

First Session – Forty-First Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Mrs. Sarah Guillemard
Constituency of Fort Richmond

Vol. LXIX No. 2 - 12 p.m., Thursday, October 6, 2016

ISSN 1708-668X

MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

Member	Constituency	Political Affiliation
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
CHIEF, Kevin	Point Douglas	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
CURRY, Nic	Kildonan	PC
DRIEDGER, Myrna, Hon.	Charleswood	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FLETCHER, Steven, Hon.	Assiniboia	PC
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GRAYDON, Clifford	Emerson	PC
GUILLEMARD, Sarah	Fort Richmond	PC
HELWER, Reg	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek	Interlake	PC
JOHNSTON, Scott	St. James	PC
KINEW, Wab	Fort Rouge	NDP
KLASSEN, Judy	Kewatinook	Lib.
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMOUREUX, Cindy	Burrows	Lib.
LATHLIN, Amanda	The Pas	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MARTIN, Shannon	Morris	PC
MAYER, Colleen	St. Vital	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew, Hon.	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Arthur-Virden	PC
REYES, Jon	St. Norbert	PC
SARAN, Mohinder	The Maples	NDP
SCHULER, Ron, Hon.	St. Paul	PC
SELINGER, Greg	St. Boniface	NDP
SMITH, Andrew	Southdale	PC
SMOOK, Dennis	La Verendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
SWAN, Andrew	Minto	NDP
TEITSMA, James	Radisson	PC
WHARTON, Jeff	Gimli	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian, Hon.	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC
YAKIMOSKI, Blair	Transcona	PC

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Thursday, October 6, 2016

TIME – 12 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mrs. Sarah Guillemard
(Fort Richmond)

VICE-CHAIRPERSON – Mr. Bob Lagassé
(Dawson Trail)

ATTENDANCE – 10 **QUORUM** – 6

Members of the Committee present:

*Ms. Fontaine, Mrs. Guillemard, Ms. Klassen,
 Mr. Lagassé, Ms. Lathlin, Messrs. Martin,
 Michaleski, Ms. Morley-Lecomte, Messrs. Smith,
 Wiebe*

APPEARING:

Hon. Andrew Micklefield, MLA for Rossmere

MATTERS UNDER CONSIDERATION:

*The process for hiring a new Children's
 Advocate for the Province of Manitoba*

* * *

Mr. Vice-Chairperson: Good afternoon. Will the Standing Committee on Legislative Affairs please come to order.

Before the committee can proceed with the business before it, it must elect a new Chairperson.

Are there any nominations for this position?

Mr. Andrew Smith (Southdale): I nominate Sarah Guillemard.

Mr. Vice-Chairperson: Mrs. Guillemard has been nominated. Are there any other nominations?

Hearing there are no other nominations, Mrs. Guillemard, will you please take the Chair.

Madam Chairperson: This meeting has been called to consider the process for hiring a new Children's Advocate. Copies of the applicable legislation for this position were circulated at the commencement of this meeting.

For the information of the committee, section 8.1(2)(b) of The Child and Family Services Act specifies that where the term of the Children's

Advocate in office is vacant or becomes vacant within six months, the Standing Committee on Legislative Affairs shall consider persons suitable to be appointed for that position and shall make a recommendation respecting the appointment to the president of the Executive Council.

The term of the current incumbent, Mrs. Darlene MacDonald, will expire on April 10th, 2017.

I would also like to inform the committee that there is an established practice when dealing with the hiring of independent officers of the Legislative Assembly. In the past, the Standing Committee on Legislative Affairs would strike up a subcommittee to deal with all aspects of the hiring process, including drafting the advertisement, the selection criteria, the screening and interviews, and would report the recommendations for the position to the main committee. This involves the subcommittee meeting several times and, once completed with their deliberations, reports their results to the main committee, where it will make the final recommendation to the president of the Executive Council.

As well, the Committee Clerk and a representative from Legislative Assembly Human Resource Services office are in attendance at all subcommittee meetings, including conducting the screening of applications and attending interviews of prospective Legislative Assembly independent officers.

How does the committee wish to proceed with the matter before us?

Mr. Shannon Martin (Morris): Then I'll move the motion. Do I need to read the entire motion?

I move

THAT a subcommittee of the Standing Committee on Legislative Affairs be struck to manage the process of hiring a new Children's Advocate for the Province of Manitoba under the terms and conditions as follows:

- (a) the subcommittee consist of four government members, two Official Opposition members and one independent member;

- (b) the subcommittee have the authority to call their own meetings, the ability to meet in camera, and be able to undertake duties it deems necessary in order to fulfill its responsibilities in the hiring process;
- (c) the subcommittee may only report back to the Standing Committee on all—on Legislative Affairs with the recommendation that has been agreed to by all members; and
- (d) the Committees Branch staff as well as Legislative Assembly Human Resources Services staff be authorized to attend all meetings of the subcommittee.

