



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

STANDING COMMITTEE

on

PRIVATE BILLS

31-32 Elizabeth II

Chairman
Mr. A. Anstett
Constituency of Springfield



MG-8048

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, Hon. John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	IND
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DOLIN, Hon. Mary Beth	Kildonan	NDP
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DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
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FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Virten	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
LECUYER, Gérard	Radisson	NDP
LYON, Q.C., Hon. Sterling	Charleswood	PC
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MALINOWSKI, Donald M.	St. Johns	NDP
MANNES, Clayton	Morris	PC
McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
OLESON, Charlotte	Gladstone	PC
ORCHARD, Donald	Pembina	PC
PAWLEY, Q.C., Hon. Howard R.	Selkirk	NDP
PARASIUK, Hon. Wilson	Transcona	NDP
PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
PHILLIPS, Myrna A.	Wolseley	NDP
PLOHMAN, Hon. John	Dauphin	NDP
RANSOM, A. Brian	Turtle Mountain	PC
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SCHROEDER, Hon. Vic	Rossmore	NDP
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SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Hon. Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
USKIW, Hon. Samuel	Lac du Bonnet	NDP
WALDING, Hon. D. James	St. Vital	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVATE BILLS

Wednesday, 12 July, 1983

TIME — 10:00 a.m.

LOCATION — Winnipeg

CHAIRMAN — Mr. S. Ashton (Thompson)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Adam and Desjardins; Messrs. Ashton, Banman, Mrs. Hammond; Messrs. Harapiak, Malinowski, Scott, Sherman and Steen.

APPEARING: Mr. Rae Tallin, Legislative Counsel

Mr. Greg Yost, Draftsman

Mr. J. McCannel, President of the Manitoba Institute of Agrologists.

WITNESSES: Representations were made on bills as follows:

Bill (No. 36) - The Agrologists Act; Loi sur les agronomes; Mr. Edward Lipsett - Manitoba Association for Rights and Liberties

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

Mr. Len Hampson - Certified General Accountants of Manitoba

Mr. Ernest Orpin - Society of Management Accountants of Manitoba

Mr. Dan Hicks - Society of Management Accountants of Manitoba

Mr. Bruce King - Society of Management Accountants of Manitoba

Mr. Harold Clubine - Solicitor for the Manitoba Municipal Administrators

MATTERS UNDER DISCUSSION:

Bill No. 36 - The Agrologists Act; Loi sur les agronomes

Bill No. 40 - An Act to amend An Act to Incorporate Portage Avenue Baptist Church
Passed without amendment.

Bill No. 53 - An Act to Grant Additional Powers to Steinbach Curling Club Ltd.; Loi accordant des pouvoirs additionnels au Steinbach Curling Club Ltd.
Passed without amendment.

Bill No. 59 - An Act to Grant Additional Powers to Victoria Curling Club Limited; Loi accordant des pouvoirs additionnels au Victoria Curling Club Limited
Passed without amendment.

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BILL NO. 36 - THE AGROLOGISTS ACT

MR. CHAIRMAN: Committee come to order. We have a quorum.

The first part of today's business is presentations from members of the public beginning on Bill No. 36, The Agrologists Act.

First presentation is Mr. Edward Lipsett from the Manitoba Association of Rights and Liberties. Would you please step forward to the microphone.

MR. E. LIPSETT: My name is Edward Lipsett. I'm with the Manitoba Association for Rights and Liberties, and with me today are Dr. Ralph James, the President of MARL; Mr. Abraham J. Arnold, the Executive Director; and Dr. Sybil Shack, the Co-convenor of the Legislative Review Committee and Honorary Secretary of the organization.

The Manitoba Association for Rights and Liberties, MARL, is a non-profit citizens organization dedicated to the protection and enhancement of civil liberties and human rights in the Province of Manitoba. Its Legislative Review Committee has reviewed Bill 36, the proposed Agrologists Act and, on the committee's recommendation, brings the following concerns regarding this act to your attention.

The broad definition of practising agrology in Section 1(1) is capable of interpretations which could seriously infringe on freedom of expression, generally, as well as on academic or scientific freedom, in particular; and the exceptions in Section 1(2) are not, we think, adequate to avoid this problem. The bill seems far more restrictive than the current Agrologists Act and in other professional statutes, such as, The Law Society Act, and The Medical Act.

Taken literally, the definition of practising agrology could include the activities of a university professor, journalist, scientific or popular writer, commentator, critic, or other person giving information or even expressing opinions on topics related to agrology, and covering a wide and important range of subjects. The wording could also cover bona fide research performed by a competent person who does not come, literally, within the exceptions of Section 1(2).

The council's discretion to exempt any other person in Section 1(2)(g) does not, in our opinion, provide satisfactory protection for the interests referred to in the previous paragraph. Although the council would likely act in good faith, the danger exists that a statutory monopoly might at some time seek to expand its powers, or silence persons whom it perceives as critics or competitors. This danger is exacerbated by the wide discretion and lack of adequate statutory criteria in the proposed act. At any rate, some of the expressive activities we have mentioned should not be subject to a licensing scheme, and the person should not have to seek exemption to engage in them.

We doubt whether such far-reaching effects were intended by the authors of this bill, and the court might well interpret the legislation in such a manner as to

avoid the problems we have identified. Nevertheless, we believe that the possibility of such a wide interpretation should be removed. An overbroad statute can have a chilling or deterrent effect on expression or activities beyond its intended scope. We, therefore, urge that the bill be amended to overcome these problems.

I have a few other points to raise also. Getting down to Section 9, Clause (j), we do not believe that the council should have the right to examine the moral qualifications of candidates. What one group of persons considers immoral could well be considered entirely within the range of acceptability by another group. For example, moral might easily be construed as applying to an individual's personal lifestyle and the examination be used to keep out of the profession capable people whose life style happens to differ from that of the examining councils. To examine such aspects of a person's life not only infringes on his or her right to privacy but might also endanger his or her livelihood.

I would like to raise a few procedural points now. Section 12(1), we suggest that a special committee for inquiries be created and that members of the Inquiry Committee have no previous involvement with the subject of the inquiry, that is that they be as free of bias as possible. Also we question whether a week's notice prior to the sitting of the council or Inquiry Committee is adequate.

Section 12(4), this subsection and those immediately preceding it do not seem to take into account the possibility of a person's unavoidable absence, e.g. a failure to receive the notice in the form of a registered letter or a sudden illness. To proceed with the inquiry under such circumstances would be a violation of natural justice. Such violation should not be authorized by the statutes.

Section 12(5), to avoid any possible doubt the right to representation by council at the inquiry should be expressly stated in the subsection. Section 14(1), the right to appeal should be extended to any member who has been found guilty or ordered to pay costs even when an order of erasure, suspension, fine or reprimand is not issued.

In conclusion we would like to point out that as the number of professional organizations grows, the powers assigned to these organizations must be carefully monitored in the light of their effect upon the rights of their members. In this presentation on The Agrologists Act, MARL has pointed out effects which could prove harmful to members' rights. We suggest that all professional bills and indeed all existing professional and occupational statutes need careful scrutiny from a similar point of view.

Thank you very much for listening to our presentation and I would be prepared to answer any questions that you may choose to put forward.

MR. CHAIRMAN: Do the members of the committee have any questions? Mr. Manness.

MR. C. MANNES: Thank you, Mr. Chairman. Under the heading definition of practicing agrology, you make the point that this bill seems to be far more restrictive than the present Agrologists Act. I am wondering if you could explain that in a little further detail.

MR. E. LIPSETT: Yes, I'll try to - we can do that just by looking at the wording of the old act which we have with us here. That's the current act, Section 2 Clause (e), practicing agrology means teaching or demonstrating the science or art of agriculture or advising or conducting scientific experiments and research emulation thereto as a chief occupation and there are certain exceptions in this old act but the new bill goes a lot further.

Practicing agrology includes Subsection (2): "Every act, with or without reward, which has as its objective the communication or dissemination of information on, or experimentation with the principles, laws or practices relating to . . ." and then it goes on to state all the areas it deals with. Well, such wording, communication of information could very well cover a columnist in a weekly newspaper who covers agricultural matters or a person speaking out, a critic on government agricultural policy. It was obviously not intended to cover these matters but the literal reading could include that and the exemptions you have here in Section 1(2) doesn't even refer to a university professor teaching agriculture whereas some other statutes, at least, make that exemption.

You refer to a person who is registered and holds professional status in another profession recognized by statute but technically a professor at the university would not come within that field and, as I said, I'm sure it was not the intention of the framers of this bill to include commentary or information or even experimentation generally but the wide-phrased terminology could be so construed and we suggest that narrowing of the terminology is in order.

MR. C. MANNES: Well, you sum up that whole area by suggesting that the bill be amended. Would you have any specific amendments that you feel should be brought forward?

MR. E. LIPSETT: Well, not stating anything particular but one possibility, even the current existing chapter A50 of the Revised Statutes the wording that you currently have is not quite as bad as what's stated here. Some other provinces, in referring to agrology don't prohibit the practice at all by non-members. They just say that if you're not a member of the institute or association you cannot use the title of agrologist. Possibly that might be an appropriate change, so as anyone could experiment, could speak, could discuss, but if he identifies himself as an agrologist maybe then you could require licensure. That might be a possibility or if you want to prohibit the practice of agrology as well by non-members, again at least, delete such things as communication or dissemination of information. Make it clear that you don't refer to an independent bona fide scientist who doesn't come within the exceptions and possibly you could expand some of the exceptions.

Again, those are just some possibilities. We don't claim have the solutions, we raise the problem just to point out some possible areas but . . .

MR. CHAIRMAN: Do any of the other members of the committee have any further questions?
Mr. Harapiak.

MR. H. HARAPIAK: Mr. Lipsett, as a sponsoring member of this bill I'd like to thank you for the presentations you have made. You've sent me a copy of your presentation previously and I haven't received my comments up to this time yet but possibly we'll entertain some amendments when the bill is being gone through clause-by-clause, we'll take your presentation into consideration at that time.

MR. CHAIRMAN: Do any of the other members of the committee have any further questions?

There being no further questions, thank you, Mr. Lipsett.

MR. E. LIPSETT: Thank you very much.

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

MR. CHAIRMAN: Are there any further members of the public wishing to speak on Bill 36? There being no further presentations on Bill 36, we'll move to public presentations on Bill No. 38.

The first presentation is Mr. Len Hampson of the Certified General Accountants of Manitoba.

