



Second Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE

on

PRIVATE BILLS

31-32 Elizabeth II

Chairman
Mr. Don Scott
Constituency of Inkster



MG-8048

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVATE BILLS

Monday, 15 August, 1983

TIME — 10:00 a.m.

LOCATION — Winnipeg

CHAIRMAN — Mr. Don Scott (Inkster)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Desjardins and Schroeder;
Messrs. Eyer, Harapiak; Mrs. Hammond; Messrs.
Scott, Sherman and Steen.

WITNESSES: Representations were made to the Committee as follows:

Bill No. 58 - The Occupational Therapists Act;
Loi sur les ergothérapeutes,

Mr. David Balfour, Association of
Occupational Therapists of Manitoba

Bill No. 94 - An Act to amend The Optometry
Act,

Mr. Ron Dorman, Private Citizen,
Ms. Mary Field, Ophthalmic Dispensers of
Manitoba,

Mr. Cyril Labman, Solicitor for Pennsylvania
Optical, Wintrob Sales Ltd., Jack Austin Drug
Ltd.,

Dr. Keith Letts, Manitoba Optometric Society

MATTERS UNDER DISCUSSION:

Bill No. 36 - The Agrologists Act; Loi sur les
agronomes. (Mr. Harapiak)

Passed with certain amendments.

Bill No. 38 - An Act to amend The Society
of Management Accountants of Manitoba Act.
(Mr. Scott)

Passed without amendment.

Bill No. 52 - An Act to Incorporate the
Salvation Army Catherine Booth Bible College;
Loi constituant en corporation le Collège biblique
Catherine Booth de l'Armée du Salut. (Mr.
Sherman)

Passed with certain amendments.

Bill No. 58 - The Occupational Therapists Act;
Loi sur les ergothérapeutes. (Mr. Brown).

Passed with certain amendments.

Bill No. 79 - The Engineering Profession Act;
Loi sur les ingénieurs. (Mr. Doern)

Passed without amendment.

Bill No. 94 - An Act to amend The Optometry
Act. (Mr. Eyer)

Passed with certain amendments.

Bill No. 103 - An Act to amend The Law
Society Act. (Mr. Carroll)

Passed without amendment.

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MADAM CLERK, Ms. C. DePape: Committee, come

to order. Since our former Chairman, Mr. Ashton, is no longer a member of the committee, we should proceed with the election of a new Chairman. Are there any nominations? Mr. Harapiak.

MR. H. HARAPIAK: I nominate Don Scott.

MADAM CLERK: Are there any further nominations? Hearing none, Mr. Scott, will you please take the Chair?

**BILL NO. 58 - THE OCCUPATIONAL
THERAPISTS ACT**

MR. CHAIRMAN: Is it the will of the committee to hear the presentations that we have before us today first? Could Mr. David Balfour of the Manitoba Association of Occupational Therapists come forward please.

MR. D. BALFOUR: Thank you, Mr. Chairman.

MR. CHAIRMAN: Do you have a brief, sir, that you could circulate?

MR. D. BALFOUR: No, I do not, Mr. Chairman, I just have a few introductory remarks, if it should please the committee.

MR. CHAIRMAN: Proceed please.

MR. D. BALFOUR: The purpose of Bill 58 is to upgrade and update the profession of occupational therapy within the Province of Manitoba in light of legislative and other developments that have taken place in the last number of years.

I suppose the prime purpose of the bill could be said to recognize the present function of the occupational therapists within the health delivery system of this province.

One of the main thrusts of the bill is a new definition of the practice of occupational therapy, and I should point, Mr. Chairman, and committee members, that definition was worked up in conjunction with and concurrence of the College of Physicians and Surgeons of Manitoba.

The present bill, although it received Royal Assent in 1971, was formulated during the middle and late '60s, and its main principles come from the McRuer Report and many of those principles in that particular report are now outdated.

The new principles that would govern a profession within the health delivery systems, such as occupational therapists, are of course contained in The Nurses Act, and Bill 58, in effect, mirrors the appropriate provisions of that particular statute.

I have with me this morning, Mr. Chairman, and committee members, four board members from the present Association of Occupational Therapists of Manitoba in the personages of Linda Day, Margaret

Hahn, Irene Ling and Helen Lawrence. They, as well as myself, Mr. Chairman, and committee members, are here to respond to any questions that you may have.

