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Legislative Assembly of Manitoba
STANDING COMMITTEE
ON
PRIVATE BILLS

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty - First Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
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ANDERSON, Bob	Springfield	PC
BANMAN, Hon. Robert (Bob)	La Verendrye	PC
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WESTBURY, June	Fort Rouge	Lib
WILSON, Robert G.	Wolseley	PC

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVATE BILLS**

Friday, 25 July, 1980

Time — 2:00 p.m.

CHAIRMAN — MR. JIM GALBRAITH (Dauphin).

MR. CHAIRMAN: We have a quorum. I call the committee to order. We're here to deal with Private Bills. We have Bill No. 30, The Canadian Institute of Management (Manitoba Division) Act; Bill No. 55, An Act to Incorporate Brandon University Foundation; Bill No. 65, The Registered Nurses Act; Bill No. 66, The Registered Psychiatric Nurses Act and Bill No. 87, The Licensed Practical Nurses Act.

When the committee last broke we were dealing with Bill No. 87. Is it the wish of the committee to continue with that bill? (Agreed)

Before we start on Bill 87, Mr. Reeves informs me that we have a petition dealing with Bill No. 55 and he would like to know if the committee would like to have it circulated at this time, to give members a chance to look at it.

MR. SAUL CHERNIACK: Is it a petition or a brief?

MR. CHAIRMAN: A brief, pardon me.

MR. CHERNIACK: Yes, sure.

MR. CHAIRMAN: Mr. Reeves.

MR. REEVES: Now would be a good time, Mr. Chairman.

**BILL NO. 87
THE LICENSED PRACTICAL NURSES ACT**

MR. CHAIRMAN: It's a letter. Okay, when we were last dealing with Bill 87, The Licensed Practical Nurses Act, we had some problems on Page 3 and we will return to Page 3 at this time.

Mr. Sherman.

HON. L.R. (Bud) SHERMAN (Fort Garry): Mr. Chairman, I believe Mr. Kovnats has an amendment to propose to 5(1)(j) of Bill 87, on Page 3 of the bill. I turn the floor over to Mr. Kovnats.

MR. CHAIRMAN: Mr. Kovnats.

MR. ABE KOVNATS: Mr. Chairman, I move:

THAT clause 5(1)(j) of Bill 87 be struck out and the following clause be substituted therefor:

(j) Develop, establish and maintain a code of ethics for licensed practical nurses.

MR. CHAIRMAN: Pass. Page 3 pass. Now will you turn to Page 19. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move:

THAT Section 48 of Bill 87 be struck out and the following section be substituted therefor:
Functions of Council.

48(1) The council shall

(a) develop and prescribe standards of practice and standards of curricula for practical nursing and pre-admission standards, and make regulations for practical nursing educational programs governing such matters as, in the opinion of the council, require to be regulated for the purpose of securing an effective educational program for students of practical nursing;

(b) make those standards and regulations known to all interested persons, agencies and institutions upon request;

(c) provide for verification, by means of visits or otherwise, that those standards are being met and those regulations observed.

Further functions of council.

48(2) Subject to sections 49(1) and 49(2), the council shall

(a) approve practical nursing educational programs which consistently meet with those standards and observe those regulations;

(b) withhold or withdraw such approval of practical nursing educational programs that do not consistently meet with those standards and observe those regulations;

(c) approve, conditionally approve, or withhold approval of new practical nursing educational programs, or changes in existing practical nursing educational programs, in accordance with the standards and the regulations.

MR. CHAIRMAN: Pass. Mr. Cherniack.

MR. CHERNIACK: No. I'm sorry, Mr. Chairman, Mr. Kovnats reads very clearly and loudly, but too quickly for me to comprehend what this is. I'd like a moment or two just to look at it.

MR. CHAIRMAN: Agreed. Mr. Cherniack, may I suggest you get the mike.

MR. CHERNIACK: I'm sorry. I'm sorry, I don't handle them properly. I'm looking at the Chairman and therefore apparently this doesn't pick it up.

Mr. Chairman, I'd like to ask the Minister for clarification. It seems to me that the change in 48(1) takes out those aspects of 48 which appear to even contradict, but certainly deal with the same subject matter as 49. Is it the intention still to leave in 49, which we have somewhere, or . . .

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Yes, Mr. Chairman. The sections that are designated as 49(1) and 49(2) remain as are. What has happened in 48 — and I might say that it is going to be necessary to open up 65 and 66 for conformity on the complimentary sections, is that we have set out very clearly what the functions of the council — in this case the practical nursing council — are over which the council has authority and to designate those further functions of the council which would be the normal practice and the normal procedure that the government would wish the

council to carry out. But the bottom line safeguard in the event of some, for example, hypothetical decertification or move of that nature that was not acceptable to the government, that bottom line function would remain with the Minister. So that 48(2) specifies that there are three functions there of the council that are subject to Sections 49(1) and 49(2) with the Minister's approval.

But in the normal course of events, the approving of practical nursing educational programs, etc., would be something that should be done first by the council. This is a step in a sequence. These are functions that, for example, I would think it unlikely that the Minister — and in this case speaking for the present Minister — it is highly unlikely that the Minister would want to be the initiator of any of those functions specified in 48(2). He would wait for advice from the council on functions of that kind.

MR. CHAIRMAN: Pass. Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, I'm concerned that urgency in time might create poor legislation. I'm not saying this is poor. As I conceive it then, 48(2) gives the council the authority to approve or withhold approval of educational programs? And 49 seems to be giving the same power to the Minister. Mr. Chairman, it seems to me that there may be a drafting problem here but frankly, well, Mr. Balkaran is satisfied. I don't think I care that much to work on that aspect of it. What the Minister thinks this means then, is that the council will make decisions and the Minister can override those decisions and Mr. Balkaran is nodding his head.

Frankly, I am not sure that a school starting to teach licensed practical nursing education could do so under 48(2) with all the approval. I think that council have to approve but that in the end the Minister will have to approve. I don't think that 48(2) will grant the power to override 49(1). I think the Minister will have to countersign it because 48(2) says "it shall approve a program", but 49 says "no person shall do so without the authority of the Minister". So I really don't believe this veto power.

I think the Minister has to countersign this and the Minister doesn't have to wait for them, he can do it on his own. In other words, I think that 48(2), that the words "subject to" denies the power to the council in that the council can't do it unless the Minister does it. The council can only do it to be countersigned by the Minister. That's the way I read it and I don't object to it. If Mr. Balkaran is happy to leave it as it is then all I have to say is I think that you get the impression from 48(2) that they have a power which they don't have and that it's not subject to veto. Really 48(2) is saying subject to section 49 I would quickly say, well, that's a veto power that the Minister has, but frankly I don't think it's a veto power. I think he has to take that next step. He must take a positive step of either doing or not doing what the council recommends. I think probably 48(2) would be better read if it said: "shall recommend to the Minister on" so and so.

But now it's drafted and I really shouldn't let my legal opinion take the time of the committee. If you're satisfied, I don't have any objection.

MR. SHERMAN: Well, could I just say and I'll be brief, Mr. Chairman, that Mr. Cherniack is quite correct when he suggests that he can't see how 48(2) takes superiority or precedence over 49(1) and (2). It does indeed, not take superiority or precedence and that's precisely the intention, that it do not take precedence.

I think you'd have to view this in a sequential perspective, Mr. Chairman. I think that it's unrealistic and unworkable and impractical to suggest that the initial considerations respecting the practical nursing education programs, whether approving, withdrawing, withholding, conditionally approving, etc., shall all be dealt with on the Minister's desk at the initiation point.

What is being put in place here is a council with the authority to bring its expertise, its experience and exposure to the subject to bear, to make those conditional judgments, most of which would, I am sure, be acceptable to the Minister, based on that expertise that I've referred to. But obviously the Minister has to be accountable to the people of Manitoba, not only for a supply of manpower and womanpower, but for spending the public funds.

So that veto power that the Member for St. Johns refers to does indeed repose in the bill in Sections 49(1) and (2) and this I think safeguards that factor while providing the sequential process that is necessary. Otherwise, everything would have to go back to square one and be dealt with, in completion, on the Minister's desk, and I think that is totally impractical, Mr. Chairman.

MR. CHERNIACK: Would the Minister agree that a new institution cannot exist, based on approval under 48(2)(a) alone, my point being that 48(2)(a) is fine, but that that institution still cannot offer its educational services without bringing in the Minister under 49(1)

If he agrees on that, then the word "veto" power, I believe, is incorrect. When I said "countersign" I think that's more correct. But why am I getting into this discussion since I said I don't want to impose my opinion. I withdraw my comments.

MR. CHAIRMAN: Section 48 as amended pass; Page 19 as amended pass; Preamble pass; Title pass; Bill be Reported pass.

BILL NO. 65 THE REGISTERED NURSES ACT

MR. SHERMAN: On the basis of the amendments just discussed, I need the committee's approval — well, I don't think we have closed them as bills — to revert to Bill 65, the corresponding section, and Mr. Kovnats has an amendment to propose.

MR. KOVNATS: Mr. Chairman, I move
THAT Section 48 of Bill 65 be struck out and the following section be substituted therefor:
Functions of council.

48(1) The council shall advise and make such recommendations to the board as will enable the board to
(a) prescribe basic standards, including standards of curricula and pre-admission

standards, and make regulations for nursing educational programs government such matters as, in the opinion of the council, require to be regulated for the purpose of securing an effective educational programs for students of nursing;

(b) make the standards and regulations known to all interested persons, agencies and institutions upon request;

(c) provide for verification by means of visits or otherwise to ensure that the standards are being met and those regulations observed.

Further functions of council.

48(2) The council shall advise and make such recommendations to the board as will enable the board, subject to Sections 49(1) and 49(2), to

(a) approve nursing educational programs which consistently meet the standards and comply with the regulations referred to in Clause (1)(a);

(b) withhold or withdraw approval of nursing educational programs which do not consistently meet the standards and comply with the regulations referred to in Clause (1)(a);

(c) approve, conditionally approve, or withhold approval of new nursing educational programs or changes in existing nursing educational programs in accordance with the standards and the regulations referred to in Clause (1)(a).

MR. SHERMAN: Mr. Chairman, if I could speak to the amendment. In 65, the difference between 65 and 87 here is that the authority and functions vested in the council in 87 are vested in the board in Bill 65. You will recall that in the cases of Bills 65 and 66 we have an advisory council which simply acts as a body, an advice-giving body to the board. The board then carries out the authoritative functions. In 87, the council, renamed the Practical Nurse Council, supersedes the authority of the board in those areas, nursing education programs, practical nursing education programs, in that case.

So this is the difference in the amendment you see in front of you. Otherwise, the structure is the same.

MR. CHAIRMAN: Section 48 as amended pass. That completes Bill 65. Bill be Reported pass.

