



Fourth Session — Thirty-First Legislature
of the
Legislative Assembly of Manitoba
STANDING COMMITTEE
ON
PRIVATE BILLS

29 Elizabeth II

*Published under the
authority of
The Honourable Harry E. Graham
Speaker*



THURSDAY, 24 JULY, 1980., 2:00 p.m.

MANITOBA LEGISLATIVE ASSEMBLY
Thirty - First Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, A. R. (Pete)	Ste. Rose	NDP
ANDERSON, Bob	Springfield	PC
BANMAN, Hon. Robert (Bob)	La Verendrye	PC
BARROW, Tom	Flin Flon	NDP
BLAKE, David	Minnedosa	PC
BOSTROM, Harvey	Rupertsland	NDP
BOYCE, J. R. (Bud)	Winnipeg Centre	NDP
BROWN, Arnold	Rhineland	PC
CHERNIACK, Q.C., Saul	St. Johns	NDP
CORRIN, Brian	Wellington	NDP
COSENS, Hon. Keith A.	Gimli	PC
COWAN, Jay	Churchill	NDP
CRAIK, Hon. Donald W.	Riel	PC
DESJARDINS, Laurent L.	St. Boniface	NDP
DOERN, Russell	Elmwood	NDP
DOMINO, Len	St. Matthews	PC
DOWNEY, Hon. Jim	Arthur	PC
DRIEDGER, Albert	Emerson	PC
EINARSON, Henry J.	Rock Lake	PC
ENNS, Hon. Harry J.	Lakeside	PC
EVANS, Leonard S.	Brandon East	NDP
FERGUSON, James R.	Gladstone	PC
FILMON, Gary	River Heights	PC
FOX, Peter	Kildonan	NDP
GALBRAITH, Jim	Dauphin	PC
GOURLAY, Hon. Doug	Swan River	PC
GRAHAM, Hon. Harry E.	Birtle-Russell	PC
GREEN, Q.C., Sidney	Inkster	Ind
HANUSCHAK, Ben	Burrows	NDP
HYDE, Lloyd G.	Portage la Prairie	PC
JENKINS, William	Logan	NDP
JOHNSTON, Hon. J. Frank	Sturgeon Creek	PC
JORGENSEN, Hon. Warner H.	Morris	PC
KOVNATS, Abe	Radisson	PC
LYON, Hon. Sterling R.	Charleswood	PC
MacMASTER, Hon. Ken	Thompson	PC
MALINOWSKI, Donald	Point Douglas	NDP
McBRYDE, Ronald	The Pas	NDP
McGILL, Hon. Edward	Brandon West	PC
McGREGOR, Morris	Virден	PC
McKENZIE, J. Wally	Roblin	PC
MERCIER, Q.C., Hon. Gerald W. J.	Osborne	PC
MILLER, Saul A.	Seven Oaks	NDP
MINAKER, Hon. George	St. James	PC
ORCHARD, Hon. Donald	Pembina	PC
PARASIUK, Wilson	Transcona	NDP
PAWLEY, Q.C., Howard	Selkirk	NDP
PRICE, Hon. Norma	Assiniboia	PC
RANSOM, Hon. Brian	Souris-Killarney	PC
SCHROEDER, Vic	Rossmere	NDP
SHERMAN, Hon. L. R. (Bud)	Fort Garry	PC
STEEN, Warren	Crescentwood	PC
URUSKI, Billie	St. George	NDP
USKIW, Samuel	Lac du Bonnet	NDP
WALDING, D. James	St. Vital	NDP
WESTBURY, June	Fort Rouge	Lib
WILSON, Robert G.	Wolseley	PC

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVATE BILLS
Thursday, 24 July, 1980

Time — 2:00 p.m.

CHAIRMAN — MR. JIM GALBRAITH (Dauphin).

BILL NO. 65.5
THE REGISTERED NURSES ACT.

MR. CHAIRMAN: Committee will come to order. You're dealing with Bill 65 and we'd gone completely through the bill and then we reverted back to Clause 3(2). The Honourable Mr. Sherman.

HON. L. R. (Bud) SHERMAN: Mr. Chairman, it's Section 3(1) I believe that we're looking at and I wish to move an amendment to the section, Mr. Chairman. I'm not sure whether Mr. Kovnats has it in front of him because I don't think it's come down, although the other amendments relative to the other bills are here. But on this one I'll have to move it in ad hoc manner, Mr. Chairman. I move

THAT Clause 3(1) of Bill 65 be amended by deleting all the words after the word "whom" in the second line thereof and substituting therefor the following:

"25 percent shall be persons who are not members of the association, half of whom shall be appointed by the Lieutenant-Governor-in-Council".

MR. CHAIRMAN: You've heard the amendment pass. Mr. Kovnats.

MR. ABE KOVNATS: I think that for the record's sake I would move the amendment as just read by the Honourable Minister. Or should I read it again?

MR. CHAIRMAN: Mr. Cherniack.

MR. SAUL CHERNIACK: I don't see anything wrong with the Minister moving an amendment. I don't mind if Mr. Kovnats wants the honour.

MR. CLERK: May I say something, Mr. Cherniack? If you want to go through to Beausiesne it says that as far as the moving of amendments by a member of his own motion, it is often relaxed for a Minister of the Crown, so I can see really nothing wrong with doing what you're doing right now.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, not only that, it seems to me that for some silly reason, I think it is silly, but a mover may not move an amendment to his own bill. But this isn't the Minister's bill ostensibly, this bill has been introduced by Mr. Filmon. I think he's the only one who can't bring in an amendment but a Minister can do it. A Minister is no less than an MLA, Mr. Chairman, in my opinion.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, I would prefer that Mr. Kovnats moved it but I had not given him the amendment and I was the one who requested that we re-open 3(1) to look at it so that was the reason I moved it. I don't think there's any, as has just been pointed out, there's no technical objection. Mr. Kovnats will be dealing in his usual efficient manner with the rest of the amendments that will be in front of us this afternoon and I would like to move — I know there was some interruption and delay when I was preparing that amendment because I was writing it at the time — so let me move it again, Mr. Chairman.

THAT Clause 3(1) of Bill 65 be amended by deleting all the words after the word "whom" in the second line thereof and substituting therefor the following:

"25 percent shall be persons who are not members of the association, half of whom shall be appointed by the Lieutenant-Governor-in-Council".

And I'll forward the amendment to you and the Clerk, Mr. Chairman. The proposed amendment.

MR. CHAIRMAN: Pass. Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, I'm sorry. I've come to the conclusion that the points made by Mr. Desjardins yesterday have validity and I think that all of the members should be appointed by the Lieutenant-Governor-in-Council but, I think it would be wrong, improper, immoral, unethical for the Lieutenant-Governor to make his appointments without consultation with the nurses and frankly I would suggest — maybe it's too late because yesterday Mr. Sherman talked about his — I can't remember the word he used — but his relationship with MARN was such that he didn't want to make changes without having discussed it with them.

I think that this ought to read "25 percent shall be persons who are not members of the association and appointed by the Lieutenant-Governor-in-Council after consultation with MARN". That to me makes sense because I think that in the end the appointment should be, as I said yesterday, not by the special interest group but rather by somebody else on it. But certainly I think that the nominations could well be made by MARN for this other half. That's my opinion for what it's worth. I've put it on record and if committee agrees with it they will further amend the bill. If the Minister feels that what he's doing is the final word, then there's no point in pursuing it further.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, there has been consultation with MARN on it and we have made it known that our position in government is that we do want to be assured of the opportunity to make direct appointments to the board and the suggestion that that be done came directly from the MARN in the

early stages of the preparation of the bill. As I pointed out yesterday there are specified numbers with respect to various other professional groups, including the College of Physicians and Surgeons, and we are intending to propose that all three of these nursing bills conform in this respect.

So I stand behind the amendment proposed.

MR. CHERNIACK: One point. I believe it should be recognized that whatever private organization has brought a bill to the Legislature, that that organization loses complete control over the bill once it passes second reading. That's the only point I want to put on record.

MR. CHAIRMAN: Pass. I will read this motion dealing with Clause 3(1):

THAT Clause 3(1) of Bill 65 be amended by deleting all the words after the word "whom" in the second line thereof and substituting therefor the following:

"25 percent shall be persons who are not members of the association, half of whom shall be appointed by the Lieutenant-Governor-in-Council".

3(1) pass.

MR. CHERNIACK: Are we clear now that you are making the change to the amendment that we had passed, or do you think you are making the change to the section as it reads in the bill? I am not clear. I just want to make sure the wording is right.

Mr. Balkaran isn't here, is he coming, Mr. Chairman?

MR. CLERK: He is on his way.

MR. SHERMAN: Mr. Chairman, the original clause in the bill, as amended, as proposed and amended yesterday, started out with the following wording, "The affairs of the association shall be managed by a board of directors of whom," and then it went on to say the following.

So that the amendment that I have proposed deletes everything after "whom" and proposes what is proposed.

MR. CHERNIACK: I don't think the Minister is right in reading what was passed yesterday because it said, "by a board of directors, at least 25 percent of whom." I think that is what we passed. I think the wording of his amendment is wrong, and that's all I am talking about. Maybe it is better to delete 3(1) and just put in the resolution as he wants it, just to make sure that the record isn't wrong.

MR. SHERMAN: That's agreeable, but I have the Clause that was amended yesterday in front of me, and the way it reads is: The affairs of the association shall be managed by a board of directors, of whom 25 percent shall be persons, etc., etc., and no fewer than one-half, etc., etc.

I don't object to Mr. Cherniack's point, rewrite the whole clause. But I was basing my amendment on the amended clause of yesterday.

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

MR. SHERMAN: Mr. Chairman, during this interruption, I just point out to members that I know that the amendments to Bill 66 were distributed to them yesterday afternoon. The proposed amendments to Bill 87 are in front of them on the committee table.

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: I wonder if I have the amendment to 3(1) now correct: 3(1), as finally amended, according to my notes, would read:

The affairs of the association shall be managed by a board of directors, at least 25 percent of whom shall be persons who are not members of the association and, of the 25 percent who are not members of the association, one-half shall be appointed by Lieutenant-Governor-in-Council.

MR. CHAIRMAN: Pass? Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, that is not what Mr. Sherman read but that is clearly what Mr. Sherman wanted. So although I am opposed to it, I agree that that's the amendment.

MR. SHERMAN: Mr. Chairman, that is not the amendment that I moved. I would therefore like to delete that amendment and move a completely new amendment replacing Section 3(1), which will read:

The affairs of the association shall be managed by a board of directors, of whom 25 percent shall be persons who are not members of the association, of whom half shall be appointed by the Lieutenant-Governor-in-Council.

We are taking out the qualifying phrases "not less than," "not more than," "at least." All those qualifying phrases create the difficulty of wide open parameters. —(Interjection)

MR. BALKARAN: My amendment, I think, coincides with the Minister's, I am sorry. It says, "shall be a board of directors" — you can strike out "at least."

MR. SHERMAN: That should be struck out.

MR. BALKARAN: "25 percent of whom shall be persons who are not members of the association and of the 25 percent who are not members of the association, one-half shall be appointed by . . ."

MR. CHERNIACK: That's what I said; it's the same thing.

MR. SHERMAN: But you strike out the "at least."

MR. CHERNIACK: Mr. Chairman, I've already expressed the opinion in support of what Mr. Desjardins said yesterday. I don't agree with this but I think it should go to a vote and settle it.

MR. CHAIRMAN: Clause 3(1), as amended.

A COUNTED VOTE was taken, the result being as follows:

Yeas, 5. Nays, 2.

MR. CHAIRMAN: I declare the amendment carried.
Mr. Hanuschak.

MR. HANUSCHAK: On a point of order, Mr. Chairman. As you know, I am not a member of the committee, but could you tell me whether it is your intention to deal with the Canadian Institute of Management bill this afternoon?

MR. CHAIRMAN: Mr. Hanuschak, if we get that far.

MR. HANUSCHAK: If you get that far. Thank you very much.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, on that point have the petitioners been notified and will they be able to make a presentation, and anybody else interested?

MR. CHAIRMAN: Yes, they have been notified.

MR. CHERNIACK: So, Mr. Chairman, we will not deal with the bill until after they're able to be here and make a presentation, is that understood?

MR. CHAIRMAN: According to my information they said they would have a representative here.

MR. DESJARDINS: Not necessarily with a brief but in order to answer questions I believe.

MR. CHAIRMAN: Fine. Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, on a point of order, in the reviewing the amendments for Bill 66 last night it came to my attention that there may have been an oversight in Bill 65 and I would like permission to revert to one of the sections. I'd like to reopen 5 . . .

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: I was going to make that same point, Mr. Chairman. I think the addition of a few words to the amendment might solve that problem, Mr. Cherniack.

MR. CHERNIACK: Well, it may be Mr. Balkaran and I are on the same wave length and not having discussed it he may have noticed the same oversight. Let's hear what he says, Mr. Chairman.

MR. BALKARAN: 5(2), I will read it with the amendment as passed. It reads:

"Before submitting a regulation to the Lieutenant-Governor-in-Council the board shall submit the regulation together with the recommendations of the Advisory Council to the members of the association and the members may by ordinary resolution confirm, reject or amend the regulation".

The further amendment would have the words "in respect of the regulation" after the word "Council".

MR. CHAIRMAN: Agreed? Mr. Cherniack.

MR. CHERNIACK: I find I did not have the past amendment as Mr. Balkaran read it. So I couldn't write quickly enough.

MR. BALKARAN: Can I then, Mr. Chairman, have permission to read the amendment with the additional words I've suggested?

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: "Before submitting a regulation to the Lieutenant-Governor-in-Council the board shall submit the regulation together with the recommendations of the Advisory Council" . . .

MR. CHERNIACK: Please stop. Yes.

MR. BALKARAN: . . . "in respect of the regulation to the members", etc.

MR. CHERNIACK: May I ask, does that reflect the same change as we made in 4(2) of which I don't have a copy either, Mr. Chairman, but I don't need a copy, because there there was provision for a minimum notice and I thought they should be the same. By-laws and regulations should be treated the same.

MR. BALKARAN: It's slightly different, Mr. Chairman, in that the new 4(2) is going to require the board to submit to its members, at least 30 days before its next meeting, all the by-laws passed by the association, including amendments and repeals. I can read it if Mr. Cherniack would like.

MR. CHERNIACK: Mr. Chairman, as I understand it, 4(2) provided for copies to be sent to the members 30 days in advance of the proposed meeting dealing with the by-laws; and 5(2), I believe, should have the same intent, that is, that the members should receive the regulations and the recommendations, which is in now, and should have sufficient time to study them, so I think the same 30 days should apply, then I think it is the same thing, except that the recommendations aren't needed in the by-law section because the Advisory Council doesn't deal with by-laws. Do I make sense to Mr. Balkaran?

MR. BALKARAN: Yes, Mr. Chairman, if only I can have a starting point.