MR. CHAIRMAN: Are there any questions for Mr. Balfour? Seeing none, thank you very much for your presentation, Mr. Balfour.

Next, I would like to call on Mr. Ron Dorman on Bill 94.

MR. R. DORMAN: Mr. Chairman, my name is Ron Dorman. I wonder if I could defer for a few moments while I confer with Mr. Eyler, and if the next people on the list could be taken first.

MR. CHAIRMAN: You may, sir.

MR. R. DORMAN: Thank you.

BILL NO. 94 - THE OPTOMETRY ACT

MR. CHAIRMAN: Mary Field, please.

MS. M. FIELD: I'm the Vice-President of the Ophthalmic Dispensers of Manitoba, and I don't have anything to hand out to you. I'm here only in the capacity that our organization has had considerable conversation both with Mr. Eyler and with Dr. Johnson of the Manitoba Health Services Commission, and our presence here today was only to ensure that the conclusions that had been reached and the agreements that had been made had in fact been incorporated into this revised addition of Bill 94. As I see the copy in front of me, it has; and so we have no further presentation to make at this time.

MR. CHAIRMAN: Thank you very much, Ms. Field. Cyril Labman, please.

MR. C. LABMAN: Mr. Chairman, and members of the committee, I am a lawyer at Aikins, Macaulay and Thorvaldson. I am here this morning representing Pennsylvania Optical, Wintrob Sales Ltd., and Jack Austin Drugs Ltd., who are respectively the manufacturer, distributor, and vendors of Vision Aid reading glasses, which are sold across the counter in various retail outlets in Manitoba.

The concern of the people I represent is Section 3.1(a) and Section 3.1(d) of Bill 94. Very simply put, Mr. Chairman, and members of the committee, without amendments to Bill 94 dealing with those sections, selling ready-to-wear magnifying glasses across the counter would be, in my view, the practice of optometry.

I understand that there has been a proposed amendment to Bill 94, in particular Section 21. I understand this from discussions with Mr. Balkaran, Legislative Counsel, and from Dr. Johnson. I'm told that Section 21(b) would exempt any person who sells complete ready-to-wear glasses or other visual aids as merchandise from a permanent place of business.

As I read that amendment, that would mean that people selling these ready-to-wear glasses across the counter would be exempted. If they did solely that, they would not be contravening the act, but that doesn't mean that they are not, by the definition of practice of optometry, still practising optometry.

In discussion with Mr. Balkaran and Dr. Johnson, I discussed the possibility of a further amendment to Bill 94 being the addition of the words "practising optometry or" in that last phrase of Section 21, so that it would read "notwithstanding anything contained in this act, any person . . ." and then going to (b), "who sells complete ready-to-wear glasses or other visual aids as merchandise from a permanent place of business, is not solely by reason thereof . . ." and the additional words I suggest and I have discussed with Legislative Counsel, ". . . practising optometry or . . ." and then carrying on, ". . . contravening the act." Because the amendment as it is would mean, I submit, although you wouldn't be contravening the act, you would still be potentially practising optometry under 3.1(a) and 3.1(b), and that would mean you would be subject to the testing, the regulation, and membership and all of the other matters.

Very briefly, with respect to the product, Mr. Chairman, these are essentially magnifying glasses. They are for reading and close work. These are set-in frames, they are used to offset middle-aged farsightedness, which I'm told is called presbyopia, and apparently with advancing age just as you get grey hair, apparently the eye gradually loses its power to accommodate for near vision because the lens becomes progressively harder. These lenses overcome that deficiency and let people see things instead of having to hold a paper with their arms outstretched. Millions of these glasses have been sold in this country for decades; they are sold at \$15, \$18, and \$20.00. The method of selection is self-selection, you go up to a counter, you try some on and you see if they help you read better, you can simply put this product on - in my submission it serves a very useful social function. People who can't see without having to hold paper out with an outstretched arm can spend \$15 or \$20 and don't have to go to an optometrist, don't have to go to an ophthalmologist and they can purchase these things just like you can purchase a magnifying glass that you hold in your hand at a drugstore.

So I submit with respect that it appears to me it is not the intention of the Legislature to cover that product in Bill 94, and I say that because of the proposed amendment to Bill 94 exempting the sale of ready-to-wear glasses from a permanent place of business. But with respect, if that isn't indeed the intention of the Legislature then I think the amendment has to go a little bit further and has to specifically say that selling these ready-to-wear glasses across the counter from a permanent place of business not only does not by that reason in itself contravene the act, but it does not constitute the practice of optometry.