BILL NO. 66 THE PSYCHIATRIC NURSES ACT

MR. CHAIRMAN: We will now turn our attention to Bill 66. Page 20, Section 49 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move THAT Section 49 of Bill 66 be struck out and the following section be substituted therefor:
Functions of council.

49(1) The council shall advise and make such recommendations to the board as will enable the board to

(a) prescribe basic standards, including standards of curricula and pre-admission standards, and make regulations of psychiatric nursing educational programs governing such matters as, in the opinion of the council,

require to be regulated for the purpose of securing an effective educational programs for students of psychiatric nursing;

(b) make the standards and regulations known to all interested persons, agencies and institutions, upon request;

(c) provide for verification by means of visits or otherwise to ensure that the standards are being met and the regulations observed.

Further functions of council.

49(2) The council shall advise and make such recommendations to the board as will enable the board, subject to 50(1) and 50(2), to

(a) approve psychiatric nursing educational programs which consistently meet the standards and comply with the regulations referred to in clause (1)(a);

(b) withhold or withdraw approval of psychiatric nursing educational programs which do not consistently meet the standards and comply with the regulations referred to in Clause (1)(a);

(c) approve, conditionally approve or withhold approval of new psychiatric nursing educational programs or changes in existing psychiatric nursing educational programs, in accordance with the standards and regulations referred to in Clause (1)(a).

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, this amendment conforms precisely with the format just adopted for Bill 65.

MR. CHAIRMAN: Section 49 as amended pass. That complete our review of Bill 66. Bill be reported pass.

What's the wish of the committee? Do we start at the top of the list again now?

MR. CHERNIACK: Don't we find out whether we have briefs?

MR. CHAIRMAN: That's what I was going to do, Mr. Cherniack. Do we have any representatives here on Bill No. 30? Is it the wish of the committee that we hear all briefs first before we deal with the bills?

BILL NO. 30 THE CANADIAN INSTITUTE OF MANAGEMENT (MANITOBA DIVISION) ACT

MR. CHAIRMAN: At this time I'll call Mr. Jim Campbell forward to deal with Bill No. 30, The Canadian Institute of Management (Manitoba Division) Act.

MR. JIM CAMPBELL: Thank you, Mr. Chairman. We're specifically glad to have some questions asked about our bill. It shows obviously there is some keen interest in what is happening and we're appreciative of the fact that we can address the committee as a whole.

It should be noted, however, I'm not sure how this has been discussed in Bill No. 30, on Page 1, Incorporation of the Institute. There was only the

name of Mr. J. Mark Westaway included there. I have a copy of the petition that we forwarded. If the Chairman desires, I can pass it on to you.

I believe that there were some questions regarding our particular bill. The first question was basically, why do we want a bill? I think this is an excellent question, by the way, that your committee has posed. What I primarily want to say is that the Manitoba Division is one member of a national organization called the Canadian Institute of Management and we have been working in concert with other provinces, Saskatchewan, Ontario, Nova Scotia, etc., who all have private members' bills and what we look to this bill for recognition was that CIM is a nationally recognized educational institute; that the Manitoba Division is truly a member of the national organization.

As well as a fairly major, or what we feel is fairly major, criteria in that if we want our managers to have portability from one province to the other and especially when they're seeking employment, we want to make sure that all people are recognized equally.

Another question was about the discipline of the members. We had, as I mentioned, worked in concert with other provincial associations. We also had worked through the office of the Legislative Council in developing this particular bill and I believe that the reference will probably be to the suspension of members. Now this is primarily suspension because of non-payment of membership dues.

Expulsion from an office. The intent of that was primarily if one of our officers is convicted of a felony then we would ask them to be removed, ask them to resign from the office. Also we're looking at ensuring that if they are convicted of a felony then they are not using the designation of CIM.

Mr. Chairman, unless there are any further questions, that's the outline of my response to your comments.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, Mr. Campbell, your Canadian Institute of Management, what sort of a charter does it have?

MR. CAMPBELL: We have a federal charter recognized by Consumer and Corporate Affairs that was passed in Ottawa, I believe, in 1970 or thereabouts.

MR. CHERNIACK: You use the term "passed in Ottawa". Is it an Act of Parliament or is it a charter issued by the Secretary of State?

MR. CAMPBELL: Yes, it is a charter.

MR. CHERNIACK: So you don't have any legislative recognition, Canadian?

MR. CAMPBELL: Not federally, that's right.

MR. CHERNIACK: How many CIMs are there in Manitoba?

MR. CAMPBELL: Presently, or I should say retroactively to April of this past year, we had about

300 students enrolled and about 150 active CIM members.

MR. CHERNIACK: Do you have formal educational institutions?

MR. CAMPBELL: Yes, we do. As a matter of fact I have a copy of our up-to-date brochure that will be distributed. We have affiliation with the University of Manitoba and that's primarily where we have been conducting our courses since 1964.

MR. CHERNIACK: Is there a degree granted? Mr. Chairman, must we really go through this machinery?

MR. CAMPBELL: There is a certificate granted upon completion of the four-year educational program.

MR. CHERNIACK: Granted by the University?

MR. CAMPBELL: The university in association with the Canadian Institute of Management. I'm sorry, I do not have a copy of our certificate right now. The certificate is primarily recognized by our national association so therefore it has the signatures of our national president and national council.

MR. CHERNIACK: Is it a diploma, degree or certificate of the university?

MR. CAMPBELL: It is not a certificate of the university.

MR. CAMPBELL: Do you consider yourselves to be a professional body?

MR. CAMPBELL: Yes.

MR. CHERNIACK: And you therefore have a code of ethics?

MR. CAMPBELL: Yes, we have a code of ethics. I do not have a copy of that with me. The code of ethics was developed by our national council.

MR. CHERNIACK: What do you consider are your obligations to the public?

MR. CAMPBELL: What we have tried to outline in our bill is some of the items that we feel quite concerned about and that was to promote the knowledge, skill and proficiency, as well as efficiency, of our management people in the field of management and administration. I think our response to the public is primarily in terms of effectively utilizing all of our resources, whether that is people or capital or whatever you have. Primarily our managers are dealing with people however but they are secondarily using capital.

MR. CHERNIACK: How do you, as professionals, offer your services to the public, in what manner?

MR. CAMPBELL: What we have offered to the public primarily through advertising through the university as well as the newspaper media, we have seminars and dinner meetings to, again, look at the knowledge and the skills. We have looked at working

with one group called "Effective Behavior Management Organization," and what they do is put on courses for us. Also, we have been working with the university to add specific seminars that will enhance management techniques and skills.

MR. CHERNIACK: I am afraid my question wasn't clear. As professionals, you offer a service to the public, I assume — I don't know what professionals do not. In what way do you come to the public to offer your services? How would I, as a member of the public, make use of your services?

Let me elaborate; I don't want you to misunderstand. We just dealt with three different groupings of nurses. We know they offer their services of a technical and specially-skilled nature to the public through, in most cases, their employers, and in other cases by offering their services individually to people.

You know that lawyers offer their services through dealing directly with the public in a special technical educated way. You know that engineers have special skills that only they offer. All this is tied in under the basis that their skills are of such a nature that they regulate themselves in that they are considered to be the most competent to judge the standard of skills that they should offer.

How do you, as a profession, fit into that kind of a definition?

MR. CAMPBELL: Again, I think that we are working primarily, as a lot of the people that you mentioned, through our employer, and we have that responsibility to the public through our employer. But also, as individuals, we have a responsibility to do our job in what we consider a professional way, which is the best way possible, the most efficient way possible that is, again, obviously within the confines of the law.

We are dealing with the public through our employer, as well as directly, in providing seminars ourselves. So it's not so far, maybe in relationship to the engineering, it's not in a technical sense that it is measurable.

MR. CHERNIACK: Does your code of ethics supersede your service to your employer?

MR. CAMPBELL: No, our code of ethics does not supersede our relationship with the employer, however, there is a reference into that, again, being within the confines of the law.

MR. CHERNIACK: Do you have any members who offer their services as professionals who are not employees?

MR. CAMPBELL: Not directly to the public, no.

MR. CHERNIACK: Are your members confined to management, or do they do other things other than managing something? For example, are they sales people; are they accounting people; are they people responsible for taking care of stock, warehousing, that type of thing; are they involved in manufacturing in some capacity; or are they strictly managers of people?

MR. CAMPBELL: In relationship to that particular question, which is good, because in our brochure, and it makes me feel ashamed because I don't have a copy of the brochure with me, we do offer this to manufacturers, wholesalers, retailers, and sales people. All of these people, as well as individuals owning their own store, for example. We offer it to these people. They can become members of our association. So, therefore, yes, we do have managers who manage other supervisors, we have managers who manage people, and managers who have their own business, in our association.

MR. CHERNIACK: Mr. Campbell, when you say "portability" are you suggesting that a person in Winnipeg with CIM after his name, who wishes to be able to go to Vancouver and get a job there, presuming you have the same kind of power in B.C., and would be accepted on the basis of being a CIM?

MR. CAMPBELL: Yes, that is correct. What we have, through the national organization, is a set of criteria, both for acceptance of individuals into the organization, as well as an educational criteria. So we do two things primarily: On a national basis, make sure that everybody is being given the same access to knowledge and that everybody has the same criteria for acceptance into the organization.

So that, therefore, if we have accepted a member in our organization, that member can then go to any of the other provinces and be recognized immediately that, yes, CIM, he has that designation, whether it be from Manitoba, Ontario, Saskatchewan or Quebec, whatever. It will mean the same thing in all provinces.

MR. CHERNIACK: Are you suggesting that employers won't want to get a curriculum vitae and know, what is your experience, as well as your educational qualifications?

MR. CAMPBELL: No, an employer always has that opportunity to ask what education you have. I guess what I am suggesting is that no matter when and where you have taken the course, we can provide, at any one of our branches, the same information content, and that will be consistent.

MR. CHERNIACK: How do your courses vary from that of the Faculty of Business Administration at the university?

MR. CAMPBELL: We have much the same courses as the university. We have the option, however, of using either their faculty professors or, as in the case of one of our courses, the Business Law course, we have gone to a lawyer and felt that that was where we would get our best educational background from.

MR. CHERNIACK: So you are selective differently than the course of business administration, which I assume carries a degree with it.

MR. CAMPBELL: Yes, our courses, we are aiming primarily at giving our people a much broader base. Now, there is a differentiation. The university has degree credit courses and they have non-credit courses. The degree credit courses are really a fairly

narrow field because they are in an overall program scheduled such that by taking all of these, by the end of the three or the four, however length of time you are in that program, you will have the broad-gauged knowledge and what we are trying to do is cover all of those topics, or most of those topics, in the duration of our course, our four-year evening program.

MR. CHERNIACK: You also have different levels. You have both professional and certified, which are different levels, aren't they, much like the university?

MR. CAMPBELL: That's right.

MR. CHERNIACK: Would you have a member who calls himself CIM, P. Mgr., or professional manager?

MR. CAMPBELL: Professional manager, yes, we do have.