MR. L. HAMPSON: Mr. Chairman, members of the committee and ladies and gentlemen, my name is Leonard Hampson, I am the Executive Director of the Certified General Accountants Association of Manitoba.

Our concern with Bill 38 is solely related to Section 12, the intent of which is to change the designation which the society grants to its members from RIA, Registered Industrial Accountant, to CMA, Certified Management Accountant.

The reason for our objection is that the change the society is seeking is too similar to that of our own association, CGA, Certified General Accountant.

By way of background, CGA is the second oldest accounting body in Canada with 33,000 members and students across the country, approximately 1,700 of whom reside in Manitoba. For more than 75 years the designation CGA has been granted under provincial and federal charters.

Accountancy, unlike some other professions, does not offer reserved rights to practice but, instead, is a reserved title profession. Consequently, it is critical that distinctly different title or designations be maintained. For example, we presently have four active professional accounting bodies in Manitoba, each with distinctly different designations: APA, which stands for Accredited Public Accountant; CA, which stands for Chartered Accountant; CGA, which stands for Certified General Accountant; and RIA, which stands for Registered Industrial Accountant.

In 1976 we were approached by the national RIA organization to seek support for a change in name from Society of Industrial Accountants to the Society of Certified Management Accountants and a designation change from RIA to CMA.

The name of the society was subsequently amended, but carefully excluded use of the word "certified." There was no change to the designation made at that time. Our association feels no differently now than we did

when we were originally approached on the matter. We believe that the change proposed in Section 12 of Bill 38 is an infringement on rights of a Reserve of Title provided our association under our own act of incorporation.

We would, however, be prepared to accept a change from RIA, Registered Industrial Accountant to RMA, which stands for Registered Management Accountant, as recommended in the proposal circulated to you today.

We also have attached to that proposal a resolution from our national association, the CGA Association of Canada, and the reasons supporting our objection.

MR. CHAIRMAN: Thank you, Mr. Hampson. Do any members of the committee have any questions for Mr. Hampson?

Mr. Scott.

MR. D. SCOTT: Mr. Hampson, in your brief you raise the point of it being a reserve title profession, as in accountancy, and then you go on to list some four designations currently used in professional accountancy that are currently registered. I don't believe the APA - or is the APA still used or is it the CPA designation that is not used anymore?

MR. L. HAMPSON: It's the CPA . . .

MR. D. SCOTT: CPA is also on the statutes or a registered initial as well which I believe, in assimilation with the CGAs, have amalgamated into the one body, the CGAs. Is that not correct?

MR. L. HAMPSON: Actually they had merged with the Institute of Chartered Accountants.

MR. D. SCOTT: The CPAs have?

MR. L. HAMPSON: The CPAs.

MR. D. SCOTT: I'm sorry. In reference to the title itself, a certification, do you feel that the word "certified" - it's a descriptive word - I'm wondering how you can explain the word "certified" as being a distinctive word of identification.

MR. L. HAMPSON: As pointed out before, I think it's very important in a profession that does not offer reserve rights of practice, that the names and the designations be maintained as distinctly different as possible and that's why I put the emphasis on reservation of the word "certified" as well.

MR. D. SCOTT: The word "certified" is, I would suggest - could you give me a differentiation where it's a process of recognition in certification, just like a baccalaureate or a bachelor's is a form of indication of a level of achievement in receiving an academic degree, and the word "masters" and Ph.D.- piled high and deep - is basically the same as well. They're generic terms . . .

MR. L. HAMPSON: I think that in some fields you might say that, but in accountancy, in particular, where once again you have a number of professionally recognized

accounting bodies, then the entire name is very important, to remain distinct.

MR. D. SCOTT: You don't feel a difference between a general and a management is distinctive enough.

MR. L. HAMPSON: No, I don't. That's the resolution that our association is standing on, both provincially and nationally.

MR. CHAIRMAN: I would remind members of the committee that questions are for clarification only at this point.

MR. D. SCOTT: Okay. Thank you.

MR. CHAIRMAN: Are there any further questions?
Mr. Manness.

MR. C. MANNES: Just a question, Mr. Chairman. Who wanted the change in the act?

MR. L. HAMPSON: The society changed their working name from RIA, Registered Industrial Accountants, to Management Accountants in 1977, but they did not change the designation and I understand that was because of our objection at that time.

MR. CHAIRMAN: Are there any further questions? There being no further questions, thank you, Mr. Hampson.

The next presentation is from Mr. Ernest Orpin, the Society of Management Accountants of Manitoba.
Mr. Orpin.

MR. E. ORPIN: Mr. Chairman, members of the committee. As you know, my name is Ernie Orpin, the Executive Director for the Society of Management Accountants of Manitoba and with me today is Mr. Dan Hicks, the Director of Members' Services from our national office, as well as Mr. Bruce King, our solicitor. With permission, I'd like these two gentlemen to speak as well.

In 1947, the Manitoba Society was formed under the name of the Society of Industrial and Cost Accountants of Manitoba with the power to grant the professional designation RIA, Registered Industrial Accountant. In 1967 the name was changed by dropping the word "Cost" to become the Society of Industrial Accountants of Manitoba. With the rapid change in the economy and the changing role of RIAs to management positions, a new body of knowledge was prepared in 1970 to reflect the emphasis away from cost and to focus on management studies. In 1977 the name was changed to the Society of Management Accountants of Manitoba but the designation remained RIA.

The continuing emphasis on training accountants for management positions and the acceptance by companies and governments for graduates from our society's program has indicated that our designation should be changed from industrial to management which would relate more closely to our society's name.

We, in the society have one object in mind and that is to train accountants for management positions. We offer no options but offer a complete body of knowledge

in management accounting. Specialization in selected fields must be done on a post-graduate basis. Management accounting is one of the two branches of the modern accounting profession. Its body of knowledge combines the skills and techniques of both accounting and management in its approach to financial operations and strategic decision making.

Management accountants work within organizations and government departments as an integral part of the management team. They provide the information and analysis essential for effective decision making as well as participating in the process of arriving at both operating and strategic business decisions. We feel that is in the society's best interest and for the betterment of the accounting profession a true clarification be given to the general public which links the society of management accountants to a related designation certified management accountant.

The chartered accountants in Manitoba have indicated that they have no opposition to our change to certified management accountant and cannot see any confusion arising from it. With your permission, Mr. Chairman, I would like to call Mr. Dan Hicks before any questions are posed?

MR. CHAIRMAN: Certainly.

MR. E. ORPIN: Thank you very much.

MR. CHAIRMAN: Mr. Hicks can come forward.

MR. D. HICKS: Mr. Chairman, members of the committee. As you know my name is Dan Hicks. I am on the national staff with the Society of Management Accountants of Canada. I am sure that you have all had an opportunity to review the representations from Don Scott and others concerning the matter before you. Allow me to take a couple of moments to provide a national perspective on the issue and to update the status of our designation change initiative in other provinces.

As you may be aware our national society was established in 1920 by a small group of chartered accountants who identified the need for a specialized branch of the profession in the area of industrial and cost accounting. Starting in the 1940s, formal courses were developed and under the auspices of The BNA Act provincial societies were formed to administer the study program and to grant the designation RIA, Registered Industrial Accountant. Today, there are more than 13,000 RIAs across Canada and some 22,000 to 23,000 student members of the society studying to earn professional recognition. But the recognition they seek is not in industrial accounting for our branch of the profession has now emerged into what is known around the world as management accounting.

In the United States, our sister organization, the National Association of Accountants, with some 100,000 members has a certification program that identifies its management accounting professionals with the initials CMA, Certified Management Accountant. Similarly in Great Britain and other Commonwealth countries, The Institute of Cost and Management Accountants identifies its members with the initials, ACMA. So there is already a strong common identity among most

qualified management accountants throughout the English-speaking world.

In Canada, CMA is the acceptable designation in both of our official languages. In English the designation, as you know, relates to the words "Certified Management Accountant" and in French the CMA stands for "Comptable en Management Accrédité." With our present designation or with a new designation incorporating the letter "R" we are unfortunately not able to translate the letters in French. So our proposed change of designation does, I would submit, clearly make good sense both in terms of the international dimension and in view of bilingual considerations.

To update you on the status of our designation change in other provinces, the CMA has now been approved in Ontario, New Brunswick and Nova Scotia. In the other provinces and territories, apart from Quebec, the legislation has been drafted or is being drawn up, and it is expected that the bills will be introduced and approved in the fall sittings of the Provincial Legislatures.

It is important to note that with the approvals to date across Canada more than 50 percent of the society's 13,000 certified professionals have already accessed the right to use the CMA designation, but our plan nationally is to withhold the introduction of the new designation until 80 percent of our members have rights to its use. At that time, the national society and provincial societies where the CMA has been approved, will launch a major information campaign. The Canadian society alone has earmarked some \$260,000 for this program and more than half of this amount will be invested in national media advertising. Through this effort and other activities of the Society of Management Accountants of Canada, the CMA will become known in this province whether or not our Manitoba society members are in a position to use the new designation.

The final point I would like to emphasize is that the CMA should not cause public confusion but should highlight the different training in Canada between the C.A. in public auditing, the CGA in general accounting and the CMA in management accounting. Your provincial investigations have already revealed that there is no ownership in the use of the word "certified" within a designation, and it is in common use whether one refers to a Certified Internal Auditor a Certified Public Accountant, a Certified General Accountant or, indeed, a Certified Management Accountant.

In other jurisdictions of Canada, it's interesting to note a further development. Some of you maybe aware of the Canadian Association of Management Consultants. This organization is proposing to introduce a designation of its own called "Certified Management Consultant." They have introduced this initiative in Ontario and our society in Ontario, the Society of Management Accountants of Ontario, has formally endorsed their initiative.

In summary, I would suggest that it is reasonable and appropriate for this province to be in the vanguard of this initiative and for the Manitoba Government to approve the use of the designation CMA, Certified Management Accountant, Comptable en Management Accrédité, by the Society of Management Accountants of Manitoba.

Thank you, Mr. Chairman, I'll answer questions if there are any.

MR. CHAIRMAN: Mr. King is also listed as presenter. Did you wish to make that presentation now, Mr. King?
Mr. Bruce King.

MR. B. KING: Mr. Chairman, as mentioned by Mr. Orpin I am, in fact, representing the society as their solicitor today and was instrumental in drawing the particular bill that you have before you. I have taken the time to prepare a chart which lays out the present act and the amendments that we have, in fact, proposed. I note that all the submissions to date have centred around Section 12 but because you are, in fact, asked to consider the entire bill I'll take this moment briefly to review each of the sectional changes that we propose. For your ease in following my discussion, I've circulated this proposal.