I think those words as I indicated earlier when practising optometry just before the words "contravening this act" in Section 21 would achieve that purpose.

Mr. Chairman, and members of the committee, I don't have a written brief but if there are any questions or comments with respect to the matters that I've just presented I'd be pleased to give what other further information I might be able to.

MR. CHAIRMAN: Are there any questions for Mr. Labman?

Mr. Sherman.

MR. L. SHERMAN: Thank you, Mr. Chairman. My understanding that the difficulties that the ophthalmic dispensers were having with Bill 94 in its original form have been removed, Mr. Labman, on the basis of the amendments in front of us at the present time, plus one other amending initiative. That has to do with The Ophthalmic Dispensers Act and an amendment of Clause 2(d) of that act, is that also your understanding. That, of course, would be done through The Statute Law Amendment Act and is not in front of us at the present time, but were your clients concerned with the anomaly that existed in The Ophthalmic Dispensers Act?

MS. M. FIELD: . . . has to clarify, this man does not represent the ophthalmic dispensers of Manitoba.

MR. L. SHERMAN: But you do, do you not?

MS. M. FIELD: I do, yes.

MR. L. SHERMAN: I know, but he represents an optical company.

MS. M. FIELD: Well, he doesn't represent the ophthalmic dispensers of Manitoba. We are satisfied with the bill in its present form and as you are describing it currently. This gentleman is representing an independent optical firm that sells off the counter, off the rack, ready-to-wear glasses and has no association whatsoever with our professional body. He is totally independent from us.

MR. C. LABMAN: Mr. Chairman, that's correct. I have nothing to do or no comment with respect to the ophthalmic dispensers because the parties I represent are not ophthalmic dispensers. They are the people who manufacture and sell these ready-to-wear reading glasses that you can buy across the counter in the Woolworth drug store or Shopper's Drug Mart, those kinds of places. Their concern is, if you read 3.(1)(a) and 3.(d), editing out certain words, it could be contemplated that looking at 3.(1)(a), he engages in - going down to the 3rd line - improving the human visual system by the employment of any means. Well, using these ready-to-wear glasses could be construed as engaging in improving the human visual system by the employment of any means.

If you look at 3.(d), he sells spectacles - going down to the 4th line - for the aid of human vision. That could be construed as, in a literal sense, the practice of optometry by selling these things across the counter which has been done for decades. As I say, the amendment, 21, saying if you sell ready-to-wear glasses from a permanent place of business, across the counter, you are not solely by reason thereof contravening the act, that suggests to me that the proponents of the bill do not want to preclude the sale of these ready-to-wear glasses across the counter. Because as I say, they serve a very useful social function - \$20, \$15.00. People are able to read without the cost and the expense of going to an optometrist or an ophthalmologist.

But even though Section 21 says it wouldn't be a contravention of the act, it still would mean that people selling these things are practising optometry.

HON. L. DESJARDINS: Mr. Chairman, we would like to ask Mr. Labman if he would be satisfied with that. We have a proposed amendment here, this being explained now to the members of the opposition. It would read "notwithstanding anything contained in this act, any person (a) who sells glasses or contact lenses on prescription from a duly qualified medical practitioner or duly registered optometrist; or (b) who sells complete ready-to-wear glasses or other visual aids as merchandise from a permanent place of business is not solely by reason thereof practising optometry or contravening this act.

MR. C. LABMAN: Yes, Mr. Minister, I didn't know that it was now part of the amendment that was being proposed by the honourable member, Mr. Eyer, but if that now is the case, that would look after my concerns.

HON. L. DESJARDINS: I can't assure all the members of the committee we'll go along but this is a proposed amendment that we will have.

MR. C. LABMAN: Thank you, and I should indicate that the reason those words seemed to make sense is that, in my view at least, it makes the legislation clear. Because it would be rather I think an impossible situation to have legislation saying some of these things don't by themselves contravene the act but you're still practising optometry because of the literal reading of 3.(1)(a) and 3.(d). So those amendments or those additional words I think would look after that concern. Thank you very much.

MR. CHAIRMAN: Thank you, Mr. Labman.
Could we return to Mr. Ron Dorman, please.