MR. CHERNIACK: I see in your petition, none of you have indicated any initials after your names.

MR. CAMPBELL: Mr. Ken Kitchen is a professional manager.

MR. CHERNIACK: The others aren't?

MR. CAMPBELL: Just the CIM.

MR. CHERNIACK: Really, the purpose of this bill is to deny to others the right to call themselves a professional manager or CIM.

MR. CAMPBELL: CIM, primarily, because what we are saying is that if you are going to call yourself CIM, we would like you to have certain qualifications in terms of education or experience and background.

MR. CHERNIACK: Mr. Campbell, I would not have raised the question or debated this at all, if you wanted to put something like, Member, Canadian Institute of Management, or MCIM, because in that way, I don't question the right of any person to broadcast his membership in a group.

But you are certifying something more and beyond membership. You are certifying a certain status, which now you are denying others to call themselves a professional manager.

My quarrel with the concept is that I do not know that society has recognized your members as professionals in any way other than any other manager is, except for the fact that that other manager didn't take your courses and doesn't belong to you.

I am wondering whether our difference can be confined to your wish to be identified as being members of the institute, or your wish is to deny others the right to say, I am a professional manager, because surely, "professional," being a general term, a generic term, people can say, My whole life is being a manager and I'm a professional at it. Like a professional football player.

If I could persuade you to say you would be happy with the designation that shows that you are a member of the group, then you and I would have no difference of opinion, but if you keep saying, "I want to have a designation showing a certain attainment,"

a reserving to yourselves the right to use words that are descriptive words as being exclusively yours, then we are in trouble.

Mr. Chairman, I am verging on a debate, and I shouldn't be, but I am really making a suggestion to Mr. Campbell of the difference in the way I view what they want to accomplish with what I think they should be wanting because, frankly, not ever having heard of them, I am loathe to recognize them as professionals.

I am pointing out, Mr. Chairman, again not debating, but why I am asking the question, because we have spent two days describing nurses and we discovered that LPNs are lesser than RNs, and I don't know where I fit this group.

So my direct question is: Can I persuade you to have a designation that says, "Member, CIM," or "MCIM," so people will know that you are describing yourselves as members of the Canadian Institute of Management. If I could persuade you of that, I would have no quarrel, but if you say you want that to mean Certified Industrial Manager, then it is a different grouping all together and that's where you and I differ.

Can I persuade you?

MR. CAMPBELL: That's fine for us to differ. What I would like to suggest is that we have worked in concert with the other provincial bodies, as I mentioned before, Saskatchewan, Ontario and Quebec, who all have their own Acts, their own provincial Acts, and what we were trying to achieve was a consistency between all provinces, and that is why we have, not necessarily chosen a route, but followed the route, as we have indicated in 13(1), "that no person who is not a member in good standing of this Institute shall use or make use of the designation CIM".

MR. CHERNIACK: Mr. Chairman, as a matter of fact, I should correct myself. I had the impression that they were also denying anybody the right to call themselves a professional manager or a P. Mgr., and you are not denying that. All you are denying is CIM, right?

MR. CAMPBELL: That is correct.

MR. CHERNIACK: Is it merely a coincidence that the initials that Certified Industrial Management are the same as Canadian Institute of Management?

MR. CAMPBELL: Yes, it is merely a coincidence.

MR. CHERNIACK: Merely a coincidence?

MR. CAMPBELL: Yes.

MR. CHERNIACK: Well, then, I have one more question, Mr. Chairman, and then I'm going to try not to get further involved, I'm forming a position on this.

You reserve to your body, under 9(1) the right to regulate the admission, qualification, conduct and suspension and expulsion of members, which means that if CIM has any value to it your board will, by its own actions, decide who may or may not have that valuable, and I am not being sarcastic about it

although I don't know its value, that valuable designation. I don't see what we have all recognized a great need for, and that is the rights of appeal against decisions of the board and we have spent a lot of time discussing that. I see nothing here that guarantees to people who want admission that they will be able to appeal a decision, or people who are denied admission, or who are expelled, to have an appeal function. To me it is vital for a professional organization to have that in order to protect people whom you are, under 13(1), adversely affecting by your restriction.

MR. CAMPBELL: I see no particular problem in having a right to appeal in here. What I should explain is that when we had developed this, again using other provincial associations and working through legislative counsel here, that our intent was that suspension of a member is, really, if you do not pay your membership dues, then you are automatically suspended or you drop your membership from that. Really, I guess it was our intent that your right to appeal would be you make application back to the executive, applying for membership again and then, naturally, with your appropriate membership dues.

MR. CHERNIACK: Mr. Campbell, it seems to me that much more important than payment of dues is maintenance of a code of ethics, and surely any slipping away from the high standards in your code of ethics would be a much more serious reason to deny a person the right to use CIM and, to me, felony is so extreme rejection of a code of ethics that that's not enough. Non-payment of fees is the least, felony is the worst. But surely there is a question of competence, surely there is a question of conduct unbecoming a professional, surely there are all sorts of thing that, I suspect, you have really not gone into yet as an organization. And then I don't see any appeal on it.

MR. CHAIRMAN, Gary Filmon: Mr. Campbell.

MR. CAMPBELL: I think there are really two comments in there that I think are excellent, not only because of what has gone on previously today and yesterday, that what I can recognize here obviously, in Line 1, is that we should have something to the effect of "develop, carry out and maintain a code of ethics" and as another item for 9(1), have "the right to appeal can be made by anyone" back to that existing executive committee. I would not be adverse to having the bill amended to include those two items at all.

MR. CHERNIACK: Thank you, Mr. Chairman.

MR. CHERNIACK: Thank you, Mr. Cherniack. Any further questions of the committee? If not, thank you very much for appearing, Mr. Campbell.

Are there any other delegations who wish to speak on Bill No. 30? If not, I will call for those who wish to appear on Bill No. 55, And Act to Incorporate The Brandon University Foundation.

BILL NO. 55 — AN ACT TO INCORPORATE THE BRANDON UNIVERSITY FOUNDATION

MR. GARY BRAZZELL: Mr. Chairman, my name is Gary Brazzell. I do not have a presentation as such, but merely comments on two or three matters that have been raised by certain members of the House and the committee and on a letter, a copy of which I just received. Perhaps, to expedite the proceedings of your committee, I can make my comments right now and then you can deal with the bill when it comes up, in proper rotation.

First of all, the intent and object of the Foundation is to supplement and complement the operations of the university. I therefore am somewhat at a loss to understand some of the comments contained in the letter from the faculty because it is obviously an advantage to the university and the citizens of the area, and those persons who will be students of the university, to have a broad a financial and business support base for the university as possible, and it is obviously axiomatic that a Foundation such as this should be independent and apart from the university. So I think that the comments, although I'm sure, well intended, go against the very intent and desire of the bill and it would make the foundation merely a department of the university which is not the intent at all. Mr. Gooden is here by the way; he is one of the first directors, and it is intended that all of the directors of the foundation will be business professional people, people otherwise generally interested in the affairs of the university, and in supporting the university, and of course, if any of the members of the committee have any questions which they may wish to direct to Mr. Gooden, of course, as I mentioned, he is here.

There is one other point that I do want to make, and that relates to exemption from taxation. That was not a Brazzell creation. A similar exemption is contained in a previous bill enacted by this Legislature in 1971, it's the Mental Health Research Foundation. Naturally our bill was submitted to, and drafted in conjunction with Legislative Counsel, and I will tell you that he suggested to me that there was not much likelihood of getting the clause in our bill which happens to be Clause 9 through, but he said leave it there and proceed with it and see what happens. So I'm not being presumptuous, it was granted before, Legislative Counsel approved it going forward in the form that it did. I wouldn't want to get into a great hassle with the committee or hold up the proceedings of the committee, solely to pass that section through, but I commend it to you. If the foundation is to be taxed we will be applying for registered charitable organization with the income tax people in Ottawa. In fact we have already received approval, that the provisions of this bill have been approved by the income tax people, and so I commend the provision to be passed.

MR. CHAIRMAN: Any questions of Mr. Brazzell? Mr. Cherniack.

MR. CHERNIACK: I was just looking for the journals of 1971, but I think they're not there. I was interested to find out who presented that bill, just to see what went wrong then. If necessary, it may have

been the Minister who did it, in which case there may not have been the similar problem. However, that's by the way.

We have a very interesting and not very clear ruling by the Speaker now on this, and I'm going to let the government tussle —(Interjection)— so as I say, I'm going to leave it up to government to deal with that problem, which I think is a government problem really, and that is the absence of a message from His Honour and, well, we've discussed that already.

Mr. Brazzell, you say it is the intent to supplement and complement the operations of the university. Do you accept the suggestion that the foundation would not be restrained from making gifts of any kind to other than the University of Brandon?

MR. BRAZZELL: The purpose and object of the foundation is to supplement and complement the revenues of the university, and objects and activities of the university, and it is not the intention that the moneys would go to any other institution or organization other than the university, except — and this comment is dictated by the regulations put out under the Income Tax Act, relative to the registration of this and similar organizations as tax exempt — and that is, when a foundation such as this is dissolved, the assets may only be and must only be transferred to a foundation with similar objects, and obviously we've had to word it that way, but the intent obviously is that if it were ever dissolved that the property and assets would be transferred and assigned to the university.

MR. CHERNIACK: So Mr. Brazzell are you suggesting that you could not provide that the assets shall be given to the university on the winding up?

MR. BRAZZELL: The wording is required to organizations with objects similar to, and that is the basis upon which this foundation has been approved for registration as a charitable organization, under the Income Tax Act.

MR. CHERNIACK: Would you refer me to the section you're speaking of in this bill?

MR. BRAZZELL: Yes, it's near the end, paragraph 10 — no, I'm looking at the wrong bill. Distribution — in the event of the dissolution of the foundation, after the payment of all debts and liabilities, any remaining property shall be transferred or assigned to a recognized charitable organization, whose objects most closely accord with those of the foundation, as determined. And those words are required words for registration as a registered charitable organization.

MR. CHERNIACK: You're saying that you cannot say, shall be transferred or assigned to the University of Manitoba?

MR. BRAZZELL: That is correct. That is a presumption that assumes that the tax status of the university will be the same in the future as it is now.

MR. CHERNIACK: Yes. Is it also assumed that the members of the foundation are unrestricted in their

discretion to decide to turn it over to some other institution? Is there some legal way in which they would be restrained from giving it to someone, other than the University of Brandon?

MR. BRAZZELL: I think that the only answer that I can give is, firstly, as long as the act, within the parameters of Section 10, that they could, but the very good offices of the people who are sponsoring this bill and who, obviously, will be the ongoing directors, and the ongoing people will be the president of the university, the chief financial officer representative, or the mayor of Brandon, obviously from a pragmatic point of view, that is just not likely to happen. It is possible, legally and strictly speaking, yes.

MR. CHERNIACK: Would you also agree that you don't know what the good offices of the people 50 years hence will be?

