

## Manitoba's marital property legislation to be re-written

*F.S. Manor has provided the following article on Manitoba's controversial Marital Property Act, reprinted here from Canadian Scene.*

The two acts once described by the former Manitoba NDP government as the "most progressive legislation in North America" — the Marital Property and Family Maintenance Acts — are being shot down by the new Conservative administration.

Roughly, the act stated that one-half of all property of a married couple, including the husband's business assets, belongs to the wife. The bill was fought vigorously by the then Conservative opposition, not so much because of its basic aim to give the wife a better chance but because of the legal entanglements this would cause.

The Chamber of Commerce and other business representatives pointed out that the act would make it impossible for any partnership to exist, since one-half of a company's assets would always be in doubt. Banks claimed that they would have to investigate the marital situations in the homes of businessmen before being able to grant a loan to the business.

Lawyers, too, were highly critical of the act that was, they claimed, written in a slapdash manner that would lead to endless litigation, which in turn would consume the substance of both partners of a broken marriage.

The bill was to be enacted on January 1, 1978 with retroactive validity, but one of the first announcements of the new

government was that the bill would not be proclaimed, and that it would be re-written.

The New Democratic Party opposition, flanked by various women's liberation lobbies, is up in arms, but the government has stood firm and its only concession has been to enlarge the panel of lawyers charged with rewriting the bill by giving a seat on it to a woman lawyer.

There is a clash here not only of legal conception but of fundamental philosophy. Ken Houston, the most vocal critic of the legislation, who is now on the panel that will rewrite the act, has told the hearings held under the previous socialist government "that marriage does not translate into dollar values, and should not be considered only as a business partnership under the terms of the province's Partnership Act". He also claimed that "the legislation's retroactivity is a massive assault on the people of this province who do not share your philosophy". These people, incidentally, voted in a landslide against the government.

The bill is, of course, of great importance to recent immigrants. Family counsellors have often found that immigrant wives in marital difficulties have no idea of their rights.

Most experts agreed that where the old legislation might have erred to the wife's disadvantage, the new legislation swung too far the other way. There must be much legal and philosophical patching up before the NDP legislation can be transformed into a workable act.

## Low-cost fares from Los Angeles to Montreal — Air Canada

Air Canada has introduced low-cost return charter class fares between Los Angeles and Toronto/Ottawa/Montreal. The Los Angeles-Toronto charter class fares are \$222 from Monday to Thursday and \$245 from Friday to Sunday. Passengers travelling one direction mid-week and the other direction on the weekend are assessed the sum of one-half of each fare.

The charter class fares are available for travel until April 30, 1978, except January 2-4 and March 16-27. Reservations for the low-cost fare must be made 45 days prior to departure and tickets must be paid for within seven days of placing

the reservation. The traveller must stay between ten and 30 days. There is a \$20 cancellation fee.

### More charter seats

Air Canada plans to triple seats available under its low-cost charter class fare program for travel within Canada in the peak summer season 1978. It will provide 390,400 seats for charter-class passengers between June 15 and September 15. Indications are that there would be no change in charter-class seats available at other times of the year. Air Canada carried about 210,000 charter-class passengers for the entire year in 1977.

## Canada/Philippines double taxation agreement in force

The Secretary of State for External Affairs, Don Jamieson, and the Ambassador of the Philippines, Privado G. Jimenez, exchanged instruments of ratification relating to the Convention between Canada and the Philippines for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes and Income.

The agreement, which was signed by Mr. Jamieson in Manila in 1976 when he was Minister of Industry, Trade and Commerce, now enters into force. It is expected that the pact will give fresh impetus to commercial and financial exchanges between Canada and the Philippines by overcoming obstacles regarding the tax status of firms or individuals of one country deriving income from the other. Strengthened economic relations between Canada and the Philippines will result.

## Whale protection body

Fisheries Minister Roméo LeBlanc recently announced the formation of an advisory Committee on Whales and Whaling, similar to the existing Committee on Seals and Sealing formed in 1971.

The independent committee, which comprises six experts from a variety of backgrounds, will advise the minister on research and management of cetaceans — whales, porpoises and dolphins — in Canada.

Chairman of the committee is Dr. Ian McTaggart-Cowan of Victoria, British Columbia. Dr. McTaggart-Cowan is dean emeritus and professor of zoology at the University of British Columbia, and chairman of the Canadian Environmental Advisory Council. He is the author of more than 200 publications on the biology of birds and mammals, conservation, and the environmental impact of natural resource development.

Canada, which has prohibited commercial whaling in its waters since 1972, has remained an active member of the 17-nation International Whaling Commission which pursues conservation measures throughout the world.

Small whales are harvested by Canadian Inuit for their own consumption, and a few small whales are captured in Canada each year for display in aquaria.