



Fourth Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE

on

PRIVILEGES AND ELECTIONS

42 Elizabeth II

*Chairperson
Mrs. Shirley Render
Constituency of St. Vital*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHEEMA, Gulzar	The Maples	Liberal
CHOMIAK, Dave	Kildonan	NDP
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	NDP
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	Liberal
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Cliff	Interlake	NDP
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	NDP
GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
GRAY, Avis	Crescentwood	Liberal
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	NDP
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
ORCHARD, Donald, Hon.	Pembina	PC
PALLISTER, Brian	Portage la Prairie	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	NDP
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary, Hon.	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	NDP
WOWCHUK, Rosann	Swan River	NDP
<i>Vacant</i>	Rossmere	
<i>Vacant</i>	Rupertsland	

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Monday, May 31, 1993

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRPERSON — Mrs. Shirley Render (St. Vital)

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Mrs. Mitchelson, Hon. Mr. Praznik

Ms. Barrett, Mrs. Carstairs, Ms. Friesen,
Messrs. Helwer, Martindale, Penner, Mrs.
Render, Messrs. Rose, Sveinson

MATTERS UNDER DISCUSSION:

Organizational process for public hearings for
The Freedom of Information Act.

* * *

Madam Chairperson: Will the committee on Privileges and Elections please come to order. This morning, the committee will continue to discuss the organizational process to establish public hearings for the review and operation of The Freedom of Information Act.

When this committee last sat on April 27, 1993, we had been discussing the organizational process to establish public hearings for The Freedom of Information Act. At the last committee, copies of an agenda and appendices were distributed.

For the committee's benefit, copies of a new agenda have been distributed. If you require the attached appendices, copies are available at the front.

At the last committee meeting, a motion was moved by the honourable Minister of Culture, Heritage and Citizenship, Mrs. Mitchelson, which read: "...that the Standing Committee on Privileges and Elections advertise extensively within Manitoba, that public hearings be held in Winnipeg on Monday, May 31, 1993, and written submissions regarding the comprehensive review of The Freedom of Information Act be accepted by the Clerk of the Committee up to and including June 7, 1993."

An amendment to the above motion was moved by the honourable member for Thompson, Mr.

Ashton, and that read: "THAT the motion be amended by adding 'Brandon and a northern location to be set by this committee' following hearings in Winnipeg . . .".

The motion and the amendment have now become obsolete because of the May 31, 1993, date listed. What is the will of the committee at this point?

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Citizenship): Madam Chairperson, it would be my suggestion that, given the motion is obsolete, we just let it die, and I would like to introduce a new motion, and that would be:

THAT the Standing Committee on Privileges and Elections advertise extensively within Manitoba that public hearings be held in Winnipeg and written submissions regarding the comprehensive review of The Freedom of Information Act be accepted by the Clerk of the Committee up to one week following committee hearings.

Madam Chairperson: Are we ready for the question?

Ms. Becky Barrett (Wellington): So my understanding is there would be no dates. There are no dates in this revised motion, and I am wondering if the minister can explain that. Since the deadline is that we must have a report back to the House by the end of June, it would seem only logical that the dates would be established here.

Mrs. Mitchelson: Yes, I guess my sense was that maybe we could get a consensus from the committee on a date in June. It would have to be three weeks from now, I guess, so that we could advertise in the media for three weeks and then hold the committee meeting, and I am open to suggestions on what date.

Ms. Barrett: I would like to make a comment based on the amendment that was put forward at the last meeting by the member for Thompson (Mr. Ashton) dealing with hearings and our position that we have stated in writing to the minister that we would like hearings on this particular piece of legislation outside the city of Winnipeg. Our position remains the same.

* (1010)

I am disappointed that the timing between the last committee meeting at the end of April and this committee meeting means in effect that in order to comply with the requirement to report to the Legislature by the end of June, there will probably be no time to establish hearings outside the city of Winnipeg.

I just want to put on record our concern that delay has in effect meant that we cannot give to the people outside the city of Winnipeg the access to the public hearing process we had felt was very important. It is a shame that is the situation, or that we were not able to vote on in committee this very important element seeing as how—well, our position is on record.

Mrs. Mitchelson: Madam Chairperson, is there anyone on committee that would like to recommend or suggest a date for hearings?