MR. BRAZZELL: Mr. Cherniack, then I think you and I would each be able to earn a lot of money if we could answer that question. I don't mean to be smart, but obviously we can't possibly know.

MR. CHERNIACK: So that we can agree that it is left as a discretion to the board or the foundation.

MR. BRAZZELL: Yes, within the parameters of paragraph 10, yes, sir.

MR. CHERNIACK: Which in their opinion, most closely accords with the foundation. That's really what you're saying aren't you?

MR. BRAZZELL: If you can read it that way, it's a fair interpretation.

MR. CHERNIACK: How do you read, Mr. Brazzell?

MR. BRAZZELL: The wording that I read is not so much, Mr. Cherniack, what I think should be there, what emotionally I think should be there, these are the words that are dictated by the regulations under the Income Tax Act.

MR. CHERNIACK: The purposes of the foundation are to promote the advancement of higher education in Brandon and the surrounding areas and to improve the quality of the facilities. Would you not say that there's a broader discretion in those purposes under Section 4 than limited to the Brandon University? Would you not see that they could be given to — is it called Assiniboine College? — or whatever other institute of higher learning is in the vicinity of Brandon?

MR. BRAZZELL: That is correct, I think — I read it again just to make sure that I remembered what it said. It is a bit broader than purely Brandon University, but the benefits from wherever the moneys are expended would accrue to the university. Mr. Cherniack — well I guess we'll end up debating, but this is a voluntary kind of organization, it's intended to obtain money, and you have to give a little bit of latitude whenever you're involving people in voluntary activities.

MR. CHERNIACK: I agree with that, Mr. Brazzell, and that's why I'm going to ask you a few more questions.

One of the members suggested in the House that this is for a specific purpose that will be wound up in a couple of years. At least that's the way I understood him to say.

MR. BRAZZELL: Now firstly, I am not privy to that bit of information; secondly, I have never heard of that; and thirdly, my instructions are to incorporate a fairly broadly based foundation to be supported by business and professional people in the Brandon area, to benefit the University of Brandon and beyond that I have no comment or no knowledge of what may happen in the future.

MR. CHERNIACK: Now, when you say broadly based, there are 1, 2, 3, 4 people mentioned as first directors and there are 2 more people, as I read it, that are added to it as ex officio and the reason I say two and not three or four, is because the President, I believe, is now, yes.

MR. BRAZZELL: It happens by coincidence.

MR. CHERNIACK: It happens by coincidence to be one of the original four and I do not see that the Mayor has any seat on the board nor on the . . .

MR. BRAZZELL: Right, to nominate.

MR. CHERNIACK: No, but to act in his place instead — and I don't think he has a place on the board as I read it unless he is a person mentioned — no, he can't be.

MR. BRAZZELL: No.

MR. CHERNIACK: I don't see that the Mayor has a place on that board.

MR. BRAZZELL: Someone to be nominated by him, he has a representative.

MR. CHERNIACK: Well, Mr. Brazzell, I suggest to you that whoever is putting your bill through should have a good look with you and consider my suggestion that where the President of Brandon University has a place on the board and may designate someone in his place, the Mayor does not have a place on the board and therefore has no place to wish to designate a person. Now you may want to correct the drafting, if I'm right.

MR. BRAZZELL: Mr. Cherniack, it was intended that the Mayor would merely designate the person that the other directors not would elect. Now, I don't know that there's any specific person. That is how the mechanics would work. I see no objection to having the Mayor have a right to sit or to nominate, if he declined and put him in the same position as the President of the University, I'd have no objection to that.

MR. CHERNIACK: Mr. Chairman, the point I'm trying to make to Mr. Brazzell, and I am trying to be helpful to him, is that if he thinks that the people of Brandon, through their senior elected Chief

Magistrate, are represented on this foundation, then I must tell him that, in my opinion, they are not so automatically representative there as are the President, the financial officer and the director of the development of the University. It's just draftsmanship I'm talking about and I do believe that the Mayor cannot put someone in his place instead because he has none. I'll leave that to you because I think you ought to want to polish that up and clean that up a little but if you don't that's your concern less than mine.

The foundation which as you say it's axiomatic that it should be independent, I'm afraid I don't understand your term "axiomatic" in this respect. Why should they be independent of the university?

MR. BRAZZELL: This is a voluntary organization to start with. The university has specific mandate from the province from an educational point of view and at this point, Mr. Chairman, I must state that Mr. Cherniack is basically asking for my opinion, and I have no opinion in this sense.

MR. CHERNIACK: Not your personal . . .

MR. BRAZZELL: And Mr. Gooden, if you wish, I'm sure could answer but basically there is no difference, no reason, no unstated reason, why we shouldn't follow the normal pattern of having a foundation of which there are many — this House has passed many similar foundations in the past, St. Johns College and Dominant Foundation, for example, was passed by this House a few years ago and I have personal knowledge of that. There is not reason why it should not be independent because it doesn't have a mandate from the public, it is a private organization intended to support and benefit the university and it is the people who will be volunteering their time and their money to do that and they will run their own house and should have every right to do so.

MR. CHERNIACK: Mr. Chairman, I want to tell Mr. Brazzell that I recognize that he's here as a counsel, not in his personal capacity, and therefore his personal opinion is not what I'm pressing for. I would not try really to embarrass him or put him in that awkward position. But what I'm groping for is to recognize that a small body, self-selected, self-perpetuating are of their goodwill, sincerity, good faith proposing to do things for the benefit of the Brandon University but are using the name of Brandon University for which to collect their money to use in a way which will be independent of the university and will not be subject to the university's thoughts as to whether or not their purposes, or their actual proposals, are acceptable to the university.

It would appear to me that I should not be bothering you if not for the fact that they're going to be saying, we're collecting money for the Brandon University Foundation and may be going from door to door appealing on the basis of using the name of the university, whereas really they're saying, we are asking you to give us money entrusting to us the decision as to the manner in which it will be spent for institutions of higher education, advancement of higher education, in the Brandon area. The argument that I will be making to committee is that the title

would make it appear as if it is the body of the university which is creating the foundation which is there to support the Brandon University.

I am concerned about the fact that the university has representation by employees of the university but no representation by the Board of Governors of the university; nor by the senate of the university; nor by the alumnae of the university; nor by the students of the university, all of whom have a vested interest in the advancement of education at the university. You've excluded all of those and yet you're going to use the name of the Brandon University with which to collect money, for which your group retains the absolute right.

MR. BRAZZELL: Mr. Chairman, Mr. Cherniack, the name is quite deliberately chosen for just the very reason that Mr. Cherniack mentions, it is to be associated with the university for the benefit of the university. There are precedents which I will mention in a moment, but it is not the students of the university, nor the faculty, nor the senate, nor the Board of Governors, that have come before the House and this committee to set up a foundation with charitable objects for the benefit of the university. It is the very people who are named and the very people who will be successors to those people in accordance with the bill and the by-laws we enacted under the bill. It's those very reasons why we are here and the bill is in the present form.

I have in front of me here, Mr. Cherniack, for your edification, the Lutheran Campus Foundation of Manitoba; I have before me St. Johns College and Dominant Foundation; I have before me a precedent from another province, it is the University of Victoria Foundation; I have a good precedent, both from this House, a House which this committee represents, - and a precedent from another province. I think it is normal and usual for foundations that are set up for quite specific purposes, to be quite directly identified with the organization for whose benefit they're established.

MR. CHERNIACK: One more question, Mr. Chairman. Would your body consider what I consider a more correct description of what they are and that is, friends of the Brandon University, independent group of business and professional people attempting to assist the Brandon University to the extent of their own ability and, of course now, I'm giving an impossible title, but something that takes away from this concept that it is, indeed, a Brandon University institution which, I think we can agree, it is not.

MR. BRAZZELL: Mr. Chairman, Mr. Cherniack, I firstly have no authority to do that but my instructions are quite clear to proceed on this basis. The name was very carefully chosen for the reasons that I have enumerated and enunciated and I'm not prepared to consent to any change of name, Mr. Chairman.

HON. EDWARD MCGILL: Mr. Chairman, on a point of order, I think the exchange that's now taking place between Mr. Cherniack and counsel is out of order, in that the argument that Mr. Cherniack is placing should more properly be placed at this

committee, and if he has amendments to submit they should be submitted to the committee and he should not spend the time of the committee attempting to change the position of the Brandon University Foundation, as represented by counsel.

MR. CHERNIACK: Mr. Chairman, on the point of order, wouldn't it have been very helpful to Mr. McGill if, in my questions, I received an answer that would satisfy my concern? If Mr. Brazzell had said, yes, we would agree to be called Friends of Brandon University, would that not have been helpful to Mr. McGill? And that is the reason I asked it. However, we now have an answer from Mr. Brazzell and we know he was not prepared to accept my suggestion, but that's the way you try and get things done, if you want to follow the rules to the extent that you do, all right, we can raise all kinds of objections, motions, votes, we know all the techniques.

I will therefore, leave to committee, to ponder the fact that it appears that the Lutheran Campus Foundation is one which is perpetually being operated by a board made up of the executive committee of the Lutheran Student Foundation of Manitoba, and not individual members, such as is proposed by the bill before us, which Mr. McGill favoured so strongly. Not having seen the other bills, I would like to see how they are. The main point I'm trying to make, Mr. Chairman, on the point of order, is that I would think it's a very commendable thing if we have an institution such as this whose members are made up of people who are involved in the Brandon University, and the example given to me by the Lutherans seems to me to be a clear indication that that's what I'm aiming at. And I'm looking for the other examples, that Mr. Brazzell has, to see how they are made up, but there's a big difference between the Lutheran and this. That's my point of order. But on the base of Mr. McGill's objections, I will stop asking questions.

MR. BRAZZELL: Mr. Chairman, Mr. Cherniack, it was the people who established the foundation who are named as successors there, and the business and professional people concerned, general citizens, who are sponsoring this bill who will be perpetuated as directors. St. Johns College Endowment Foundation, Mr. Cherniack, is self-perpetuating, as is this one here, and in any case, and if it were not so, Mr. Chairman, I respectfully submit that it is the wish of the people on whose behalf I am standing here today, that their group be self-perpetuating and be independent from the university. There are checks and balances built into the law; checks and balances on the Income Tax Act and Regulations; checks and balances established by the Rules of this Legislature and the general rules of the land; and the parameters, which are not as general as Mr. Cherniack suggests, that are contained in the bill, and I respectfully submit that it should be passed to the general benefit of the University of Brandon and the residents of that area, in its present form, Mr. Chairman.

MR. CHAIRMAN: Any further questions of Mr. Brazzell? If not I'd like to thank you on behalf of this committee.

Members of the committee will return to Bill 30 and go through it Clause by Clause.

**BILL NO. 30
THE CANADIAN
INSTITUTE OF MANAGEMENT
(MANITOBA DIVISION) ACT**

MR. CHAIRMAN: We'll start dealing with Bill 30, Clause by Clause, or page by page, which is the wish of the committee? Clause by-Clause.