MR. CHERNIACK: All right.

MR. BALKARAN: In 5(2), there's a prior submission requirement of regulations to the membership.

MR. CHERNIACK: Yes.

MR. BALKARAN: If Mr. Cherniack is asking that that submission be 30 days or 20 days or whatever the time frame is, after or before something, I don't know what that something is.

MR. CHERNIACK: All right then. I'm sorry to take up the time, Mr. Chairman, but we work so, and we work co-operatively so, but I don't have a copy of the amendment to 4(2). Then if Mr. Balkaran would read the 4(2) amendment, then maybe I'll pick out of it what I think is missing in 5(2).

MR. BALKARAN: 4(2) as passed, reads as follows:

The Board shall, at least 30 days before the next meeting of the members of the association, submit all by-laws, or amendments, or repeal of any by-law, made under subsection (1) to the members of the association, and the members may, at that meeting, by ordinary resolution, confirm, reject or amend the by-laws, amendment, or repeal thereof.

MR. CHERNIACK: Mr. Chairman, the change in 5(2) that was read to us by Mr. Balkaran reflects what I think we agreed on but does not say that there has to be advance notice. All it says is before submitting them it shall submit the regulations and recommendations, I think we ought to insert the same words, 30 days notice.

MR. BALKARAN: 30 days before submitting.

MR. CHERNIACK: Yes. So then it'll be treated the same way as the by-laws are treated. So that again the membership will know in advance what has been proposed so that they can decide whether or not to go to a meeting. That's the point that I think was an oversight in 5(2) and I hope it is acceptable to the committee.

MR. CHAIRMAN: Mr. Minister.

MR. SHERMAN: Agreed.

MR. CHAIRMAN: Okay, pass. Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, may I just ask that Mr. Balkaran keep this in mind when we come to the arts of Bill 66, so that we have the same feature then?

MR. CHAIRMAN: That brings to an end Bill 65. Can we get back to the end of it? Preamble pass. Mr. Desjardins.

MR. DESJARDINS: No. Didn't we say we wouldn't? Well, the Preamble, but we're not reporting this bill until the very end when we're finished with the three?

MR. SHERMAN: That's correct but we can pass the Preamble and the Title.

MR. DESJARDINS: Yes, okay.

MR. CHAIRMAN: Okay. Preamble pass; Title pass.

BILL NO. 66 THE REGISTERED PSYCHIATRIC NURSES ACT

MR. CHAIRMAN: Members of the committee, we will now turn our attention to Bill No. 66, The Registered Psychiatric Nurses Act. What is your wish? Do you want to go clause by clause or page by page?

MR. DESJARDINS: Well, Mr. Chairman, I think there's been a good exercise of this. We have the

amendments in front of us. I wonder, with some understanding, some laxity, if we went page by page and then whenever there's an amendment that would be brought in instead of repeating all the (a)s, (b)s, (c)s and (d)s.

MR. BALKARAN: On Page 1 we've got two amendments.

MR. DESJARDINS: Well, all right, we'll stop at Page 1 with the amendments.

MR. CHAIRMAN: Bill 66, Page 1. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move THAT Clause 1(e) and (f) of Bill 66 be struck out and the following clauses be substituted therefor:

(e) "Member", unless where the context otherwise requires, means a person whose name is entered in the register;

(f) "Minister", means the member of the Executive Council responsible for the administration of health matters in the province.

MR. CHAIRMAN: 1(e) pass; 1(f) pass. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move THAT clause 1(i) of Bill 66 be renumbered as Clause 1(j) and Clause 1(j) be renumbered as Clause 1(i) thereof.

MR. CHAIRMAN: Pass pass. Page 1 as amended pass. Mr. Cherniack.

MR. CHERNIACK: I would like to see it pass, Mr. Chairman. Page 2, we're on 2 now.

MR. CHAIRMAN: That's right. Page 2. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move THAT section 2 of Bill 6 be struck out.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, I intend to vote against this clause. It's very important to me. I will not repeat the discussion I had yesterday on this similar section in Bill 65. Just record the fact that I would like a vote on this so I can vote against it and not repeat the debate. I intend to do that throughout this bill. There's no sense repeating today what we said yesterday unless the Minister indicates that there's been a change of mind.

A COUNTED VOTE was taken the result being as follows:

Yeas, 5. Nays, 2.

MR. CHAIRMAN: I declare the motion carried. Page 2 as amended pass. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move THAT subsection 4(1) of Bill 66 be struck out and the following subsection be substituted therefor: . . .

MR. CHAIRMAN: Order please.

MR. SHERMAN: Oh, he's got it. I've marked it in on the copy.

MR. CHAIRMAN: I'm sorry. Mr. Kovnats, you can continue.

MR. KOVNATS: Board of Directors

4(1) The affairs of the association shall be managed by a board of directors, 25 percent of whom shall be persons who are not members of the association; and of the 25 percent who are not members of the association, half shall be appointed by the Lieutenant-Governor-in-Council.

MR. CHAIRMAN: Pass pass. Page 2 as amended pass.

MR. SHERMAN: Do you want to vote on that?

MR. CHERNIACK: Yes, I'm against it.

A COUNTED VOTE was taken the result being as follows:

Yeas, 4. Nays, 2.

MR. CHAIRMAN: I declare that amendment carried. Page 2 as amended pass. Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, on Page 3, subsections 4(3) and 4(4) I wonder if I might have the committee's permission to renumber that as 4(1) and 4(2) so that we don't have to do subsequent renumbering because of the deletion of Section 2.

MR. CHERNIACK: Could we not agree that all sections will be renumbered? Don't they all have to be renumbered henceforth?

MR. BALKARAN: Not if you make this change now.

MR. CHERNIACK: Would you repeat it? Did you call 3(2)? What do you want to do?

MR. BALKARAN: 4(3) and 4(4) on Page 3. If they numbered it as 4(1) and 4(2) then Section 5, etc., will follow in sequence.

MR. CHERNIACK: But then you'll have to change 4(1) and 4(2) to be 3(1) and 3(2) and you'd have to change 3 to be 2.

MR. SHERMAN: That's right.

MR. CHERNIACK: You said that? I'm not aware.

MR. BALKARAN: Yes, okay.

MR. CHAIRMAN: Pass. Mr. Sherman.

MR. SHERMAN: It would have to be renumbered right back to the end of Section 1.

MR. BALKARAN: Exactly.

MR. CHERNIACK: Just a minute, Mr. Chairman, I want to do it correctly. So 3 becomes 2; 4(1) and (2)

become 3(1) and 3(2); and 4(3) and 4(4) become 4(1) and 4(2). Is that right?

MR. BALKARAN: That's right.

MR. CHAIRMAN: Page 3. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move THAT Clause 5(1)(k) be amended by striking out the words "social and economic" in the first line thereof and substituting therefor the words "and social".

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, with the committee's indulgence I would ask them to go back to 3(2) as renumbered.

MR. CHAIRMAN: Agreed.

MR. BALKARAN: And after the word "election" in the second line, add the words "other than the members appointed by the Lieutenant-Governor-in-Council".

MR. CHAIRMAN: Pass pass. Page 3. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move THAT subsection 5(2) of Bill 66 be amended by adding thereto, immediately after the word "board" in the first line thereof the words, "after due notice".

MR. BALKARAN: No, that's not right.

MR. KOVNATS: You're right. I apologize, Mr. Chairman.

MR. SHERMAN: Yes, that has to be amended to conform.

MR. CHAIRMAN: Page 3 pass.

MR. BALKARAN: Just a minute.

MR. SHERMAN: That has to conform to Bill 65.

MR. BALKARAN: Mr. Chairman, that subsection 5(2) to be consistent with Bill 65 will now have to read as follows:

"The board shall at least 30 days before the next meeting of the members of the association, submit all by-laws or amendments or repeal of any by-law made under subsection 1, to the members of the association and the members may at that meeting by ordinary resolution, confirm, reject or amend the by-laws, amendment or repeal thereof".

That's the same subsection we've just passed in Bill 65.

MR. CHAIRMAN: Pass pass. I have to go back and get Page 3 pass; Page 4 as amended pass; Page 5 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move THAT Clause 6(1)(f) of Bill 66 be struck out and the following clause be substituted therefor:

Clause (f) Prescribe standards of voluntary psychiatric nursing education for all persons registered under this Act.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, the term "continuing" has to be in there too. "Prescribe standards of voluntary continuing psychiatric nursing education."

MR. BALKARAN: That's right.

MR. CHAIRMAN: Page 6(2) — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move

THAT subsection 6(2) of Bill 66 be amended by striking out the words "amendments or repeal" in the fourth line thereof.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, maybe I should move the amendment, because we should have the amendment to accord with the change we made today to . . .

MR. BALKARAN: I've got the amendment.

MR. CHERNIACK: I know you've got that motion, but I think that by our discussion earlier today, we agreed to amend it more substantially, as we did it with 65, and I'm wondering, Mr. Chairman, with your permission and the committee's, if Mr. Balkaran can be allowed to read another amendment.

MR. BALKARAN: Thank you, Mr. Chairman. 6(2) would now read:

"Before submitting a regulation to the Lieutenant-Governor-in-Council, the board shall submit the regulation, together with the recommendations of the Advisory Council, in respect of the regulation" — oh, I'm sorry, that should read "30 days before".

MR. SHERMAN: Right. It's got to conform with 5(2) in 65, Mr. Chairman.

MR. BALKARAN: It's the same wording, Mr. Chairman, "to the members of the association and the members may, by ordinary resolution, confirm, reject or amend the regulation."

MR. CHERNIACK: I don't really know where that 30 days fits in. I'm sorry, I only have one bill in front of me.

MR. KOVNATS: I so move.

MR. CHERNIACK: Mr. Chairman. I'd like to know from Mr. Kovnats just where his 30 days fits in there, what he just moved.

MR. KOVNATS: The same place as the last 30 days.

MR. CHERNIACK: Mr. Chairman. The last 30 days — are they speed-up or they normal days.

MR. SHERMAN: Mr. Chairman, the difficulty arises, of course, from the amendments that were made in

65 yesterday and the section should read now, the section we're dealing with in 66, "The board shall, at least 30 days before the next meeting of the members of the association, submit all by-laws, or amendments or repeal of any by-law made under subsection 5(1), together with the recommendations of the Advisory Council, in respect of the regulation, to the members of the association and members may at that meeting, by ordinary resolution, etc. "

MR. CHERNIACK: Except that wherever you said "by-law" you probably should have said "resolution".

MR. BALKARAN: Regulations.

MR. CHERNIACK: Regulations.

MR. BALKARAN: Mr. Chairman, I believe my amendment has the same effect to that which the Honourable Minister just read.

MR. CHERNIACK: Yes, I know but as long as the 30 days — all I asked Mr. Kovnats, who moved the motion, just where that 30 day feature came in — I just want to know where it fits into the text.

MR. BALKARAN: 30 days before submitting a regulation. At the beginning.

MR. CHERNIACK: Oh, fine, that's clear. Is that a capital 3?

MR. CHAIRMAN: Page 5 as amended pass; Page 6 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move:

THAT subsection 8(4) of Bill 66 be amended by adding thereto, immediately after the word "registrar" on the second line thereof, the words "shall be given written reason for the refusal and the applicant.

MR. CHAIRMAN: Page 6 as amended — Mr. Kovnats.

MR. KOVNATS: I move that Bill 66 be amended by adding thereto, immediately after subsection 8(4) thereof the following subsection:

Discrimination prohibited.

8(5) No person shall be denied membership in the association because of the race, nationality, religion, colour, sex, marital status, physical handicap, age, source of income, family status, political belief, ethnic or national origin of that person.

MR. CHAIRMAN: Page 6 pass. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move;

THAT subsection 9(2) of Bill 66 be struck out and the following subsection be substituted therefor:

Recovery of fees prohibited.

9(2) No person shall bring an action in any court to collect fees, compensation or other remuneration for services performed as a registered psychiatric nurse, unless she is registered under this Act.

MR. CHAIRMAN: Page 6 as amended pass; Page 7 pass; Page 8 pass — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move;

THAT Clause 17(2)(b) of Bill 66 be amended by striking out the word "regulations" in the first line thereof, and substituting therefor the word "by-laws".

MR. CHAIRMAN: Page 8 as amended pass; Page 9 pass. Mr. Kavnats.

MR. KOVNATS: Mr. Chairman, I move;

THAT Clause 18(2)(a) be amended by adding thereto, immediately after the word "nurse" in the first line thereof, the words "at the time of employment".

MR. CHERNIACK: Mr. Chairman, I have a problem, where did that (2) come from?

MR. KOVNATS: I don't know.

MR. CHERNIACK: You moved it.

MR. BALKARAN: It should be 18(a).

MR. KOVNATS: Just 18(a). Mr. Chairman, I retract the reading of the brackets 2 in that last motion.

MR. KOVNATS: Mr. Chairman, I move;

THAT Clause 18(b) be amended by adding thereto, at the end thereof, the words "and provide a copy of the report to the psychiatric nurse whose employment is terminated".

MR. BALKARAN: Mr. Chairman, I wonder if the committee would strike out the words "whose employment is terminated" because as you read subsection (b) it speaks of "suspended or terminated".

MR. CHAIRMAN: Agreed? Mr. Sherman.

MR. SHERMAN: Mr. Chairman, if we do that, I wonder if we could add the word "concerned", "provide a copy of the report to the psychiatric nurse concerned."

MR. BALKARAN: Mr. Chairman, I think that the word "the" is definitive and can only apply to one person.

MR. SHERMAN: If Legislative Counsel thinks it's specific enough, Mr. Chairman, I withdraw that suggestion.

MR. CHAIRMAN: 18(b) as amended pass; Page 9 as amended pass; Mr. Cherniack.

MR. CHERNIACK: How would you like to look at Page 21 and do something with certificates.

MR. CHAIRMAN: Page 21?

MR. CHERNIACK: Clause 21, the third last word.

MR. CHAIRMAN: Mr. Cherniack could you repeat that again, please?

MR. CHERNIACK: Third last word.

MR. BALKARAN: Mr. Chairman, it is a spelling error which I intend to take care of editorially before it goes to the printer.

MR. CHAIRMAN: Agreed? (Agreed) Pass. Page 9 as amended pass; Page 10 pass — Mr. Kavnats.

MR. KOVNATS: Mr. Chairman, I move

THAT subsection 24(1) of Bill 66 be struck out and the following subsection be substituted therefor:

Informal resolution of complaint

24(1) The complaints committee shall receive and review complaints against any member, in writing, and where the committee considers it appropriate, it shall attempt to resolve the matter informally.

MR. CHAIRMAN: Page 10 as amended pass; Mr. Kavnats.