Ms. Barrett: Madam Chair, yes, will three weeks allow for all of the newspapers and publications that are in this list to have the insert available? Do their copy deadlines fall within that three-week period?

Mrs. Mitchelson: Madam Chairperson, we would have to check on this list to see about the monthly publications, when in fact their deadline would be for advertising and what day of the month their publication does go out.

Madam Chairperson: I wonder, can we get back to the motion. All in favour of the motion? [agreed]

I would like to move on to the agenda. Is it the will of the committee to adopt the agenda? [agreed]

Advertising and the budget.

Mrs. Sharon Carstairs (Leader of the Second Opposition): Just for a moment of clarification here. It was my understanding from the first motion that all of this had to be done by the 30th of June. Is that no longer a valid date?

Mrs. Mitchelson: Yes, it is.

Mrs. Carstairs: So we are still working towards a June 30 deadline, which means, of course, that the advertising has to be ASAP, otherwise you are not going to have time for that. So it seems to me that we had better pick a date before we actually get into budget.

An Honourable Member: Agreed.

Ms. Barrett: Madam Chairperson, I have just been looking through the—on to the date issue. The

closing for the ethnic papers which mostly are monthly, there are at least six newspapers whose closing deadline will have passed or has passed from the 15th of the month previous to the 25th of the month previous. Because of the delay in establishing this meeting, I just want to put it on record that there are at least six of the publications that would have been able to have information on this public hearing that do not have access to that information: Caribbean Source, two Chinese newspapers, a Filipino newspaper, a Vietnamese newspaper and a Portuguese newspaper.

I think it is very important that we acknowledge the fact that the process has been such, given the fact that we have known this deadline for five years now, that the process delay has meant that people who read these newspapers will not have access to this information.

Mrs. Mitchelson: Madam Chairperson, just a suggestion might be that we contact those who do send out only a monthly paper and ask whether in fact, if we had an advertisement that could be mailed out to all of their subscribers, that we could either get their list of subscribers from them and mail out that individual advertisement announcing the public hearings, or if they do not want to provide us with their subscription list maybe we could pay the cost of mailing those notices out.

Just another suggestion, if in fact we are too late to meet the deadline, could we have an insert put into the paper that would be going out over the next few weeks—two suggestions.

Ms. Barrett: Madam Chairperson, yes, I would suggest that an insert is the best way to go, because there are many more people in these communities who read these newspapers than just subscribers. I am sure they have copies in stores and other places. So that would be the answer that I would prefer to see.

I would also like that the committee members have information from the minister as to what happens with all of these newspapers, what the outcome is, if there are any newspapers that actually will not be able to have the advertisement or an insert put in place, and the additional cost that this will entail.

Mr. Ben Svelnson (La Verendrye): Madam Chairperson, I would suggest that the minister's office have the option of using both, utilizing both. In fact there are some papers that the insert cannot

be done, then they can utilize the other position, if you will.

Mrs. Carstairs: Yes, I think the suggestion from the member for Wellington though is very valid, that not just those who hold the subscription often get to examine these papers. So what I would suggest is that the minister use the insert as the first option and the other only as the backup option, if the insert is not available.

Mrs. Mitchelson: Madam Chairperson, I would agree, yes, with both of those recommendations. I think we could attempt very quickly to contact those monthly newspapers and find out when they are going out, and get the advertisement in with those papers that we can get the insert put in; with the others, we would look at the alternative of at least the subscription list. I will report back to the committee on how we manage to accommodate.

Ms. Barrett: And the expenses of the insert.

Mrs. Mitchelson: Can we then look at a date?

Mrs. Carstairs: I am assuming that for the purposes of the public we would like to hold this in an evening, if at all possible. It would seem to me that the week of June 20 to June 24 seems to be the most appropriate one. Since we are already sitting that Monday night in Estimates, I would assume that Tuesday, I think it is the 21st—

An Honourable Member: The 22nd.

* (1020)

Mrs. Carstairs: The 22nd is an appropriate date to start that, thereby leaving Thursday, perhaps, if we have to continue.

Mrs. Mitchelson: Madam Chairperson, I think that is a good suggestion. Are there any other comments?

Madam Chairperson: Okay, so we have Tuesday, June 22, as the date that we will advertise, and, if need be, Thursday the 24th of June. Agreed? [agreed]

Mrs. Mitchelson: Would there be a willingness by the committee to start at 7 p.m. on June 22?