I note, first of all, that we intend to repeal the present Section 2 and replace it with a new Section 2. This section will continue the society as a body corporate but it also serves to provide for the French language designation of the society.

The next amendment is to repeal Section 4 - it's on the next page - and replace it again with a new section. Here what we've done more or less as a housekeeping function is replaced the words "cost and industrial accountancy in business organization administration" with the term "management accountancy." When the act was amended in 1977 and earlier in the '60s to change the name of the society to "management accountant," some of the references to cost and industrial accountancy were left in the act and it was felt appropriate to make the changes at this time.

This section change also serves to recognize an important element of the membership of the society, that being the student members. I think you've heard numbers mentioned here today of the number of registered members and the number of student members. I think in most of these accountancy organizations, the student members actually outnumber the registered members. It was felt appropriate to recognize them explicitly in the act.

The next amendment again is more or less housekeeping. Assuming that the designation change is approved it was necessary to refer to the members not just as "registered members," but also as "certified members" in order to preserve consistency.

Similarly with the amendments to Section 11, there are no substantive amendments there but merely housekeeping, again recognizing the amendments that are proposed.

Turn now to Section 12. This is the major change that's proposed by this particular amending bill. Here we propose to repeal Section 12 and replace it with a new one. What we intend to do is allow or reserve the designation RIA, we intend to preserve that, I'll explain the reason for that in a moment as well as to provide for the name, "Certified Management Accountant" or the French designation, and you'll excuse my pronunciation, "Comptable en Management Accrédité." Also the letter designations representing the short form of those particular terms, RIA or CMA.

I note that we are intending to retain the use of RIA, and there are two main reasons for that. The first is that because the act must be passed in each of the

provincial jurisdictions in Canada it's necessary, until the change has been made in the majority of the provinces, for the society to be able to retain the use of RIA.

The second reason for the retention of the use is that it is not felt that it would be in the public interest for the term RIA to fall immediately into the public domain; in other words, not be a protected designation. If it were no longer protected then someone who does not have the professional qualifications of an RIA could perhaps begin to call himself by that name and, as such, misrepresent himself to the public as being a qualified accountant.

I note in Section 12 that we are, as well, amending Sub. (2) where we provide a penalty for others who use this designation when unauthorized to do so. The main amendment to that particular section isn't, of course, to include the new designation; and, as well, to provide for a larger potential maximum fine. The original fine of \$25 was contained in the 1947 act, and it was felt that a fine of \$25 was not appropriate by today's standards, and also it's not appropriate when reference is made to other professional organizations' acts, and the penalties that they provide. I note that it's not an absolute fine of \$500, but discretion is allowed so that the judge, or the court involved in any offence would have the discretion to fine an appropriate amount.

In summary then, there are two main changes that are being proposed at this time. One is to provide for the French version of the society's name; and the second is, of course, the designation change. I intend, for the remainder of my submission, to deal only with these two particular changes. If there are any questions, of course, with the other changes that are proposed, I would ask the members of the committee to feel free to voice them. Perhaps now might be an appropriate time or, if you wish, I can save the questions till the end. That's on the other changes if there are any questions.

MR. CHAIRMAN: I think it might better if we held questions over until the end unless members have any objections to that.

MR. B. KING: Thank you, Mr. Chairman. Dealing then with the first main change, which is to provide for the French version of the name. The reasons for this change are, we think, rather simple and straightforward. Canada, of course, is a bilingual nation; Manitoba is a province that has a particular significant number of Francophone citizens. In view of the national character of the organization, in view of Manitoba's important Francophone population, and the apparently bilingual policy of the Provincial Government, we thought it was appropriate at this time, given the opportunity to also provide for the French language designation.

The second change that's proposed is, of course, the designation change. The society proposes to reserve to itself the ability to use the designation "Certified Management Accountant" or the French language equivalent. The abbreviation for that designation would, of course, be "CMA".

As you have heard, by way of background, The Society of Management Accountants is one of two professional bodies that has legislative status in all of

the provinces of Canada. The other organization is, of course, the organization which goes by the letters CA which I'm sure you're all familiar with, as well as the group that you've heard from this morning, The Certified General Accountants Association, the CGAs. It's our understanding that the CGAs at this time don't have legislative status in all the provinces of Canada.

I don't intend to deal with the distinction between the CAs and The Society of Management Accountants, as there is at this time no objection presented by The Institute of Chartered Accountants.

As was explained, in the early '70s the Society of Management Accountants looked ahead to the future and they recognized the need for individuals who had a particular speciality within the accounting profession and they, in fact, recognized management accountancy. They altered their training program, and there is an extensive training program, as well as a research branch, and they specialize in professionals whose sole area of practice would be management accountancy. As I understand their function, they obtain, interpret, report on, and manage the economic information within an organization, whether it be government or business.

Although some of this information will be used by the public they don't serve the function of public accountants, such as, the CAs who, of course, ensure that the information provided to the public is accurate; and I understand that the CGAs also have an option program where they serve similar function as public accountants.

It has also been explained to you that this development of an organization dealing with management accountancy is not isolated to Canada. Management accountancy is recognized, as was explained, in the United States of America, as well as in the United Kingdom and throughout the Commonwealth. The designation there, somewhat of an international designation, in the United States it is CMA, Certified Management Accountant, and in the United Kingdom it's ACMA.

As I understand it, in these countries, as well, there are the two main bodies of accountants; the public accountants and the management accountants. I'm not aware that the general accountants have a sister organization of the same character as they have here in Canada.

Dealing now with the development of the particular designation. In the context then of this international situation, and in the context of the evolution of the Canadian organization to specialists in management accountancy, a decision was made that it was necessary to change the designation. RIA, although it's a historic designation, it's a designation which has a certain amount of goodwill attached to it, it no longer properly described the function which the society was performing. The decision to change the designation, of course, wasn't lightly taken; it was not easily made. As I say, the RIA had a certain amount of status and was recognized by their employers and clients. The decision was made that it was necessary to change in order to remain accurate.

One item of importance in this change was the necessity to find a designation which would be appropriate in both the official languages of Canada. As I understand it, CMA was the only designation; in other words, certified management accountant was the

only one that would serve this particular function. When this designation was developed the members who made the decision felt that the proposed designation was distinctive, and by better and accurately describing the function and the area of expertise of the society's members it was felt that this distinctiveness of this society, the speciality of this society would be emphasized.

The designation change has been made in Ontario, New Brunswick, and Nova Scotia. In both Ontario and New Brunswick no opposition was made to this designation change by any organization, including, of course, the Certified General Accountants, there was no opposition in either of these provinces, to my understanding.

In Nova Scotia there was opposition from the Certified General Accountants and in Nova Scotia, in spite of this opposition, it was felt that the designation change was an appropriate one. I would mention as well, in Nova Scotia there was also opposition from an organization which is present in Manitoba and I'm not aware whether they'll be making a representation to the committee today, but that is the organization of Municipal Administrators and they also opposed the designation change in Nova Scotia; and again, in spite of the objection, the amendment was passed.

I'll deal now with the specific objections which have been made by the Certified General Accountants and the objections that I anticipate may be raised by the Municipal Administrators and can appropriately anticipate objection.

I would state, before I make the distinction or attempt to make the distinction, that the Society of Management Accountants does of course recognize the professional integrity and standards of the Certified General Accountants and we feel that their integrity and their professional standards in their area of expertise only serve to better distinguish the two groups.

The Society of Management Accountants submits that the two names, Certified Management Accountant and Certified General Accountant are distinctive by virtue of the fact that the operative word in each of those designations is distinct. The designations are distinct also on the basis that by virtue of the fact that they serve to more accurately describe, or at least, Certified Management Accountant serves to more accurately describe the functions that these accountants play, that this also serves to distinguish the designations.

When this committee decides whether in fact these names will be confusing, as suggested by my learned friend from the Certified General Accountants, I would suggest that there are a number of factors that you might consider. These are factors, not that I've just made up for the day, these are factors that the courts use in deciding whether two trade names or trade marks are confusing or too similar. I would draw your attention to these factors and deal with them, not on the basis, obviously, that they would serve as any binding authority on you, obviously, but merely as factors, they're principles that developed by other intelligent and wise individuals, the judges, after their consideration, that these principles have been developed over the course of time.

The first factor that the courts consider when deciding whether names are distinct is that they look to the inherent distinctiveness of the prior name. They ask if

the prior name is especially distinct. Does it have any particularly unusual or unique words contained in it. If the words are unique or unusual, then a name which is similar to that name will be more likely be seen as confusing or perhaps an infringement.

However if the words are not unique - the words contained in the prior name - but they are common or general terms, then smaller changes will suffice to distinguish the two names. By way of example, if a fellow decided to build a store and called it the General Grocery Store and a fellow down the street decided to build the General Hardware Store, then those two names, I would submit, are in fact distinct. When the first fellow decided to call his store a general and a store, well those aren't particularly unique words; they're not distinct words. The operative words were grocery and hardware and so the two names are distinct. I don't think anyone would confuse them.

Similarly in this situation, Certified General Accountants have chosen to use the words "certified" and "accountants." I don't think that the General Accountants - and they certainly didn't suggest it - that they have any particular claim over the word "accountant." I don't think there's any dispute on that particular ground; it's a common word, it's a general term, it refers to a number of different areas of professional practice.

The important word appears to be "certified." Well again I would argue that "certified" is a common word; it describes a process, a process of certification. Business Administrators are certified; agriculture students are certified. When you graduate from various programs you get a certificate. This is, of course, a reserved profession, a profession in which names are reserved. I don't think that the Certified General Accountants can claim to reserve the word "accountant" and I don't think they can also claim to reserve the word "certified" unto themselves.

The important or operative term in this particular name is, in the one case, "management" and in the other case, "general" because these two words are of course distinct. On one hand you have General Accountants; on the other hand Management Accountants; I don't think that there would be confusion in the public's mind. Again, the word "certified" is not descriptive of a profession itself. All it is is descriptive of a process by which they name their mark of accreditation.

I'm reminded of a comment that I heard made by apparently Groucho Marx. He heard that the Smothers Brothers were being sued by Warner Brothers over the use of the term "brothers" and the Marx Brothers, Groucho Marx in particular, claimed that he had then had prior use to this word, "brothers" and he was going to sue Warner Brothers if they were going to complain. I submit that the situation is not dissimilar in that certification or accountancy or brothers, they're common words; they're general words; they don't serve to distinguish.

