



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 76

SECOND SESSION, THIRTY-NINTH LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

The following petitions were presented and read:

Mrs. ROWAT – Legislative Assembly of Manitoba to request the Minister of Infrastructure and Transportation to consider hard surfacing of the unpaved portion of PR 340, south of Canadian Forces Base Shilo, towards Wawanesa. (I. Cullen, A. Friesen, C. Bell and others)

Mrs. TAILLIEU – Legislative Assembly of Manitoba to urge the Premier to consider reversing his decision to increase Pharmacare deductibles by 5 percent in Budget 2008 and to consider reducing health care bureaucracy, as previously promised, and to consider directing those savings into sustaining Pharmacare and improving patient care. (M. Pokornik, J. Johnson, T. Turner and others)

Mr. DYCK – Legislative Assembly of Manitoba to request the Minister of Health to strongly consider giving priority for funding to develop and staff a new 100 bed long-term-care facility so that clients are not exposed to unsafe conditions and so that Boundary Trails Health Centre beds remain available for acute care patients instead of waiting placement clients. (J. Hamm, M. Walske, L. Cawley and others)

Mr. CULLEN – Legislative Assembly of Manitoba to request the Minister of Infrastructure and Transportation to consider hard surfacing of the unpaved portion of PR 340, south of Canadian Forces Base Shilo, towards Wawanesa. (M. Fisher L. Cory, N. Kilmury and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to urge the Premier and his NDP Government to cooperate in uncovering the truth in why the Government did not act on what it knew and to consider calling a public inquiry on the Crocus Fund Fiasco. (C. Silva, L. Kerr, D. Duhamel and others)

Mr. BOROTSIK – Legislative Assembly of Manitoba to request the Minister of Education Citizenship and Youth to consider removing education funding by school tax or education levies from all property in Manitoba and to consider finding a more equitable method of funding education such as general revenue following the Constitutional funding of education by the Province of Manitoba. (B. Darker, M. Asselin, R. Irvine and others)

Mr. MAGUIRE – Legislative Assembly of Manitoba to request the Minister of Health to consider creating a health care environment in which doctors want to work and build their careers in Manitoba and to consider making it a priority to recruit doctors to southwestern Manitoba so emergency rooms do not have to be closed when they are needed most. (B. Kent, L. Harvey, R. Dunning and others)

Ms. BRAUN, Chairperson of the Standing Committee on Social and Economic Development, presented its Seventh Report, which was read as follows:

Meetings

Your Committee met on September 25 at 6:00 p.m. in room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 47)** – The CentrePort Canada Act/Loi sur la Société CentrePort Canada

Committee Membership

- Ms. BLADY
- Ms. BRAUN
- Mr. DEWAR
- Mr. EICHLER
- Ms. KORZENIOWSKI
- Hon. Mr. LEMIEUX
- Mr. MAGUIRE
- Mr. PEDERSEN
- Mr. SARAN
- Mrs. STEFANSON
- Hon. Mr. SWAN

Your Committee elected Ms. BRAUN as the Chairperson.

Your Committee elected Ms. BLADY as the Vice-Chairperson.

Bills Considered and Reported

- **Bill (No. 47)** – The CentrePort Canada Act/Loi sur la Société CentrePort Canada

Your Committee agreed to report this Bill, with the following amendment:

THAT Clause 10(1) of the Bill be amended by adding the following after clause (f):

(g) the Rural Municipality of Rosser.

On motion of Ms. BRAUN, the Report of the Committee was received.

Hon. Mr. ROBINSON presented:

Annual Report of the Travel Manitoba for the fiscal year ending March 31, 2008.
(Sessional Paper No. 82)

Pursuant to Rule 26(1), Hon. Ms. MELNICK, Mr. DYCK, Ms. MARCELINO, Mr. FAURSCHOU and Ms. HOWARD made Members' Statements.

The Order of the Day being read for consideration of Bill (No. 31) – The Freedom of Information and Protection of Privacy Amendment Act/Loi modifiant la Loi sur l'accès à l'information et la protection de la vie privée, as reported from the Standing Committee on Social and Economic Development:

Mrs. TAILLIEU moved:

THAT Bill 31 be amended by adding the following after Clause 13:

13.1 The following is added after section 41:

Notifying individual if personal information stolen or lost

41.1 The head of a public body must, as soon as reasonably practicable and in accordance with any requirements set out in regulations, notify an individual if personal information about the individual that is in the public body's custody or under its control is stolen, lost or accessed in an unauthorized manner.

WHEREUPON Mr. Speaker made the following ruling:

I must advise the House that the report stage amendment to clause 13 which seeks to add 13.1 is out of order on the grounds of scope.

This report stage amendment seeks to change or vary a section in the original parent Act that is not contained in the amending Act before the House. According to Beauchesne citation 698(8)(b), an amendment may not amend sections from the original Act unless they are specifically being amended in a clause of the bill. This is also reiterated on page 654 of Marleau and Montpetit's House of Commons Procedure and Practice where it states that an amendment is inadmissible if it amends a section of the parent Act unless it is being specifically amended by a clause of the Bill.

Since section 41 of the original Act is not contained in the provisions of the amending Act before us, the amendment as proposed by the Honourable Member for Morris is out of order and cannot be proceeded with.