Madam Chairperson: Agreed? [agreed] So that is Tuesday, June 22, 7 p.m., in this committee room.

Mr. Bob Rose (Turtle Mountain): Madam Chairperson, I think in previous discussions we were talking about having one option on a weekend, on the Saturday. I hesitate to suggest any extra work for legislators on the Saturday, but I do have to

speak on behalf of rural people who might have difficulty being able to get in through the week for the hearing. If they are working, of course, they might not get off work until late afternoon, and if you are from Dauphin or Swan River or Souris or wherever, I really think the opportunity should be there to have them make an appearance on the weekend. Perhaps that could be the second scheduled day.

If there are no presentations from the rural areas, perhaps it could all be handled then on the first date, and the second date open then if there were people from the rural areas who wish to come in and make a presentation.

Mrs. Carstairs: I think that, obviously, if people indicate that they cannot come in, then we have to be flexible and be open for them later on in the week.

It has been my experience, I must say, that Saturday hearings traditionally do not garner a great number of people from rural Manitoba. It tends to be mostly Winnipeg people who end up coming on a Saturday, but that does not make it any less valid if in fact there are people from rural Manitoba who wish to come.

Mrs. Mitchelson: Madam Chairperson, I think advertising publicly the Tuesday evening meeting, and, as the Clerk's Office monitors the kinds of calls that come in, if there are people that find it difficult to be here on a Tuesday evening, then I think there would be a willingness of this committee to set a Saturday or a weekend day subsequent.

If we advertise the one day and then get some input from the people that are wishing to make presentations and see whether they need to be accommodated in a different manner, then we could certainly, I think, as a committee agree that, if need be, we would sit the Saturday.

Ms. Barrett: I think that if the advertising that goes into the newspapers says Tuesday, June 22, and additional days if need be or something of that order, without stating at the beginning that there is the option of a Saturday, people will not call in and say, gee, it is too bad I could not come on a Saturday. They will just choose not to call.

So I think that in order to really assess if this is a need that is felt by people outside the city or people who cannot make it on a Tuesday night, you need to have the option in the advertising to begin with.

My recommendation would be that, instead of the 24th, the Thursday, we go June 22, and if need be,

Saturday, June 26 at, say, noon, which would allow people to drive in from a fair distance. I mean it is a compromise on holding hearings in the rural areas. It also allows for people in the city who may not be able to come on an evening.

So that would be my suggestion, that we have June 22, and, if necessary, the Saturday at noon because if you do not state that, people just will not phone in.

Mrs. Mitchelson: I have no problem with that.

Madam Chairperson: Okay, just to clarify, it is agreed that we will advertise for the first meeting to be held Tuesday, June 22 at seven o'clock, and if necessary, a second meeting will be held on the Saturday, June 26—at noon or at 10? Starting 10 a.m.? [agreed].

Mrs. Mitchelson: Madam Chairperson, given that we are allowing the option of the Saturday, June 26 in the ad, and the motion reads that we will extend the ability for written presentations to be received for a week after the meetings will be held, we should probably put a date in, up to and including a certain date, for written presentations to be received.

Should we make it a week from the 22nd or a week from the 26th?

An Honourable Member: No, the 22nd. Otherwise, you are out of here June 30th—then what?

Madam Chairperson: The honourable minister, do you want to clarify the date then?

Mrs. Mitchelson: Well, then, it would be, I guess, written presentations received up to and including June 29. Agreed?

Mr. Rose: Just for clarification, what is the reason for a week's extension on written presentations? Why would the written presentations not have the same date as the last hearing, Saturday, whatever the date is?

Mrs. Mitchelson: That is a question I might ask for comments from members of the committee. Is there a need to have the written presentation deadline extended for a week after the hearings?

Mrs. Carstairs: No, I never understood why that was there in the first place. I mean, if we are advertising and people are going to have to come in person by the 22nd and they are going to have to have a presentation with them—it does not have to be written but it certainly has to be oral—I see no particular reason, unless the act calls for an extension of written presentation.

Ms. Barrett: Madam Chairperson, what about having written presentations accepted up to and including June 26, which is the day of the public hearings, so that also allows for input into the report of those written presentations.