MR. R. DORMAN: Thank you, Mr. Chairman. Basically, Mr. Chairman, the amendments that are proposed aren't the majority of my concerns. The only two concerns that I have at this point are sort of a problem with the procedural aspect. I'm a little concerned that when this bill came up originally there is no mechanism in government or in Civil Service for the person who is approached to determine what other groups, what other interested groups are affected by this, and I understand that our association found out about this situation after first reading in the House. It seems to me that the original bill would have done considerable damage to the people in our profession.

So I'm wondering whether the government could not consider that there should be some person in the Civil Service with expertise in the optical field where, if the ophthalmic dispensers want to amend something or the optometrists, there can be some liaison set up to see that each group is protected. Other than that, all my concerns are answered in this.

Thank you very much.

MR. CHAIRMAN: Are there any questions or comments for Mr. Dorman? Thank you very much, Mr. Dorman. Is there anyone else on Bill 94? Okay.

Next, Bill 103, Mr. Edward Lipsett. — (Interjection)

DR. K. LETTS: Pardon me, Sir, speaking on Bill 94, my name is Dr. Letts and I represent the Manitoba Optometric Society. Our society did circulate a brief to the members prior to the meeting and my purpose here is just to advise you that I'm available for any questions, should you have any. Thank you.

MR. CHAIRMAN: Thank you, Dr. Letts.

Bill 103, Mr. Edward Lipsett.

Since Mr. Lipsett is not here, that concludes public presentations.

Members of the committee, could we now proceed to go through the bills, starting with Bill No. 36, The Agrologists Act.

BILL NO. 36 - THE AGROLOGISTS ACT

MR. CHAIRMAN: Shall we then proceed on Bill No. 36, page by page, ladies and gentlemen? Page 1 has already been passed at a previous committee.

MR. H. HARAPIAK: I have an amendment on Page 1.

MR. CHAIRMAN: You have an amendment on Page 1, okay. Excuse me. Mr. Harapiak.

MR. H. HARAPIAK: To alleviate the concerns over inclusion of journalism, we are proposing that the definition of practising agrologist under Section 1, that we declare the words "communication or dissemination of information on, or experimentation with," to delete those words and insert the following: "the experimentation with or the giving of advice with respect to."

The proposed wording would allow journalists, or any other individuals, to comment in general upon agricultural matters, but would require memberships in MIA, should the individual enter into or give recommendations or specific advice. I so move.

MR. CHAIRMAN: So moved. Could we have a copy of that amendment please, Mr. Harapiak? I'll just read this through for clarification once again.

It is proposed that on Page 1, 1(2), that that be amended so as to delete the words "communication or dissemination of information on, or experimentation with," and insert the following words, "the experimentation with or the giving of advice with respect to." Any discussion on the amendment? All in favour—pass.

Page 1, as amended—pass. Page 2 - Mr. Sherman.

MR. L. SHERMAN: I would just, as the sponsor of the bill, like to know whether there are any amendments coming on Page 2?

MR. H. HARAPIAK: Page 6 was the next concern.

MR. L. SHERMAN: Page 6.

MR. H. HARAPIAK: At (j).

MR. L. SHERMAN: There was some concern, Mr. Chairman, on Page 2, Section 1(2)(g), that I think had been raised and shared on both sides of the table about the exclusiveness and the statutory powers that might be vested in the association under that section, but I don't intend to make a major issue of it at this juncture. Perhaps it might be corrected now by the amendments that have just been introduced by Mr. Harapiak, but at the time that we first looked at this bill in committee, as you recall, the Manitoba Association for Rights and Liberties raised some concerns about 1(2)(g) and I think they were shared. The Association's point was that there is a danger that a statutory monopoly could, at some time, seek to expand its powers or silence persons whom it perceives as critics or competitors. That seems to be an option available to any statutory monopoly under 1(2)(g).

I just put that concern on the record as something that the committee and the Legislature should be watching in the future.

MR. CHAIRMAN: Mr. Sherman, I take it you do not want to make that as an amendment?

MR. L. SHERMAN: No, in fact it may be that the amendment to 1(1)(2) covers it. When we have a chance to think on that amendment we may find that that removes some of the difficulties that seem to be implicit in 1(2)(g). But it is a point that was raised last time, and I didn't want to pass Page 2 without our reminding ourselves of that. We should watch that, watch how the bill operates with that section in place, and an amendment might be necessary at a future date.