Madam Chairperson: It has been moved by Mr. Martin that the motion is in order—*[interjection]*—oh, that a subcommittee of the Standing Committee on Legislative Affairs be struck to manage the process of hiring a new Children's Advocate for the Province of Manitoba under the terms and conditions as follows:

- (a) the subcommittee consist of four government members, two Official Opposition members and one independent member;
- (b) the subcommittee have the authority to call their own meetings, the ability to meet in camera, and be able to undertake duties it deems necessary in order to fulfill its responsibilities in the hiring process;
- (c) the subcommittee may only report back to the Standing Committee on Legislative Affairs with a recommendation that has been agreed to by all members; and
- (d) the Committees Branch staff as well as the Legislative Assembly Human Resources Services staff be authorized to attend all meetings of the subcommittee.

The motion is in order. The floor is open for questions.

Mr. Matt Wiebe (Concordia): I see that the motion is, indeed, keeping with how we've dealt with these matters in the past, so I see no objection there.

The only question I had for the committee was with regards to timelines. I notice that that's not prescribed in the motion itself, and I'm wondering if maybe we could have some comment as to what this committee expects in terms of a timeline to accomplish the work of the subcommittee.

Mr. Martin: And I'll affirm maybe—we're all quite new here or whatever—but to my colleague, in terms of—I know the motion is in line with previous motions when these situations arose, and I'm just curious what the timelines were previously involved in these motions, just to give us a template.

Mr. Wiebe: Well, it was my understanding that, in the past, we were under very different circumstances in—when I've—at least in my experience sitting on these committees, we were under pressures, in terms of hiring this position and sort of making sure that that was done in a very expedient manner.

So I don't see that expediency here, and that's why I'm asking this question, because, you know, we do have a little bit of breathing room in terms of making sure that we get this process right. However, I think it's important that we identify that this work needs to happen as quickly as possible, as thoroughly as possible, of course, but as quickly as possible and that the committee, you know, make sure that it moves through this process and gets to the goal line as quickly as possible.

Mr. Martin: Madam Chair, I would make a recommendation that the committee have a recommendation within six months.

Mr. Wiebe: So I appreciate the comments from the members opposite and I maybe—I'm—I guess we're sort of maybe putting the cart before the horse in terms of dealing with the motion on the floor, and maybe the process would have been better served if I—if we had moved forward on the motion first and then just had more—maybe more of an informal conversation or another motion, if that's necessary.

But just for the record, I'll put on the record that I think that that's a reasonable time frame and something that's a good goal for this committee and the subcommittee to do its work.

Hon. Andrew Micklefield (Rossmere): In light of the comments around the table, I'd like to propose an amendment to the motion before us—no?

* (12:10)

Madam Chairperson: I'm sorry. You are not a committee member, so you are not able to propose that. And we need to deal with one motion at a time, and there is a motion—either this motion gets amended, or we conclude with it and we deal with another.

Mr. Wiebe: Well, I would then call for the question on this original motion.

Madam Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Madam Chairperson: Motion—pass.

I would like to thank the committee for your work here today—*[interjection]* Pardon me. Mr. Martin.

Mr. Martin: I'd like to put forward an additional motion, Madam Chair.

Madam Chairperson: The motion must be in writing.

Mr. Wiebe: So maybe if I can just make a suggestion. Again, I think we're all coming to this at this—in the same way. It's maybe just a matter of process now in terms of motions. But maybe if I can make a suggestion: We could make it the first order of business, or suggest from this committee to the subcommittee that the first order of business in their meeting would be to deal with a timeline and reflecting the consensus, I think, that we're having

around the table, that six months seems like a reasonable amount of time and that that should be a goal of theirs, but leave it to the subcommittee itself to actually make that motion or to just deal with it in a more informal way, just to move things along a little bit more quickly here.

Mr. Martin: Then I withdraw my request for a motion. I have nothing else to add.

Madam Chairperson: Okay. So the subcommittee will agree that the first item for their meeting will be a timeline for hiring a new advocate. Does the committee agree to this? *[Agreed]*

I would like to thank the committee for your work here today. And this concludes the business before the committee.

The hour being 12:13 p.m., what is the will of the committee?

Some Honourable Members: Committee rise.

Madam Chairperson: Committee rise.

COMMITTEE ROSE AT: 12:13 p.m.

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/hansard.html>