Mrs. Mitchelson: Madam Chairperson, given that the 26th is a Saturday, I guess I would recommend it would be, maybe, Friday the 25th.

I am just informed, if it is the will of the committee not to extend the written presentations any longer than the public hearing process, that indeed the motion will have to be withdrawn and a new motion will have to be introduced.

* (1030)

I would ask whether there is a willingness to withdraw the motion? [agreed]

Then, I would move

THAT the Standing Committee on Privileges and Elections advertise extensively within Manitoba that public hearings be held in Winnipeg on June 22, 1993, at 7 p.m., and if necessary, Saturday, June 26, 1993, at 10 a.m. Written submissions regarding the comprehensive review of The Freedom of Information Act be accepted by the Clerk of the Committee.

Agreed? [agreed]

Madam Chairperson: Is it the wish of the committee that advertising follow the list that is here in the appendices—all the ethnic papers—everything that is listed here?

Ms. Barrett: Is this the list that is used by the government to send information out?

Mrs. Mitchelson: I believe it is the complete listing.

Madam Chairperson: So just to clarify, we will follow this list as presented here? [agreed]

Do members wish to follow the format for the advertising that is listed in the appendices, the public review, Freedom of Information Act? The dates that we will be filling in will be Tuesday, June 22 at 7 p.m. and Saturday, June 26 at 10 a.m., and in brackets will follow the words "if necessary."

Ms. Barrett: Madam Chair, we have not completed the agenda items that would enable us to approve the notice as stated, the agenda item dealing with the presentations being limited to 20 minutes each. So I would suggest that we deal with the time limits item on the agenda before finalizing the notice.

Mrs. Mitchelson: I guess I might get the committee's thoughts on time limits to presentations. Is there a will to have a time limit set, or is that necessary?

Mr. Doug Martindale (Burrows): I would like to speak against the 20-minute time limit on behalf of our caucus for a couple of reasons. One is that I believe it is normally up to the committee itself, when they sit, to determine the rules. The council member has pointed out that is up to us—[interjection] I am advised that normally happens when a committee actually sits in public, but the second reason I would like to oppose this is that some members here are on an ad hoc rules committee, and this is one of the rules that we considered changing. It is part of a package that is going to go to all of our caucuses and to the formal Rules committee.

I would rather see that process followed since I believe we have a good process and we have a good deal of co-operation from all three parties. Rather than having this committee cherry-pick or change the rules of the House at this time, I think it would be better to consider all the rule changes in the formal Rules committee rather than changing them in committee here.

Hon. Darren Praznik (Minister of Labour): Madam Chair, I would speak in favour of a time limitation, whether it be 20 minutes or 30 minutes, simply because I know from my experience of serving on two constitutional task forces with some of the members here, that period of time—I think we used 20 minutes for presentation and 10 minutes for questions for a total of 30 minutes—was more than adequate. There was the odd presentation that perhaps could have been longer, but for the vast majority of presentations it was certainly adequate to convey the points that individuals wished to put across and allow for as many people as possible to make their presentations.

One would think if that was suitable for a constitutional task force, dealing with such a large and complex issue as the Constitution of our country, that surely a similar time limit would be appropriate for this type of committee. The point of having a time limit is, of course, to ensure that as many people as possible get to make presentations, that the time available for the particular work of this committee is distributed in such a way that as many people as possible have the opportunity to make their presentations, rather than the time being dominated by one or two people who choose to. I

have been at this committee where we have had people present for two and three hours, and I must admit that after probably the first half hour their points were lost on the committee. It was simply a matter of going on and on and on, so I would suggest we vote to provide that time period. I would suggest a maximum of 20 minutes for presentation and say, another 10 minutes for questions of the committee, some combination.

Mrs. Carstairs: I am not often in agreement—well, I suppose I am on occasion—with the member for Lac du Bonnet, but I am in full agreement with this one, and it has nothing to do with committee members and everything to do with the people who attend. I have sat and watched with committee while people have waited and waited and waited and have given up in absolute disgust and have left. Those may have been exactly the presentations we, as members, should have heard but did not hear, because somebody was going on and on and on and repeating over and over what had been said. I think that is unfortunate.