Clause 1 pass; — Mr. Filmon.

MR. FILMON: Mr. Chairman, I move

THAT section 1 of Bill 30 be amended by striking out the word "etc." in the first line thereof and substituting therefor the words "A. W. Janke, C. H. Castle, K. V. Kitchen, H. A. Lien, K. E. Brown, L. R. Fisher, F. C. Miller, J. N. Slobodian, and L. V. Zarychanski, all of the City of Winnipeg in Manitoba, J. F. Campbell, of the Town of Stonewall in Manitoba and K. R. Ginter of the Town of Winkler in Manitoba.

MR. CHAIRMAN: Clause 1 as amended pass; Clause 2 pass; Page 1 pass; Clause 3(1) pass; Clause 3(2) pass; Clause 4 pass; I'd better go back and pass Clause 3. Clause 3 pass; Clause 5(1)(a) pass; (b) pass; (c) pass; (d) pass; (1) pass; (2) pass; — Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, I think this is the first opportunity I have to present my point of view on the whole concept of the professional aspects of this bill.

I think that we all have become pretty sensitive about the use, the function, the abuse and the value to society of professional bodies and their boards, and I, for one, have become very jealous of the need for Legislators to be very much concerned about the creation and growth of professional bodies. We've been through a couple of days of pretty intense, detailed review of legislation advancing the interests of the public through three specific nursing professions and we have yet, in the next years to come, and have in many years past, concerned ourselves about the fact that by granting a power to an independent body we have great obligations.

Now I seem to be making an extremely big deal about the fact that we are now seeing the apparent gestation of a new profession, new to me, I don't know of it it may be known to many. Obviously if they have 300 students in Manitoba alone, that certainly it's I who am in ignorance about this body.

But the fact that it can happen this way is the history of many professions, Mr. Chairman, of all professions, have grown up in this way. But some of them have grown up in directions that were in opposition to the general interest, in my opinion, and therefore I think that one must be very careful to observe and nurture the growth of a profession.

I believe, Mr. Chairman, that the objects and the program, as described in this bill, are commendable and I think that this body ought to exist and what bothers me, in the questions I was asking, should

become apparent. What bothers me is that they now presume to dictate to others whether or not they may have a certain designation. Now that becomes a reserve of title and we've been through that with the R.N.s, the RPNs, lawyers, doctors, architects, whatever, interior designers and others whose names do not come readily to mind. I think that we have to become more and more careful of these designations. Do you remember the strap we faced — some of you will remember — when we dealt with whether or not optometrists could be called doctor. It was a traumatic experience for a number of the members of the Legislature. In the end there was no big deal. To some people, very few of whom are still around in the Legislature, the scrap that went on between the denturists, later called dental mechanics, and the dentists was another traumatic experience, not in this room but in the other committee room.

I feel that when a new body comes to us and wants professional recognition we have an obligation to go by some standards that we have in our minds and the Minister of Health has told us that there are some guidelines that have been issued by his department — but I have yet to see them — but there are guidelines which show the concern the Minister and his department have for the manner in which one recognizes a professional body and I do think that here we have one — I called it gestation period, it's certainly very young in its lifetime — that is asking first for the right to reserve its title and to deny others the use of what I think are generic words, Professional Manager, Certified Industrial Manager. And those then become their property, those words are given capitals and are taken out of the common usage and become "their" words. If they want that right then, Mr. Chairman, I would go back and I would give them the guidelines that Mr. Sherman referred to and say to them, what have you done in this line? What are you doing here to protect the public, for complaints by the public about your profession, for grievances against your members? And what about the right of individuals to become members and get that designated title? And what about the rights of members who are disciplined by you in some way and denied the right to continue to use that? What are their rights, should they not be spelled out? The nurses have to go through the Lieutenant-Governor-in-Council for many of their powers. Now, of course, they do.

Now, I don't know this body. I don't know what they say they are in the bill and it's fine, it's good, it's commendable. What bothers me is that the next step will be more and more exclusivity involved in their group and they will not have had the careful review by the Legislature, and by this committee, to ensure that those rights and those obligations that we are putting into other legislative bills, like we have on our statute books and like we're still dealing with in this committee — we just passed them today — and not enshrined there. That's why, Mr. Chairman, when this matter came before us I suggested to the House Leaders some time ago, that this bill should be referred to an intersessional committee or to a later study so that we could ensure that if indeed it is a professional body, that it has guidelines that determine that a professional body such as that will

have restraints, restrictions and cannot run unfettered.

I would not, and I was suggesting this, I was suggesting that if they wanted to say, no one can call himself a member of the Canadian Institute of Management without our permission. I would say, of course, you're entitled to that because, if you say you're a member you should be a member, but that's not what they're asking for. They're asking for a power to control what I called the generic words, and maybe that's a wrong term, but they are words that are descriptive of a job, not of an organization. And I am jealous, on behalf of the public, to prevent the growth and the proliferation of this kind of exclusivity — and I admit to you I'm a member of such an exclusive group, so I don't pretend otherwise. But it took a long time for our group, the group of which I'm a member, to attain the status it has and I still question whether or not it ought to be up there. There are many professions I would like to see more rigidly controlled. That is why, without in any way suggesting that there is anything questionable about what this organization is trying to do, I would like to think that if they're going to carry that exclusivity that they're asking for later on that, when I stopped you at 5(2) we started talking about how they've assessed qualifications, what appeals there are, what protections there are and the rest.

I would not question this bill if all they wanted was the power to organize, but then they could do that through The Corporations Act. The reason they're here is that they want to prevent others from using this title CIM, or Certified Industrial Manager, and that's why they want us to give them the power and I say that we should first say no before we think about how we say yes and I don't think we've given it that thought and that's why I would object to 13(1).

I would not object to anything else in this bill if 13(1) weren't there because then I would say to them, you don't even need the bill because you can go to the Department of Consumer and Corporate Affairs and you can get all you want except 13(1). On that basis I am suggesting that we ought to start putting in, building in all those things that we've done in connection with the R.N.s and the R.P.N.s or we decide not to do that and to not report the bill, one way or the other and that's why I stopped at this stage.

If it is decided to proceed with the bill, I'm going to want to bring in all kinds of ideas that I got from all our debates on the R.P.N.s to protect both the public and the members.

MR. CHAIRMAN: Mr. McGill.

MR. MCGILL: Mr. Chairman, Mr. Cherniack has indicated some concern about the use of what he describes as "generic words" and by giving the authority to a group such as the one before us today, we are denying the use of those generic words to others. I would suggest that these words are not denied in any way except in a certain order and in a certain phrase and that individually these words are still as freely used as they would be prior to the enactment of any such legislation.

But if Mr. Cherniack, indeed, has difficulty with this reservation on behalf of certain groups, I wonder if his difficulty would extend to groups such as

Certified Public Accountants. There are others that, of course, come to mind but in a sense legislation has already provided an exclusive use of a certain phrase, a certain combination of words, but not in any way to inhibit or prohibit the use of these words by others who would not arrange them in that special order or in that particular phrase.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: Mr. Chairman, I think that Mr. McGill has touched on the problem. It seems that whenever we look at legislation we could always think of something else, somebody else in another bill, something that was done but that doesn't make it right. Unfortunately we keep on doing the same thing year after year. I think this is why it should show the importance of something that was started — oh, my god, I think it was started about 20 years ago, unfortunately it was never finished — there was a profession under the Roblin government, there was a committee looking at the possibility of putting more uniformity, of reviewing all the professional associations, as such. It seems like a very hard, tedious, long job but it should be done.

Now at times when it was done I think the feeling was that — and it's the only way to go — that everything would be frozen unless absolutely necessary and vital for a certain group and with the understanding that this would be reviewed, if you had to. But these people did a bit of lobbying, and I certainly don't blame them, I say these people, I mean, all of them, anyone of them or a number of them, with different members who ended up pushing and it was only one and one and one and we couldn't get anywhere. I think this is rather unfortunate, Mr. Chairman, but I think that this is what we should do.

Now I was waiting and it seems that you, Mr. Chairman, have allowed a pretty wide discussion on 5(2), on the general membership. I can't see anything wrong with that. I would go along if we insist on having this bill, I still suggest that we should look at all these things as soon as possible that should be done. If there was some kind of an unpartisan committee that would go along with this and then you wouldn't have to start all over every time there's a change of government and probably we've gone a long way in doing this with the hard work that was done by this committee — and I say I have no hesitation in saying by this committee because I have only been on it for a little while, I didn't do much of the hard work — when the Minister and Mr. Cherniack, and I don't know all the others that worked on the nursing bills and that was a lot of work and I think it was good though, it's not wasted.

Now, because you allowed such a wide range in this discussion I would say that I see nothing wrong with this bill except I'm not interested in passing 6(1) or 6(2). I agree with what they say. Let them use these names but I don't think that they should come and ask me for that. I think that they can go ahead and use these because, as Mr. Cherniack, 13(1) I find quite difficult.

I think there is certain protection. If these people say you're a member or a graduate or a certified member of Institute Management, I don't think that I can start writing that I am if I'm not. I think this is

misrepresentation and if it was the word I could maybe agree with, it's just like a patent on the word, but then you start with initials. It's what you say here and I'm not a lawyer, but it says here: No person who is not a member in good standing of the Institute shall use or make use of the designation in association with his name or business the words "Certified Industrial Manager" or the letters "C.I.M.". CIM could stand for many other things. There won't be any letters in the alphabet or words in the dictionary if we start saying, well, this is yours and this is yours and we can pass them on. C.I.M. could mean a heck of a lot of things. I'm not suggesting, I want that understood, that there should be misrepresentation.

Another one, I don't see anywhere where nobody else can use it, if that's not the intention, fine; but if the intention was that you can't put P. Mgr. or Professional Manager, that I don't agree with at all. What is a manager? You don't have to be a graduate from this group to be a manager. What's a professional? Somebody that's doing a certain job for a living. He doesn't qualify as a certain degree of knowledge and education, such as a doctor and so on, so who should tell me that I can't call myself a professional manager if I'm a manager, if that's my profession. So this seems a bit ridiculous but I agree with Mr. Cherniack on this. I've no hesitation in saying, go ahead, let them call themselves what they want, but especially the abbreviation because it could mean so many other things. To say, well nobody else can use these letters after their names, I think that's wrong.

I still say, in closing, Mr. Chairman, that I still think the best thing, and the only thing, is when we get together to try and get some uniformity and, as I say, it is a very difficult job, tedious job that should be done by a small committee or staff, some staff who could be non-partisan, who could work between them; it might take them a couple of years to arrive at something, to try to have some uniformity and then we could go ahead. We wouldn't have to say, as Mr. McGill said, well, it's done for others, and that implies that it should be done automatically here and I think that's wrong.