MR. KOVNATS: Mr. Chairman, I move;

THAT section 27 of Bill 66 be struck out and that the following section be substituted therefor:

Reference to investigation chairman

27 Where a member, after she becomes a member, is convicted of an indictable offence, or where the complaints committee has reason to believe, or is of the opinion that a member: (a) is guilty of professional misconduct or conduct unbecoming a member; or (b) has demonstrated incapability or unfitness to practise nursing, or is suffering from an ailment which might, if she continues to practise, constitute a danger to the public, the committee shall refer the matter to the investigation chairman.

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, in Clause (b) of that amendment, I wonder if after the word "practise" the committee would add the word "psychiatric".

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

MR. SHERMAN: Mr. Chairman, I wonder if I could go back to Page 9, I'm sorry, to 19(1), which is not cited in the list of amendments on "offence by members" and propose that the last five words of 19(1), "is guilty of an offence," be changed to read "may be charged with professional misconduct." — (Interjection)— Well I had a note on my bill here, Mr. Chairman, that we had made that change — (Interjection)— All right, leave it as is.

MR. CHAIRMAN: We turn back to Page 10 as amended pass; Page 11 pass; Page 12 — Mr. Kavnats. Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, I'm sorry. 35 — my notes tell me that it should reflect 34(4) of RN, I think it deals . . .

MR. CHAIRMAN: Mr. Cherniack, can you get the mike more directly in front of you.

MR. CHERNIACK: Mr. Chairman, I haven't found my note yet, but there's an indication to me that there should be a 35(4) which would be the same as

34(4) of the RNs and I haven't got that Bill 65 before me yet.

MR. SHERMAN: You say it was the same as 34(4)?

MR. CHERNIACK: There was an addition of 34(4) and I don't have the text in front of me.

MR. SHERMAN: Mr. Chairman, 34(4) in 65 said that a person who was a member of a discipline committee shall not participate in or carry out an investigation of any matter that will be referred to that discipline committee for consideration.

MR. CHERNIACK: Yes, I think that was omitted from these amendments and should have been included.

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: I've got a note, Mr. Chairman, if the committee wants to pass that?

MR. CHAIRMAN: That would go in as 35(2)? That would go in as 35(4). Agreed? (Agreed) Now we return to Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move;

THAT section 35 of Bill 66 be numbered as subsection (1) thereof, and the following subsections be added thereto:

Chairman and vice chairman

35(2) The board shall appoint from amongst the members of the discipline committee a chairman and a vice chairman.

Association solicitor

35(3) The association solicitor may participate in an inquiry before the committee but shall not vote thereat, or have participated in the investigation of the matter before the committee.

MR. CHAIRMAN: Page 12 as amended pass; — Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, should I point out to the committee now that 35(4) that we are talking about would follow 35(3).

MR. CHERNIACK: That's usual.

MR. BALKARAN: No, it was done before.

MR. DESJARDINS: Well, Mr. Chairman, just to make sure, because there is a record of this, maybe we should pass the previous motion. You didn't call it, you called the page but not . . .

MR. CHAIRMAN: Section 35 as amended pass. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move;

THAT subsection 37(1) of Bill 66 be amended by striking out all the words thereof after the word "days" in the fourth line thereof and substituting therefor the words and figures "from the date of the direction or decision, fix a date, time and place for the holding on an inquiry, which shall commence no later than 60 days from the date of the direction or decision."

MR. CHAIRMAN: Page 12 as amended pass; Page 13 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move;

THAT subsection 37(6) of Bill 66 be amended by adding thereto at the end thereof the words "and the board is satisfied that none of the parties to the hearing would be prejudiced by the holding of a public hearing".

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, I think that the amendment should be extended by the addition of the words "but where the board determines that there may be prejudice to any of the parties to the hearing, it shall give written reasons therefor."

MR. CHAIRMAN: Agreed? (Agreed)

MR. CHERNIACK: For the record and without a speech, I'm opposed to it.

MR. BALKARAN: You proposed it.

MR. CHERNIACK: Mr. Chairman, I agree with the amendment, I oppose the section as amended because I want an open hearing — the other way round. However, I am quite satisfied — I'm not going to make a speech about it nor will I try to amend it further.

MR. CHAIRMAN: All those in favour of the subsection as amended. It is passed. Section as amended? I declare the section as amended carried. Page 12 as amended pass. Mr. Kovnats.

MR. KOVNATS: I'm sorry I thought we were on Page 13.

MR. CHAIRMAN: Page 12 as amended pass; Page 13 — Mr. Kovnats.

MR. CHERNIACK: We were on 13.

MR. KOVNATS: Oh, pardon me. Mr. Chairman, I move;

THAT subsection 37(8) of Bill 66 be amended by adding thereto at the end thereof the words "and the person, council or agent has a right to examine all documents and records to be used at the inquiry."

MR. CHAIRMAN: Page 13 as amended pass; Page 14 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move

THAT subsection 37(16) of Bill 6 be struck out and the following subsection be substituted therefor:

Rules of Procedure.

37(16) The discipline committee may establish its own rules of procedure for the purpose of holding a hearing or conducting an inquiry before it.

MR. CHAIRMAN: Pass? — Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, just for the record, I disagree with this change for the reasons that we discussed yesterday under Bill 65, enforced

by the fact that this is what the RPNs asked for. I believe they were persuaded otherwise, but this is the original request and is being reversed. So I just want to record my disagreement. Maybe we should have a vote.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: Mr. Chairman, that's 37(16) isn't it? Well, didn't we change that yesterday?

MR. BALKARAN: That's right.

MR. DESJARDINS: Well, what do we want?

MR. BALKARAN: Mr. Cherniack wants to vote against it.

MR. DESJARDINS: No, no. That's not the way it reads now, 37(16) as moved . . .

MR. BALKARAN: It's new.

MR. DESJARDINS: But it doesn't conform to the other bill.

MR. BALKARAN: Yes.

MR. DESJARDINS: Well, I'm lost too.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: I'm glad Mr. Desjardins pointed it out. I think that we added "that with the approval of the board" and that's not in here.

MR. DESJARDINS: Yes, right.

MR. CHERNIACK: I'm sorry, and it's my oversight too. I thought I'd studied it. I mean I did, but I slipped up here. Yesterday after all our debate, which I don't want to repeat, I think we agreed that . . .

MR. BALKARAN: That's correct.

MR. SHERMAN: Mr. Balkaran probably has that complete amendment from yesterday.

MR. CHERNIACK: "Subject to the approval of the board."

MR. CHAIRMAN: Okay. Mr. Balkaran, have we got the complete amendment?

MR. BALKARAN: It's amended to read:
The discipline committee, subject to the approval of the board, may establish its own rules of procedure for the purpose of holding a hearing or conducting an inquiry before it.

MR. SHERMAN: Right.

MR. CHAIRMAN: The amendment as corrected pass — Mr. Cherniack.

MR. CHERNIACK: I just disagree.

MR. CHAIRMAN: Page 14 pass as amended — Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, I'm sorry, I have my points to make on 15, I think.

MR. CHAIRMAN: Page 14 pass; Page 15 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move:
THAT subsection 39(1) of Bill 66 be amended by striking out the figures "15" in the fourth line thereof and substituting therefor, the figures "30".

MR. CHAIRMAN: Pass — Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, in 38(2) I believe we have to add "and the reasons therefor."

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: That's right. Mr. Chairman, we agreed on Bill 65, the comparable section, to add the words after the word "committee" on the first line thereof "and the reasons therefor."

MR. SHERMAN: Right.

MR. CHAIRMAN: Page 15 as amended pass; Page 16 pass — Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, 40(1), I think the words "the formal order" was omitted and should be included, as happened in the other bill.

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, 40(1) should be amended by adding thereto, immediately after the word "obtain" in the fourth line thereof, the words "and the formal order of the discipline committee."

MR. CHAIRMAN: Pass. Mr. Filmon.

MR. FILMON: Mr. Chairman, I hesitate to bring us back, but I have a note here that the "Award of Costs" section, which is 38(3) does not conform with the one that we approved in 37(3) of Bill 65 because it says in 37(3), that not only may they award costs but they may reimburse the member for his costs if the action was unwarranted. I'm just wondering whether we can agree to adopt the same clause.

MR. CHAIRMAN: What section?

MR. SHERMAN: 38(3).

MR. DESJARDINS: Why did you hesitate? That's a good point.

MR. CHERNIACK: It's the same as 37(3) of 65.

MR. BALKARAN: I haven't got that before me, Mr. Chairman.

MR. FILMON: An identical clause, 37(3) in Bill 65.

MR. CHAIRMAN: We'll ask Mr. Balkaran to read this one into the record then.

A COUNTED VOTE was taken and the motion as amended passed.

MR. BALKARAN: Mr. Chairman, 38(3) is amended by adding after the word "association" in the first line thereof, the words "and may also reimburse any member of the association."

MR. CHAIRMAN: Pass once again we'll formally pass Page 15 as amended — Mr. Filmon.

MR. FILMON: Mr. Balkaran, I'm not sure if it's significant, but in the other clause it says, "If in the opinion of the board the action was unwarranted" as opposed to it saying "warranted" in this section. There must be some significance to it.

MR. CHERNIACK: There sure is.

MR. CHAIRMAN: We'll revert back to Page 15 again then.

MR. SHERMAN: I guess you'll have to go back to that.

MR. DESJARDINS: To which one?

MR. FILMON: 38(3) on Page 15, of Bill 66.

MR. BALKARAN: Mr. Chairman, all that involves according to my notes is, to change the word "warranted" to "unwarranted".

MR. FILMON: Right, as well as the rest of it.

MR. CHAIRMAN: Is that agreeable to the committee? Pass — Mr. Sherman.

MR. SHERMAN: Mr. Chairman, I'm sorry, but I think we have to go back to Page 12, Section 35 on the Discipline Committee.

It's quite possible that I'm wrong, but I have a note on Bill 35 saying: "conform to amendments proposed for Bill 65," and in Bill 65 we changed that to read: "That the board shall establish one or more discipline committees" etc. I'm not sure what the subsequent disposition of that discussion was.

MR. DESJARDINS: What number was that, Bud?

MR. SHERMAN: 35 on Page 12 of the bill under Part VI, Discipline Committee.

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, I think there is a slight difference here in that the RNs, because of their size, thought it would be necessary to appoint more than one discipline committee as opposed to the other two organizations.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: Mr. Chairman, with the permission of the committee, I wonder if we could the representative of the Psychiatric Nurses if they feel they need more. It would be very easy and this is something that's not . . .

MR. CHAIRMAN: Have I got the agreement of the committee?

MR. CHERNIACK: "One or more" is the same as one if you only need one.

MR. SHERMAN: You have the agreement of the committee to check with the association. I'm advised that the association would like the option of having one or more.

MR. CHAIRMAN: Pass.

MR. SHERMAN: That would simply be made to conform to the wording in 34(1) of 65.

MR. CHAIRMAN: Page 12 as amended pass; we revert back to Page 16 pass; Page 17 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move;
THAT subsection . . .

MR. CHERNIACK: I'm sorry, Mr. Chairman, but before that, could you confirm whether 41 has been changed?

MR. SHERMAN: And a formal order for the discipline committee? Yes.

MR. CHERNIACK: That has been done?

MR. SHERMAN: Yes.

MR. CHAIRMAN: Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move;
THAT subsection 42(3) of Bill 66 be struck out and the following subsection be substituted therefor:
Associations representation at appeals

42(3) The association solicitor may participate in an appeal before the board but shall not vote thereat or have participated in the investigation of the matter before the board.

MR. CHAIRMAN: Page 17 as amended pass; Page 18 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move;
THAT section 43 of Bill 66 be struck out and the following section be substituted therefor:
Appeal to Court of Queen's Bench

43(1) Any person whose registration has been revoked or suspended, or whose registration has been continued subject to conditions imposed by the discipline committee, or the board, and any person who has been refused admission to the association, or the entry of her name on a roster, may appeal from the decision of the discipline committee or the board, including any order as to cost to a judge of the Court of Queen's Bench, at any time within 30 days of the date of the order or decision appealed against, or with such further time as a judge of the Court of the Queen's Bench may allow.

MR. CHAIRMAN: You've got more to that motion, Mr. Kovnats. Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, I think he should be saying 43 from hereon in.

MR. KOVNATS: Order of judge.

43(2) The judge hearing the appeal may make such order or give such direction as to the cancellation or suspension of the registration or as to the conditions imposed upon the continuation of the registration or as to the refusal of admission and as to the cost of the appeal, including any order as to costs under subsection 41(6) as to him seems just. Documents to be filed by applicant . . .

MR. CHAIRMAN: Order please. Mr. Balkaran.

MR. BALKARAN: I wondered if the committee would change that to 42(6)?

MR. KOVNATS: Documents to be filed by applicant.

43(3) Subject to subsection (4) the appellant shall file, together with and at the same time as the notice of appeal, a certificate signed by an officer of the association stating that at least two copies of a transcript of evidence have been ordered, and are available for the appeal, unless the judge otherwise orders.

Absence of recorded evidence

43(4) Where the evidence at the hearing or inquiry was not reduced to writing or otherwise mechanically recorded, or where it was so recorded but a transcript thereof cannot be obtained, the appeal before the judge shall be a trial de novo.

Failure to file transcript of evidence

43(5) If a transcript of evidence at the hearing is obtainable and the appellant has not filed the two copies thereof with the court within 30 days of the date of the filing of the notice of appeal, the appeal shall be deemed to be abandoned.

MR. CHAIRMAN: Section 43 as amended — Mr. Cherniack.

MR. CHERNIACK: Two comments. Firstly, it was pointed out to me that there's a sort of a typo on the second last line of 43(1); it should read "or within such further time." That's one comment.

MR. CHAIRMAN: Could we have you repeat that again, Mr. Cherniack? Okay, Mr. Balkaran, has it.

MR. CHERNIACK: The second, probably worth an hour of time, is for me to say that I would like, for the record, to refer to the discussion we had under Bill 65 dealing with this entire section replacement. I'm not going to repeat the debate, I'm just going to record the fact that we could have a similar debate and there's no point to it.

MR. CHAIRMAN: You want a recorded vote?

MR. CHERNIACK: No, no. I've done what I want to do, Mr. Chairman.

MR. CHAIRMAN: Section 43 as amended pass; Page 18 as amended — Mr. Kovernats.

MR. KOVNATS: Mr. Chairman, I move;

THAT section 45 of Bill 66 be amended by striking out the words "in any newspaper" in the second line thereof.

MR. CHAIRMAN: Page 18 as amended-pass; Page 19 — Mr. Kovernats.

MR. KOVNATS: Mr. Chairman, I move;

THAT subsection 47(1) of Bill 66 be amended by adding thereto, at the end thereof, the words "and any failure by a member or associate member to comply with this subsection shall be deemed to be professional misconduct."

MR. KOVNATS: Mr. Chairman, I move;

THAT Bill 66 be amended by adding thereto, immediately after subsection 47(1) thereof, the following subsection:

Non application to confidential information

47(2) Subsection 47(1) does not apply to information obtained by a member which is confidential, by reason of a nurse/client relationship.

