



Second Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

Standing Committee

on

Privileges and Elections

Chairperson
Mr. Jack Penner
Constituency of Emerson



Vol. XLVI No. 1 - 2:45 p.m., Tuesday, June 4, 1996

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	St. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert, Hon.	Steinbach	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
ERNST, Jim, Hon.	Charleswood	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David	Riel	P.C.
PALLISTER, Brian, Hon.	Portage la Prairie	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupertsland	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
SVEINSON, Ben	La Verendrye	P.C.
TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS
Tuesday, June 4, 1996**

TIME – 2:45 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Jack Penner (Emerson)

VICE-CHAIRPERSON - Mr. Peter Dyck (Pembina)

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Mrs. Mitchelson, Hon. Messrs. Reimer, Toews

Ms. Barrett, Messrs. Dyck, Kowalski, Mackintosh,
Martindale, Ms. McGifford, Messrs. Penner,
Radcliffe

WITNESS:

Howard Collernan, Judge, Provincial Court

MATTERS UNDER DISCUSSION:

Report and Recommendations of the Judicial
Compensation Committee.

Review of the Operation of the Children's Advocate
Section of The Child and Family Services Act.

* * *

Mr. Chairperson: Could the committee come to order. We, the Standing Committee on Privileges and Elections, need to make one consideration and conduct one small piece of business before we start, and that is the election of a Vice-Chairman.

Hon. Jack Reimer (Minister of Urban Affairs): Mr. Chairman, I would like to nominate the member for Pembina, Mr. Peter George Dyck..

Mr. Chairperson: Peter George Dyck has been nominated. Any further nomination? If not, all in favour

of Peter George Dyck being the Vice-Chairman? Peter George Dyck has been elected as the Vice-Chairperson.

This afternoon the committee has two matters before it, namely, the consideration of the Report of the Judicial Compensation Committee and review of the operations of the Children's Advocate section of The Child and Family Services Act.

For the benefit of the committee members, copies of the JCC report and the pertinent section of The Child and Family Services Act have been provided and are on the table in front of you if you want to review them.

* (1450)

Before we proceed with the consideration of the matters, it would be appropriate for the committee to decide and agree on how it wishes to deal with matters before it. There is a precedence in the case of the Judicial Compensation Committee report; and when the first Judicial Compensation Committee was considered by the Privileges and Elections committee in 1992, opening comments were given by a representative from the government and by the opposition critic. The floor was then open for general comments and questions during the course of consideration, and then the government House leader moved a motion that the Privileges and Elections committee adopt Schedule A of the JCC report and recommend it to the House. The motion was then agreed to.

In the case of the review of the legislation pertaining to the Children's Advocate section of The Child and Family Services Act, we are really in uncharted water, and I would like some advice from the committee as to how we proceed. So the committee really needs to decide how it will proceed this afternoon. My recommendation to the committee is that each item be dealt with separately, that the opportunity for opening statements be accorded to the minister and/or government representative and the opposition critic, and that the committee then proceed with questions and comments and consideration of the matter. This is just a recommendation, and I would like to hear what the will of the committee is.

Mr. Doug Martindale (Burrows): Mr. Chairperson, we are in agreement with your recommendation, and we would like the Judicial Compensation Committee report to go first.

Mr. Chairperson: Is that in agreement with the committee?

Some Honourable Members: Agreed.

Mr. Chairperson: If so, we can agree, then we will consider the JCC report.

Report and Recommendations of the Judicial Compensation Committee

Mr. Chairperson: First, Mr. Minister, will you come forward.

Thank you, Mr. Minister. Did you have an opening statement?

Hon. Vic Toews (Minister of Labour): Yes, I have a very brief statement just to point out some of the background. The Green committee was established by Order-in-Council in October of 1992. Hearings were scheduled for May of 1993, but at the first meeting the Provincial Judges Association requested an adjournment. As a result of various factors, including the application of Bill 22, the judges' hearings were not completed until 1995 with the report issuing on December 29, 1995.

Just in summary, the Green committee made various recommendations in respect of salaries. There was a recommendation for judges, a 2.3 percent increase effective September 1, 1993, to \$96,180, a further 0.9 percent increase effective September 1, 1994, to \$97,022. Additional remuneration for the Chief Judge and three associate chiefs would remain at \$5,000 and \$2,000 respectively.

In respect of pensions, the recommendation was that there was the application of the supplementary judicial pension plan for all judicial service prior to its implementation in July 1992 for all active judges at a cost of approximately \$1.5 million.

I understand, Mr. Chairperson, that when the recommendations of the committee were first reviewed, there were some concerns that there was not sufficient time. I just leave it to the committee at this point to see

whether there are any suggestions how the committee wishes to proceed.

Mr. Chairperson: I am going to ask the opposition members if they want to make an opening statement and then we will deal with the question before you. Mr. Mackintosh, do you have an opening statement? No.