MR. FILMON: Mr. Chairman, essentially we're not being asked to give any powers that wouldn't be given to any professional in society that would be incorporated, other than the reserve of title, and I think we agree on that. Frankly I can't share all the concerns that were put forward. When Mr. Desjardins says that we're reserving the title P. Mgr., Professional Manager, it isn't being reserved. (Interjection)— It's not being reserved.

MR. DESJARDINS: Well then I have no concerns.

MR. FILMON: It just says, a professional member of the institute may use after his name the words professional manager or the letters P. Mgr. indicating that he is a professional member, but so may I and so may you.

MR. DESJARDINS: I think I've stated that.

MR. FILMON: Okay. The one that is being reserved, that nobody else is supposed to use is CIM. I say to

you that you could, as long as people wanted to form societies, we would never exhaust the number of letters that they could use. Now I'll just give you as an example what's done in the accounting field right now.

In Canada alone, the ones that I'm familiar with, you have CA for chartered accountant, and incidentally these are all, if the word that's being used is generic, that's what they are; CPA, certified professional accountant; and then you have APA, which is the accredited public accountant; and then you have RIA, which is the registered industrial accountant; then you have SMA, the society of management accountant; and on and on and you know, people are very inventive, they'll find other ways of saying what they want their society to stand for. So by starting out with CIM, I don't think we're going to restrict too many people in the future, of finding a better designation, that better describes what they want to be. This is just a designation for people who want to be members of this society, and who qualify to be members of this association or society, and I don't have any particular concerns about it because it's being done all the time and it's using generic words, if that's the term you want to use, in every case. They just capitalize them because that designates their particular association or society.

And it seems to me that to have to hold this all over for an exhaustive review of all management societies, it just isn't that important, and I don't think it's going to prevent anybody from doing anything that they want to in the future, other than from using these three words because they pay a fee and qualify to join this particular — these three letters, and words, used in that order because they want to belong to this particular group. And it really isn't of that much importance, as far as I can see.

MR. CHERNIACK: Mr. Chairman, I draw the attention of those members who have seen the draft of the Interior Designers group, that that bill, as I read it, is one that meets almost all of the criteria I could think of of what a professional body ought to be, except the one I have doubt about and that is their right to reserve that title, Interior Designer. But that bill was given a very thorough preparation, by whatever person prepared it, to protect the public and to protect the members, as if it were an exclusive profession. And, in spite of that, it wasn't proceeded with and I think because there was some doubt — now this is my own thought — there was some doubt as to whether indeed that body was entitled to reserve unto itself exclusively the title, interior designer. But the bill itself showed a great deal of thought and care in the light of what a profession's limitations and powers should be. This does not show that to me and I think it ought to. I am not one to say that they should not be a profession, I don't know enough about them. I have great doubts about it because I'm not sure that their skills are of such a special nature as being descriptive and not shared by others, but I wouldn't quarrel with that so much.

Mr. Chairman, I don't want to frustrate the work of this committee. I believe that this bill should be withdrawn, or tabled, or deferred, or not reported. If it were to be reported, I believe, it needs substantial work, not unlike what was done for that industrial

design bill, which never saw the light of day so far, just in draft form; or was done with the RNs, we're all so expert now on what was required in the light of the RNs. Since I don't want to delay this committee's operation, I would, at this stage, like to move a manner in which we can defer the study to give ample opportunity, not in this session, but opportunity for someone to prepare a proper bill, if they consider themselves a professional body; or alternatively, to withdraw 13(1), or to replace it with something that says, "member of the Canadian Institute of Management", or even "MCIM", which spells out, Member Canadian Institute of Management and not certified industrial manager. I am looking for a motion that will reduce the amount of time we spend on it. I think that, if I can at this stage move that this bill not be reported, I would do that, and if this committee, the majority of this committee decides that it does not want to discuss variations to this bill, if the majority of this committee say they want to pass this bill as is, then I would want to fix the burden on this committee so to do, knowing full well that I am opposed to it on the grounds I've stated and will vote against it strenuously.

Mr. Chairman, this Legislature, through the House Leader, has made a decision, or through the government, has made a decision to set aside what I consider more important bills, with more prominent and accepted professions, to ensure that they get a proper working over. The architects bill has not even been introduced; the medical bill is being postponed; a number of health bills are being postponed; the very reason that they require study.

So, Mr. Chairman, what I'm saying, if this body is a professional body, as it professes to be and as it wishes to be recognized, by Section 13(1), on that basis I say that it should not be a bill accepted in this form and I put the onus right on the government, and on the majority of this committee to decide whether they're willing to pass it or not. And if they are, Mr. Chairman, having made clear my opposition to it, I will not then try to bring in all the amendments that I think are necessary to make it truly a professional bill. But the responsibility will be clearly that of the government, to be passing what appears to be a professional bill, without adequate review and adequate improvement. And I add the note that I started with and that is that I believe their objectives in their association are commendable and should be encouraged, but I don't think that they brought a professional bill to us.

Now do you want me to move, or will you permit me to move, in the midst of this bill, a motion that the —(Interjection)— Mr. Chairman, Mr. Balkaran is giving me a procedural point. He thinks that its not in order to move that the bill not be reported when we're in the middle of it, but he does think it's in order for me to move, and I would therefore move, that the bill not be proceeded with. And I want to do that at this stage just to save debate. If the government agrees with me, then we set it aside, not to prohibit the bringing forward of an improved bill at the next session. And if the government votes against my motion that it not be proceeded with, then the government will take the responsibility of passing what I think is wrong, and I won't debate it further, I will just vote against it and that's it.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: I am not sure that the government necessarily would take the position that the bill, in its present form is wrong. I must say, for the record, that I don't think any of us on this side are prepared to make that kind of concession, without further study of the bill. But the point that Mr. Cherniack makes about his strongly held feelings of opposition to the bill, and his desire to see a number of changes made and a number of amendments introduced, and discussed, and debated, I think is one that has some import, not only for the government but for all members of the committee and the House. We do face a substantial amount of work at this stage in the session and although I'm not suggesting for a moment that that workload can be prioritized, there is nonetheless, some heavy legislation facing the House that does require considerable attention at this stage of the session, and perhaps the attention necessary to be given this bill, in the light of some of Mr. Cherniack's objections, is not available to us at this time.

Therefore, speaking for myself, without conceding the points made in terms of substance, because I think there has to be some further consultation on our part on this bill, but speaking purely from the point of view of mechanics and the interests of expediting the business of the House, and in the knowledge that the sponsor of the bill, Mr. Steen, has prepared himself for such a contingency, I would be prepared to consider Mr. Cherniack's suggestion that the bill be held over for study at a later point in the year.

So, if Mr. Cherniack wishes to make — oh, he already has — Mr. Cherniack has made a motion to that effect, that would be my personal response to it, Mr. Chairman, but I would emphasize that I'm speaking personally.

MR. CHAIRMAN: We have a motion before the committee that Bill 30 not be proceeded with.

A COUNTED VOTE was taken the result being as follows:

Yeas: 2; Nays: 1.

MR. DESJARDINS: Excuse me, in all fairness, its not one, there is another one here and I think I thought I saw two. Okay, I just assumed that.

MR. CHAIRMAN: So I guess the bill is not to be proceeded with. Motion passed.

Okay, then we'll turn our attention to Bill 55, An Act to Incorporate Brandon University Foundation.

**BILL NO. 55
AN ACT TO INCORPORATE
BRANDON UNIVERSITY FOUNDATION**

MR. CHAIRMAN: Since it's a short bill, we'll deal with it Clause by Clause. Clause 1(a) pass; 1(b) pass; 1 pass; 2 pass; 3(1) pass. Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, maybe I should raise my objection at this point. Mr. Chairman, I had what was verging on a debate with Mr. Brazzell and

Mr. McGill called me to task on that and I accepted that. Mr. Chairman, I was not aware of other foundations that had this kind of structure and when Mr. Brazzell referred to some I was most interested to see them.

He was kind enough to leave me the Mental Health Research Foundation passed in 1971; St. Johns College Endowment Foundation passed in 1962; but I don't have the one he showed us from the Lutheran Group. But it so happens that that's the one where I read that it is was the executive of the Lutheran — I don't know whether it's the Lutheran Church or some Lutheran Group in any event, a religious group — would be continued to be the directors and officers of that Lutheran Foundation and so I believe it should be, Mr. Chairman.

Now the Mental Health Research Foundation passed in 1971 says and I read for all our edification: "The membership of the board shall be composed of not more than eight persons, one-third retiring each year, who shall be appointed as follows:

- (a) one person by the Senate of the University of Manitoba;
- (b) one person by the Manitoba College of Physicians and Surgeons;
- (c) one person by the Psychological Association of Manitoba;
- (d) one person by the Manitoba Institute of Registered Social Workers;
- (e) one person by the Manitoba Association of Registered Nurses;
- (f) one person by the Manitoba Society of Occupational Therapists;
- (g) not more than six persons by incorporated, voluntary agencies interested in the mental health field, designated by the board, each of whom is proposed by at least two such agencies;
- (h) not more than six persons by the Lieutenant-Governor-in-Council."

Mr. Chairman, that's the point I was making and here Mr. Brazzell brought to our attention a foundation which, of course, had the incorporating members named — and I think those names relate somehow to some health-oriented or interested people; there's a Member of Parliament, there's a physician and a professor. But the point that I was making, Mr. Chairman, was supported by that Lutheran Act which I'm afraid I don't have, by the Mental Health Research Foundation where all of the people are appointed, not self-perpetuating or by the former board, but by a number of institutions who are involved in the field of mental health plus six persons appointed by the Lieutenant-Governor-in-Council; and then he waved at us the St. Johns College Endowment Foundation which appears to be self-perpetuating — and incidentally the original incorporators I think every one is well known to me and whom I respect as individuals — it does go on to say that, "The first governor shall appoint or elect as governors such persons as they in their sole discretion deem proper and advisable." Then it says, "If the governors of the foundation do not for any reason appoint or elect new governors, vacancies on the Board of Governors shall be filled by alternative appointments made by the Archbishop of the Diocese of Rupertsland, the Chancellor of the

Diocese of Rupertsland and the Chairman of the Council of St. Johns College". Now I admit that it's a self-perpetuating board but there is that at the back of it saying, well, here are the people who should be involved if the governors don't self-perpetuate themselves, the people involved in St. Johns College, the Archbishop, the Chancellor and the Chairman of the Council.

Mr. Chairman, one other point, St. Johns College Endowment Foundation carries with it the concept, indeed of an endowment, right in the title, and therefore is not really suggested to be part of St. Johns College. Now I don't like that fact that they are self-perpetuating, I really don't. I'm not using their Act to support my argument. But, as compared with that, we have this bill which clearly sets up a hierarchy of five people, plus two more or three more, assuming there will be another president of Brandon University in Mr. Perkins' lifetime, who are ex officio, but they're a minority, and they will be using the name of Brandon University and yet proclaim their independence from the university, and that's what bothers me.