MR. CHAIRMAN: Pass. Mr. Kovernats.

MR. KOVNATS: Mr. Chairman, I move;

THAT subsection 47(2) of Bill 66 be renumbered as subsection 47(3).

MR. CHAIRMAN: Page 19 as amended pass. Mr. Balkaran.

MR. BALKARAN: I don't know if its my duty or not, but I wonder whether the committee would want to look at 48(2) in light of the change that was made in Bill 65?

MR. SHERMAN: Mr. Chairman, unless Mr. Balkaran has drafted something in the last several hours.

MR. BALKARAN: No, I haven't.

MR. SHERMAN: Committee members will appreciate that there has been considerable typing necessary. We had not proposed a change in the composition of the advisory council for the registered psychiatric nurses, although if I were going to propose one, I'm prepared to. I would propose changing (c) to two persons nominated by the Minister. But insofar as any other change, such as the change from the Faculty of Medicine nominated by the board of governors, which was a change made in 65, that is not being proposed.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: Why aren't we consistent?

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Well, Mr. Chairman, I guess it comes down to a difference in philosophy here. Although this point has not been discussed in any degree of detail with the psychiatric nurses, the psychiatric nurses essentially, in the position they've conveyed to me, see themselves as being part of the mainstream in terms of education and training of the health field, whereas the Registered Nurses, the members of MARN, as all members of the committee are aware I think, are more convinced that their future in those areas lies on the education side rather than the pure medical side. So there have been two different perspectives presented in discussion. But I would repeat that it has not been the subject of the intense discussions with the RPNs that it was in the case of the RNS.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, I was inclined to let this section pass as is and then point out what I think is an inconsistency, and the Minister has, by his explanation, accentuated the consistency. I don't agree with the approach that the Minister describes, that the RNs are more in the field of education than the RPNs, and it may be a difference in philosophy, but frankly, Mr. Chairman, I care less about the opinions of the RNs and the RPNs than I care about the opinion of the government and its responsibility to deliver health care to the province, and I would be much more influenced by opinions expressed by the government, whose responsibility it is, rather than the private associations who the Minister has quoted.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: Mr. Chairman, by moving these bills I think that we show that we have confidence in these two professional groups. I don't see any reason why we can't be consistent, and I think it's a little too far to back away now and think that they're not intelligent or smart enough or interested enough to run their own thing. I can't see why, if the psychiatric nurses feel that they should have so many from the Faculty of Medicine, (e) still states that the five persons appointed by the board. I think that's the protection that we have, and I would agree with Mr. Cherniack, I think that the Minister should be able to name two instead of one. I think that's what 65 says, and I think that (e) protects them if they want. It doesn't exclude the medical profession, it just gives it to the board. I certainly have enough confidence, if not, I wouldn't be voting in favour of this bill. I think for the sake of being consistent, I don't see any difficulties at all if we amended it to read as Bill 65.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, I have no difficulty with pursuing consistency in it whatsoever. I won't repeat myself. It had not been a subject of concern or discussion with the Association of Psychiatric Nurses.

My understanding, having had a check made within the last minute during these discussions with the spokesman for the RPNs, is that they would have no objection whatsoever to any changes along that line. If we do that, we would be looking at two persons nominated by the Minister of Health; two by the Minister of Education, and six appointed by the board. And if we're talking about consistency, there would be a change relative to the chairman of the board, because in here we say: A chairman who shall be appointed by the board, five persons — well, just for the sake of wording, we'd be looking at saying: Six persons appointed by the board and then the board shall appoint one of the members appointed under Clause 2(e) as chairman of the Council.

There's no problem with consistency with the RPNs and certainly not with the government, Mr. Chairman.

MR. CHAIRMAN: Can we have that proposed motion read into . . .

MR. DESJARDINS: Will you move that change?

MR. CHAIRMAN: Can I have Mr. Balkaran read it into the motion, then have Mr. Kovnats so move it?

MR. DESJARDINS: It's exactly the same as the other one.

MR. KOVNATS: It's exactly the same.

MR. BALKARAN: There's no reference in the other one to a Chairman.

MR. DESJARDINS: Isn't there? Somewhere there is.

MR. SHERMAN: Yes, 47(3) in 65 says: "That the board shall appoint one of the members appointed under (d)" — that's their category — "as Chairman." This section will be made to conform precisely to 47(2) and (3) in Bill 65, that's what the committee is saying, Mr. Chairman.

MR. CHAIRMAN: Right. Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, 48(2) will read as follows:

- "The council shall be composed of
- (a) two persons nominated by the Minister
 - (b) two persons nominated by the Minister of Education, and
 - (c) six persons appointed by the board;
- And the board shall appoint one of the members appointed under clause (e) as chairman of the council.

MR. DESJARDINS: It wouldn't be (e) though.

MR. BALKARAN: No, (c).

MR. CHAIRMAN: Mr. Kovnats.

MR. KOVNATS: I so move.

MR. CHAIRMAN: Page 19 — Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, I agree with consistency, but I say we've gone the wrong direction. Bill 65 in my opinion, should have been amended to conform with the principle of Bill 66 insofar as this section is concerned.

It is my belief that the RPN bill, generally, Bill 66 was more enlightened than was Bill 65, and we have now, for the purpose of consistency or principle, for the third time changed Bill 66 to conform with 65 in what I believe is the wrong direction.

Firstly, the failure to set out the objects of the association.

Secondly, to influence the nature of the hearing that is to take place, and to remove it from both open hearings and from the appeal provision, and specifically the reference in the RPNs dealing with the rules of the Queen's Bench which are considered by society to be the rules which create the greatest fairness, and this is the third time. So I'm going to vote against the amendment for that third reason,

which I think I detect, of the trend of this committee away from what I call, a more enlightened approach.

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

MR. DESJARDINS: Mr. Chairman, I have a question of Mr. Cherniack. Of course, I wasn't here for the original discussion, but yesterday, and I have Bill 65 in front of me, and according to the printed bill, it is the same as this one here. We changed it yesterday. I think we are changing both. I think we're changing one to conform with the amendment that we made yesterday, so I don't know who has the credit for being on the right track.

MR. CHERNIACK: I disagree with that.

MR. DESJARDINS: But you were saying that we changed this one to conform to 65, but 65 was changed also; they were both the same.

MR. SHERMAN: Mr. Chairman, I would simply say that if Mr. Cherniack does not — he cites this as the third change, which he says reflects an error in direction on the part of the government and the committee with respect to these bills. If he feels that this change we are making in this particular section is the third such error, then I ask him why he sacrifices that principle to his stated profession to conform with consistency. Consistency is not of all that import, if there is all that profound a principle involved for Mr. Cherniack, and he is one of those who, in the previous five minutes, have suggested that we make this consistent with the RN bill.

Secondly, I would point out to him that the RN bill, as it came in front of us, really in draft bill form, asked for a person to be jointly and severally nominated by the deans of the Faculties of Education of the Universities of Manitoba, Winnipeg, and Brandon. That was changed, as Mr. Desjardins has pointed out, to the format that is now in front of us.

He may well be displeased with some of the things that are taking place as a result of the passage of these bills, or the hoped for passage of these bills, but I think he is making a case for rhetoric and sacrificing his own principle.

MR. DESJARDINS: I would agree. I have said what I had to say, Mr. Chairman, on that, but I want it clear that I agree with Mr. Cherniack on the one thing and I think we will probably, for the sake of not arguing at this time — we made our point clear yesterday and I want to reaffirm that I agree with him that I don't see anything wrong and, in fact, I think the objectives of both these associations should be stated. He mentioned that as one of the cases and I think he was consistent, because I think he voted against it once and we had lost the vote, well then he went along with what he thought was the best. But it should be clear that he didn't sacrifice anything for his principle on that and I would imagine that this might come back again.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, I repeat that I believe there should be consistency as much as

possible. Here we are talking about the structure of a board, of a council, and one of the first speeches I made on this entire nursing thing was that I believe that there should be a team delivering health to the people of the province of Manitoba and, to me, the team consists of possibly six or more members, each of whom has a contribution to make to the team effort. And I am sure I made the point more than once that I believe that there should be interlocking members of these various components of a team so as to create a greater climate or atmosphere of the effort to work together.

Therefore, I was the one who suggested the possibility of a doctor being on nursing boards and councils, and a nurse being on the doctor's board, all of which I was aiming at trying to get sort of a cohesive effort. I am not saying there isn't one, but I am saying that there is less likelihood to be one than when they are compartmentalized, as they are now.

Therefore, I was in agreement yesterday, and the day before yesterday, and today, with the thought that there should be somebody from the Faculty of Medicine on all of these teams, and I would like to see nurses on the college team.

For example, Mr. Chairman, I am satisfied that in the hospital environment, the nurses see a lot of things happening with which they disagree, done by doctors, with which they disagree, and I don't think that they feel they have the clout with which to have an equal opportunity to say it. I would therefore like to see nurses represented on advisory councils, or whatever, of the doctors.

Therefore, I agreed with the idea that there should be a member of that profession on this council and, if you remember yesterday, or if I remember correctly, I was told that one of the problems is that there is not a Faculty of Education, so that the RNs' original proposal was not applicable. Therefore, I accepted yesterday's amendment, in spite of the fact that I would rather have seen it spelled out, that there should be a medical person, or a doctor, on the advisory council.

In this case, the RPNs are asking for it, so there is no sacrifice in principle, or if there is, there is a priority being given by me to agree with the original request of the RPNs and more with the original request of the RNs, as printed in the bills, than to go for consistency about something with which I disagree.

So I am not sacrificing any principle, nor am I in any way desolate about what is happening. But I point it out, and I still think that this is a third, more enlightened step proposed by the RPNs that is being, for consistency's sake and principle, deleted and swung over to what I think is more, well, the opposite to enlightenment, I guess, is reactionary proposals that came into the RNs.

So I would rather have progressive or enlightened measures than consistency, and I have a right to point that out, and I have pointed it out.

MR. CHAIRMAN: 48(2) as amended, all those in favor? I declare the amendment carried.

Page 19 as amended pass; Page 20 pass; Page 21 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move

THAT Subsection 50(2) of Bill 66 be amended by adding thereto, immediately after the word "board" in the first line thereof, the words "on the recommendation of the Minister."

MR. CHERNIACK: Mr. Chairman, are we current or are we out of date with that? My impression is that we had a much more substantial change yesterday.

MR. SHERMAN: There is a new amendment. The amendment, I am sorry, that is in front of members, is based on the amendments that came forward yesterday on 65. But we subsequently had an amendment on 65 to 49(1) and (49)(2), which are the counterpart sections of 50(1) and 50(2) and therefore there is a new amendment being proposed on 50(1) and 50(2) to make them conform to the changes made yesterday in The RN Act, substituting the word "Minister" for the word "board."

MR. CHERNIACK: I see already that in the third line, there should be the word "he" in place of the words "the board."

Mr. Chairman, the wording that we were given for the RN is not exactly the same as 50(2) and I don't care if it isn't exactly, as long as the intents are the same, but if it is "the Minister may refuse" then in the third line, it says, "whenever he has reasonable grounds to believe."

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, I am sorry that the amendments to 50(1) and 50(2) are not before the committee. It was intended to change that to conform with the amendment to 49(1) and (2) of Bill 66. If I may read 50(1) and 50(2), as they should now read in Bill 66.

50(1) would read: "No person shall, alone or in concert with others, establish, maintain, conduct or participate directly or indirectly, other than as an employee, in the ownership or operation of a psychiatric nursing education program without the authority and consent in writing of the Minister."

MR. SHERMAN: And all the words after that are deleted.

MR. BALKARAN: That's right. And 50(2) would read:

"The Minister may refuse or withdraw his authority and consent for the establishment or continuance of any psychiatric nursing education program whenever he has reason to believe that the regulations are not being or have not been adequately complied with."

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, I accept that, and that is in accord with yesterday.

It is rather important to me, in preparation for the next step in the proceedings, to have a copy of that. I wonder if we could be provided with a copy of that change in sufficient time before we deal with it in the report stage.

MR. BALKARAN: We will try to do that, Mr. Chairman.

MR. CHAIRMAN: Page 21, as amended pass — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move
THAT Bill 66 be amended by adding thereto, immediately after Subsection 50(3) thereof, the following subsection . . .

MR. CHERNIACK: I think that has been replaced.

MR. KOVNATS: That's out? And the same with 52(1)?

A MEMBER: No.

MR. KOVNATS: Mr. Chairman, I move
THAT Subsection 52(1) of Bill 66 be amended by adding thereto, immediately after the word "Act" in the second line thereof, the words and figures "other than Subsection 47(1)."

MR. CHAIRMAN: Pass; Page 21 as amended pass; Page 22 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move
THAT Subsection 52(4) of Bill 66 be amended by striking out the figure and word "6 months" in the second line thereof, and substituting therefor the figure and words, "1 year."

MR. CHAIRMAN: Pass.

MR. KOVNATS: Mr. Chairman, I move
THAT Bill 66 be amended by adding thereto, immediately after Section 52 thereof, the following subsection:

Confidentiality of information.

53 Except for the purposes of a prosecution under this Act, or in any court proceedings, or for the purpose of the administration and enforcement of this Act and the regulations, no person acting in an official or other capacity under this Act, or the regulations, shall

(a) knowingly communicate or allow to be communicated any information obtained by her in the course of administering this Act or the regulations, or

(b) knowingly allow any other person to inspect or to have access to any document, record, file, correspondence or other record obtained by her in the course of administering this Act or the regulations.

MR. CHAIRMAN: Pass.

MR. KOVNATS: Mr. Chairman, I move
THAT Sections 53 to 59 of Bill 66 be renumbered as Sections 54 to 60 respectively.

MR. CHAIRMAN: Pass.

MR. KOVNATS: Mr. Chairman, I move
THAT renumbered Section 56 of Bill 66 be amended by adding thereto, at the end thereof, the words and figures "or until December 31, 1981, whichever sooner occurs."

MR. CHAIRMAN: Pass.

MR. KOVNATS: Mr. Chairman, I move

THAT renumbered Section 57 of Bill 66 be amended by adding thereto, immediately after the word "Act" therein, the words "words importing."

MR. CHAIRMAN: Pass. Mr. Kovernats.

MR. KOVNATS: Mr. Chairman, I move

THAT renumbered Section 60 of Bill 66 be amended by striking out the words "the day it receives the Royal Assent" therein and substituting therefore the words "a date fixed by proclamation".

MR. CHAIRMAN: Just for the record, can we have where it says Bill 60 and make that 66? Pass.

MR. CHAIRMAN: Page 22 pass. This brings to an end the bill. Preamble pass; Title pass. Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, on procedures, there's going to be a lot of cutting and pasting. Is there some way that we're going to have a bill before us that reflects the changes? Is that going to be possible? I don't know what cutting and pasting is involved, but it's pretty tremendous.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, I would think that the cutting and pasting would be pretty cumbersome, both from the end of the doer and the end of the receiver, and what we will attempt to do is type up a completely new form of bill but it will not be in the printer's form. It will be in the form of the amendment sheets.