That's the only point I wanted to make on that, Mr. Chairman.

MR. CHAIRMAN: Page 2—pass; Page 3—pass; Page 4—pass; Page 5—pass. Page 6 - Mr. Harapiak.

MR. H. HARAPIAK: Mr. Chairman, I have an amendment on 10(j), I move:

THAT we remove the words "the educational, moral and other qualifications". The amendment will now read "prescribe the registration of persons as members including setting examinations therefor."

HON. L. DESJARDINS: 10 or 9?

MR. L. SHERMAN: It's 9(j).

MR. CHAIRMAN: 9(j). Page 6, 9(j). Could I have the amendment please, Mr. Harapiak?

Mr. Harapiak, there's some trouble here with the deletion and what words were inserted, or how it is rewritten after the fact. If you take out the words "educational, moral and other qualifications," counsel feels that there's not much purpose in having the clause there.

MR. H. HARAPIAK: Mr. Chairman, it will now read, "prescribe the qualifications for registration of persons as members, including setting up examination therefor."

MR. CHAIRMAN: So the words "the educational, moral and other" are deleted? — (Interjection) — Okay. So

“educational, moral and other” are deleted. Mr. Sherman.

MR. L. SHERMAN: Mr. Chairman, I'd like to ask Legislative Counsel whether it's necessary to go that far. We had concerns with the reference to the word “moral” and the amendment deletes that. The amendment goes beyond that and also deletes the reference to educational qualifications, in a specific way, and I would just ask Legislative Counsel whether, in their view, with respect to professional society legislation of this kind that that would be going too far.

MR. CHAIRMAN: On the same point, Mr. Desjardins.

HON. L. DESJARDINS: On the same thing, isn't that also kind of - I would think that maybe “educational” should stay because you say including setting examination thereof, so you're controlling examination of the education by setting up the examination, aren't you? Aren't you negating what you've already said? Is there any reason why the “educational” is being contemplated to be removed or deleted?

MR. H. HARAPIAK: Mr. Chairman, I'll move that the amendment be changed then to just remove the words “moral and other”.

HON. L. DESJARDINS: No, you'd have to leave another qualification if you say prescribe the educational . . . So “moral” would be the only word you would delete now. If you leave “educational,” you'd would want to leave “and other,” wouldn't you? So just the word “moral” would be deleted.

MR. CHAIRMAN: Is there agreement to deleting the word “moral” from subsection (j) as read by Mr. Harapiak? Agreed? (Agreed) Pass.

Page 6, as amended—pass. Page 7 - Mr. Harapiak.

MR. H. HARAPIAK: Mr. Chairman, I have one amendment on 12(1) on the section that reads “at least one week”, we will change that to “two weeks.”

MR. CHAIRMAN: This is on the 3rd line?

MR. H. HARAPIAK: Yes.

MR. CHAIRMAN: Is there any discussion on the proposed amendment?

MR. L. SHERMAN: It changes one week to two?

MR. H. HARAPIAK: Right.

MR. L. SHERMAN: I gather from Mr. Harapiak that the proposed amendment changes one week to two, but it doesn't change the nature of the inquiry committee. Is that correct?

MR. H. HARAPIAK: That's right.

MR. L. SHERMAN: It leaves it as a committee of the council. Well, that's all right.

MR. CHAIRMAN: Pass? Page 7, as amended—pass. Page 8 - Mr. Sherman.

MR. L. SHERMAN: Just one second, Mr. Chairman. All right, pass.

MR. CHAIRMAN: Page 8—pass. Page 9.

MR. L. SHERMAN: Any amendments on 9, Mr. Chairman. — (Interjection) — So that we're staying with 14(1) the way it is. Again, on 14(1) there was some concern about the latitude of the right of appeal.

MR. CHAIRMAN: Page 9—pass; Page 10—pass; Title—pass; Preamble—pass.

Could we have permission from the committee to make the necessary changes in the French language version of the act? (Agreed)

Bill be Reported.

BILL NO. 38 - THE SOCIETY OF MANAGEMENT ACCOUNTANTS OF MANITOBA ACT

MR. CHAIRMAN: The next bill to come forward is Bill No. 38, An Act to amend the Society of Management Accountants Act. Could I ask Mr. Harapiak to take the Chair, please.