Here is a body of very well motivated people, I don't question it; I happen not to know these people but that doesn't matter; I don't question that they're well motivated and I don't question their desire to be independent and I don't question their desire to assist the university. But they are nevertheless, going to be collecting money as the Brandon University Foundation and I think it's wrong, I think if they called themselves Friends of the Brandon University, Supporters of the Brandon University, concerned business and professional people interested in supporting the Brandon University, then of course, why should be object to their doing what is good to do? But to sell themselves as the Brandon University Foundation means there's no other foundation, no other Brandon University group and yet they are independent.

And therefore, I agree with the submission made by these people who are members of Faculty, and I have not heard from the Board of Governors of the University nor from the — well, I guess the Faculty is the Senate. They are saying, you are trading on our name and I don't want that word "trading", I don't want that word trading, you are using our name in raising funds and I think it's a misnomer, Mr. Chairman. I really think that they should not be in a position where they can say, we are going to build for you a medical school and we're going to build it, here's the land, we're going to build a medical school and that's a Brandon school, because the Brandon University, I'm sure, I hope, it's a long time before they'll consider having a medical school. And yet these people will, by their authority, decide how to spend the money they raise in the name of Brandon University, and I think that's wrong. I think the university ought to have greater representation than the three people who are there ex officio, a much greater representation.

I have suggested that the majority ought to be people who are in the field of education, either through the Minister of Education, the Lieutenant-Governor-in-Council or through the Brandon University itself.

Now the other defects in the bill could be dealt with separately but I would like to see either that the

university be there or that the name not be that clearly Brandon University.

Now I have to say to Mr. McGill that I do believe he said that this had a limited purpose. Now Mr. Brazzell did not have those instructions and Mr. McGill may have information different from the precise instruction given to their lawyer. But if it is a limited purpose then, Mr. Chairman, this is not a bill for a limited purpose body. I think he said it was a matter for a few years and for a special purpose. If they're out to raise funds for one special objective, let them say so and then we know.

Mr. Chairman, we are the Legislature of Manitoba. We have tremendous authority to give all kinds of powers and we should be — I used the word before — jealous of how we use it. I am afraid that in time gone by, people well motivated have been able to come to a Legislature and appeal to, sometimes the emotions — this isn't an emotional case — but appeal to the Legislature to do that which only the Legislature can do. And I think the Legislature very often, in Private Members' bills, does not take the responsibility of thinking about its power and its obligation to withhold that power, rather than grant it without a great deal of study.

So you now understand my concern about this independent body and my concern about not knowing their intent, as described by Mr. McGill, which I believe is in conflict with what the bill itself sets out and I'd like to ask Mr. McGill if he would elaborate on what he told us.

MR. CHAIRMAN: Mr. Desjardins on a point of order

MR. DESJARDINS: First I would like to speak on a point of order, Mr. Chairman. I think the committee is faced with a dilemma. We are faced so far with being asked to look at a bill that is out of order, in its format is out of order. Leave was given to send this bill to the committee with the understanding that the offending clause, Clause 9 would be withdrawn.

Now the mover of the bill, or the person whose name the bill appears, is not here and he's the one that made the statement; and also the Acting House Leader, who I've been told I believe, is not a member of this committee. So it seems, Mr. Chairman, it wouldn't take very long, that either you should announce, inform the committee that you've been instructed or asked to say when we come to this section, that it be withdrawn or the government side should make that statement, then we can go ahead with the bill.

MR. CHAIRMAN: Mr. McGill.

MR. MCGILL: Mr. Chairman, I think it was clearly understood and the undertaking was given that when we vote on that section we will vote against it, that is, on the taxation.

But, Mr. Chairman, I really did want to respond to some of the concerns expressed by Mr. Cherniack. He was concerned about the first directors as being independent of the university. I think it would be helpful for he and the committee to know that Mr. George Gooden, who is first named here, is Chairman of the Board of Governors at Brandon University and is with us this afternoon and prepared

to answer any questions, or was prepared, at the appropriate time.

Dr. Harold Perkins, of course, is President of Brandon University; Mansel Binkley is a governor of Brandon University; Ross Eastley is comptroller of the Brandon University and Donald Ross MacKay is university administrator and secretary of the Board of Governors. So, Mr. Chairman, I think it's useful to the committee to know that this is not exactly an independent board as Mr. Cherniack would be concerned about or takes from the naming of these founding directors.

Mr. Cherniack also referred to my observations in the House with respect to some defects which were expressed, I'm not sure by which member of the opposition, difficulties they had with the bill in that it didn't show how the board would perpetuate itself. And in conversation with Dr. Perkins, I understood from him that this foundation had some specific fund-raising objectives and that he did not anticipate that this would be a perpetual foundation.

So it was in view of that information that I indicated, as Mr. Cherniack has correctly pointed out, that I was given to understand that the University Foundation conceived of its work to be somewhat limited in terms of time. But I think, as Mr. Desjardins has suggested, that we should proceed Clause by Clause with the bill, and when we reach that offending point we will, at least I trust the members of the committee will vote against it.

HON. BRIAN RANSOM: Before we do, Mr. Chairman, I'd just like to make a few comments. I think the points that Mr. McGill has made concerning the present board of directors are useful for the committee. I find that the concept of the group of people wanting to form the foundation in this fashion, and attempt to further the interests of Brandon University, is a highly commendable action and I find, quite frankly, rather disturbing some of the comments of Mr. Cherniack, and some of those in the submission which we have received, because it seems to indicate to me a lack of confidence in people's desire and capability to do something that's responsible and worthwhile; that somehow there has to be control. As soon as a group gets together and wants to do something constructive in the interests of Brandon University, not only just to raise funds but to involve people, to broaden the base of the university and get more community support for it, then somebody wants to move in and take over control of it. I find that to be the type of action that I could not accept. I might go back to Mr. Cherniack's comment about the mayor of Brandon perhaps having no place on the board, or his appointee. I suggest that that indicates that Mr. Cherniack does not understand the nature of the development of Brandon College and Brandon University, and what it has meant to southwestern Manitoba and to the city of Brandon and to the people. This is precisely part of the effort, is to keep that bond that exists between the university and the city.

MR. CHERNIACK: Mr. Chairman, I appreciate Mr. Ransom agreeing to let me interrupt and to clarify. I was not objecting to the role of the mayor, I was pointing out bad draftsmanship in that the mayor is not given a place here, and it's just drafting. I think

that if they said, "and the mayor shall be on the board, or can replace it", then it's just drafting. I'm not objecting to the principle one bit.

MR. RANSOM: Well perhaps I didn't understand correctly, Mr. Chairman.

MR. CHERNIACK: It said he has no place.

MR. RANSOM: I thought I heard Mr. Cherniack say that the mayor would somehow not represent the people of Brandon.

MR. CHERNIACK: He has no place given to him. Just drafting.

MR. RANSOM: Okay. That's fine. I misunderstood the position. Mr. Chairman, I think it's possible to interpret the powers of the bill as Mr. Cherniack has and as the submission has interpreted them. In that the foundation might do something that wasn't in accord with what the university wanted. Mr. Cherniack used the example of maybe they would want to build a medical school there. Well that may be technically correct, that they would have the authority to do that. I really think that it's a reflection on the judgment of reasonable people, to think they would proceed in that sort of fashion, Mr. Chairman. I find that I can support the bill with the exception of the one section which we have agreed to alter. I find myself in full support of this bill and I don't see any serious deficiencies to it.

MR. CHERNIACK: Mr. Chairman, I appreciate this opportunity to discuss these features and then we can, you know, agree to deal with them and not to frustrate the committee.

I guess it's my training that makes me look at a bill such as this and look as to what is the bill, not who are the people or what is the good faith of the people. My training is to recognize that this bill is a bill that will last until the Legislature, in the future, changes it and, therefore, for me it is a perpetual corporation we are establishing and, on that basis, I cannot look at the names and identify them with the individuals, whether I know them or not, I have to look at the potential of a permanent body that we are creating and what they might be and might do, the powers that are given for the future. I said, in this case, I don't happen to know any of these people but I don't question their good faith and their good intentions. But I'm looking ahead to saying, here is a body that we are establishing that will live forever, unless the Legislature changes it. That's the way I look at it. So please do not be unfair enough to suggest that I am questioning the good faith of these people. I don't know them, I don't question them. The motivations are good.

The point I made was that the name Brandon University Foundation gives the impression that this is a body related to the Brandon University and we now know it isn't. We now know that the first directors, and I'm happy to learn this from Mr. McGill, the directors are people who are currently senior people in the university; and if it were stated that the future directors will be the people who hold the offices that were described by Mr. McGill, I think I would withdraw my objections, if it said that the

first directors are these people and future directors will be the president of the university, what is it chairman of the board of governors, the comptroller, the university administrator, then I'm wasting me time. But I don't read it that way, I read it the way Mr. Brazzell described it, these are, he said, independent business and professional people who wish to continue to be independent. And that to me means that they are people who are not with the university and, therefore, it seems to me that the problem is either in the name or in the self-perpetuating body. If the name were different, so that it did not appear to be part of, or a branch of, or affiliated with Brandon University, then I wouldn't object; if the name said, Independent Friends of the Brandon University, I wouldn't be talking about it. But what it says is Brandon University Foundation and yet we are told the intent and desire is that they be and remain independent. And I think my only quarrel is that one. I wish it were understood that that is the only thing, the name, which to my mind does not describe the nature and intent of this organization.

And I feel that if its the name that stays, then the Brandon University should be really and truly much involved and not independent of it. I'm not talking about control, I'm talking about the use of the name. Otherwise, no, not at all. And the again the point of the mayor is drafting, is just a mistake in drafting; it should say, the president of Brandon University, the mayor of the city of Brandon and later on say, the president or the mayor can replace themselves with someone else. That was only drafting. I think it's a good idea. I would like to see more designations of ex officio directors than that one which says, that the the board — 7(3) which says the director shall, appoint or elect additional, and then later on it talks about their replacing themselves. That's my point.

Now again, Mr. Chairman, that's really the essence of it. Are the majority of this committee prepared to give to an independent body of people the right to use the name Brandon University Foundation for very worthwhile purposes; or if they award that name, are they then prepared to relate it and make it affiliated with and not independent of Brandon University. That's really the essence of our difference and I am quite prepared to have it voted on and I will, as always, accept the majority of the committee, reserving the right to state my disagreement with it. That's really the essence of it and I would like to bring it to a head and say, all right let's vote on that issue. I'm asking for help by those who think that maybe there's a compromise, you know, I just throw it out, it's a funny name, but I'm saying the true name of this organization should be, Independent Friends and Supporters of Brandon University Foundation; and if it were that I would not be much concerned about how it operates. Or, if we could have, Friends of the Brandon University, then that I would accept, because then it would be truthful. But I do suggest — and that word truthful is too harsh — I don't want to say it's a lie or untrue, that the Brandon University Foundation is this body but that's the impression it gives.