The second factor that the courts sometimes consider in deciding whether names are distinct is they look to the different classes of good, or in this case, the class of services provided. Obviously they're both dealing with accountancy. Again the General Accountants haven't claimed that they have any particular possessory right to the word "accountancy."

What we're dealing with then is, within accountancy, what is the service provided by these two groups? You've heard it explained that the function of the two groups is, of course, different. General Accountants deal with general accountancy. As I understand it, in their educational program, they provide a number of options including, for instance, a certain amount of public accounting function, presenting financial statements to members of the public outside of an organization.

In the case of Management Accountancy, they are specialized. They're specialized as Management Accountants. Their function is to report within an organization; they serve with management.

Another factor that the courts sometime look to is the type of customer. Is the customer one who will be confused? So let's look at the customers; let's look to the clients that these two groups serve. The clients are distinct groups. In one case you have the Management Accountants which are dealing, as I say, within an organization, the General Accountants that have a different function. Also if we look to the individuals themselves who are retaining these accountants, it's not general members of the public who decide, well I need an accountant. In this case they're specialized and they provide services for businesses. What you then have as customers are intelligent members of business or government. They're the one that are selecting the services that are required and in this particular case because of the class of individuals who are choosing the services, I would argue that there is no likelihood of confusion.

In summary then, we are obviously not intending to cut down in any way the professional standards or integrity of the general accountants. Rather they're a highly educated and specialized group within themselves, their educational programs are specific in intent and they're specialized. Since 1973 when their Act was passed in Manitoba, they have built up good will and they have built up a reputation. Because of that, because they have a reputation, we don't feel they should have any fear for our proposed change of designation to "Certified Management Accountants." The members of the public who are accessing their services are aware of the distinct functions they serve.

Our organization is also an old organization. The act was first passed in 1947. Since then it's become an established profession. It's reputable, it has goodwill and it has a separate clientele from the general accountants. We think that this distinctiveness will be maintained and emphasized by the new designation. We don't feel that they're similar or confusing.

Dealing now with the anticipated opposition by the municipal administrators, my searches at the Companies Branch shows that there's an organization which describes itself as the Manitoba Municipal Secretary Treasurer's Association. This association, in conjunction with the University of Manitoba Continuing Education Division, apparently offers a certificate program at the university, one of a number of certificate programs which of course is offered at the university as well as certificate programs that are offered at other levels of education like Red River in Manitoba.

They, on graduation, have a certificate that they have passed of course in municipal administration. They have chosen to call themselves at that point, "Certified

Municipal Administrators." I assume that it's a convenient abbreviation for the individuals who have passed this particular course at the University of Manitoba. As far as I am aware, it's a night course that offers over a course of four years, one course a year or one area a year. However, if you look at the words "Certified Municipal Administrator," and of course abbreviate it, you get CMA and that's where the apparent trouble arises in this particular situation. The association apparently feels that CMA is a designation that they should have reserved onto themselves.

I point out at this time that CMA is not in and of itself a professional designation nor is it, I would submit, a recognized academic designation. On graduation from the university, the university does not call you a CMA, what it does is give you a certificate certifying that you have passed a course in municipal administration. The municipal administrators have not acted at any time in the past to protect this particular designation or reserve it unto themselves.

Obviously, we have no problem and I'm sure they don't with us calling ourselves "Certified Management Accountants" and they calling themselves "Certified Municipal Administrators," if they wish in a form of an appropriate abbreviation. However, we don't feel at this time that they can claim any special or any particular rights over the term, "CMA." They have not chosen in the past to reserve this designation unto themselves. I am not aware that it's a designation that's widely known in the public eye. I would suggest that it's a designation used within themselves to conveniently refer to the certificate that they have received at the university.

Again I don't want to be seen as suggesting that it is in any way an inadequate organization. Obviously, it has its own area of function. It is entitled to call itself - and rightly so - "Certified Municipal Administrators" if they choose to, but I don't think that they can claim that CMA is a specific designation.

In particular reference to their not using this designation, it is my understanding that a letter was sent or circulated to members of this committee or the members of the House in which the executive director of that organization or an official in that organization sign and I note that behind his name he didn't choose to identify himself as a CMA. He has his certificate I assume but it's not a designation that's used. On the basis then that it isn't a name that's known to the public, it's not a particular professional designation or academic designation, I would suggest that they do not have the right to dispute our request for a designation as Certified Management Accountants.

I thank the members for their patience at my obviously long-winded speech. I must have learned from the evenings I spent in the Visitors' Gallery. Are there any questions that the members might have at this time?

MR. CHAIRMAN: We have several members asking questions. Could I perhaps suggest that those members indicate who they're directing their questions to amongst the presenters of the Society of Management Accounts?

Mr. Sherman.

MR. L. SHERMAN: Thank you, Mr. Chairman. My question has been partially answered by Mr. King. It

was originally intended for Mr. Hicks and it was based on the fact that Section 12 is permissive and not mandatory. My question had to do with why there would be the option if there was such an interest on the part of the society to use the initials CMA, but Mr. King has answered that in part. However, flowing from that answer I have a couple of other questions, Mr. Chairman, and they could be directed either to Mr. King or to Mr. Hicks.

My first question has to do with Mr. King's contention, if I heard him correctly, that there was no opposition to this change in Ontario or New Brunswick that he knows of from the CGAs. If that's correct, I was then going to ask him whether a resolution which has been distributed with the submission made by the Certified General Accountants Association of Manitoba from the Certified General Accountants Association of Canada, representing a position in opposition to this name change, found its way into deliberations in other parts of Canada such as Ontario or New Brunswick, or whether this is limited strictly to the debate in Manitoba?

MR. B. KING: I am not familiar with that particular resolution. I had not seen it or heard of it prior to today. Again, I don't know the date of that particular resolution - perhaps it's the date will be telling in what it intends to oppose. As I understand it, in Ontario and in New Brunswick there was no opposition; in Nova Scotia there was opposition in spite of which the designation change was made.

Perhaps Mr. Hicks can enlighten us as to what the position of the CGAs was at the time the designation change was made in Ontario.

MR. L. SHERMAN: I might just say for the record, Mr. Chairman, because Mr. King posed a question that the resolution from the Certified General Accountants Association of Canada, Vancouver office, is signed by Douglas J. MacDonald, Secretary, and dated March 10th, 1983. It is a certified copy of a resolution bearing a particular number passed by the Board of Directors of that association resolving that the board reaffirms its objection to this name change.

MR. B. KING: Mr. Chairman, if I could comment on that. The designation change both in Ontario and New Brunswick went through before the date on that particular letter. I'm not aware of other correspondence that came forward to the national organization from the CGA national organization whatsoever. I can't make further comments on that. I might also add, however, that though the national organization might have one position, it doesn't bind; if the CGA organization operates much as our own does, it doesn't bind the provincial organization to follow that stand.

MR. L. SHERMAN: Thank you. Mr. Chairman, perhaps just for clarification I should point out that the circulation of this resolution is dated March 10, 1983. In fact, the resolution itself was passed apparently on January 24, 1981, which means that it has presumably been in existence for some two-and-a-half years but perhaps on as broad a scale as one would infer from the role that it is playing in this particular debate in Manitoba.

Mr. Chairman, I'd like to ask Mr. King or Mr. Hicks what the term "Registered Industrial Accountant"

translates into in the French language. Some considerable emphasis has been placed on the fact that "Certified Management Accountant" is apparently translatable and the society has put that forward as an argument for the change. Has there been any interest in the past in ensuring that the designation has been bilingual and has met the bilingual nature of this country? What is the translation of "Registered Industrial Accountant" or do we have to turn to the Minister of Health for that translation?

HON. L. DESJARDINS: I would suggest that you should ask Mr. Doern about that.

A MEMBER: I'd like to ask him but he hasn't got any services to answer it.

MR. D. HICKS: Mr. Chairman, there is not, unfortunately, a French language version of the initials "RIA". Our society has existed with that handicap since it was introduced in the early '40s when perhaps we weren't as wise as we hope we are today in introducing such matters.

The Francophone element of our membership have been working under that handicap and do, in fact, use the RIA after their names but they can't properly translate that into their own language.

MR. L. SHERMAN: Mr. Chairman, could I ask the delegation then, do they anticipate that the use of the designation and initials "RIA" will be phased out and that the membership in the society will come very quickly to use the designation and initials "CMA"?

MR. B. KING: That is, in fact, the intentions of the society. The only reason that the name "RIA" was reserved, as I indicated before, was first of all because, for instance, in Ontario the legislation has already been passed. If that reservation was not maintained in Ontario that would mean that at this time the only designation that they could use would be "CMA." That, it was felt, was inappropriate because it is a national organization and it would be appropriate to make the change at once.

I understand that once 80 percent of the membership has access to the designation "CMA" that at that time the society will so designate that that is the appropriate designation. As I indicated, there is, however, another reason for the retention, at least of the protection, of the term "RIA" and that is, in the immediate future if the society should cease to use that name and if it were not protected then, of course, any individual could begin to use that designation after his name without having met any qualifications whatsoever. We that that might serve to be misleading to the public, in that a person without appropriate qualifications would designate itself as an RIA and the society, if it hadn't reserved that name, would be powerless to object.

MR. L. SHERMAN: Just one final question, Mr. Chairman. In the presentations made by the Certified General Accountants Association of Manitoba they make the point that, at least in their contention, that "management" is not a French word and this designation has not been approved by the Quebec

Government and that therefore the term, "Comptable en Management Accrédité," is not necessarily valid.

Is your society engaged in discussions in bilingual provinces such as Quebec and New Brunswick with the legitimizing or the accreditation of the term "management" and its acceptance in those provinces as being a fully bilingual term, or have you run into that problem at all?

MR. D. HICKS: We have run into some questions as I did earlier today from one of your members concerning our use and selection of the word "management" which in French we would say, "management." If an issue has developed around it, it is in terms of the pronunciation of that word. "Management" is, I would submit, a legitimate French word. There are some concerns in Quebec that people will say "management" and not "management" and that's more the issue that has been raised as a concern.

I should, perhaps, draw to your attention the fact that New Brunswick is, in fact, a bilingual province of Canada and therefore did accept the term "management" as a legitimate and appropriate word in the French language.