MR. DEPUTY CHAIRMAN, H. Harapiak: This is a private bill. We will proceed with a report from Legislative Counsel.

MR. R. TALLIN: As required by Rule 110 of the Rules of the House, I report that I have examined Bill 38, An Act to amend The Society of Management Accountants of Manitoba Act and have not noted any exceptional powers sought or any other provisions of the bill requiring special consideration except the proposed subsection 4(2) of the act as set out in Section 3 of the bill, which will permit minors over 16 years of age to become members of the society and the proposed new Section 12 of the act as set out in Section 6 of the bill, which would restrict the use of certain designations by persons carrying on business.

Both of these sections are really continuations of existing provisions of the act except the use of the designation “Certified Management Committee” or the French equivalent, or the initials C.M.A.

MR. DEPUTY CHAIRMAN: Proceed page by page? (Agreed) Page 1 - Mr. Scott.

MR. D. SCOTT: If I could just make some introductory comments regarding concerns that have been raised at the committee on the last day. First off from the Municipal Association, the Municipal Administrators' Association, their lawyer is present again today, Mr. Harold Clubine. He wrote a letter to all members of the committee and I believe all members have this letter.

“On behalf of and as solicitor for the Manitoba Municipal Administrators' Association Inc., I withdraw the Manitoba Municipal Administrators' Association Inc.'s objections to Bill 38.”

So the municipal people's objections to Bill 38 have been withdrawn and in regard to the problem that was brought up previously, the thought problem with the word "management" being a French word, I have received from Mr. Greg Yost, Barrister, from the 6th Floor, 177 Lombard Ave., a letter to Mr. Desjardins with a description for the word "management" that seems to clarify the problem. The word "management" is definitely a word acceptable in the French language.

You could proceed, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Page 1—pass. Page 2 - Mr. Tallin.

MR. R. TALLIN: Page 2, Section 4(3) you'll notice that it says "shall be divided into 3 classes." That should 2 classes; it was a typographical error. Could we correct that as well?

MR. DEPUTY CHAIRMAN: Page 2, as corrected—pass; Page 3—pass; Title—pass; Preamble—pass. Bill be Reported.

MR. CHAIRMAN, D. Scott: I understand that on Bills 52 and 58 we're waiting for some translation. It should be available for us within a couple of hours. Could we move on please to Bill No. 79, The Engineering Profession Act.

BILL NO. 79 - THE ENGINEERING PROFESSION ACT

MR. CHAIRMAN: Shall we proceed page by page, ladies and gentlemen?

Page 1—pass; Page 2—pass. Before I proceed, could I ask the members of the opposition if they have any particular clauses that they want to draw attention to as we're going through, so that I'll stop on those pages.

MR. L. SHERMAN: Mr. Chairman, for the purposes of expediting the committee's work, I would report, through you, sir, that our caucus is satisfied with this legislation. We've looked at it, we approve it and we won't be raising any objections.

MR. CHAIRMAN: Would you like to continue page by page or should we just pass the whole bill as one. — (Interjection) —

Title—pass; Preamble—pass. Bill be Reported.

BILL NO. 94 - THE OPTOMETRY ACT

MR. CHAIRMAN: Bill No. 94, An Act to amend The Optometry Act. Do we have amendments for this? Mr. Sherman, do you have any amendments?

MR. L. SHERMAN: No, we discussed this.

MR. CHAIRMAN: Shall we proceed with the amendments as proposed by Mr. Eyler? As soon as we get the bill distributed we'll proceed. Are we ready to proceed? Page 1—pass. Page 2 - Mr. Eyler.

MR. P. EYLER: I have a proposed amendment here. I move:

THAT the proposed new Clause 3.1(a) to The Optometry Act as set out in Section 2 of Bill 94 be amended by striking out the words "the use of any self-testing device or" in the third and fourth lines thereof.

MR. CHAIRMAN: Any discussion on the proposed amendment? Mr. Eyler.

MR. P. EYLER: This is primarily to protect places like Woolworth's who are selling glasses off the shelf as it were. The use of any self-testing device could be construed perhaps to mean that anyone who goes in and tries on a pair of glasses would be testing themselves through some device. The use of any computerized or automated measuring device remains in the original act and that is designed to make sure that there are qualified people who are testing eyes with genuine devices.

MR. CHAIRMAN: Further discussion? Pass. Page 2, with amendment? Pass. Pages 3 to 10 were each read and passed. Page 11 - Mr. Eyler.