What I would like to see is some agreement from this committee that, quite frankly, we not sit longer than one o'clock in the morning. I have been in this Chamber where we have had hearings at four and five o'clock in the morning, which I find inexcusable for people who have to get up and function the next day, let alone legislators who have to get up and function the next day. But for people who come here, particularly from a rural community and find themselves not able to be on the order paper until three or four in the morning, and then have to drive back and then have to get up and go to work, I think it is unconscionable.

So I would very much like to see a 20-minute limit on presentations with a 10-minute question period, but I would also like to see some agreement of the committee that we would not serve beyond one o'clock on any of the hearing days.

* (1040)

Ms. Barrett: Madam Chair, I would like to reiterate the member for Burrows's concerns about the establishment of a time limit, whether it is 20 minutes or 30 minutes.

First of all, we do have rules that the House has established. This would be a change in those rules. The committees have always had the authority to establish their own rules on the day of the public hearings. I am suggesting if we have three people

in the room at seven o'clock on a Tuesday night, that we may wish to say, yes, take the time you wish and the time you need. We may need more than 10 minutes.

My point is the House rules up to this time for standing committees, notwithstanding the constitutional hearings, have been that the committee establishes those times when the committee meets in public hearings.

Again, the flexibility to allow us to hear a longer presentation or ask more than 10 minutes of questions is one I think we need to maintain.

But my basic point is we should not, to use the member's phrase, cherry-pick these rules, and I think we need to stay with flexibility in these matters.

Mr. Praznik: Madam Chair, I think both of our colleagues from Burrows and Wellington are not recognizing that the committee is us. I mean, we are the committee. We are here today to set the rules for these hearings, and that is exactly what we are doing. Putting over that decision to the day of the hearings is not fair to the people who have to make presentations.

I believe very strongly that they should know there will be a time limit. That is a decision we should make today. It would be very unfair to people to walk in here and not know we are imposing a 20-minute time limit when we are setting the rules for those hearings today.

I will also point out to both members that we have time limits on our own speaking in the House for a variety of occasions, and again, the purpose is to allow as many people to speak as possible.

I look to the Chair of the committee. I understand we have a motion for 20 minutes of presentation. Is an amendment required, Madam Chairperson, to provide for 10 minutes of questions by the committee for a total of 30 minutes? Is an amendment required?

Madam Chairperson: A motion will be required.

Mr. Praznik: There is no motion, I take it.

Madam Chairperson: No, there is no motion.

Mr. Praznik: Then I would so move

THAT this House set a limitation of 20 minutes on the presentation and a further 10 minutes for questions, and I will write that out.

Madam Chairperson: Just before I recognize the next speakers, I would just like to draw attention to

committee members that there is no rule respecting time limit. It is up to each committee to decide whether or not to set a time limit if they wish. So we are not breaking any rules.

Mrs. Carstairs: I just wonder if the minister would accept a friendly amendment to his motion which would be: and the time limit would be indicated on the advertisement.

Ms. Barrett: I would like to suggest that, obviously, it is going to be the will of the committee to put a 20-minute time limit on presentations.

I am wondering if it would be possible to not have a time limit in the notice on questions, just in case there may be a presentation that is compressed into the 20 minutes, but we might want to have more than 10 minutes to ask questions—if that would be seen as a friendly amendment.

Mr. Rose: Madam Chairperson, I do not disagree with what the member for Wellington (Ms. Barrett) is saying, but I do not know if we need to set that particular rule right now. We can surely have the flexibility at the time of the meeting to let the presenter use their 30 minutes however they wish.

If it is the feeling of the committee that they should have the opportunity to respond beyond that time limit at that time, I think that the time limit for presentation appears in the advertisement, simply because it is unfair, as the Minister of Labour (Mr. Praznik) has pointed out, to presenters not aware before they arrive. It gives them an opportunity to organize their thoughts properly. Again, it seems to me that surely, we can be flexible enough at the time to recognize that some may exceed that 20 minutes by a little bit, or perhaps the questions might go beyond the 10 minutes.

I think the important thing is to identify the time limit in the advertisement to give them opportunity to prepare. Whether we even need to make reference to the fact that there may be an opportunity to respond to questions after their presentation is over, I do not know if that needs to be even referred to in the advertisement.

Ms. Jean Friesen (Wolseley): Madam Chairperson, I have not had much experience in these types of committees and hearings, as much perhaps as some other members, but it seems to me that when we did go around the province with the most recent hearings on the Constitution, there were no time limits imposed.