MR. L. SHERMAN: Is the word "management" acceptable to Premier Levesque as a usable word in commerce in the Province of Quebec?

MR. D. HICKS: I can't speak for Mr. Levesque, I'm sorry, but I believe that the word is used in business parlance and there is a terminology bulletin that I did pass out to one of your members which provides background on the term and its use.

MR. L. SHERMAN: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Desjardins.

HON. L. DESJARDINS: Mr. Chairman, I'd like to follow on the last question asked by my colleague from Fort Garry and I certainly would like to congratulate you on your concern to get a bilingual name. I would hope that you're not using that to achieve something else. I hasten to say that I'm certainly not an expert in this but I have my doubts, and I stand to be corrected, that this is a French name.

First of all you did say, Mr. Hicks, that you were worried about the pronunciation and you pronounced it "management" and pretty well that first syllable, at least English, and it would be "management," I've never heard that term. Now, if the main reason that it's just a coincidence that you're using this name and the main reason is because you want to be able to translate it in French, it would be odd that you're going for an English word that then you have to justify being used in the French language and this is what you bulletin is saying.

I find it odd because the proper word, I would submit, would be "gestion" or "gérance" or something like that, but "management" - so I wonder if the real reason is to translate it in French to be able to have it in French when you then have to justify the word that you choose, that you say is French - take an English word and try to justify it as a French word. I have some concern.

MR. D. HICKS: I haven't particularly been directly involved in the development of the terminology. Our members in Quebec, our Francophone members across Canada, have worked long and hard at coming up with something that would work for us in both languages and have developed the terminology and the bulletin that you see before you. I would suggest as an added reference, however, that it would have been very difficult for us to use the word "gestion," if we were to say, "Comptable en Gestion Accrédité," and use the initials CGA for the designation.

HON. L. DESJARDINS: Well, that's exactly my point, that you're using the French translation as your main reason to use these terms, and then it seems you have to try to fit it in with these words that you're using or inventing, or using an English word and claiming that it is French. If that is the main reason, it would seem natural or normal to me that the first thing you would want to do, if you were that concerned with the French translation, you would go to Quebec and make sure that it's accepted in Quebec.

Do you refute the presentation that was made by Mr. Hampson that Quebec has not accepted this word, it hasn't been approved by the Government of Quebec?

MR. D. HICKS: I'm not aware of any such development.

HON. L. DESJARDINS: Thank you.

MR. B. KING: Excuse me, Mr. Chairman, if there is one point I could make from the Honourable Minister's comments. As I understand, he said that one of the main reasons that we had chosen this designation was the fact that it was translatable. That certainly was the reason and an important reason, but I would submit that at least in my mind, the main reason for the choice of this term is that it properly describes the function of the profession. It was important to find a term that could be so converted into the French language version, and pursuant to that, of course, it was the Francophone members residing in Quebec who were solicited to obtain a name that they felt was satisfactory. They being satisfied that the designation as appropriately described themselves, they being the ones most particularly concerned with, affected by and interested in this designation, I would submit that they having accepted it, the question of whether it is in fact an appropriate French word or a derived English word, or how it came about, I don't think is entirely material.

Obviously, with the interconnection between the French-speaking countries of the world, and the English-speaking countries, there have been a number of terms that become, not surprisingly, similar terms in both languages. I understand, of course, and we're aware from the media reports that to a certain extent the Quebec Provincial Government is trying to purge its language of some of these terms, but we're not aware that they object in particular to this particular word.

MR. CHAIRMAN: Mr. Adam.

HON. A. ADAM: Mr. Chairman, I haven't seen concerns raised by Mr. Sherman and Mr. Desjardins in regard to the use of the word "management" en francais is

a word that I don't understand as being part of the French language, although I want to qualify that I don't know all the French words in the French language. I've heard the word "manager" but I've never heard the word "management." I believe it is bastardizing the word to the use of French.

I see here under Section 12(1) that under (d), Mr. Chairman, is that they're using "CMA" as the English version, and the small "cma" as the French. Is that the intent?

MR. B. KING: It probably was quite evident from my attempt to pronounce the French language version - I'm not at all familiar with the French language, extremely unfamiliar. Apparently that is the intent though, yes.

HON. A. ADAM: Under (d), I see they're going to use "CMA" in capital letters or "cma" in the small letters.

MR. B. KING: Small case letters. The small case, I'm informed, is intended to represent the French version. My unfamiliarity with that particular language can explain that.

Again, I would point out that it was one of the larger concerns of the members of the society when this proposed designation was made and of course the members of the Quebec branch were consulted, and I'm informed that they, in fact, played a very large role in the choice of this particular name. As I say, they were the ones most particular affected by it and they apparently felt quite comfortable with this term.

HON. A. ADAM: Yes, but obviously, according to the submission that was presented by the Certified General Accountants, that word was not accepted in Quebec. Now, there's a misunderstanding there. Mr. Hicks says that perhaps it was accepted, but according to the CGA, it was not accepted.

I have another concern, and even though the municipal administrators may have been lax in not registering their letters "CMA" as a result of the certificate that they receive from the university on passing their exams as municipal administrators, the fact is that they have been using it for a number of years. It's just like piracy for another group to come in and say, well yes, they haven't certified it, but we want to grab it. It seems to me that we should be looking at this a little closer, whether we should not be protecting the minority rather than agreeing with the majority. I think it's the minority that has to be protected in society not the majority, because they are always able to protect themselves very well.

In this case, I realize that they may have been lax in not registering that designation, but the fact is that they have expressed concerns about it. I'm not sure whether you have met with him or not to discuss this, whether there could be some agreement arrived at in an amicable way without causing any concern to either group. If there could be a different designation of the words - "CAM" or something else.

MR. B. KING: I think that one factor that has to be considered in this particular circumstance is the fact that this designation has now been passed in three of

the provinces in Canada. It is, in fact, now available to the majority of the members of this particular society. One factor that we may have to consider, and I don't mean to suggest that this particular committee will, of course, be bound, but I think this committee should at least consider the effect that will take place in the future. The designation "CMA" will be carried in national advertising. The majority or a large number - I shouldn't say majority, I don't know that to be a fact - of the members live in Ontario. Certainly, Ontario I think is recognized as being a centre of business and several organizations in our economic publications, and accountancy publications originate from that particular jurisdiction. As a result in any event, of what this committee decides today, this designation by these other provinces will become used in the Province of Manitoba, if in fact, the designation is not permitted to this particular branch of the society, then in that case confusion is going to reign supreme, I would suggest. If they are bound to continue the use of RIA while the remainder of the provinces in Canada use the term CMA; that, in itself, will create confusion. Also the use of CMA will come into Manitoba as a result of the inevitable national publication. I don't think it's possible, even if they attempted to do so, to restrict that name from being publicized within the province. As far as compromising with the municipal administrators, obviously there's no contention or problem over their designation as Certified Municipal Administrators if they chose so to designate themselves.

Again, I would hope that they would have no problems with us describing ourselves as Certified Management Accountants. The only confusion arises with the terms, then, the abbreviations, CMA. This being a profession they, of course, want to be able to designate themselves as CMAs, either on their business cards, or on their literature, or on their letterheads. I'm not aware that the municipal administrators would have the same concerns. It's a designation and perhaps when they're applying for positions within a municipality they would want, and need to be able to explain that they do, in fact, have that designation. It's not my understanding that they, in fact, use that designation or those abbreviations, say, in their literature or behind their names, other than in a convenient way.

In the past I can't see that they've had any problem with that, but it's been, I would argue, isolated, it's limited to a small number of people; and I'm not saying that because of that reason alone, like you say, a bigger organization comes along, that we can grab it, but I'm suggesting it's not as though we're grabbing anything because I don't believe that it has received wide user previous to this. I don't believe that it's a designation that's familiar to the public; it certainly would be known within the Municipal Secretary-Treasurers' Association and they would maybe point out the members who were Municipal Administrators or Certified Municipal Administrators, but I don't know that they refer to themselves specifically as CMAs.

MR. CHAIRMAN: I would remind members of the committee, again, that questions are for clarification only, and I'd also ask that responses be restricted to the specific enquiries, rather than the general issues. Discussion of the general issues will take place following public presentations.

Mr. Adam.

HON. A. ADAM: Mr. Chairman, in view of the fact that there was concerned by the CGA and the municipal administrators and, in view of the fact, that it would seem to be unclear on the French version of CMA, the word "management" seems to be clumsy to me; I don't recognize it as a word being used in the French language. I don't intend to be an expert on French language, even though I am Francophone. In view of that, I would say that perhaps we should study this a little more before we do it.

MR. CHAIRMAN: I'm afraid I'm going to have to rule you out of order, Mr. Adam. That's more the type of discussion that we can continue after public presentations; it's not a question.

Mr. Ransom.

MR. B. RANSOM: Mr. Chairman, I also have a concern that related to the municipal administrators, and Mr. King makes the point that some people already have the opportunity to use the designation of CMA within the province and that more people will have as time passes. I take it that though does in no way restrict the municipal administrators from using that term at the moment; it's not an exclusive right that other people now have to use the designation CMA. If this bill is passed then, of course, it will be an exclusive right to the Management Accountants. Is Mr. King saying then that the municipal administrators would simply be out of luck; it's tough on them that they haven't certified the designation and they would no longer be able to use the designation CMA?

MR. B. KING: As the proposed bill now stands it's true that we feel it's important, so that there would not be the potential for confusion in the eyes of the public. When a person was to place the designation after his name we don't feel it's appropriate, it's true, for two completely separate professions, or a profession and the municipal administrators with their training, we don't feel that it's appropriate for both to use the designation, it's true, the designation CMA. The basis of the argument on that is, again, that the municipal administrators, as I understand it, are not a profession unto themselves, it's not a profession.

As well, the municipal administrators, I don't believe that their certificate program is, as such, a particular academic qualification, such as, a Bachelor of Arts or a Bachelor of Education, one of the recognized degrees. It is a certificate program and I'm sure it's comprehensive, in and of itself, and the certificate itself does not describe the individual as a certified municipal administrator. As I understand it, it's just what they have chosen to use as a convenient abbreviation of that name.

At the risk, perhaps, of not following the Chairman's directive, but that this particular problem was canvassed in Nova Scotia and, on the basis of the arguments that I've just mentioned, the committee in that particular jurisdiction felt that the request by the Society of Management Accountants was appropriate.

MR. R. BANMAN: Mr. Chairman, I had precisely the same question the Member for Turtle Mountain raised; that's fine.