MR. P. EYLER: I move:

THAT Sections 17 and 18 of Bill 94 be struck out and the following sections be substituted therefor, Section 20 amendment.

17 Section 20 of the act is amended by adding thereto at the end thereof the words "and to ophthalmic dispensers to the extent that they are authorized to practise under the provisions of The Ophthalmic Dispensers Act.

Section 21 replace and substituted 18.

Section 21 of the act is repealed and the following section is substituted therefor, certain sales exempted. 21 Notwithstanding anything contained in this act. Any person

- (a) who sells glasses or contact lenses on prescription from a duly qualified medical practitioner or a duly registered optometrist or;
- (b) who sells complete ready-to-wear glasses or other visual aids as merchandise from a permanent place of business is not solely by reason thereof practising optometry or contravening this act.

Commencement of act.

19 This act comes into force on the day it receives the Royal Assent.

MR. CHAIRMAN: Any discussion? Mr. Eyler, would you like to explain?

MR. P. EYLER: Okay. To explain this Section 17 in the original bill, it excludes physicians and surgeons from the act and this adds under their ophthalmic dispensers who are practising under the provisions of their act. It's a further exclusion of the application of The Optometry Act.

In Section 21, there is an explicit reference to contact lenses which has not been made before and that also reinforces the appropriateness of ophthalmic dispensers in dealing with contact lenses and fitting them.

Practising optometry is also added in this section. Anyone who does these things is not considered to be

practising optometry or contravening the act. The whole purpose of this is to clarify the border between ophthalmic dispensers and optometrists.

MR. CHAIRMAN: Thank you, Mr. Eyler. Is there any further discussion?
Mr. Sherman.

MR. L. SHERMAN: Mr. Chairman, I just think the point should be made that it's certainly our understanding that these proposed amendments satisfy all parties concerned. There were considerable discussions held with the optometrists and the ophthalmic dispensers relative to the initial form of the bill. We have been able to conclude that these proposed amendments satisfy the interests and the concerns of all the parties. This is the point of which I think it should also be noted for the record that the other concern of the ophthalmic dispensers will be handled through The Statutory Law Amendments Act with an amendment to Clause 2(d) of The Ophthalmic Dispensers Act. That amendment will be really complementary to these amendments that Mr. Eyler has introduced. I believe that's correct, Mr. Eyler, is it not?

MR. P. EYLER: Yes, there is a reference to contact lenses which has been included in The Statute Law Amendment Act and that bill is presently before the House.

MR. CHAIRMAN: Page 11, as amended—pass; Title—pass; Preamble—pass. Bill be Reported.

BILL NO. 103 - THE LAW SOCIETY ACT

MR. CHAIRMAN: Bill 103, An Act to amend The Law Society Act, proceed page by page. No amendments I believe have been brought forward thus far for this act. Page 1, does anybody have any intention of raising comments on any particular page of this bill? If not, shall we just pass it as a bill? Pass. Title—pass; Preamble—pass. Bill be Reported.

We have two other pieces to come before us. I'm not sure if the amendments are ready yet.

BILL NO. 58 - THE OCCUPATIONAL THERAPISTS ACT

MR. CHAIRMAN: We're now going to deal with Bill No. 58, The Occupational Therapists Act. We have an amendment to this in both languages. The amendment I believe is on Page 3, so shall we deal with Pages 1 and 2 first, please. Page 1—pass; Page 2—pass. Page 3 - Mr. Eyler.

MR. P. EYLER: I move that:
THAT subsection 3(1) of Bill 58 be amended
(a) by adding thereto immediately after the word "and" in the 4th line thereof the word "of"; and
(b) by adding thereto immediately after the word "association" in the 4th line thereof the word "one".

MR. CHAIRMAN: En français, s'il vous plaît. Mr. Eyler.

MR. P. EYLER: QUE le paragraphe 3(1) du Projet de loi 58 soit amendé par la suppression des mots "et sont

nommés par le lieutenant-gouverneur en conseil" et leur remplacement par les mots "Le lieutenant-gouverneur en conseil nomme un des administrateurs qui ne sont pas membres de l'Association.

MR. CHAIRMAN: Any discussion? Mr. Sherman.