What is the will then of the committee? The report deals with a number of recommendations. I understand that the judiciary has requested for some time extension of the consideration of this matter, and I wonder whether we should allow for some time, whether the committee wishes to defer this matter till the next seating of the House to give the judiciary adequate time to make representation to the committee as it is, I believe, the will of the judiciary.

Mr. Toews: Just on that point, I would just, not wishing to cut off any members who want to speak on that issue, point out that there are judges in attendance here, Judge Collerman and Judge Devine. I understand that the Provincial Judges Association did, in fact, wish to make certain representations, but at this point they are not in a position to do so. My own inclination would be to adjourn the committee to such a time as when these representations could be made by the committee, given that this committee will deal with matters directly affecting the judges.

Mr. Chairperson: What I will do is ask the committee, is it the will of the committee to hear Judge Collerman? Is it the will of the committee? [agreed]

Please, Judge Collerman, come forward.

Mr. Howard Collerman (Judge, Provincial Court): We had approached the government by letter approximately a month ago requesting that when the standing committee was ready to deal with the matter, we would like the opportunity to make some representations. We felt that was appropriate. We take note, of course, that Mr. Irving is present today, I would assume providing information to the committee, as of course it is his duty to do, but I indicate, of course, that Mr. Irving was also representing the government at the hearing. I think in order that there not only be fairness and the perception of fairness that we, the other party involved in this, ought to have the opportunity to provide some

additional representations to you, perhaps in order to put certain things into perspective, provide some history and respond to whatever questions you may have with respect to the matter.

This matter, of course, has been given a great deal of consideration by those who prepared their representations for the committee and by the committee itself. I think it would be beneficial and constructive for all concerned if we were allowed to participate in this fashion.

Now, I take note that the suggestion was made that we require an adjournment. I should indicate that we found out about this meeting at approximately ten o'clock this morning, so we had no prior knowledge of this. Having found out with so little time, we of course would like some time, but I would indicate to you that we do not require the kind of time that was suggested, that is, an adjournment until the next sitting of the House, and I assume that would be October approximately. We would be in a position I think to provide you with some additional information that you might find constructive if we were able to have a 24-hour or 48-hour adjournment, and within a day or two we could provide you with that kind of information.

For example, the area dealing with salaries was an area that was examined in detail by my colleague Associate Chief Judge Sinclair and by Judge Kopstein. Because of the fact that we had so little notice, both those parties are committed at this time to sittings in court, one on the pediatric inquest and one on a trial that he is in the midst of and seized of. Both those gentlemen would like to attend, and if we could have some time to arrange for their schedules, similarly I would like to have some opportunity to review the pension aspect, but I do not require any great deal of time, as I say, 24 hours, 48 hours maximum. We would like to get this matter underway if we could. Thank you.

Mr. Chairperson: Thank you very much. What is the will of the committee, or are there any comments from the committee in this regard?

* (1500)

Mr. Gord Mackintosh (St. Johns): I am sorry to hear this. The government has a responsibility to manage its business better than this. I look at the report, and it is dated December 29, 1995. I mean, this issue has been

around. I understand there has been some continuing frustration on the part of the judges with this government and how it is dealing with issues of importance to the bench. I would suggest that we consider whether—I mean, we are in a difficult position here now. We have three sittings left which are jam-packed full of legislative business, Estimates, for example, which has to take precedence over other matters, and bills that have to take precedence. I do not know whether there is even any time within that schedule at this point to schedule another meeting of Privileges and Elections. Even if that was scheduled, I do not know if the House can ensure that there would be passage of the report from Privileges and Elections prior to us rising on or before June 6.

Another option that may be available though, it would mean that the report would not be considered by the House until the fall, is if Privileges and Elections meet in between the June 6 date and the resumption of the regular sittings in the fall. It is certainly something that is within the jurisdiction of the committee if it so decides, although I will take any opinion from the Clerk as to whether that is indeed possible under the current rules. That is another option.

Mr. Mike Radcliffe (River Heights): Mr. Chairman, in light of the request from His Honour Judge Collerman, I do not think that we, in all conscience, can proceed today, and I would suggest that possibly we refer this back to I guess it would be the House leader with the request that it be considered as quickly as possible in light of our diminishing calendar, and to notify Judge Collerman and his colleagues immediately that the new date is ascertained.

Mr. Toews: I would just like to respond to Mr. Mackintosh's comments. Of course, it is not the government's responsibility to make these decisions in respect of what is going on here today. It is the committee's responsibility.

The committee is here today to determine process and procedure, and, in fact, that is what we are here to do. It is a committee matter. So if we are, in fact, wishing to make that kind of recommendation in terms of adjournment, which I am certainly in agreement with, we should also deal with some of the other details, so that we do not get to an adjournment hearing, then deal again with issues such as the length of the hearing and various

other things. So I think these are things that are the responsibility of the committee to deal with at this time, and it is not for the government to dictate to the committee how a process in a committee is to be determined.