MR. CHERNIACK: That's what I would expect. So we will have a new bill?

MR. SHERMAN: Yes.

MR. CHERNIACK: One other thing and possibly it needn't be necessary, Mr. Chairman, but whether it's necessary or not it might be advisable if, in the margin, there could be something, an asterisk or a note or something, that there's been an amendment, so that other people including our own members, will be able to know where to look to those changes. That is, have the printed bill and the newly typed bill before them and have something to indicate where there was a change so they can go back and see the original. That should not be difficult because whoever does the work will know where there was an amendment. As I say, an asterisk or the word amended or something — is that acceptable?

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Yes, that's acceptable, Mr. Chairman. There will not be an explanation but there will be an indication. That's right.

MR. CHERNIACK: One other thing, Mr. Chairman. I have in my mind the probability that I will have maybe not more than one, but I will have very few amendments for report stage. To have it properly prepared, I should have Mr. Balkaran, who's going to be terribly busy I'm sure between now and the report

stage, or I should at least have time to see that revised bill so I can pick out the correct wording as to where to bring in that amendment or others, so somehow I hope that will be possible and will be facilitated by whatever department does the final typing. I don't know where that will be. Will that be in the Department of Health?

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, I can't answer that question as to whether it will be in the Department of Health or the Department of the Legislative Council, but my office will undertake to facilitate the request.

MR. CHERNIACK: Thank you.

BILL NO. 87 THE LICENSED PRACTICAL NURSES ACT

MR. CHAIRMAN: Members of the committee, we'll now start dealing with Bill 87, The Licensed Practical Nurses Act. Mr. Desjardins.

MR. DESJARDINS: Mr. Chairman, if I may, we have two bills left, 87 and 30. Now I don't think there's anybody here for 87 at this time. —(Interjection)— Oh, I'm sorry, I was suggesting 30 but I didn't realize that anybody . . .

MR. CHAIRMAN: I'm also informed that the lady present has come in from Brandon, so I think we'd better deal with 87.

MR. LLOYD G. HYDE: Mr. Chairman, could we have a couple of minutes break before we proceed?

MR. CHAIRMAN: Okay, three minutes.

MR. CHAIRMAN: We'll now deal with Bill 87, The Licensed Practical Nurses Act. What is the wish of the committee, that we use the same procedure as on Bill 66 and I'll stop on each page where there are amendments? Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, I don't think it's going to go that smoothly because only one of us, I assume, on this committee has seen this document, which is 9 pages long and therefore I think we're going to go much more slowly in reading what we're doing.

MR. CHAIRMAN: Do you want me to go clause by clause then?

MR. CHERNIACK: I'd suggest you go section by section.

MR. CHAIRMAN: Okay. Part I, Clause 1 — Mr. Kovernats.

MR. KOVNATS: Mr. Chairman, I move:

THAT Clause 1(c) of Bill 87 be amended by striking out the word "advisory" therein and substituting therefor the words, "practical nursing".

MR. CHAIRMAN: Pass? Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, does that then mean that the — I think it was Mr. Ransom that suggested the word "advisory" is not descriptive of the truth of what's going to happen — is it now going to be called the "practical nursing council", is that it?

MR. SHERMAN: Yes.

MR. CHERNIACK: Okay, thank you.

MR. CHAIRMAN: Pass. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move:

THAT Clause 1(h) of Bill 87 be amended by striking out the words "charged by the Lieutenant-Governor-in-Council with" in the first and second lines thereof and substituting therefor, the words "responsible for".

MR. CHAIRMAN: Pass. Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, I don't think Mr. Kovnats has this amendment that was intended to be there, Mr. Chairman.

Sub-clause 1(i)(iii) is to be struck out and the following sub-clause be substituted therefor:

(iii) Administers medication . . .
(Interjection)

MR. KOVNATS: Mr. Chairman, I move:

THAT Sub-clause 1(i)(iii) be struck out and the following sub-clause be substituted therefor:

(iii) Administers medication prescribed by a medical practitioner consistent to their training.

MR. CHERNIACK: I'm sorry, Mr. Chairman, I'm interrupting. There's one I have here, is it completely to be rejected? I have two sets, I just want to know.

MR. FILMON: The one in your right hand supersedes the one in your left hand.

MR. CHERNIACK: Then I give back to Dr. Johnson the other one. I'm very sorry. —(Interjections)

MR. CHAIRMAN: Mr. Cherniack, are you okay now?

MR. CHERNIACK: Yes, for the moment.

MR. CHAIRMAN: For the moment. All right, Clause 1 pass; Clause 2 pass; Clause 3 pass; Clause 4(1) pass. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move:

THAT subsection 4(1) of Bill 87 be struck out and the following subsection be substituted therefor:

Board of Directors.

4(1) The affairs of the association shall be managed by a board of directors at least 25 percent of whom shall be persons who are not members of the association, and of the 25 percent who are not members of the association, not more than one-half shall be appointed by the Lieutenant-Governor-in-Council.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, I move the deletion of the phrase "not more than 25 percent who are not members of the association." It should read, "half of whom shall be appointed by the Lieutenant-Governor-in-Council", as has been the case in the other two bills. —(Interjections)— Mr. Chairman, the amendment that I moved on Bill 65 and that has been consistent in 66 is the same amendment that will be moved here and it will read:

The affairs of the association shall be managed by a board of directors, 25 percent of whom shall be members who are not members of the association, one-half of whom shall be appointed by the Lieutenant-Governor-in-Council. (Interjections)

MR. CHAIRMAN: Now, can I get some direction here? Where are we at then?

MR. FILMON: Can we get rid of (b) altogether then, the (b) version, so we don't have to keep referring to each one?

A MEMBER: That's the one I have. If I could have an (a).

MR. DESJARDINS: There's one that's marked in ink there. Which one's that? We were given another one and I took it for granted that that was this one that was typed.,

MR. FILMON: You see, actually we've passed one amendment from the (b) version and one amendment from the (a) version now, so I guess we need them both.

MR. DESJARDINS: Well, somebody said just the first page, I don't know.

MR. SHERMAN: All right, Mr. Chairman. The last one that was distributed was distributed by Legislative Council, which has been referred to as the (b) version. We'll use it and the amendment moved by Mr. Kovnats should be deleted — that's 4(1) — and the amendment that I just proposed should be the amendment.

MR. CHERNIACK: Fine. Thank you very much. Mr. Chairman, the one of Mr. Balkaran has, is what I might with all deference, call the neat one and the other one we can set aside is the one which has deletions and corrections. Is that right?

MR. SHERMAN: Correct.

MR. CHAIRMAN: Mr. Sherman, can we have you read that amendment over again then, please, for the record?

MR. SHERMAN: The amendment to Clause 4(1).

The affairs of the association shall be managed by a board of directors, 25 percent of whom shall be persons who are not members of the association, one-half of whom shall be appointed by the Lieutenant-Governor-in-Council.

MR. CHAIRMAN: Pass. Mr. Filmon.

MR. FILMON: Will 25 percent of whom mean at least 25 percent of whom?

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, the amendment as read by the Minister, in deference to the Minister, is not quite correct. If it reads "25 percent of whom shall be persons who are not members of the association, one-half of whom shall be appointed, it leads to an interpretation that maybe one-half of the board . . .

MR. CHERNIACK: 50 percent of the board.

MR. BALKARAN: That's right. And that's why I added the words "and of the 25 percent who are not members of the association, one half shall be appointed".

MR. CHAIRMAN: Now, Mr. Kovnats, you so move Mr. Balkaran's amendment as read?

MR. KOVNATS: I so move.

MR. CHAIRMAN: Pass. Clause 4(2) pass; Clause 4(3) pass; Clause 4(4) pass; 4 pass; Clause 5(1) pass; — Mr. Kovnats.

MR. KOVNATS: I'll read the motion. I move;

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

(j) Maintain a code of ethics for Licensed Practical Nurses.

MR. CHERNIACK: Mr. Chairman, would the mover of the motion explain the effect of what he's doing?

MR. SHERMAN: Mr. Chairman, the guidelines for professional associations state that professional self-governing associations should develop a code of ethics and ensure that they are available on request and for the widest possible relevant distribution, and since this is a bill which replaces a bill which already conferred status, although limited status, of a self-governing nature on the Licensed Practical Nurses and this confirms and reinforces that status, as a self-governing association, they are conforming to the general direction of the guidelines by this stipulation.

MR. CHERNIACK: Mr. Chairman, my notes show that we were going to say "develop, establish and maintain a code of ethics among its members". I think that's part of the elitist looking down upon them, of the LPN's saying, we're not going to let you say professional ethics, we're going to make you say code of. But now the Minister goes beyond that and instead of leaving it to say, develop, establish and maintain, he just says maintain, like there is one. And he has, more than once now, referred to something called guidelines. I am not aware of what they are. More important than that, I don't know who knows what they are; and even more important than that, I don't think they've been legislated and therefore, how is anybody going to look at what it says here, maintain a code of ethics, without reference to some document which I don't think has any legal authority, or to my mind, I don't know what we're talking about. So what does this mean? Other than maintain something that may or may not exist somewhere.

MR. SHERMAN: Mr. Chairman, the discussions which were originally held on the first run-through on this bill, lead to the editing, in my copy of the bill, change (j) from "develop, establish and maintain standards of professional ethics among its members" to "maintain a code of ethics for licensed practical nurses" and that is what was agreed upon, in discussion, in the first run-through of the bill, as a necessary or desirable amendment and that is the amendment that is now in front of us. The guidelines for professional associations have not been embodied in legislation, and it is certainly not the intention to embody them in legislation, but they are printed, they are available through the office of the Minister of Health, and its under them that these self-governing professional association bills have been developed. There's a provision in there, calling for self-governing associations to have a code of ethics.

Now, if Mr. Cherniack wants to quarrel about developing and establishing, the difference occurs in that there really is only one profession and one field of nursing and there is an ethic and a standard of professional service for nurses. We recognize the point that there cannot be two, three or four such standards. The self-governing association, known as the Association of Licensed Practical Nurses, is charged, through this section of its legislation, with maintaining that code of ethics which will be developed through their own by-laws and which will be consistent with the ethics required of all in the nursing field.

This was discussed, as I say, when the committee met previously on this bill.

MR. CHERNIACK: Mr. Chairman, my notes, which may not be as good as the Minister's notes, but they do reflect my impression, do change the words "standards of professional" to "a code of", so obviously it was agreed to. The Minister says the words "develop, establish and" were also to be deleted; my notes don't say so. That doesn't mean that he's wrong and I'm right, nor does it mean that I'm right and he's wrong, so I'm ignoring what can be the interpretation of what is agreed on.

I think that if you're going to say, "maintain a code of ethics" and if you really mean, maintain the code of ethics developed and established by the registered nurses, I wouldn't quarrel with that, Mr. Chairman, but we have here that the RNs, and I suppose the RPNs, who have the right and should and must, develop, establish and maintain, and that means change. It really means to change it. Now here we have maintain something and we don't know what it is, and we really don't know what it is, and now they can't change it. I wouldn't mind if it were a code of ethics that had a root source, where we could look it up — I don't know where we could look this up. Then I would suggest either it makes more sense to put the responsibility on the LPNs or put it into regulations so the responsibility is with the Lieutenant-Governor, or, say, maintain a code of ethics, as developed from time to time by registered nurses. I wouldn't object to that.

But I'm telling you that what you're doing here with this amendment becomes meaningless because its to maintain something that, I don't think, as a lawyer, I would know that it exists. I don't know how to find it.

And if I were looking at this Act for any reason whatsoever, I'd have to know where it is. Now when it says "develop, maintain" now I know, I go to the organization and say, where is your standard of professional ethics, and they'll have it. But here it presumes that there is one now. Is that different from the nurses? Do they not now have one?

I think what the Minister is saying, well what he did say, is that he doesn't leave it to the LPNs to develop a code of ethics, he says there should be one code for all people in the nursing professions. Which, of course, to me means the RPNs as well as the RNs. But at least if its going to be a code of ethics that the RNs establish, and I'm sure their code of ethics is a fine code, then why not say, maintain or comply with a code of ethics as developed and established by the registered nurses. Then it makes sense; then as a lawyer I'd know where I'd find it.

And I assure the Minister, I'm trying to look at this from the standpoint of workable legislation.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: Mr. Chairman, before I make any comment, can I have a clarification? Is this the idea, that the standards as developed and maintained — established and developed by the registered nurses — is the same one that these people have to maintain? I'm not clear, I've heard Mr. Cherniack and I've heard . . .

MR. SHERMAN: Mr. Chairman, as the Member for St. Boniface knows, we're talking about two different levels of nursing.

MR. DESJARDINS: I realize that.

MR. SHERMAN: The LPNs have a code of ethics.

MR. DESJARDINS: Developed by themselves?

MR. SHERMAN: Yes. We get into a difficult area in this professional field, which involves professionals and occupations, which contains a danger, or a potential for developing different standards and different codes and this is what we're attempting to avoid. We do not want a split or divided spectrum of ethics and standards and professionalism in the nursing field. The standards of nursing are really the standards of nursing of the association of registered nurses, but the LPN association is being recognized as a self-governing association which has, as laid out in Section 5, this authority to administer its own internal affairs, one of which will be the maintenance of their code of ethics. Now their code of ethics, obviously, dovetails, must dovetail with the ethics of the nursing profession in total, and those essentially are ethics based on standards that are developed and established by the registered nurses.

To go beyond that gets us into an area which is not acceptable to other self-governing associations in the health field. This is, in my view in any event, about the limit of the distance we can go in acknowledging the LPN's right and duty to have a code of ethics and to follow it. And I can tell Mr. Cherniack and Mr. Desjardins that we have some considerable difficulty in using terminology such as develop and establish, and that difficulty arises from

the position taken by other health professionals. What we're trying to do here in all three Acts is develop legislation that recognizes and acknowledges self-governing status, but at the same time accommodates the legitimate, professional qualifications and ambitions of different categories. So it's a difficult subject to approach from the point of view of terminology and this, I must suggest, on the basis of considerable discussion and considerable consideration of it, is the most acceptable and, I think, the most reasonable terminology. I can only say it would be difficult to go beyond that and not invade what other health professionals feel is their area of expertise.

MR. DESJARDINS: Mr. Chairman, I must say that I don't agree with this at all. They are different bodies, they have different responsibilities and there are certain things that this group can't do. It is very clear when you look at Bill 65, under the definition "Nursing practice". Nursing practice means representing oneself as a registered nurse. These other people are not representing themselves as registered nurses. And if you are saying to them, all right you can govern your own body, they are not going to represent themselves, they haven't the right to represent themselves as registered nurses. But certainly they should have a code of ethics that they can develop themselves. That is not going to interfere with anything. They haven't the right to practise nursing, to say that they are registered nurses. Their code of ethics might be somewhat different, and I can't see why, if they are going to govern their own affairs, they are limited by the very nature of their work and there is no doubt that the code of ethics and the standards of a registered nurse would not be the same, it will be . . .

