

Monday, March 23, 1998



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 22

FOURTH SESSION, THIRTY-SIXTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

The following petitions were presented:

Mr. JENNISSEN - Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services (C. Erbus, F. Marasigan, N. S. Lamsen and others)

Mr. SANTOS - Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services (R. David, D. Sellines, D. Casey and others)

The following petitions were read and received:

Mr. MACKINTOSH - Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services (K. Solinsky, C. Smith, F. Pennell and others)

Mr. HICKES - Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services (D. Myrowich, M. Myrowich, T. Drysdale and others)

Following Oral Questions, Madam Speaker made the following rulings:

During Question Period on December 11, 1997 I took under advisement, in order to review Hansard, two points of order.

The first one concerned an answer given by the Honourable Minister of Justice to a question asked by the Honourable Member for Rupertsland. The point of order raised by the House Leader for the Official Opposition alleged that the Minister was not responding to the matter raised and was provoking debate. There was indeed a point of order; the Minister of Justice should have in responding to the question complied with the requirements of Beauchesne citation 417—that is, he should have responded to the matter raised and should not have provoked debate.

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The second point of order was related to the first one. It also was raised by the Official Opposition House Leader and alleged that comments made by the Honourable Minister of Justice in speaking to the initial point of order were not relevant to the point of order. There was a point of order. The Honourable Minister should have confined himself to addressing the point of order which was about what he had stated in reply to a question; rather the Minister made comment on what other Members in the House had allegedly said about the larger issue under consideration. I would encourage all Members when speaking to a point of order to limit their contributions to the specific breach of the rule or contravention of procedure or practice.

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On March 13, 1998 during Question Period, the Honourable Member for Wolseley raised a point of order asking that the Speaker direct the Minister of Education to answer the question posed by the Member for Wolseley. I took the matter under advisement to review Hansard in detail with regard to the question posed and the answer given.

Having examined the Hansard record, I must rule that the Honourable Member for Wolseley did not have a point of order. The Member asked a question about transition time provided to school boards; the Minister's answer pointed out that school boards were already aware of the formula and the applicable time lines. What existed, in my opinion, was not a point of order—it was a dispute over the facts.

Pursuant to Rule 20(1), Messrs. McALPINE, MARTINDALE, PENNER, MACKINTOSH and DYCK made Members' Statements.

Hon. Mr. STEFANSON moved:

THAT Madam Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

And a debate arising,

And Mr. EVANS (Brandon East) having spoken,

And the Question being put,

It was agreed to.

The House accordingly resolved itself into the Committee of Supply.

And the House continuing in Committee and progress having been made and reported, the Committee obtained leave to sit again.

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Ms. McGIFFORD moved:

Resolution No. 7: Manitoba Privacy Commissioner

WHEREAS new privacy legislation has been recently passed in Manitoba; and

WHEREAS serious concerns about this legislation have been expressed by groups like the Manitoba Library Association, the Council of Women of Winnipeg, the Canadian Association of Journalists, the College of Physicians and Surgeons, the Manitoba Medical Association, the Manitoba Association of Rights and Liberties, and the Consumers' Association of Canada; and

WHEREAS when reviewing the legislation, the British Columbia Privacy Commissioner said, "My major concern about the Manitoba legislation is that the oversight role for both the Freedom of Information and Protection of Privacy Act and the related Personal Health Information Act is given to the Ombudsman. I think this is a mistake..."; and

WHEREAS there was almost unanimous agreement that the legislation could have been made more effective by creating a separate Freedom of Information and Privacy Commissioner's Office, rather than vesting all responsibility with the existing Provincial Ombudsman; and

WHEREAS this feeling was made abundantly clear at the public hearing stage of the Bill, where presentation after presentation recommended the creation of a separate Commissioner; and

WHEREAS the Ombudsman's Office is already busy with a full range of separate statutory obligations; and

WHEREAS one of the advantages of creating a separate Freedom of Information and Privacy Commissioner is that it reduces confusion in the public mind about the roles of the existing offices, and allows the Freedom of Information Privacy Commissioner to make the decisions on access and protection of privacy in the first instance, usually avoiding costly judicial proceedings; and

WHEREAS there is growing public concern about privacy and access to information, which makes it all the more important that this legislation address the issues in the best possible way.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba condemn the Provincial Government for failing to listen to the overwhelming recommendation of the public, and create a separate Freedom of Information and Privacy Commissioner's Office; and

BE IT FURTHER RESOLVED that this Assembly urge the Provincial Government to consider establishing a separate Freedom of Information and Privacy Commissioner's Office.

And a debate arising,

And Ms. McGIFFORD, Hon. Mrs. VODREY and Ms. BARRETT having spoken,

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And Hon. Mr. PRAZNIK speaking at 6:00 p.m.,

The debate was allowed to remain in his name.

The House then adjourned at 6:00 p.m. until 1:30 p.m. tomorrow.

Hon. Louise Dacquay,
Speaker.