MR. CHAIRMAN: Are there any further questions? There being no further questions, I'd like to thank the delegation from the Society of Management Accountants.

MR. B. KING: I'd like to thank, Mr. Chairman, yourself and the honourable members for their consideration of this particular bill. We appreciate your interest.

MR. CHAIRMAN: The next presentation is Mr. Harold Clubine, the Manitoba Municipal Administrators.

MR. H. CLUBINE: Mr. Chairman and members of the committee, I'm the solicitor for the Manitoba Municipal Administrators, and the Manitoba Municipal Administrators have been taking a course since 1966. They've been using the designation CMA; they had literature and they have pins made out with CMA on. They use the term Certified Municipal Administrators and they feel that they should, at least, be allowed to continue to use it.

I was told by the secretary this morning that they were holding a meeting with the Manitoba representatives of the accountants to see if a compromise could be worked out, but I haven't heard the results of it.

I don't think I can add anything else. The whole thing has been discussed by Mr. King, but we do object to them taking away the right to use the designation CMA which we are now using. I'd answer any questions I could from the committee.

MR. R. BANMAN: Mr. Clubine, did you say that if the municipal administrators received the assurance that they could continue to use the letters that your objection would be somewhat dulled?

MR. H. CLUBINE: Yes, we don't want to stop these people from going ahead but we want to be able to continue to use the designation that we've been using without the consequences of having a penalty imposed on us.

MR. R. BANMAN: So if the Society of Management Accountants of Manitoba indicated to you that if this bill is passed that they would continue to allow you to use those letters, then your major objection to it . . .

MR. H. CLUBINE: Well I would think the bill would have to be amended to say that if any person who implies that he is a member of the accountancy group by using these things, this designation could be penalized and that if you weren't implying that you were a member of the group or just doing it on your own for your own free individual group that there wouldn't be any penalty. I think the change should actually be made in the bill itself.

MR. R. BANMAN: Just for my own edification. That means that if that type of a change was made then there would be no major opposition by the administrators?

MR. H. CLUBINE: No.

MR. CHAIRMAN: Are there any further questions? Mr. Scott.

MR. D. SCOTT: What do you think or have you spoken with your organization because there could be some degree of confusion if the two designations were both used. What would be the position of the municipal people and the members of the Municipal Secretary-Treasurers Association which is the actual incorporated organization? It's not . . .

MR. H. CLUBINE: No, the name was changed. It is the Municipal Administrators Association.

MR. D. SCOTT: It has been?

MR. H. CLUBINE: Yes, it was incorporated in 1955 but there's a change and it is now the Manitoba Municipal Administrators Association.

MR. D. SCOTT: Well the letter I have here from the Secretary of the organization a Mr. Diduch (phonetic) has a stamp founded in 1931, incorporated in '55, The Manitoba Municipal Secretary-Treasurer's Association.

MR. H. CLUBINE: They're still using old literature.

MR. D. SCOTT: Yes, I guess so.

MR. H. CLUBINE: Or letterheads, but it has been changed.

MR. D. SCOTT: Yes. It also, I might note by a person who I take it who is the secretary, must be a member of the organization, it's not signed, it's signed secretary but without a designation of CMA after his words so I wonder how widespread the use of the CMA designation is if the secretary of the organization doesn't even use it in his correspondence?

MR. H. CLUBINE: Well I understand it is used by the association, that they have things like pins printed, that they're using it more and more. That's all I can tell you on it.

MR. D. SCOTT: What is the possibility of an abbreviation to maintain some difference in one of these certified municipal administrators I guess, which we would have to bring an act to the Legislature and I think we be would likely willing to do that, to bring forward a private bill to deal with that and have it official for that organization as well. But I would suggest that to avoid confusion in the public's mind in particular is that if you have a CMun.A to designate the difference between municipal and management.

This is something that could perhaps be worked out when it's being brought forward as a bill but I don't know if the representatives of the Society of Management Accountants would have differences with this CMA designation but I think for the public's benefit that there should be some differentiation in the initialling of the designation as well. If they went for CMun.A it would be much clearer and it would be an ample abbreviation.

MR. CHAIRMAN: Order please. I would once again suggest that committee members phrase questions for clarification only rather than engage in discussion or debate with members of the public.

Are there any further questions? Being no further questions, thank you Mr. Clubine.

MR. H. CLUBINE: Thank you very much.

MR. CHAIRMAN: Those are the public presentations for today.

Mr. Carroll.

MR. H. CARROLL: I would like to beg the indulgence of the committee. A constituent of mine was in the process of applying for a private member's bill through his solicitor, all the advertising was done, everything was done and sent in. It arrived in Winnipeg one day too late and I would like the committee's indulgence and I would ask that this bill be allowed to be presented. If you want the nature of the bill I can provide you with that as well.

MR. CHAIRMAN: Before proceeding I would read the section and rules relevant to this particular matter and that is Rule 112. "Except in cases of urgent and pressing necessity, no motion for the suspension of any of the Rules upon any petition for a Private Act shall be entertained unless it has been favourably reported upon by the Committee on private bills." In other words the Committee on Private Bills would have to recommend to the House that this be accommodated.

MR. H. CARROLL: Mr. Chairman, obviously I'll have to convince this committee then that it's a pressing matter.

I would like to give a bit of background if I can. There was young gentlemen in Brandon, Mr. Schmidt, was injured in a car accident in 1979. He was 18 years old at the time. He was a passenger in a car that went out of control. There was also a second passenger in that car. He was taken to hospital and spent some time in hospital and received some Part 2 benefits from Autopac. I then discussed the matter with Autopac and I was told by Autopac that there was no way that they'll be paying the claim because the driver was obviously not guilty of gross negligence.

Not knowing anything further or any better this young gentleman went up North and has been working up North until he came back recently and his injuries have been bothering him very very severely. He's had a number of operations and he's quite a sick man. On his return he learns that Autopac in fact paid some \$7,000 to the other passenger of the car, the other passenger was wise enough to see a lawyer. This young man who would take the government agency at its word when they say they weren't going to pay him, accepted the government agency's word and has fairly severe injuries and wants an extension of time in order that he can bring the matter before the courts to make a claim against Autopac.

As I say, he is in a great deal of pain and I would think there is a fair amount of urgency considering that he's done all the advertising and everything else that is required.

MR. CHAIRMAN: Thank you, Mr. Carroll. Mr. Banman.

MR. R. BANMAN: They're basically waiving the Statute of Limitations, is that what the bill is asking for?

MR. H. CARROLL: Yes, extending it.

MR. CHAIRMAN: Mr. Desjardins.

HON. L. DESJARDINS: Mr. Chairman, I would suggest and I would recommend that Mr. Carroll give to each caucus a written submission and request that because that will have to be discussed with our House Leader and different people as far as we're concerned. I don't think that we should take the time of debating the situation and the merit of it now. As far as our party is concerned, I am sure it would accept a written submission and then we'll deal with it and inform Mr. Carroll.

I don't think that we should take the time, there are some people here that have come in and made representations. I think they're interested to know what their bill is. This could take a long time. We could take the rest of the time discussing this.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Thank you, Mr. Chairman. I don't have any difficulty with Mr. Desjardin's suggestion but I would also say, that I think I can speak for my colleagues on this committee when I suggest that we would have no difficulty with extending the deadline and permitting Mr. Carroll and his ward or client to proceed in that manner. So I would encourage him to make that submission to the two caucuses forthwith.

MR. H. CARROLL: I am prepared to make such a submission or have the lawyer prepare a draft submission for the caucuses.

MR. CHAIRMAN: That being the case, it will be brought back at a further sitting of this committee for discussion and possible recommendation.

MR. H. CARROLL: Yes, I would like to see that done.

MR. CHAIRMAN: That being the case - Mr. Banman.

MR. R. BANMAN: I wonder if I could, maybe for a matter of expediting some of the bills that we have before us, there seems to be some question and there will be probably some further discussion on Bills No. 36 and 38.

HON. L. DESJARDINS: I want to do 40, 50 . . .

MR. R. BANMAN: What about if we did the last three to get them out of the way because it's 11:45, I don't think you're going to get the other two done today and that at least we could move those. I know there are some people just waiting that didn't want to make representation - are just waiting to see if those bills will pass.

HON. L. DESJARDINS: That's acceptable to us, Mr. Chairman.

BILL 40 - AN ACT TO INCORPORATE PORTAGE AVENUE BAPTIST CHURCH

MR. CHAIRMAN: It appears to be the will of the committee. (Agreed)

Begin then with Bill No. 40, an Act to amend an Act to Incorporate Portage Avenue Baptist Church and the requirement is that a report be given by the Chief Law Officer on each bill.

MR. R. TALLIN: As required by Rule 1(10) of the Rules of the House, I report that I've examined Bill 40, an Act to amend an Act to Incorporate Portage Avenue Baptist Church and have not noted any exceptional powers sought or any other provision which, in my opinion, requires special consideration.

MR. CHAIRMAN: Page-by-page? Page 1—pass; Page 2—pass;

A MEMBER: Nobody even reported that.

MR. CHAIRMAN: Preamble—pass; Title—pass; Bill be reported—pass.

BILL 53 - AN ACT TO GRANT ADDITIONAL POWERS TO STEINBACH CURLING CLUB LTD!

MR. CHAIRMAN: Bill No. 53. Report on Bill No. 53.

MR. R. TALLIN: As required by Rule 1(10) of the Rules of the House, I report that I've examined Bill 53, an Act to Grant Additional Powers to Steinbach Curling Club Ltd. and would like to draw the attention of the committee to Sections 1, 4, 5, 8 and 9 of the bill.

Sections 1, 4 and 5 authorize the corporation to assess annual charges against the holders of common shares of the corporation, constitute any unpaid charge so assessed as a lien against the share and authorize the corporation to cancel any share in respect of which the assessment is not paid.

Section 8 provides that no act of the directors is void or invalid by reason only of a director acting at the time not being qualified or properly elected or appointed.

Section 9 provides that no resolution or by-law passed by the membership of the corporation is void or invalid by reason only that it did not receive a percentage of votes required under The Corporations Act.

I should point out that Sections 1, 4 and 5 are not unusual in the case of clubs of this kind. Sections 8 and 9 would only affect actions brought by shareholders of the corporation against the directors of the company and not affect the liability of the company in respect of claims by third parties.