If the Minister wants to, and I think this is what was mentioned before, if the Minister wants to have a code of ethics in the nursing profession, well then maybe the medical profession should get in there too. I don't imagine the medical profession is writing a code of ethics for the nurses. And if we want a uniform, or as much as possible a uniform standard, then maybe there should be an advisory committee to the Minister, which is something that I think would be a very good idea. We are presenting all the roots in this field, as Mr. Cherniack has said.

But I think it is showing very very little confidence in these people. They are not allowed to practise nursing, so therefore why can't they establish their own code of ethics, which should be somewhat different. They can't have the same high standard of the practical nurses. I support wholeheartedly the suggestion of Mr. Cherniack, that the public, through the Legislature, are giving privileges to all these groups. They say, okay, you can run your own affairs. I think it is asking very little to say, what are the aims of your association?

The Minister is very firm on this; he doesn't want to see it enshrined in the Act. This is something that probably there is no point in arguing, the Minister has made up his mind. But, surely, don't make it any worse at this time and change this, that they have to look at a code of ethics developed by some other group. They are running their own affairs as LPNs, and it could be somewhat a different code of ethics. I don't see anything wrong with this; if they can't be

trusted with that, well then, let's tear up this damn thing and let's not worry about the bill. It is spelled out in the bill, in both the Registered Nurses and the Registered Psychiatric Nurses, what those groups are, and the other group does not belong — the LPNs do not belong, cannot belong to this group. If the Minister wishes — I don't know if there is a provision there — if the Minister wishes that their code of ethics be approved by the Minister, I wouldn't mind that at all, to see something approved. Maybe it should be "develop, establish, and maintain standards of professional ethics amongst its members, approved by the Minister of Health." But I think it is humiliating for no reason at all to say another group — it's just like telling the lawyers that they are going to set up standards for the medical profession. You don't see this in the medical profession. I don't think that the doctors set up a code of ethics for the chiropractors or chiropractors or any of these people and I don't think they want to. I don't think there is any need for that all. There is not going to be interference. I don't know if the Registered Nurses are concerned; I don't see why.

It is very clear that you cannot pose or you cannot call yourself a nurse and inform the public that you are practising nursing if you are not a registered nurse, and I agree with that. But I think it is quite humiliating not to let a group — you say on one hand, well, you run your own affairs. It's a different standard and the standard cannot be as high and there are a lot of things that they would do that a nurse shouldn't have to do; that's what they are there for, the people that might not have all the same education but that certainly have the will and are interested in caring for the people. They provide a very important service and they release the registered nurse to do certain things that they are specialized in.

I can't see this at all, at all, Mr. Chairman. I think we should leave it the way it was, and if the Minister feels any better, I wouldn't object to saying "as approved by the Minister" if you want to make sure of it, then you touch base with the other organization and there would be nothing wrong with that. But don't ask an organization to set up standards for another one.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, Mr. Desjardins did not have the benefit of hearing the presentations made in connection with this bill, and I think I can summarize very quickly my impression of what we learned. We learned that the LPNs want to be considered a professional association and would like to have the same powers as we have already granted under 65 and 66. We also learned, and this is a very subjective and personal reaction to what I think I heard, in my opinion, that the RNs do not accept the association of LPNs to have all the powers similar to those given to the RNs, even to the extent that I have the impression that the RNs probably don't think there should be self-government in setting any of the standards or description of work of the LPNs, because they consider the LPNs as aides to the RNs.

I think I pointed out to the delegation of LPNs that the proposal by the government was, in effect, turning them into a social organization which was,

you know, a little bit extreme in its description, and was emasculating their bill to a large extent. Their answer was, "This would still be better than what we have now."

I do not want to encourage, Mr. Chairman, the majority of this committee to dump this bill because, as the LPNs said, whatever they get is better than what they have got.

So I don't want to do anything that will say to the Minister, "Well, let's cut it out and be done with it; we'll come back next year with that," because I don't think that would leave the LPNs very happy. So I am working within those parameters.

I have not yet seen the LPNs' code of ethics. If I saw it, I would then ask, "Is this what we are talking about or is it something that may yet be changed by the RNs?" For example, the RNs made it clear to us that they do not think that the LPNs should have the right to give injections right into the muscle. — (Interjection)— Intravenous — and I think they said intermuscular injections.

Now, it so happens, Mr. Chairman, that the employer, which may be a hospital that wants accreditation maintained, or may be a hospital or a clinic which doesn't care about accreditation, or may be a personal care home that doesn't require accreditation, they have the legal right, as I understand it, to hire an LPN to do all the work that an RN does. Now, that's my impression, as long as they don't call her an RN, or as long as they don't announce that, "We have somebody carrying on the practice of nursing." As long as they don't say that, I don't think there is any legal barrier for an LPN to do these things.

So I believe that what the Minister is aiming at is a form of peace between these two nursing groups which will clearly determine that the RNs are the true, knowledgeable professionals and the LPNs are assistants to them, whose limitations are spelled out, not by themselves, but with the help of the Minister.

I accept that, and I accept the fact that they are not as well trained as RNs. I still think that doctors should have a say in determining what RNs shall do, and I'm sure they don't agree — well, it's obvious they don't.

I am now dealing with a specific. I don't want to get involved in this whole subject again. In the specific, does the Minister say there is a code of ethics? If there is, is it available to us? If there is, will that be it, unchangeable, or if it is to be changed, who will change it? Will it be the LPNs, the RNs, the Minister, who? That's my problem. I am looking at this as a legislator, as I presume to be, a person who is concerned with drafting legislation, and as a lawyer, and I don't understand, when it says maintain something of which we know not, and apparently not give them the right to change it. Yet the Minister reacted when I said, "Will it not be changed?" His reaction to me was, "Well, sure it can be changed." So, by whom?

MR. SHERMAN: By the board.

MR. CHERNIACK: Mr. Chairman, it is not by the board, because the by-law only gives them the right to maintain a code, but not to establish or develop. Now, if you say "maintain and revise" all right, I am not going to quarrel about words. But, you know, we

are fooling around with words, and I will tell you, maybe unfairly, probably unfairly. I think these words were dictated by the RNs, because they want to have control over the code of ethics for the LPNs. That may be a completely unfair assumption.

Can I ask Mr. Balkaran what this means — maintain a code of ethics — and may I ask Mr. Balkaran whether within this phraseology they could change, then, their code?

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, the proposed clause 5(1)(j) would simply authorize an association of LPNs to maintain a code of ethics, wherever that code may be found. I don't see in that any authority for them to amend or repeal it.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, first of all let me say that I appreciate the comments of Mr. Desjardins and Mr. Cherniack, particularly the points that Mr. Desjardins made, and I am very pleased that they should be made in this arena, because these are precisely the issues that a number of us have been wrestling with and Mr. Cherniack, before us, wrestled with for some considerable time, with health professions and associations who have particular interests, and although all of whom subscribe to the same basic imperatives, nonetheless, I think, can be fairly and legitimately said to have some competing interests.

These are the kinds of problems that we have been trying to resolve among them. I want to assure both members that although I appreciate their arguments and their comments, I have heard them all before; I have heard them all for the last two years, during which time we have been working on this legislation, and I'm sure that Mr. Cherniack heard them for several years before that.

That doesn't make them any less valid. They are valid points and I'm glad they are on the record and I'm glad they are in the arena, in front of many of those participants in those discussions.

I reject any suggestion that the Minister or the government has been in collusion with any group, or indeed that there has been any group interested in downgrading or degrading the status of the LPNs. I want to assure honourable members opposite, and I say this at the risk of being accused of being immodest, that there would be no such legislation proposed in front of us today, or this far along in this Legislature, if it weren't for the efforts that a number of persons, including myself, have made on behalf of the LPNs, to ensure that they have status and recognition, to ensure that they have self-governing authority, and to ensure that they can be sure that we believe that they are absolutely fundamental and vital to the health care system of Manitoba. We rely on them; we need them; and we intend that that category of health care worker be maintained and strengthened and indeed expanded, and I don't mind saying that on the record in this arena because that is the perspective from which we have started.

Now, having said that, one has to recognize educational differences, differences in qualification and the question of a split spectrum in an area like

nursing. There really can only be one standard of nursing. Whether some persons are better qualified to carry out particular functions than others due to their training, there can only be one standard of nursing and we have attempted to arrive at — and I don't want to use the term compromise — arrive at an accommodation in this legislation which preserves that concept and yet which confers on categories, including categories that have less educational qualifications than others, a recognition of their right to be self-governing and a recognition of their status too.

In my view, and here I am in argument with Legislative Council, maintain and here I will be in argument with Mr. Cherniack for playing around with words, maintain a code of ethics means precisely that. If one maintains something, one does what is necessary to ensure the continued health and strength of that particular thing. One maintains a home, one maintains a family, one maintains a position, one maintains 101 things and it involves a refinement, an improvement, adjustments sometimes, expansions, enlargements, it certainly implies change to me and I would put that argument up against anybody in an argument on semantics any time, any where.

I agree that Mr. Cherniack is partly right in suggesting that there may be some chivvying around with words here, because we have opted for the word "maintain" rather than the words "develop and establish". But I want to assure him that there has been considerable difficulty precisely on this point of words, precisely on words and on their import and on their ramifications as other health professionals see them. I want to assure the LPNs and the R.N.s and everybody else within earshot that 5(1)(j) as amended means to me that the LPNs can maintain a code of ethics for licensed practical nurses; and maintain a code of ethics means to me, do what is necessary to keep it current, to keep it consistent, to keep it healthy, to keep it productive and if that involves change, it involves change.

Further to that, Mr. Chairman, let me assure the Member for St. Johns again that the LPNs do have a code of ethics. It must be maintained under the guidelines and all this by-law does is permit them, in the course of administering their own internal affairs, to maintain that code, subject to the approval of the board, and anything that is done to that code would be approved by the board.

I simply repeat what I said earlier, that to go beyond that and get into other terminology raises a welter of difficulties and I don't want to elaborate on that point. If the committee is not satisfied with that position, I am prepared to suggest at this point that I think we should bypass it, reserve it and move on through the rest of the bill, because I am not going to — I'm not saying I'm not going to entertain an amendment to it — but I'm not going to entertain an amendment to it right now. I have too many promises to keep.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: Mr. Chairman, I heard the Minister but I don't understand him. Either I'm very naive, very dumb, very stupid or the Minister thinks I'm naive or that the rest of us are naive.

Mr. Chairman, the Minister says that maintain a code of ethics means doing everything, changing if need be, establish and everything, but he took the words "develop and establish" out of there and put "maintain". Either those words are needed or they're not. If they're needed, they should be added. If they're not needed, they shouldn't be in Bill 65 nor Bill 66. If it means exactly the same thing, there is no reason in putting them in a certain bill and not others.

Now, it's the second time that the Minister — and maybe it's time that the air should be cleared — it's the second time in two days that the Minister has said that he's got commitments to make. Well, it's quite obvious to me to whom the commitments are made and I've never heard that this is the way we conduct legislation here. The Minister is certainly free to discuss with anybody else — and if he wants to make commitments, fine — but this committee is not bound by any commitment and it shouldn't be brought here awt all. It shouldn't be brought here or we're wasting our time, if that is the case.

Mr. Chairman, there is no doubt, no doubt in my mind, that there are certain groups — and we'll limit ourselves to the health field — but there are certain groups that are better qualified, have more education than others, and that could be difficult. The Minister himself admitted that there is competition between the groups. Now in these days where governments more and more are ensuring health care for the people of the provinces, or in the country, the cost of health as the Minister well knows, is pretty expensive.

The Minister also — something that pleased me very much — felt that there is a need for this group. You know, in the past it's been that if you dare say something about a certain group, you're against them. You want confrontation. But I think that you have to stand up and say if there is a need for these people, let's recognize that need. If this hadn't been done, look how difficult it was for the medical profession to get started, and not too long ago the medical profession looked at nurses as assistant to the doctors. They became strong enough, they fought hard enough, and they succeeded in getting recognition on their own and it is accepted by all now.

I would think that what is needed, I could say that while I was Minister of Health we were going to set this thing up, we were waiting for Mr. Cherniack to try to bring some uniformity in these groups and have an advisory committee of all these groups and bring them together. I think this is what is needed, to discuss these things.

For instance it's a shame, I think, that you don't recognize, in the limited area, you don't recognize the chiropractors for instance. You have medical doctors who say, well, go ahead and they'll even refer you to one but don't say anything, I'm not supposed to, and I think that's a crying shame. I think that these people, providing that they don't pretend that they're medical doctors and they could cure anything, if they're limited on things that are recognized, I think this is great. I don't see that there should be any competition at all.

We were talking about bringing in this field, there's more specialties at this time and not every single one should know the whole thing that there is to know in

this field of health. I would like to see an advisory committee to the Minister, with all these people being represented on it. I think that the Minister is saying, well, it means the same thing, but he chose to change it. There must be a reason. Is it to appease anybody? Somebody's naive here, either myself or the Minister, or some of these associations are naive, if it means the same thing. If you're playing with words just to appease somebody or because of a commitment, I think this is wrong.

I think the Minister agrees with some of the terms but he's stuck and he's made a commitment. Well, that's not my responsibility. My responsibility is to try to the best of my ability to see that there is equity and that first of all the people of Manitoba are protected. You don't even call it the same thing. For the registered nurse you call it standard, what is it, "maintain standards of professional ethics", and it's "a code of ethics" for the others and you say it's the same thing. The Minister said, and I believe him, but I can't reconcile his words and his actions when he says, well, if it wasn't for me and others, there's no doubt we're fighting for this, we want them to be recognized, we want to give them this professional status. Well if that is the case, does he know, can he give me an example of any other groups, any other professional associations, that depends on another one to set their code of ethics or standards?

The standards must be high but there are different standards for different things. I can't understand how the LPNS can have the same high standard code of ethics that the registered nurse has. They're not doing the same thing at all. They're not, in the words of the registered nurses — and I accept this — they can't call themselves nurses, they're not registered nurses. If the Minister on one hand was told it's so important that he's not even going to entertain an amendment, at least at this time, I guess maybe we should adjourn so he can discuss with whomever he wants to discuss. But he tells us it means the same thing.

It's true that I missed a meeting. I went along with Bill 65, I think it's a good bill. I went along with most of the amendments. The one that I didn't like was the motion suggesting that the aims and standards, and whatever, should be in the bill. I don't anybody should be ashamed of that. When you're coming to the public through legislation and you say, we want to run our own affairs, we want you to have confidence in us, I've never heard anybody say what we don't want to put in the bill, what we're supposed to do. But anyways, this is another matter.