Can I persuade members to go along to that extent and if I can then you've taken away my one serious objection and I honestly feel it's a serious and well motivated objection, Mr. Chairman, I don't

back away from my wish to protect the Brandon University and that's really what I'm doing. I'm protecting the name and use of Brandon University, from giving its name without any restraint to an independent body of business and professional people. That's what I'm trying to do and if I can accomplish that I have no other real concerns.

Can I get something on that line?

MR. RANSOM: Mr. Chairman, for my part, I think we should go through it Clause by Clause and vote on it. I quite frankly personally can't accept Mr. Cherniack's suggestion. I think that the people who took it upon themselves to ask for this bill so that they could act in the interests of the university, asked for the use of the name, Brandon University Foundation. I think if they had wanted to be called the Friends of the University of Brandon they would have asked for that. The name has been available, of course, either in Brandon College or Brandon University for some decades now and no one else has chosen to attempt to make use of that name. I'm afraid that I don't see the principles that Mr. Cherniack is referring to as really being of that significant an import, with respect to what is to be accomplished by this bill.

And I also don't see any difficulty, personally, with the prospect of having a self-perpetuating board. This is a special sort of situation where the purpose is to broaden the base and to raise funds and people who can bring that broadened base, or who can raise funds, are often people of quite special talents. And to simply say that a person who happens to occupy a given position should be on the foundation board, may very well mean that it's never going to accomplish its purpose because the person has no capabilities to raise any funds. As far as I'm concerned, Mr. Chairman, I think it's time that we went through the bill Clause by Clause and voted on them. I'm afraid I'm not prepared to accept any major changes.

MR. CHERNIACK: Mr. Chairman, I'm almost prepared to deal with it. I would like to ask, and Mr. Steen isn't here, Mr. Blake isn't here, I would like to ask whether we have a resolution from Brandon University agreeing to the use of its name by Brandon University Foundation?

MR. RANSOM: Not to my knowledge.

MR. CHERNIACK: Yes, Mr. Chairman. I make the point that one of the three universities of Manitoba is not being asked whether or not it is prepared to lend its name in this way to this organization and I think the Board of Governors of the University should be required to do so.

Mr. Chairman, I want you to know that if you attempt to incorporate in the Department of Consumer and Corporate Affairs a corporation, the Brandon University Foundation, I'm sure they'll throw you out of the office. I think that we, as a Legislature, owe no less to the Brandon University than to ask for the Board of Governors to say that they agreed, that's No. 1.

You see, I disagree with Mr. Ransom's statement. He said, "they asked for this name", they didn't ask for another, therefore, since nobody else has asked

for the name, we should give it to them. It is we who are doing the passing of this Act. We will never be able to say, well, that's what they wanted and that's how they got it. It is because we decide that they'll have it that they've got it. So I want really to throw out that challenge.

I don't believe we have the right, the moral right, we have the legal right of course, I don't think we have the moral right to grant this name without a resolution of the Governors of Brandon University and we don't have it.

MR. CHAIRMAN: Mr. Ransom. Sorry, Mr. Cherniack, but I thought you were finished.

MR. CHERNIACK: What I propose to do, if my point is not accepted, then I propose to move a motion, an amendment under Section 2, to change the name to Friends of Brandon University Foundation, and if it's defeated I will stop the battle. There's no point in having a big . . . This is such a simple proposition that we'll have a vote on that and if the majority of this committee rejects my suggestion, or has no other alternative name, then we'll go through it and you won't find much objection from me except you might find some positive recommendations for improvements for the draftsman.

MR. CHAIRMAN: We have a motion before the floor. Mr. Ransom asked for the floor, then maybe I'd better turn to him first. Mr. Ransom.

MR. RANSOM: Mr. Chairman, I think Mr. Cherniack has a point in the terms of asking the university and I think the way we could accommodate that is that when we come to Section 12 we could recommend that that be amended so that the bill comes into force on proclamation and we would simply undertake to consult with the Board of Governors of the university in the intervening time.

MR. CHAIRMAN: Agreed? (Agreed).

MR. CHERNIACK: Well, that's not a motion but I understand Mr. Ransom's intent. I will still move the Friends of Brandon, let them vote it down and then let them bring in their proposal.

MR. CHAIRMAN: We have a motion that Section 2 be amended by adding after the word "name", "Friends of".

MR. CHERNIACK: With the quotation marks in the right place.

MR. CHAIRMAN: All those in favour of the motion? Mr. Sherman.

MR. SHERMAN: Mr. Chairman, just on a point of order. Would that amendment that Mr. Cherniack has moved not apply to Section 1(b)?

MR. CHERNIACK: Thank you very much, of course it should.

MR. BALKARAN: And the title too, Mr. Chairman.

MR. CHAIRMAN: And the title too.

MR. CHERNIACK: Well, that comes last.

MR. SHERMAN: That comes last.

MR. CHERNIACK: I overlooked that. I appreciate it, Mr. Sherman. Maybe I should be allowed to go back to 1(b) and move it there.

MR. BALKARAN: We need it in both places.

MR. CHERNIACK: In one motion?

MR. CHAIRMAN: Yes.

MR. CHERNIACK: Anyway, to facilitate, the point being made and voted on.

MR. CHAIRMAN: Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I think when this submission was made, I was looking, the purpose of the foundation is to improve the quality, the facilities and activities of Brandon University. I would believe that the name would be best to that advantage to be called the Brandon University Foundation rather than Friends of Brandon University. I think the purpose is to raise funds for the expansion of the facilities and for some of the other projects that they've got and I would believe that by calling it Brandon University Foundation it would give them a greater advantage to follow their purposes.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, I must point out to Mr. Kovnats that he's reading from a brief in opposition to this bill which says that they think the bill ought to be amended to provide what he just read and unless they're prepared to amend it to say the purpose is to improve the quality of the facilities and activities at Brandon University, as they ask, then, Mr. Kovnats really ought not to be using their argument to support his point of view because he's not accepted their recommendation.

You read it from here, didn't you?

MR. KOVNATS: Mr. Cherniack, rather than read more of this I could read Clause 4 and get the same intent. "The purposes of the foundation are to promote the advancement of higher education in The City of Brandon and surrounding areas and to improve the quality of the facilities and activities of Brandon University". That's my point.

MR. CHAIRMAN: Question on the motion of Mr. Cherniack?

A COUNTED VOTE was taken the result being as follows:

Yeas, 1; Nays, 6.

MR. CHAIRMAN: I declare the motion lost.

We'll proceed again and return to Section 3(1) pass; (2) pass; 3 pass; 4 pass; 5(a) pass; (b) pass; (c) pass; (d) pass; (e)(i) pass; (e)(ii) pass; (e) pass; (f) pass; 5 pass; 6 pass; 7(1)— Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, it says "not less than five persons". I assume that includes the ex officio, I believe, and there are three names. I think there are going to be four names ex officio. I assume then that it provides that there are only five, it would be those four ex officio plus one more. Is that a correct assumption?

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: I couldn't answer that question, Mr. Chairman, I wouldn't know how that five would be made up.

MR. CHAIRMAN: Mr. Ransom would like the floor.

MR. RANSOM: Just in speaking to Mr. Gooden, the draft that he had had eight in place of five.

MR. CHERNIACK: That adds up better. They rule an amendment then.

MR. CHAIRMAN: Mr. Ransom, could we have a motion that the five be changed to eight then?

MR. RANSOM: Yes, I would so move it.

MR. CHAIRMAN: Agreed? (Agreed) 7(1) as amended pass; 7(2) pass. Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, that's where I pointed out where I believe is a drafting error. I have nothing against the people of Brandon. I have more regard for the people of Brandon and their elected Mayor than most of them have. —(Interjection)— Well, I don't even know who he is. I knew who he was and I had little regard for one of the past ones.

Mr. Chairman, I think this has to be corrected so that the Mayor has a seat, a place on the board and then has the right to nominate. I think all you have to do is insert "Mayor of the City of Brandon" somewhere in the first four lines.

MR. CHAIRMAN: Mr. Filmon.

MR. FILMON: Mr. Chairman, I move THAT following the words "the President of Brandon University" in the first line of Clause 7(2) we add ", the Mayor of the City of Brandon,".

MR. CHAIRMAN: Agreed? (Agreed) Mr. Kovnats.

MR. KOVNATS: I would have assumed that the intent was that the Mayor was to be a member of this board but I'm not really sure of whether in fact the Mayor wants to be a member of this board.

A MEMBER: That's right.

MR. KOVNATS: Do we have any indication at all that the Mayor would serve on this board?

MR. CHERNIACK: I think that's why they give him the right to nominate somebody in his place, I think that's the reason they do that.

MR. BALKARAN: That's right.

MR. CHAIRMAN: 7(2) as amended pass; (3) pass; (4) pass; 7 pass; 8(a) pass; (b) pass; (c) pass; (d) pass; (e) pass; (f) pass; (g) pass; (h) pass; 8 pass; 9 Mr. Filmon.

MR. CHAIRMAN: As Chairman of the committee, may I say it's been a pleasure working with the committee?

Committee rise.

MR. FILMON: Mr. Chairman, I would move that clause 9 . . .

MR. RANSOM: Mr. Chairman, I'm sorry, just vote against it.

MR. CHERNIACK: May I suggest, we're going to have to change all the numbering so I think it's in order to say that 9 be deleted and all subsequent numbering be changed.

MR. CHAIRMAN: All in favour of 9 being deleted?

MR. SHERMAN: Mr. Chairman, I think Mr. Filmon was about to call that motion.

MR. FILMON: That's what I was going to move
THAT Clause 9 be deleted and that Clauses
10, 11 and 12 be renumbered as 9, 10 and 11.

MR. CHAIRMAN: Agreed? (Agreed). I'll still go back to the original numbers if that's all right for the members of the committee, but they will be changed.
10 pass. Mr. Cherniack.

MR. CHERNIACK: Well, why not substitute yours for 9? Is that it?

MR. RANSOM: I think there's a typographical error in the Distribution of Dissolution. I think it should be "on" dissolution.

MR. BALKARAN: Right.

MR. CHAIRMAN: Okay. All in favour of that correction? 10 as corrected pass. 11 pass; 12 — Mr. Ransom.

MR. RANSOM: Mr. Chairman, I would move that this be reworded to read:
THAT this Act comes into force on a day
affixed by proclamation.

MR. CHAIRMAN: 12 as amended pass; Preamble pass; Title pass; Bill be reported pass?

A MEMBER: Ayes and Nays.

A COUNTED VOTE was taken, Motion declared lost.

MR. CHERNIACK: On division, Mr. Chairman. I think I should provide that.

MR. CHAIRMAN: On division. Mr. Sherman.

MR. SHERMAN: Mr. Chairman, just before the work of the committee is concluded, could I thank all members of the committee for their conscientious counsel and assistance in dealing with Bills 65, 66 and 87, in particular.