MR. CHAIRMAN: Page-by-page. Page 1—pass; Page 2—pass; Page 3—pass; Page 4—pass; Preamble—pass; Title—pass; Bill be reported—pass.

BILL 59 - AN ACT TO GRANT ADDITIONAL POWERS TO VICTORIA CURLING CLUB LIMITED

MR. CHAIRMAN: Bill 59, an Act to Grant Additional Powers to Victoria Curling Club Ltd.

MR. R. TALLIN: The report on Bill 59. As required by Rule 1(10) of the Rules of the House, I've examined Bill 59, an Act to Grant Additional Powers to Victoria Curling Club Ltd. and would like to draw the attention of the committee to Sections 1, 4 and 5 which authorize the corporation to assess annual charges against the holders of common shares of the corporation, constitute any unpaid charge so assessed as a lien against the charge and authorize the corporation to cancel any share in respect of which the assessment is not paid.

I should point out that these are not unusual provisions for companies of this kind. They're not unusual provisions.

MR. CHAIRMAN: Proceedings for the bill page-by-page. Page 1—pass; Page 2—pass; Page 3—pass; Preamble—pass; Title—pass; Bill be reported—pass.

BILL 36 - THE AGROLOGISTS ACT Cont'd

MR. CHAIRMAN: Is it the will of the committee to consider Bill No. 36 at this sitting of the committee?

MR. H. HARAPIAK: Mr. Chairman, there were a number of concerns raised by MARL and if members have the same concerns we can proceed page-by-page and as we come to the article that they are concerned with I can clarify the concerns that they have.

MR. CHAIRMAN: If it's the will of the committee then we'll proceed with Bill No. 36.

A MEMBER: Page-by-page.

MR. CHAIRMAN: Page 1—pass; Page 2—pass.
Mr. Sherman.

MR. L. SHERMAN: Yes, I would be interested in knowing whether Mr. Harapiak could respond somewhat to the concerns raised with respect to the definition and the exemptions which we heard in the submission from MARL.

MR. H. HARAPIAK: There were some concerns. In the presentation, they were concerned about university professors and other researchers and it is the intent of the university professors to include them and researchers under the requirements of the act if they are practising agrology unless specifically excluded by the act in the same example as other professions are, or by a decision of the council as also by other professions.

This inclusion is a change from the existing act. However, we must note that many university professors in agriculture and other researchers are currently members on a voluntary basis; they are members of the association. The suggestion to exclude professors

and other researchers does not appear to take into account the significance of research work and the compilation of the information to the public. These individuals have input to publish productions, recommendations and advice to farmers directly and, as such, their role is no different than an ag rep or a consultant.

They also had some concern about journalists. In practice, a journalist who simply reports on an agricultural event or situation maybe would not be included as a practicing agrologist. However, a journalist who interprets agricultural information to the extent of providing recommendations to producers would be considered to be a practicing agrologist. A journalist may also want to use a title of agrologist to signify that he is qualified to comment technically on the topic. Some of the journalists would require memberships and others would not. It just depends if they wanted to be giving technical advice or just reporting on some agricultural event. The current wording of the act provides the necessary protection to the agricultural industry without infringing unnecessarily on the rights of the journalist.

MR. L. SHERMAN: The wording of the current act?

MR. H. HARAPIAK: Yes, provides the necessary protection for the agricultural industry but does not infringe on the rights of journalists.

MR. SHERMAN: That's the current act? Excuse me, Mr. Chairman, I'd like to ask Mr. Harapiak whether he's saying that the currently existing Agrologists Act, which is what? Chapter A50 of the Revised Statutes provides the necessary recognition, while not infringing on the rights of journalists; or is he saying that the act in front of us is designed to do that?

MR. H. HARAPIAK: The act in front of us is designed to do that.

MR. L. SHERMAN: Well, I'm not sure whether it's fair to put these questions exclusively to Mr. Harapiak, Mr. Chairman. Perhaps we could call on the Legislative Counsel, Mr. Tallin to address some of these questions, too.

I'm concerned about the presentation from MARL, at the point where it talks, at the bottom of Page 1, about the possible danger of extending the statutory powers of a monopoly in such a way as to silence persons whom it perceives as critics or competitors. I think that's really my primary concern arising from the MARL presentation and, having not had sufficient time this morning to think about it, Mr. Chairman. I would ask Mr. Harapiak and Mr. Tallin, through you, Sir, whether that warning flag raised by MARL seems to have any validity. Is the definition so worded, and are the exceptions or exemptions so defined, as to create that possible danger, a danger that would see this society, or this council, being put in a potential position in the future where it could silence journalists, critics, university professors, and other commentators, if it didn't like what they were saying?

MR. R. TALLIN: I'm afraid I'm not familiar with this particular bill, because I've not had anything to do with

it. I wonder if Mr. Yost could perhaps answer the question, because he did have something to do with drafting the bill.

MR. L. SHERMAN: I'm certainly agreeable, Mr. Chairman.

MR. G. YOST: Mr. Chairman, the exemptions to persons not practising agrolology contained in Subsection 1(2) do not make a specific reference to a newspaper man or a person teaching in a public school, college, or university. To be frank I do not know why the association dropped the current exemption in the Act 16D which does clearly make an exception to a person who teaches in a public school, college, or university. I just am not prepared to give an answer this quickly on this point.

MR. CHAIRMAN: What is the will of the committee on Page 2?

MR. H. HARAPIAK: I'll just consult for a minute.

MR. L. SHERMAN: Mr. Chairman, is there a spokesman for the society who could address this point for us?

MR. H. HARAPIAK: Mr. Speaker, Mr. McCannel, who is the president of the association is here. I'm wondering if it would be okay by the committee if he gives his interpretation as to why they would not want this included in the present act?

MR. CHAIRMAN: What is the will of the committee?

MR. L. SHERMAN: Mr. Chairman, I think we would like to hear from him but, first of all, could we have a proper identification of the delegation. Mr. McCammon?

MR. CHAIRMAN: McCannel.

MR. L. SHERMAN: And is this The Manitoba Institute of Agrologists. That's the proper name?

MR. CHAIRMAN: That's right.

MR. L. SHERMAN: Thank you.

MR. CHAIRMAN: Mr. McCannel. For the benefit of Hansard perhaps could you indicate your name, again, and perhaps spelling of it, too, because we don't have any prior record of it.

MR. J. McCANNEL: Mr. Chairman, members of the committee, my name is McCannel, J.E. McCannel, that's spelled M-c-C-a-n-n-e-l. I am the elected President of the Manitoba Institute of Agrologists for the current year. I regret that the chairman of our committee who has, in fact, done most of the work in the drafting, in consultation with legal counsel, is not available this morning. The rather short notice we received didn't enable him to be here and so I am attempting to represent the current council or institute.

The particular questions, I believe, that have been raised are to the proposal in the new act regarding university teachers, regarding teachers in universities

and colleges who, under the existing act, have been declared exempt from a membership requirement. The key reason for wanting to remove that exemption in the proposed act is in recognition of the fact that in Colleges of Agriculture in the universities almost, without exception, all the professorial staff are engaged in research, in addition to teaching, and it's a common and almost unexceptional situation where agricultural research, research that relates to agriculture, as conducted in the faculties of agriculture, does not also have an extension or an advisory component or element to it.

So the people who are teachers, who are doing research at the university, invariably are involved in an extension or advisory activity that relates to it, giving advice to the farm community. If they are exempted from membership in the act they, thereby, are exempted from the requirement of being certified as members of the profession when they are engaged in the extension activity, which then puts them in a preferred, or in a special position, in comparison with all other members of the profession who, under the act, are required to be registered if they are engaged in such activity and identify themselves as agrologists.

So, that's an attempt to answer the point about the university, about the teaching function.

With reference to the concern about journalists, I think the key point to note, or the key point to explain the proposal there is that the journalistic or communication function, insofar as it relates to the dissemination of technical information, again, is tantamount and equivalent to the advisory or extension function carried out by employees of commercial firms, employees of government. If, in fact, it's an interpretive role, interpretive function of scientific information, where they are conveying it by the public media, or other printed material or other communicative material, for public interpretation and use as technical information, it follows that they should be required to comply with the standards affected by other practitioners. It is not the intention of the bill to silence, control or suppress any communication activity of individuals or others who are not attempting to communicate or interpret scientific, technical information as defined under the act.

HON. L. DESJARDINS: I want to make sure that I understand. When we have a situation then that no journalist could write about anything in agronomy without being a member of the association, could cover any public meetings, could report any . . .

MR. J. McCANNEL: No, that is not the intention. Again, I would try to explain that the key word is "interpretation" of scientific information. That is, if the results of a research program, a research project, are to be taken by a journalist to be interpreted and to be communicated to the public, it is our view and it is the intent of the act that such a journalist or a communicator should be qualified to do so, should be properly qualified to interpret that information. The definition, of course, of being properly qualified is as proposed under the act, that is, he be registered as an agrologist. It is not to prevent a journalist, with whatever qualifications for communicating, interpreting information generally.

HON. L. DESJARDINS: Mr. Chairman, that would be very difficult to interpret, it would seem to me. I think that, from what I understand, you're asking something that even The Medical Act or any of those do not require. It could be from now on that no one could report. He might misunderstand the information but that's the chance we take. It might be advisable at times to have a journalist know a little more about politics also and to know more about the medical thing, but I think that, in effect, would be a dangerous precedent. It would take away from the freedom of the press. As long as they don't say that they are agronomists, they are giving some information as they understand and they could be correct and I think that would be a very dangerous precedent. Would you know, sir, of any other act that would do the same thing?

MR. J. McCANNEL: No, I cannot cite another act. But if I may respond, I would suggest to you that the particular position of the profession with regard to the responsibility of ensuring that valid, accurate information pertaining to the science of agriculture is properly interpreted for the public, is inherent and fundamental to this proposal. It has not been the intent and has never been the intent of the organization to suppress or control or prohibit people from engaging in these types of activities unless they identify themselves, in doing so, as professionals.

HON. L. DESJARDINS: Mr. Chairman, on the same thing. I think I understand. I'm not implying any motives but I think there is a danger that it would have this affect. It could be that that could be said of anybody reporting on anything in medical matters and a lot of matters, and that is dangerous because I can't see any newspaper, for instance, that can have people qualified in everything - members of the medical profession the only one writing on medical research and so on. I think it would be very difficult. If false information is given, there's always recourse.

I shouldn't argue with the gentleman. I wanted clarification, Mr. Chairman, but I'm quite concerned.