But I agreed with this Bill 65 and I have very little trouble with Bill 66, but why should somebody else impose themselves and decide. You've had an association, from what you tell us, who wanted their bill but then they stayed around to make damned sure that 66 was according to them and now 87 and I don't think that's right. You might go out after this that I'm against this now, that I want a confrontation with the registered nurses. That's not the case at all. I agree with their bill. But I think this is going too far when these people can't set up their own code of ethics. You say that they have the right to discipline themselves, to police themselves, but they're not setting up the rules.

It is conceivable that a bill like this should be passed. Mr. Chairman, I'm not going to prolong this

and I'm going to vote against this every chance I have and I will not agree with Mr. Cherniack and I might as well have the third group mad at me, the Licensed Practical Nurses. If this goes on, I would move that we don't report this bill at this time and we look at it and set up an advisory committee where we can come up with something.

These people, all of them, are doing tremendous work, but it might be up to people that don't know that much maybe in the field of health to at least try to get these people working together and this is what I would like to see — and I'm talking about from the medical doctors and the chiropractors to the registered nurse, to the licensed practical nurse.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, I don't want to delay the committee on this so I'll be brief. When I say I have promises to keep, I trust that that is not misinterpreted or distorted. What I am referring to is the fact that there has been considerable consultation in leading up to what, in effect, are draft bills and I wish to resume that consultation when changes are called for that I feel impinge upon courses of direction that seemed to be agreed upon in the earlier review of the bills — Mr. Cherniack doesn't agree with me on that point — but which seemed to me to impinge upon courses of direction and then which were subsequently worked through in consultation with all who have an interest in this bill before being represented to the committee.

Mr. Desjardins is not naive, I never suggested he was naive. He is, however, new in the past couple of days to the considerations of these bills which, when we looked at them last week, I described as being, in effect, draft bills at which time we would identify areas that gave concern to people and then we would be back with proposed amendments for the clause-by-clause examination process.

I have not said I wouldn't entertain an amendment. I think I have entertained many amendments to these bills.

MR. DESJARDINS: That's right.

MR. SHERMAN: I've said I will not, and cannot, at this time, and I therefore would request, Mr. Chairman, that we set this sub-clause aside and come back to it, and that we move through the next sections of the bill.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: I want to make some comments. I agree that we can stand it over. It may be that we can come up with some words that will satisfy.

Just a few comments. Mr. Sherman mentioned that he has been tussling with this problem, and I tussled with it maybe some period before he did. I came up with a different, not solution, but a different approach, which he has rejected. My approach was that we have one umbrella organization involved in health care, which would overview all the activities, powers and relationships of the various members of the health team. I keep talking about a team, and I don't see the team developing in the legislation. I have lost my battle but, Mr. Chairman, I have not

thrown up my hands and said there is no solution, just mine is different from the Minister's. I still think mine is right and it would have prevented this kind of discussion, because maybe one bill would have been necessary to determine the medical profession's role and the RN's role and the LPN's role all in the same team.

All right, I am not the head of government; I can't determine what it will be, but let it not be suggested that I haven't made an effort, in a somewhat different direction, to deal with it.

Now, as Mr. Desjardins said, if "maintain" means what the Minister says it means, then why, in the other bills, did we say "develop, establish and maintain" if maintain means what he says?

I will tell him, for the record, what Webster's dictionary thinks "maintain" means. Mr. Balkaran told us what he thinks "maintain" means.

Webster says: "To keep in existing state; preserve from failure or decline; to sustain against opposition or danger; uphold and defend; to continue or persevere in; carry on; keep up; to support or provide for; sustain; to affirm;" and that's about all of it. Nothing to do with to change, to adapt, to vary, to review, to stay with, to adjust to changing times, changing standards.

I really think that if the Minister believes that they will have a right to deal with it, then "maintain" is not the word. If they will have a right themselves, on their own, as a board, to develop and change, you know, adopt, maintain, with a right to vary, all in the interests of the public, okay, let's say something. But don't forget, Mr. Chairman, we have even been denied the suggestion that we put into the bill what they are here for; the objects have been denied us. We don't even know why they are here, from reading the legislation.

I am prepared to let this stand aside. That will give time for the Minister to think of all various changes, but let's not say it is a semantic argument, if I have both legislative counsel and Webster behind me in my interpretation of what "maintain" means.

Now, legislative counsel did suggest that maybe the words "the board may make, amend and repeal by-laws to maintain a code" — does that mean more than Webster? I don't know.

In any event, let's deal with it one way or the other. We are clearly at a difference.

I would think it would be more sensible, if the code of ethics is not to be entrusted to the LPNs to establish, develop and maintain, to say "maintain a code of ethics established by the Minister" or "a code of ethics established by the Manitoba Health Organization" or "by the Manitoba Health Services Commission" or "by the RNs." If we mean something like that, we will say it.

MR. CHAIRMAN: We have agreement to leave this section, then, and return to it at a later date?

Mr. Desjardins.

MR. DESJARDINS: Mr. Chairman, I think the committee gave that courtesy to the Minister yesterday. I certainly won't try to block it at this time. I agree that we leave this. The Minister will discuss it with his people, and it's good that they are here, that they have heard this discussion and maybe they will understand the concern of some of us.

I want to say, before we leave this, I want to say it's true, that's another reason why I shouldn't prolong this debate at this time, that I wasn't a member of this committee when the first discussion groups came up. But I want to say that because, and it has been repeated by members on both side of this table, and I don't agree with it, it has been mentioned that the LPNs agreed, but it has also been made quite clear to me that they agreed because they were afraid they were going to lose everything, and it was somebody that was a little stronger. So that's not good for me to say, well, they agreed. If this is what they want, if they want this change, if they would want to say, well, we want to rely on somebody else to write our code of ethics, I would be against giving them this privilege altogether, I don't think they capable of . . .

MR. CHAIRMAN: Do we agree to leave this section and come back? (Agreed)

MR. SHERMAN: Just the subsection, Mr. Chairman.

MR. CHAIRMAN: Yes. We will agree to leave Section 5(1) at this time then.
Section 5(2) — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move
THAT subsection 5(2) of Bill 87 be struck out and the following subsection be substituted therefor:
Submission of by-law to members.
5(2) The board shall, at least 30 days before the next meeting of the members of the association, submit all by-laws, or amendments, or repeal of any by-law made under subsection (1) to the members of the association, and the members may, at that meeting, by ordinary resolution, confirm, reject or amend the by-laws, amendment, or repeal thereof.

MR. CHAIRMAN: 5(2) pass; 5(3) pass; 5(4) pass; 5(5) pass; 5(6) pass; 5(7) pass; 5(8) pass; 5(9) pass. Section 6 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move
THAT Section 6 of Bill 87 be renumbered as subsection (1) thereof and clause 6(1)(c), (d), (e), (f), and (g) of renumbered subsection (1) thereof be struck out and following clauses be substituted therefor:
(c) implement and maintain standards for the practice of licensed practical nursing consistent with the recommendations of the board;
(d) implement and maintain standards for licensed practical nursing education consistent with the recommendations of the council, consistent with the recommendations of the council;
(e) prescribe standards of voluntary continuing licensed practical nursing education for all persons registered under this Act;
(f) prescribe the examination, written or oral or both, to be taken by individuals applying for registration under this Act.

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, I wonder if I might draw the committee's attention to Clause (d) of the amendment. There are some words that are repetitious. In the fourth and fifth lines thereof, strike out the words "consistent with the recommendations of the council."

MR. SHERMAN: Right.

MR. CHAIRMAN: Pass, as amended — Mr. Cherniack.

MR. CHERNIACK: This, you will recall, is the first time we have seen this. May I ask the extent to which this has been discussed with the LPNs?

MR. SHERMAN: Extensively, Mr. Chairman.

MR. CHERNIACK: Mr. Chairman, again, I am looking at it. Instead of the original bill, which reads that the LPNs can pass regulations subject to the approval of the Lieutenant-Governor, to develop, establish, and maintain standards of practice, or implement and maintain standards for licensed practical nursing education, it is now the council that will make the decision and that's why Mr. Ransom was so right in saying let's not fool anybody by calling it advisory.

Now, we now, and Mr. Desjardins knows, the extent to which their powers will be limited by this bill, and Mr. Sherman said it was discussed extensively which, I am assuming — I would like him to correct me — I am assuming it is accepted by them. I am not saying happily or enthusiastically, but I am assuming it is accepted. If that is the case, then did they accept the previous one that we are holding, and would it not be sensible, and I think it's — you know, I can go back to that and suggest that maybe there we should say "to maintain the standards established as set out by the regulations," which means a little more to me than what was proposed.

However, I think Mr. Desjardins, apparently, is not going to accept anything.

MR. SHERMAN: Mr. Chairman, the answer to Mr. Cherniack's first question is yes, they were accepted by the LPN association.

With respect to his question on the one that we are holding, I have told him that I want to take that under further review and I don't wish to comment further on it at this time.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: I would like to ask the mover, Mr. Kovnats, in (c) and (d), in view of the fact that we are told that "maintain" covers everything, why have you got "implement and maintain" in this area?

MR. CHAIRMAN: Mr. Sherman.

MR. CHAIRMAN: I don't think you can fault Mr. Kovnats for that, Mr. Desjardins.

MR. DESJARDINS: I think he knows I wasn't serious.

MR. SHERMAN: I will have to take the responsibility for that.

MR. DESJARDINS: I'm only asking a question, I'm not faulting anybody.

MR. SHERMAN: The reason for that is that, as I indicated earlier, there is a code of ethics for the practical nursing association already in existence. However, I am going to be taking another look at that, as I have told you.

In this case, we are dealing with something somewhat different from an existing code of ethics.

MR. DESJARDINS: Mr. Chairman, is the Minister suggesting that we don't pass this amendment at this time, that he wants to have another look at it?

MR. SHERMAN: No, I am not suggesting that, Mr. Chairman.

MR. CHAIRMAN: Section 6(1), as amended pass. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move
THAT Bill 87 be amended by adding thereto, immediately after renumbered subsection 6(1) thereof, the following subsection:
Prior submission of regulation to members.
6(2) Before submitting a regulation to the Lieutenant-Governor-in-Council, the board shall submit the regulation, together with a recommendation of the council in respect of the regulations, to the members at the next meeting of the members, and the members may, by ordinary resolution, confirm, reject, or amend the regulation.

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, in the other two bills, we prefaced that amendment with the addition of the figures and words "30 days."

MR. CHAIRMAN: Agreed? (Agreed) Section 6(2), as amended pass; Section 6 pass; Section 7 pass; Section 8(1) pass; 8(2) pass; 8(3) pass; 8(4) — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move
THAT Section 8(4) of Bill 87 be amended by adding thereto, immediately after the word "registrar", in the second line thereof, the words "shall be given written reason for the refusal and the applicant."

MR. CHAIRMAN: 8(4) as amended pass. Mr. Kovnats.

MR. KOVNATS: I move
THAT Section 8 of Bill 87 be amended by adding thereto, immediately after subsection (4) thereof, the following subsection:
Discrimination prohibited
8(5) No person shall be denied membership in the association because of the race, nationality, religion, colour, sex, marital status, physical handicap, age, source of income,

family status, political belief, ethnic or national origin of that person.

MR. CHAIRMAN: Section 8(5) as amended pass; Section 8 pass; Section 9(1) pass; 9(2) — Mr. Kovnats.

MR. KOVNATS: I move;
THAT subsection 9(2) of Bill 87 be struck out and the following subsection be substituted therefor:
Recovery of fees prohibited
9(2) No person shall bring an action in any court to collect fees, compensation or other remuneration, for services performed as a licensed practical nurse, unless she is registered under this Act.

MR. CHAIRMAN: Pass — Mr. Desjardins.

MR. DESJARDINS: Excuse me, if I may I — does this mean that they cannot call themselves licensed practical nurses — I mean, if they want to collect. In other words, some people might be doing some work, some social worker, or maybe work done by practical nurses, they can charge, but they can't say, I'm charging, I'm a practical nurse, that's all it means. You're not trying to limit — you know you're not dealing with registered nurses any more.

MR. CHERNIACK: An RN is the same thing. You and I can do all the work an RN does, as long as we don't call ourselves that. (Interjection)— can, I didn't say we're able to. I said we're allowed to.

MR. CHAIRMAN: Section 9(2) as amended pass; Section 9 pass; Section 10 pass; Section 11(1) — Mr. Kovnats.

MR. KOVNATS: I move;
THAT subsection 11(1) of Bill 87 be amended by adding thereto, immediately after the word "register" in the first line thereof, the words "and in the roster of active, practising members."

MR. CHAIRMAN: 11(1) as amended pass; 11(2) pass; 11(3) pass; Section 11 pass; Page 6 pass; Page 7 pass; Page 8 pass — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move;
THAT Clause 17(a) of Bill 87 be amended by adding thereto, immediately after the word "person" in the first line thereof, the words "at the time of employment."

MR. CHAIRMAN: 17(a) as amended pass. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move
THAT Clause 17(b) of Bill 87 be amended by adding thereto, at the end thereof, the words "and provide a copy of the report to the person whose employment is terminated."

MR. CHAIRMAN: 17(b) as amended pass. Mr. Cherniack.

MR. CHERNIACK: If I may, just for a moment. Did we settle the difference between incapacity and incapability? Are they the same now, or are they different?

MR. BALKARAN: The same now.

MR. CHAIRMAN: Page 8 pass; Page 9 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move;
THAT Section 23 of Bill 87 be amended by adding thereto, immediately after the word "member" in the second line thereof, the words "in writing."

MR. CHAIRMAN: Section 23 as amended pass. Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, is there not a change in 20? And 18(2)? My note on 18(2) says the word "knowingly" should be inserted.

MR. BALKARAN: It was rejected in the other two bills, Mr. Cherniack.

MR. CHERNIACK: It was, eh? Shame. And in 20 my note strikes out the words "held by and shall refer to."

MR. BALKARAN: I don't have that one, Mr. Cherniack.

MR. FILMON: That was just to make it consistent with some of the other acts. It was simpler wording, that's all.

MR. CHERNIACK: Thank you.

MR. CHAIRMAN: Section 26 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move;
THAT Section 26 of Bill 87 be struck out and the following section be substituted therefor;
Reference to investigation chairman
26. Where a member, after she becomes a member, is convicted of a indictable offence, or where the complaints committee has reason to believe, or is of the opinion that a member:
(a) is guilty of professional misconduct or conduct unbecoming a member, or
(b) has demonstrated incapability or unfitness to practise practical nursing or is suffering from an ailment which might, if she continues to practice, constitute a danger to the public.
The committee shall refer the matter to the investigation chairman."

MR. CHAIRMAN: Section 26 as amended pass; Page 9 pass; Page 10 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move
THAT Section 27 of Bill 87 be amended by adding thereto, immediately after the word "shall" in the second line thereof, the words "conduct a preliminary investigation, or."