By leave, Mrs. TAILLIEU then withdrew her Proposed Report Stage Amendments to Bill (No. 31) to Clauses 16 and 23.

Mrs. TAILLIEU then moved:

THAT Bill 31 be amended in Clause 26 by adding the following after the proposed section 66.1:

Aggrieved complainant may request review

66.1.1(1) If the Ombudsman does not request the adjudicator to review a matter following a report made under section 66, the complainant may request the adjudicator to conduct a review of that matter. In that case, the adjudicator must review the matter in the same manner as if the Ombudsman had requested the review under section 66.1.

Deadline re review

66.1.1(2) The complainant's request for review must be made within 15 days after the complainant receives the notice from the Ombudsman under subsection 66(5).

And a debate arising,

And Mrs. TAILLIEU, Hon. Mr. ROBINSON, Messrs. CULLEN and PEDERSEN having spoken,

And the Question being put. It was negatived, on division.

By leave, Mrs. TAILLIEU then withdrew her Proposed Report Stage Amendments to Bill (No. 31) to Clauses 26 and 27.

Mrs. TAILLIEU then moved:

THAT Bill 31 be amended in Clause 31 by adding the following after "presides" in the proposed clause 76.1(3)(b):

, including, in the case of the Premier, costs paid for through any other department or government body, which are to be itemized by department or government body

And a debate arising,

And Mrs. TAILLIEU, Hon. Messrs. ROBINSON and GERRARD having spoken,

And the Question being put. It was negatived, on division.

By leave, Mrs. TAILLIEU then withdrew her Proposed Report Stage Amendment to Bill (No. 31) to Clause 40.

Hon. Mr. ROBINSON moved:

THAT Bill 31 be amended in Clause 6 by replacing the proposed clause 19(2)(b) with the following:

(b) consent to disclosure is given

(i) in the case of a record prepared for or in respect of the current government, by the Executive Council, and

(ii) in the case of a record prepared for or in respect of a previous government, by the President of the Executive Council of that government or, if he or she is absent or unable to act, by the next senior member of that government's Executive Council who is present and able to act.

And a debate arising,

And Hon. Mr. ROBINSON, Mrs. TAILLIEU and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

Hon. Mr. ROBINSON then moved:

THAT Bill 31 be amended in Clause 7 by striking out the proposed clause 20(1)(c.1) and substituting the following:

(c.1) the council of a band as defined in the *Indian Act* (Canada), or an organization performing government functions on behalf of one or more bands;

And a debate arising,

And Hon. Mr. ROBINSON and Mrs. TAILLIEU having spoken,

And the Question being put. It was agreed to.

Hon. Mr. ROBINSON then moved:

THAT Bill 31 be amended in Clause 8 by striking out the proposed clause 21(1)(c.1) and substituting the following:

(c.1) the council of a band as defined in the *Indian Act* (Canada), or an organization performing government functions on behalf of one or more bands;

And a debate arising,

And Hon. Mr. ROBINSON and Mrs. TAILLIEU having spoken,

And the Question being put. It was agreed to.

Hon. Mr. CHOMIAK moved:

THAT Bill (No. 31) – The Freedom of Information and Protection of Privacy Amendment Act/Loi modifiant la Loi sur l'accès à l'information et la protection de la vie privée, reported from the Standing Committee on Social and Economic Development, and subsequently amended, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. CHOMIAK and Mrs. TAILLIEU having spoken,

Mrs. TAILLIEU moved an amendment as follows:

THAT the motion be amended by deleting all the words after the word "THAT" and substituting the following:

Bill (No. 31) – The Freedom of Information and Protection of Privacy Amendment Act/Loi modifiant la Loi sur l'accès à l'information et la protection de la vie privée, reported from the Standing Committee on Social and Economic Development, and subsequently amended, be not concurred in and read a Third Time but that it be concurred in and read a Third Time this day six months hence.

And the debate continuing on the amendment,

And Mr. CULLEN, Mrs. TAILLIEU (by leave) and Hon. Mr. GERRARD having spoken,

And the Question being put. It was negated, on the following division:

YEA

BOROTSIK
BRIESE
CULLEN
DRIEDGER
DYCK
EICHLER
FAURSCHOU
GOERTZEN

HAWRANIK
MAGUIRE
MCFADYEN
MITCHELSON
PEDERSEN
ROWAT
TAILLIEU..... 15

NAY

ALLAN	LEMIEUX
ASHTON	MARCELINO
BJORNSON	MARTINDALE
BRAUN	MCGIFFORD
BRICK	MELNICK
CALDWELL	NEVAKSHONOFF
CHOMIAK	OSWALD
DEWAR	REID
DOER	ROBINSON
GERRARD	RONDEAU
HOWARD	SARAN
IRVIN-ROSS	SELBY
JENNISSEN	SELINGER
JHA	STRUTHERS
KORZENIOWSKI	SWAN 31
LAMOUREUX	

And the debate continuing on the main motion. The debate was allowed to remain open.

The House then adjourned at 5:03 p.m. until 10:00 a.m. Tuesday, September 30, 2008.

Hon. George HICKES,
Speaker.