MR. D. SCOTT: Is it your intention that, for instance, all ag reps would then have to be members of this institute before they could carry out their functions?

MR. J. McCANNEL: Yes.

MR. D. SCOTT: It is.

MR. J. McCANNEL: As is the case in the current act.

MR. D. SCOTT: So all ag reps right now must be members of the Institute of Agrolgists.

MR. J. McCANNEL: They are required, under the specifications of the current act, to be qualified to be registered as agrolgists.

MR. D. SCOTT: To be qualified, but they don't have to be members.

Is there any professional designation of members other than the term "agrolgist," I take it, is what you use.

MR. J. McCANNEL: Yes, there are. Our current provisions in the by-laws of the Agrolgist Institutes in

the various provinces that provide for the use of abbreviated designations, the official position of the Manitoba Institute of Agrolgists, under the current by-laws, is to recognize the term "agrolgist." In other provinces they permit the terminology or the abbreviations, P.Ag. That is not the official position in Manitoba.

MR. D. SCOTT: If someone was to call themselves an agronomist and write and do scientific interpretations and do research and to report on that research, he would then be in conflict with this act because he's not allowed to - what's the words? - interpret scientific information.

MR. J. McCANNEL: With respect, you used the word "agronomist" and I'm not sure whether you used that intentionally . . .

MR. D. SCOTT: Yes, I did.

MR. J. McCANNEL: No, that would not be the case. The restrictive term is "agrolgist." There is a difference between the two.

MR. D. SCOTT: What is the difference?

MR. J. McCANNEL: Agronomy is a field or a branch or subdivision of agrolgy that is not recognized professionally. That is in a technical and a legalistic sense, it is not recognized.

MR. D. SCOTT: Section 15(1) - "Save as in this act otherwise provided, no person shall practice agrolgy unless he is a member in good standing of the institute" - "agrolgy" being a definition on Page 1 of the bill. I don't know how to ask it in a question, but none of the accountants are opposed to anybody else doing accounting work or bookkeeping as long as they don't use their designations. In other words, I may have a degree in business administration or a graduate degree in whatever, cannot use a terminology CA, RIA, CMA, CGA, CPA, after my name. That is in contravention of their legal registration. Are you not asking that you go far beyond that in this bill, beyond what they have or what the CMA, the Medical Association, the Engineers . . .

MR. J. McCANNEL: I think I would respond by saying that if you understand the dimensions of agriculture as an industry, as a business, it embraces a multitude of functions and the simple terminology of the equivalent, if one could find one, of accounting, as applied to agriculture, is not readily available. So in past experience with other acts over the years in Manitoba, the requirement or the proviso that only those who call themselves agrolgists are governed by the legislation, has not been sufficient. You find it really doesn't encompass the dimensions of the industry or the subdivisions and functional subdivisions within the industry and so it has been found necessary . . . do you wish me to wait?

MR. CHAIRMAN: Pass. Mr. Steen.

MR. W. STEEN: Getting back to the journalism question raised by Mr. Desjardins. If the Free Press has a person that covers the Manitoba Pool's Annual Meeting, on behalf of the Winnipeg Free Press, he certainly would

not have to be a member of the Agrologists Association, but an example I could use is, a brother-in-law of mine who writes for the United Grain Grower works for the Canada Department of Agriculture out of Regina and uses the Bachelor of Science in Agriculture after his name. He must, as a journalist, be a member of the Agrologists Association if he is going to use the initials behind his name, is that a good parallel between the two?

MR. J. McCANNEL: Yes, I think it's an applicable parallel. I'm not sure that I would associate it with the use or non-use of his university degree initials though because there are other means whereby one can acquire qualifications as an agrologist.

MR. W. STEEN: You don't have to have a Bachelor of Science in Agriculture to be a member of the Agrologists?

MR. J. McCANNEL: There is provision under our by-laws, has been provision under the by-laws in the Agrologists Institutes, I think, of all the provinces, to permit a person to sit for an examination prescribed by the institute who would not necessarily have a bachelor's degree in agriculture.

MR. W. STEEN: If I understand you correctly, if a person is writing an article and leaving the reading public to believe that that person is somewhat of an expert in the area of his writings, and sort of trades with that background, then he must be a member of Agrologists?

MR. J. McCANNEL: That's the intent of the . . .

MR. W. STEEN: It's the intent of the journalist point of view. All right. Thank you.

MR. CHAIRMAN: Pass. Mr. Sherman.

MR. L. SHERMAN: Mr. McCannel, I think I can assure you that nobody on this committee questions the motives of the Manitoba Institute of Agrologists, with respect to this proposed legislation, for one moment, but there do seem to be some fairly wide doors here that provide latitude for difficulty, and potential trouble and danger in the future, and that's what we've had identified to us by the Manitoba Association for Rights and Liberties, and that has prompted the interest of committee members in this specific section of the bill. I'm sure you appreciate that.

You said, in answer to a question from the Minister of Health, Mr. Desjardins, that it was certainly not the intention of the opening sections of the bill 1(1) and 1(2) to restrict the opportunity to report on, write, analyze activities in the agrology field, or to limit anybody's rights to carry on such work. But, with respect. Mr. Chairman, through you to Mr. McCannel, that isn't what Section 1(1)(2) of the bill says. Section 1(1)(2) of the bill, as I read it, very clearly does attempt to restrict individual person's rights to do that sort of thing. Section 1(1)(2) reads that the definition of practising agrology includes "every act, with or without reward, which has as its objective the communication or dissemination of information on, or experimentation

with the principles, laws or practices relating to the production, improvement, use, processing or marketing of agricultural products, crops or livestock".

There's an exception clause in there and it refers to Section 1(2), but if you read through Section 1(2) the exceptions do not go as far as to protect a reporter, commentator or teacher who would be disseminating this kind of information. So that I think that, with respect, notwithstanding the institutes intention, the way the bill is worded that danger very clearly does exist and, therefore, I would want to ask you whether the institute would be prepared to consider a rewording of that section, or amendment to that section, which reduces the latitude that is offered here for the institute to restrict the activities of other persons.

MR. J. McCANNEL: Yes, Mr. Sherman, I recognize that in attempting to develop wording that would cover the dissemination communication functions that pertain to the practice of the profession it has gone a considerable distance, or gone a distance, that may, in fact, make it unreasonably restrictive with regard to all aspects of communication. I would think the institute would be prepared to propose or consider an amendment if we can find the words that would not be prohibitive or restrictive, as it applies to people who are communicating through the public media.

Yet I would be very reluctant to suggest, or agree, that we would want to waive the requirement, as proposed, for communicating and disseminating information, as it applies to people who are employed by agencies, or who are on their own, for private gain engaged in the communication and dissemination of information that's taken as advice, or interpreted for application, other than people who are working with the public media. I think we could live with a situation that would make this applicable to persons, such as, ag reps or persons employed as extension agents, advisory agents, of private enterprise, or who are functioning on their own as advisors; that the proposals would apply to them and if we could find the words then to exempt or not apply to those engaged in communicating via the public media. That may not be the right dividing line but, I hope, I'm trying to convey to you a dividing line that we would find quite acceptable.

MR. L. SHERMAN: Thank you, Mr. Chairman, well Mr. McCannel I appreciate that response. I think, I can assure you that many of us on the committee would find it much easier to live with this proposed legislation if that kind of search was carried out and that compromised solution was found. It might be advisable for the institute to consult with its solicitor and with its officers in the very near future, and perhaps, through the sponsor of the bill, propose some amendments that could be looked at the next time the committee meets. I don't how much longer we're going to be meeting today, Mr. Chairman, I have a number of other questions and I think that probably other members of the committee, similarly, have a number of other questions, but I would ask you, Mr. Chairman, for direction as to whether the committee will be rising at 12:30?

MR. CHAIRMAN: It appears to be the will of the committee that we will be rising at 12:30.

Is there any further discussion on Page 2? Perhaps we could handle any further questions or comments.

HON. L. DESJARDINS: Mr. Chairman, I have a real concern, unless there's something I don't understand. I think that I'm not ready to even consider this, unless we consider the whole thing. This is a change that could be far-reaching. You could have somebody, for instance, that could not comment. If we did the same thing in health matters, which certainly is just as important, somebody that would think that this pesticide is dangerous, or so, if he's not a certified member well he couldn't make this observation, or somebody think that a certain treatment is good for a cancer victim he can't do it, and that is, if I understand it right, that to me is putting a veto on certain things and is restricting the freedom of the press, and I'm very very much concerned. I think that we should insist on information being factual, not having people purposely mislead the public, and that is something else but, with all the good intentions in the world, you know you're fine in this society if we only have qualified people to talk on certain subjects it will be a pretty silent country. Maybe it would be a lot better but I'm concerned unless I can understand exactly that we might have a very difficult situation here and that we could create a monster that we would not want even with all the good intentions in the world. I think that it is - we want to have, I certainly want to have a hard look before doing anything that I might think possibly could muzzle the press or make it more difficult for the media.

MR. H. HARAPIAK: Mr. Chairman, I don't think we're going to clarify all the questions today. I am prepared to take the resolution back and discuss it with the association and bring in the appropriate amendments. I don't have the same interpretation as some of the

other members but if there's a questions that need to be clarified then I believe we should put it off to the next sitting of this committee.

MR. R. BANMAN: I was just about to suggest the same thing, Mr. Chairman. I think that the member who has introduced the bill should possibly contact members of the committee to see whether or not there are certain amendments that can be made to accommodate some of the concerns. Maybe the same thing could be done with Bill No. 38. I think there is a consensus that I feel here that under the current conditions, the way that bill is structured, it would not pass this committee.

I, for one, wouldn't vote for it and I think the majority of the committee wouldn't. So I would suggest to the person that has presented that bill that they possibly arrange a meeting between the Society of Management Accountants and the municipal administrators to see if something can't be worked out with regard to the use of name. In other words if there isn't some kind of common ground that could be found so that both groups are accommodated on this and maybe we could deal with it at the next sitting.

HON. L. DESJARDINS: Mr. Chairman, I would have no problems with this, providing of course that as far as Bill 36 is concerned, the discussions should take in also the Manitoba Association for Rights and Liberties especially on that issue that I am talking about. It could be that a compromise or an understanding - I hope I'm wrong on this thing but the possibility that I see there scares me. So I would feel a lot better if the Association for Rights and Liberties would be consulted also before you bring in amendments.

MR. CHAIRMAN: Thank you, Mr. McCannel.
Committee rise.