MR. CHAIRMAN: Section 27 as amended pass; Section 28 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move
THAT Section 28 of Bill 87 be amended by adding thereto, immediately after the word "control" in the fifth line thereof, the words "that are relevant to the investigation."

MR. CHAIRMAN: Section 28 as amended pass; Page 10 pass; Page 11 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move
THAT Section 34 of Bill 87 be renumbered as subsection (1) and by striking out the renumbered subsection, and substituting therefor the following subsection:
Composition of discipline committee
34(1) The board shall establish one or more discipline committees, each comprised of:
(a) a person recommended by the Minister.
(b) four individuals whose names are entered in the roster of active practising members, of whom four shall constitute a quorum.

MR. CHAIRMAN: Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move
THAT Section 34 of Bill 87 be amended by adding thereto, immediately after renumbered subsection (1) thereof, the following subsections:
Chairman and vice chairman
34(2) The board shall appoint from amongst the members of the discipline committee, a chairman and a vice chairman.
Association's representation at inquiries
34(3) The association's solicitor may participate in an inquiry before the committee but shall not vote thereat, or have participated in the investigation of the matter before the committee.
Member of discipline committee not to investigate matter
34(4) A person who is a member of the discipline committee shall not participate in, or carry out an investigation of any matter that will be referred to the discipline committee for consideration.

MR. CHAIRMAN: Section 34 as amended pass; Section 35 pass; Section 36(1) — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move
THAT Subsection 36(1) of Bill 87 be amended by striking out all the words of the subsection immediately after the word "shall" in the third line thereof and substituting therefor the words and figures "within 30 days from the date of the direction or a decision, fix a date, time and place for the holding of an inquiry, which shall commence no later than 60 days from the date of the direction or decision."

MR. CHAIRMAN: Section 36(1), as amended pass; 36(2) — Mr. Kovnats.

MR. KOVNATS: I move
THAT Subsection 36(2) of Bill 87 be amended by striking out the figures "31" in the fifth line

thereof and substituting therefor the figures "30".

MR. CHAIRMAN: Section 36(2), as amended pass; Page 11 pass; Page 12 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move

THAT Subsection 36(6) of Bill 87 be amended by adding thereto, at the end thereof, the words "and the board is satisfied that none of the parties in the hearing would be prejudiced by the holding of a public hearing."

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: I think there are some words to be added to that, Mr. Chairman. At the end of that amendment, the following words should be added: "but where the board determines that there may be prejudice to any of the parties to the hearing, it shall give written reasons therefor."

MR. KOVNATS: I so move.

MR. CHAIRMAN: 36(6) as amended pass. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move

THAT Subsection 36(8) of Bill 87 be amended by adding thereto, at the end thereof, the words "and the person, counsel or agent has a right to examine all documents and records to be used at the inquiry."

MR. CHAIRMAN: Section 36(8), as amended pass; Page 12 pass; Page 13 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move

THAT Subsection 36(16) of Bill 87 be struck out and the following subsection be substituted therefor:

Rules of procedure.

36(16) A discipline committee for the purposes of holding an inquiry may prescribe its own rules of procedure."

MR. CHERNIACK: There is something there.

MR. SHERMAN: With the approval of the board.

MR. KOVNATS: "with the approval of the board." I so move.

MR. SHERMAN: "subject to the approval of the board." In the other bills, I think we made it "subject to the approval of the board."

MR. CHAIRMAN: 36(16), as amended pass.

MR. KOVNATS: Did that include "subject to" or "with?" — "subject to" — I so move.

MR. CHAIRMAN: Page 13 pass; Page 14 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move

THAT Subsection 38(1) of Bill 87 be amended by striking out the words and figures "15 days from the date of the date of the order" in the

fourth and fifth lines thereof, and substituting therefor the words and figures "30 days from the date of the service of the order."

MR. CHAIRMAN: 38(1) as amended pass; Page 14 pass; Page 15 pass; 16 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move

THAT Subsection 41(2) of Bill 87 be amended by adding thereto, immediately after the word "committee" in the second line thereof, the words "or the complaints committee."

MR. CHAIRMAN: Section 41(2) as amended pass.

MR. KOVNATS: Mr. Chairman, I move

THAT Subsection 41(3) of Bill 87 be struck out and the following subsection be substituted therefor:

Association's representative at appeals.

41(3) The association's solicitor may participate in appeals before the board but shall not vote thereat or have participated in the investigation of the matter before the board.

MR. CHAIRMAN: Section 41(3), as amended pass. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move

THAT Subsection 42(1) of Bill 87 be amended by adding thereto, immediately after the word "committee" in the fifth line thereof, the words "including any order as to cost."

MR. CHAIRMAN: Section 42(1), as amended pass; Page 16 pass; Page 17 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move

THAT Subsection 42(2) of Bill 87 be amended by adding thereto, immediately after the word "appeal" in the fourth line thereof, the words and figures "including any award as to cost under Subsection 41(6)."

MR. CHAIRMAN: Section 42(2), as amended pass. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move

THAT Subsection 42(4) of Bill 87 be amended by striking out all the words of the subsection immediately after the word "the" in the third line thereof and substituting therefor the words "appeal before a judge of the Court of Queen's Bench shall be a trial de novo."

MR. CHAIRMAN: Section 42(4), as amended pass.

MR. KOVNATS: Mr. Chairman, I move:

THAT Section 43 of Bill 87 be struck out and the following section be substituted therefor:

Exception for civil liability.

43 The association, or the board, or the discipline committee, or the complaints committee, or any member of the board or of a committee is not liable for any loss or damage suffered by any person as a result of anything done by the association or any member of the committee in good faith in the

administration of this Act or by-laws made thereunder.

MR. CHAIRMAN: Section 43, as amended pass.

MR. KOVNATS: Mr. Chairman, I move:

THAT Section 44 of Bill 87 be amended by striking out therefrom, in the second line thereof, the words "in any newspaper."

MR. CHAIRMAN: Section 44, as amended pass.

Page 17, as amended pass; Page 18 — Mr. Kohnats.

MR. KOVNATS: Mr. Chairman, I move:

THAT subsection 46(1) on Bill 87 be amended by adding thereto, at the end thereof, the words "and any failure by a member or an associate member to comply with this subsection shall be deemed to be professional misconduct."

MR. CHAIRMAN: Pass, as amended.

MR. KOVNATS: Mr. Chairman, I move:

THAT Section 46 of Bill 87 be amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

Non-application of confidential information.

46(2) Subsection (1) does not apply to information obtained by a member, which is confidential by reason of a nurse-client relationship.

MR. CHAIRMAN: Pass.

MR. KOVNATS: Mr. Chairman, I move:

THAT Subsection 46(2) be renumbered as Subsection 46(3).

MR. CHAIRMAN: Pass.

MR. KOVNATS: Mr. Chairman, I move:

THAT the heading to Part IX of Bill 87 be struck out and the following heading be substituted therefor: "Practical nursing council."

MR. CHAIRMAN: Pass.

MR. KOVNATS: Mr. Chairman, I move:

THAT Subsection 47(1) of Bill 87 be amended by striking out the words "an advisory" and substituting therefor the words "of practical nursing."

MR. CHAIRMAN: Pass.

MR. KOVNATS: Mr. Chairman, I move:

THAT Clause 47(2)(b) of Bill 87 be amended by striking out the figure "3" therein and substituting therefor the figure "4".

MR. CHAIRMAN: Pass. Mr. Desjardins.

MR. DESJARDINS: I just want — no need to waste time on that — I just want to ask a question: Going back on this Page 8, 46(2), and amendment, confidential by reason of a nurse-client relationship. Nurse is not defined anywhere. Should we leave "nurse"? Could that cause trouble? I am just asking the lawyer, should it be practical nurse-client? Could it cause problems?

MR. CHAIRMAN: Is there agreement among the committee here that the word "practical" . . .

MR. DESJARDINS: I am not saying it should be there, I am asking . . .

MR. BALKARAN: It doesn't make any difference.

MR. CHAIRMAN: Page 18 pass; Page 19 — Mr. Kohnats.

MR. KOVNATS: I move:

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

MR. DESJARDINS: Excuse me, before you start, so there's no mix-up, is it this one or . . .

MR. SHERMAN: Mr. Chairman, I wish to have the original that I circulated at the start of the meeting serve as the initial proposed amendment on this section. Members may well want the rationale for it, but it would have to be moved.

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: Can I offer a word of explanation, Mr. Chairman, and the Minister could accept or reject it.

I would like to point out that if the second part of that loose sheet, the amendments set out in that loose sheet, were to be adopted, we would then have a conflict between 49(1) and 49(2), which is to come later, because if you are going to give to the council those powers, then 49(1) and (2) become redundant, because that power is now being vested in the Minister and it will be up to the Minister to determine which of those two he wants.

MR. SHERMAN: Mr. Chairman, once again, I am in the position of having addressed this with the members of the LPN association, and having developed an amendment for which now a substitute is being proposed, and it may well be that the substitute amendment is the desirable one. But it has not been subjected to any consultation in the process that I have attempted to follow in developing this legislation.

This proposal on the loose sheet that you have in front of you was developed and approved by the LPN association and their legal counsel, on the basis of considerable discussion last night, and I recognize Mr. Balkaran's point, up to a point, and certainly from a legal point of view, I would say that it is probably pretty precise and accurate, but the LPN association felt that (e) and (f) in the bill as it appears before you, or (a) and (b) in 48(2) in the loose sheet, refers to those programs that are already in existence. They are on-going programs and they requested that they have some role or some recognition to play with respect to those existing programs, recognizing that any decertification or such, or any certification of new programs, would be, as specified in 49(1) and (2), subject to the approval of the Minister.

It is simply a concession of recognition in terms of language and terminology as much as anything else. They have not been acquainted with the new proposal.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, if the Minister wants time to review it with them, by all means. It is 5:15 and this committee isn't ending today, that's obvious.

Mr. Chairman, I see the point made by Mr. Balkaran, but the problem he poses, which I think is a valid one, would seem to make the other bills we have already dealt with have that same, not redundancy, but I think sort of a conflict between the powers. I really think that since the intent is pretty clear, I think that Mr. Sherman and Mr. Balkaran and whatever other advisers they want to consult should settle it. But I believe there is a conflict and, frankly, I don't want to get involved in studying whether or not there is a conflict.

The committee is going to have more work to do, so maybe we should just stand that.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: In discussing this last night, Mr. Chairman, we came to that same conclusion, that should we make the change that is being proposed in this latest amendment, then we would have to address that situation with respect to 65 and 66, as Mr. Cherniack points out.

That is one of the reasons, only one, but one of the reasons why we elected the proposal on the loose sheet, plus the reason that I already stated, that the council and the association has an existing role and this recognizes that existing role, but 49(1) and (2) put in the final right of decision.

So I think that 48 should be set aside for additional consultation.

MR. CHAIRMAN: Agreed? (Agreed) We will leave Section 48 right at the present time. We will have to leave Page 19. Page 20 — Mr. Kovnats.

MR. CHERNIACK: Mr. Chairman, does that then mean that we should leave 49 as well? I am not objecting to the changes. They were brought in the other two, but since there appears to be a conflict, maybe we should just vote 49 as well and deal with the whole package.

MR. SHERMAN: I don't anticipate any difficulties with 49(1) and (2).

MR. CHERNIACK: I don't object to that.

MR. SHERMAN: Can we pass them?

MR. CHAIRMAN: Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move:

THAT Subsection 49(1) and (2) of Bill 87 be struck out and the following subsection be substituted therefor:

Operation of nursing education programs subject to approval of the Minister.

49(1) No person shall, alone or in concert with others, establish, maintain, conduct, or participate directly or indirectly, other than as an employee, in the ownership or operation of a licensed practical nursing education program without the authority and consent in writing of the Minister.

Minister may withdraw consent for certain programs.

49(2) The Minister may refuse or withdraw his authority and consent for the establishment or continuance of any licensed practical nursing education program whenever he has reason to believe that the regulations are not being, or have not been, adequately complied with.

MR. CHAIRMAN: Pass. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move:

THAT Subsection 51(1) of Bill 87 be amended by adding thereto, immediately after the word "Act" in the second line thereof, the words and figures, "other than the provisions of Subsection 46(1)."

MR. CHAIRMAN: Pass.

Page 20 pass — Mr. Balkaran.

MR. BALKARAN: I think in the other two bills we made a change in 51(3), in the third line, after the word "be" add the words "just and". So it would read "may be just and expedient."

MR. CHAIRMAN: Do we have a motion to so move.

MR. KOVNATS: I so move:

MR. CHAIRMAN: Pass. Page 20, as amended pass. Page 21 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move:

THAT Subsection 52(3) of Bill 87 be struck out and the following subsection be substituted therefor . . .

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: I am sorry, Mr. Chairman, I may have misled the committee. I see now that 52(3) is being rewritten to take care of the change I suggested, so would you ignore my suggestion and let Mr. Kovnats proceed with his proposed amendment. It should be 51(3), rather than 52(3).

MR. KOVNATS: Mr. Chairman, I move:

THAT Subsection 51(3) of Bill 87 be struck out and the following subsection be substituted therefor:

Any person may be prosecuted of an offence.

51(3) Any person may be a prosecutor or a complainant in the prosecution of an offence under this Act, and the government may pay to the prosecutor such portion of any fine recovered as it considers just and expedient towards the cost of the prosecution.

MR. CHAIRMAN: Pass.

MR. KOVNATS: Mr. Chairman, I move:

THAT Section 54 of Bill 87 be struck out and the following sections be substituted therefor:

Existing by-law.

54. By-laws passed pursuant to The Licensed Practical Nurses Act, being Chapter P.100 of revised statutes prior to the coming into force of this Act, shall remain in force and effect until repealed or amended pursuant to the provisions of this Act or until December 31, 1981, whichever shall sooner occur.

Confidentiality of Information.

55. Except for the purposes of a prosecution under this Act or in any court proceedings or for the purpose of the administration enforcement of this Act and the regulations, no person acting in an official or other capacity under this Act or the regulations shall:

- (a) knowingly communicate or allow to be communicated any information obtained by her in the course of administering this Act or the regulations, or
- (b) knowingly allow any other person to inspect or to have access to any document, record, file, correspondence, or other record obtained by her in the course of administering this Act or the regulations.

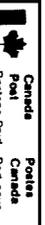
MR. CHAIRMAN: Pass. Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move:
THAT Sections 55 to 57 of Bill 87 be renumbered as Section 56 to 58 respectively, and renumbered Section 58 be amended by striking out the words "the day it receives the Royal Assent" and substituting therefor the words "a day fixed by proclamation".

MR. CHAIRMAN: Pass. Okay. To the members of the committee, we have two pages of this bill that have not been passed, Page 3 and Page 19. Since it is nearly 5:30, what is the wish of the committee?

MR. SHERMAN: I move committee rise.

MR. CHAIRMAN: Committee rise.



Canada Post
Peil Canada
Postage Paid Port Dave

Third Troisième
class classe

8260