MR. L. SHERMAN: Mr. Chairman, I would just ask for the explanation for that amendment. In my draft of the bill, the amendment appears to be redundant, but perhaps it was left out of the printed form of the bill that was circulated in the House. I don't have that form of the bill in front of me. What I have is the full draft that preceded circulation of the bill in the House. — (Interjection) — That's clarified, Mr. Chairman, thank you. The Legislative Counsel has pointed out to me that the printed form of the bill as circulated in the House contained a couple of typographical errors or dropped words. They did appear in the original draft of the bill but apparently were dropped in the printed form distributed in the House, so this clears that up. Thank you.

MR. CHAIRMAN: Page 3, as amended—pass. There are to my knowledge no further amendments in the rest of the bill. Could we pass the rest of the bill, please? Pass. Title—pass; Preamble—pass. Bill be Reported.

BILL 52 - AN ACT TO INCORPORATE THE SALVATION ARMY CATHERINE BOOTH BIBLE COLLEGE

MR. CHAIRMAN: Bill 52, An Act to Incorporate the Salvation Army Catherine Booth Bible College; Loi constituant en corporation le Collège Biblique Catherine Booth de l'Armée du Salut.

MR. R. TALLIN: This is the report required under the rules. As required by Rule 110 of the Rules of the House, I report that I've examined Bill 52 and have not noted any exceptional powers sought or any other provision of the bill requiring special consideration except Section 11 which would authorize the college to grant degrees.

Now, there are two sets of amendments, one of them is being translated. The first one, which is just a correction, to add the name "June" to the list of the name of the incorporators is available and we could perhaps deal with that one.

MR. CHAIRMAN: The amendment is on Page 2, so maybe we can go through Page 1 at least. Page 1—pass; Page 2, there is an amendment on Page 2.

Mr. Harapiak.

MR. H. HARAPIAK: I move:
THAT Section 3 of Bill 52 be amended by striking out the letter "J" where it appears immediately before the word "Dwyer" in the 6th line thereof and substituting therefor the word "June."

MR. CHAIRMAN: Pass. In French version as well—pass. Page 2, as amended—pass.

MR. R. TALLIN: I apologize for holding the committee up, but we're getting a translation of the amendments

on Page 3. Maybe Ms. Hemphill would like to speak to them perhaps.

HON. M. HEMPHILL: Can they have the amendment without the translation first or do you need . . . ?

MR. R. TALLIN: Unfortunately, they are both on the same piece of paper. I could distribute the first draft which is not what you're going to move, I don't think.

MR. CHAIRMAN: We might as well wait for them.

MR. R. TALLIN: Yes, it should be along in a minute or two. Maybe we can recess for 10 minutes.

MR. CHAIRMAN: Yes, could we recess? Break for 10 minutes? Return at 11:10.

(Recess)

MR. CHAIRMAN: Committee to order. Bill No. 52. We have the other amendment. We are on Page 3. Would Mr. Harapiak like to read the amendment, please?

MR. H. HARAPIAK: Mr. Chairman, I move:
THAT Section 11 of Bill 52 be amended by renumbering it as subsection 11(1) and by adding thereto, at the end thereof, the following subsection:
Earned degrees.

11(2) By this Act the college is authorized to grant the following degrees:

- (a) Bachelor of Arts General with Major in Biblical and Theological Studies (B.A.).

- (b) Bachelor of Arts Advanced with Christian Ministries Major (B.A.).
- (c) Bachelor of Theology (B.Th.).

Other degrees.

11(3) The authority of the college to grant degrees other than those mentioned in subsection (2) is subject to the written approval of the Minister of Education of the province.

MR. CHAIRMAN: Mr. Eyler, would like to read the French version? No, there's no need. That version will be accepted as read.

Any discussion or explanations? Mr. Sherman.

MR. L. SHERMAN: Mr. Chairman, I would only say that as sponsor of the bill, it is my understanding that the officials of the Catherine Booth Bible College and the Salvation Army and their solicitors are satisfied with this amendment. The concerns and considerations that the government and the Minister of Education appear to have had on the basis of the bill in its original form now would appear to be satisfactorily met.

I just want to register for the record the satisfaction of those who are most concerned with the bill, and my own satisfaction as sponsor of the bill, for the compromise agreement that has been worked out in the degree-granting area as represented by these amendments.

MR. CHAIRMAN: Amendment—pass; Page 3 as amended—pass; Title-pass; Preamble—pass. Bill be Reported.

Committee rise.

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