflect upon the present bill that we're dealing with, I think that he will not find the provision that he was making reference to. I would suggest that the heat and fury probably should have been dealt with in the earlier bill, which was processed through this House, rather than in connection with 61.

The bilateral opting-out I want to say here that I understand very well the positions that are being raised, and there certainly are some pros and cons for the position taken on either for the unilateral opting out or the bilateral. I have real concerns' as I expressed in committee, with the bilateral opting-out, concerns which were supported by the remarks of the Honourable Member for Fort Rouge, that the unilateral opting-out would be taken advantage of in most cases insofar as the very type of marriages that this type of legislation is hoping to address itself to; that the 97, 98 percent of marriages where you don't require legislation of this nature would not be affected by the unilateral opting-out, but that we would be allowing an escape valve, an escape route, insofar as the very small percentage of marriages in which the dominant spouse would take advantage of the opting-out provision, the unilateral opting-out provision. That is the concern which we have, which we still retain in connection with the question of opting-out.

I want to also say to the Honourable Member for Fort Rouge that there are in the existing legislation, which we are dealing with, provisions pertaining to dissipation of assets, wasting of assets, which I trust would cover some of the concerns that he raised that he felt should be dealt with by way of judicial discretion. Certainly we can take another look at those existing provisions to ascertain whether they meet the intentions that were expressed by the Honourable Member for Fort Rouge in his address.

Mr. Speaker, just one very final quick note. I think there has in fact been very few occasions where we have had legislation in this House that has been dealt with so thoroughly, the concept of the legislation by those studying the subject matter and by way of public submissions. The Honourable Minister of Mines and Resources mentioned some two years to two and a half years of study followed by public submissions to the Law Reform Commission, a very thorough review by the Law Reform Commission. There is a list of groups and individuals that made submissions to the Law Reform Commission. I believe there is approximately fifty groups of all walks of life, whether it be farmer, whether it be business, women's groups, individuals of all rank, made submissions to the original Law Reform Commission.

Then insofar as our Legislative Committee, again some six months of review involving again probably at least fifty submissions that were made I believe during a two-day, two-and-a-half-day period, and also including submissions in Brandon and in Thompson, so two rounds of Committee hearings involving at least 100 submissions over a space of about three years.

In fact I have heard it said, mostly outside this House, that we have delayed too long with this legislation. The only place where I have heard it suggested that we are rushing forward hastily and too quickly with this legislation, has been from remarks made within this House. The remarks that I hear outside this House have been ones which have condemned us for not proceeding more quickly on this legislation. So I would ask honourable members to reflect with what I think is the actual situation insofar as dealing with this legislation.

I appreciate the comments. I look forward very much to the public submission and I expect that it will be of wide area of disagreement insofar as the various submissions that would be made to us. I

know that the legal profession have certain reservations and concerns. Let me say though, to the Honourable Member for La Verendrye, that when the legal profession tells him that this is going to create a bonanza for him insofar as legal fees are concerned, and on that basis they are concerned about the legislation, that I am a lawyer myself, I am somewhat dubious or suspicious of their concerns if that is the basis of the presentation that they make to the Honourable Member for La Verendrye.

But I look forward to the submissions that are made in Committee. I think that as a result of those public submissions we'll be able to review the legislation again. There are, as I mentioned earlier, a large number of amendments that are being prepared, basically of a legal or technical nature. There may very well be quite a number of other amendments that we will wish to make after receiving the public submissions. I don't think anyone is so locked-in in respect to particular details of this legislation that we cannot adjust according to reasoned argument presented at the Committee stage.

With those few remarks, Mr. Speaker, I would look forward to this bill proceeding on its way to Committee and the receipt of public submissions.

Question put, Motion carried.

BUSINESS OF THE HOUSE

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I am asking that this bill proceed to the Committee on Statutory Regulations, which I believe is the Committee that considered the report of the Law Reform Commission. And that being the case I would think it would be quite safe to call the Committee for Wednesday evening at eight. I understand that there could be an active interest in it and I would recommend to the Committee that they try to establish an end limit of time on any single delegation. I make that as an observation hoping that they would consider it.

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

MR. JAMES WALDING: By leave, before we adjourn I would like to make a substitution on the Law Amendments Committee. Substitute the name of the Honourable Minister of Industry and Commerce for that of the Honourable Minister of Consumer and Corporate Affairs.

MR. SPEAKER: Is it agreed? (Agreed)

The Honourable Member for Radisson.

MR. HARRY SHAFRANSKY: Yes, Mr. Speaker. By leave, I wish I had consulted with my honourable colleague. I wish to substitute the name of Miller for that of Shafransky on the list of names comprising the Law Amendments Committee.

MR. SPEAKER: Is that also agreed too? (Agreed) Any other changes?

I believe I will call it 5:30. The hour of adjournment having arrived the House is now adjourned and stands adjourned until 10:00 a.m. tomorrow morning.