An Honourable Member: There were.

Ms. Friesen: Not formally in a vote beforehand, not advertised beforehand. What there was, was a flexibility and an assumption that people would deal with this reasonably in committee, and that there were reasonable questions. Yes, we did aim for goals of a certain time for each participant, but to my knowledge there was no formal vote. I do remember the discussion we had on this over at the Payak Inter-Tribal Co-op, where in fact the government members are doing exactly as they are doing now in trying to put limits in advance.

I thought the committee as a whole worked far more sensibly with an assumption of reasonable limits to be decided upon at the time, depending upon the nature of the presentations of the people who were presenting, of the length of the list in front of us. That seems to me to reflect the best interests of Manitobans.

There will be people who are able and willing to present in far less than 20 minutes, for example, which might be a goal that we might establish. But there are those people who come with particular expertise or with particular experience that in fact you do need to develop, for their sake and for the sake of the best workings of the committee, a longer period of time. So I think we want flexibility and we want reasonableness, and I would assume that we are all reasonable members and that we can do that in the context of these particular hearings.

Madam Chairperson: Okay, just for point of clarification, I was on the same task force as the member. We did discuss it, and it was actually in the advertisements that went out. I have also just been handed the advertisement for the Meech Lake, and a time limit was also set up in the ad. So this is not unusual to have a time limit put in an ad.

For clarification, for the member for Wolseley.

Ms. Friesen: Yes, for clarification, I did not realize that it had been sent out in the ad and I do accept that clarification. Thank you for that. But I will add that in fact it was not observed and when there were people who needed to discuss things for a longer period of time, when there were questions, we did go over. I think perhaps those people who were there would recognize that as well.

Mrs. Carstairs: I was not on the second task force on the Constitution, but I certainly was on the first. On the first one, because we had such massive numbers that were in almost every community where we held hearings, we rigidly stuck to the 20

minutes and the 10 minutes of questioning, because otherwise we simply would not have heard all of those who wanted to be heard.

That is, in my opinion, the only reason to put a time limit. It is not to, quite frankly, make it more comfortable for committee members, as comfortable as it may be to have people limited. It is so that those who come get the opportunity to be heard.

Mr. Praznik: Madam Chair, I have this motion in written form. I think it will accommodate the interests of the member for River Heights (Mrs. Carstairs).

If I may just comment or make an observation with respect to the comments of the member for Wolseley (Ms. Friesen), I think she is correct in indicating that we did apply flexibility to those established rules where the occasion warranted. I certainly have no objection to the same being recognized here, but I think it is only fair to presenters that we give some warning as to the time in which they can make presentations.

So I would move

THAT this committee limit the time of oral presentations to 20 minutes per presenter with up to a further 10 minutes for questioning by committee members, and that these limits be included in the appropriate advertisements.

Madam Chairperson: Is it agreed?

Ms. Barrett: I will say that on the 20-minute time limit, I would echo the member for Wolseley's (Ms. Friesen) urging for reasonableness, and if there are two presentations only, we be reasonable people.

* (1050)

As far as putting the 10-minute question and answer section in the advertisement, it is not in this draft advertisement, and I do not know if there were any in the Meech Lake or the others. It seems to me that what happens in committee is the individual is asked if they want to answer questions, is prepared to answer questions.

So I think that if we agree in the committee that 10 minutes is reasonable, we do not need to put that in the advertisement. It may perhaps actually impede people's willingness to, because we always do ask them if they want to, give them that choice. I think if we leave that out, we have our own internal decisions on this and just go with a 20-minute time limit.

I would move an amendment

THAT we delete the portion of this amendment that talks about up to 10 minutes for questions and have the advertisement speak only to the time limit for presentations.

Mr. Praznik: Madam Chair, I would be prepared to accept the amendment to this if it were just to clearly indicate that the advertisement only include the 20-minute presentation, but we are still voting on the 10-minute questioning rule.

If the member for Wellington (Ms. Barrett)—I believe the wording would be that this would be amended by providing for only the advertising of the 20-minute presentation limit. I would accept that.

Madam Chairperson: Would the honourable member for Lac du Bonnet (Mr. Praznik) consider withdrawing his motion and bringing it forward again without reference to the 10-minute question period?

Mr. Praznik: If the Clerk would just bring the amendment down, I will make the appropriate change.

Madam Chair, I would withdraw my previous motion and move

THAT this committee limit the time of oral presentations to 20 minutes per presenter with up to a further 10 minutes for questioning by committee members, and that the 20-minute presentation limit be included in the appropriate advertisements.

Madam Chairperson: Agreed? Is this motion agreed to? [agreed]

I would now like to just move to No. 5 on the agenda: Consider the preparation of the report after public presentation process is completed.

Mr. Praznik: With respect to this item, could the minister perhaps indicate what kind of advice she is looking for from the committee or what decisions have to be made?

Mrs. Mitchelson: Madam Chairperson, in the legislation, it does indicate that after the comprehensive review of the operation of this act, the committee shall, within one year after the review is undertaken or within such further time as the Assembly may allow, submit to the Assembly a report on the operation of this act, including any amendments to the act which the committee recommends.

Mr. Praznik: I would just suggest, Madam Chair, that this should be an issue we should deal with following the presentations, when we know really what we want to do.

Mrs. Carstairs: Well, I think it makes sense, quite frankly, for the staff to prepare a report on the basis of the public presentations, and a further meeting of this committee be held to debate the draft report submitted by staff. At that point, we can make amendments or changes the committee considers appropriate.

Obviously, this committee is not going to draft the report, so I think following completion of hearings, the staff of the department would draft a report on the basis of the hearings and present it to this committee for approval or rejection.

Ms. Barrett: Madam Chair, the act requires a report to the Legislature by June 30 of this year, correct? By the minister?

Mrs. Mitchelson: My understanding is, and I might seek clarification, we report through the Legislature that a process has been followed to review the act.

Ms. Barrett: That would then allow the process to continue after the 30th of June of this year because there is no way we can have a written report and a staff-prepared report and committee hearings. Thank you.

Mrs. Mitchelson: That is correct.

Mr. Sveinson: I am just reading Section 56. I could be wrong, but I would just like to mention it anyway. If I just might read, "such committee of assembly as the assembly may designate or establish for the purpose shall undertake a comprehensive review of the operation of this Act and shall, within 1 year after the review . . .", which we are doing, are we not?

So it is not this June 30, but the report, in fact, can be within a year after that.

* (1100)

Mrs. Mitchelson: Madam Chairperson, that is right. We will undertake the review process by the end of June, and within a year this committee will report back to the Legislature with a report and any amendments that might ensue, that this committee deems advisable or recommends as a result of that process.

Mrs. Carstairs: Perhaps we should have a motion.

I move

THAT the department prepare a report following the public hearing process to be submitted to this committee within six months for further debate of this committee.

I move

THAT following the public hearing process, staff of the department responsible for The Freedom of Information Act draft a report to be presented to the Standing Committee on Elections and Privileges by December 31, 1993, for their debate and approval and later presentation to the House.

Mrs. Mitchelson: Madam Chairperson, talking to staff, they believe that six months might be all right. What has to happen after the report is drafted is that it has to go to civil litigation in the Department of Justice to ensure that legal opinions are provided and considered to the draft report. I hope that six months would allow for that to happen.

Mrs. Carstairs: Well then, make it nine months. I mean, we have a year to do this, so if March 31 gives them more time, give them March 31. I have no difficulty with that.

Madam Chairperson: Okay. For clarification, I would just like to read this out. This has been moved by the Leader of the Second Opposition:

THAT following the public hearing process, staff of the department responsible for The Freedom of

Information Act, draft a report to be presented to the Standing Committee on Privileges and Elections by March 31, 1994, for their debate and approval and later presentation to the House. [agreed]

I would like to move to the last item on the agenda: Other business. Any other business?

Mr. Rose: Just backing up to the advertisement, is there any intention of sending a news release along with the advertisement explaining what this is all about? Again, I am thinking, I guess, of rural areas where many people will read the local community newspaper, perhaps see the advertisement and have no idea of what the advertisement is all about. I do not think, if that is acceptable, a motion is necessary if we just ask the department to prepare a news release to accompany the advertisement.

Mrs. Mitchelson: That certainly could be accommodated. I think it is an excellent suggestion.

Madam Chairperson: Committee adjourn.

COMMITTEE ROSE AT: 11:05 a.m.