Mr. Chairperson: Are there any other comments? I would entertain a motion which would clearly spell out in recommendations to the House and the House leader as to when this committee would sit next, what procedure would be used by the committee to determine the report, and how we deal with the recommendations contained in the report. So, if anybody at committee has or wants to take a few minutes to draft a motion or put forward a motion, I would certainly entertain a motion dealing with those issues.

Mr. Mackintosh: There may be other bills that will be fast tracked before Thursday, which will have to go to committee, and it may be that all matters can be sent to one committee, including this matter. Presumably the committee will have to be set up at some point. So I would think that we should move that the House leaders be instructed to determine at the earliest date possible when the matter can be reheard, and that in the meantime the judges be advised that they should prepare for presentation as early as 24 hours from now to a committee of the Legislature, which, I believe, may have to be this committee under the legislation in which case then the bills could also be referred to this committee.

I am just thinking how we can consolidate the time that we have left. At least that will give the judges the opportunity to prepare now. If Judge Colleman thinks it will take 24 hours minimum, then that in fact may be the maximum that we have to grant them.

Mr. Toews: Very briefly, I believe I can support a motion similar to that but without the time limit. I think rather than directing the House leader to comply within a certain time frame, to do it on an expedited and urgent basis. I think that way we can accomplish that, and just in case the judges have more to add than they initially thought, that will give them that opportunity to put that together as well.

Mr. Chairperson: I am waiting for your motion. We will take a minute or two while somebody is preparing a motion.

Mr. Radcliffe: Mr. Chairman, I move, seconded by the honourable member for River East (Mrs. Mitchelson),

THAT this report be referred to another sitting of this committee to be called as expeditiously as possible, and that the Provincial Court judges be permitted to make a presentation at the sitting of this committee as they see fit and the committee shall advise.

Mr. Chairperson: Any comments on the motion? If not, are we agreed to the motion? All those in favour, indicate by raising your hands. Opposed? Carried.

Review of the Operation of the Children's Advocate Section of the Child and Family Services Act

Mr. Chairperson: The next item on the agenda then for the committee is the review of the operation of the Children's Advocate section of The Child and Family Services Act. Would the minister come forward, please.

As I indicated to the committee before, we are really charting unknown courses here. This is the first time, in a bit of a precedent, that a bill such as this comes before a committee such as this, and I think I would ask all committee members to bear with the Chair in allowing significant and sufficient time for discussions on the items and maybe at the end of the day we can come to some conclusion as to how we want to deal with this bill.

I am going to ask, then, the minister for an opening statement.

* (1510)

Hon. Bonnie Mitchelson (Minister of Family Services): Committee members, I am pleased to have the opportunity to begin this discussion in review of the Office of the Children's Advocate. The legislation establishing the Advocate was proclaimed in May of 1993 and provides for the comprehensive review that is now being undertaken. The primary function of the Children's Advocate, as set out in The Child and Family Services Act, is to represent the rights, interest and viewpoints of children when decisions affecting them are made under the act.

Mr. Wayne Govereau serves as Manitoba's first Children's Advocate. As Minister of Family Services, I have had the pleasure and the opportunity of working together with him over the past three years on many issues. As all members are aware, Mr. Govereau has submitted two annual reports on the work of the Office of the Children's Advocate and has made many recommendations regarding services to children, including recommendations as to the role and mandate of the Children's Advocate and his office. I believe that, in this review of the Children's Advocate office, we need to very seriously consider the Advocate's own views and recommendations on changes to his office.

There are several other important issues that need to be addressed, including the reporting relationship. The Children's Advocate currently reports to the Minister of Family Services as the Advocate is mandated to work on behalf of children who receive or may receive services under The Child and Family Services Act. The Children's Advocate has recommended that he report directly to the Legislative Assembly.

I believe all members would agree that, regardless of the reporting relationship, Mr. Govereau has been very effective in raising important issues and concerns, both through his annual reports and his statements. There are six jurisdictions in Canada that have a Children's Advocate. In three of these provinces, the Advocate reports to the Minister of Family Services; in the other three, the Advocate reports to the Legislative Assembly.

The Children's Advocate currently is responsible only for children who receive or may receive services from the Child and Family Services system. In this review, we need to consider whether this mandate remains appropriate. Some have suggested that the responsibilities be expanded to include all children in contact with government services, in Education, Health and Justice. There is currently no specific term of office for the Children's Advocate. The Advocate has recommended that he be appointed for a specific term of office, such as three or five years, similar to that of the Ombudsman.

I know that all members want to ensure that the Children's Advocate is able to continue to be effective in representing children who are most in need in our province. I look forward to the deliberations, discussions

and recommendations of this committee over the coming months, and I am confident that the Office of the Children's Advocate will be even stronger and more effective as a result of the comprehensive review that we are starting the process for today.

I will leave it at that, Mr. Chairperson, and see if there are any comments.

Mr. Doug Martindale (Burrows): I would like to thank the minister for her opening comments. It is a good opportunity to discuss the role of the Advocate and the mandate of the Advocate since it was mandated by the legislation that this review take place at this time.

Our caucus would like to recommend that there be a public process for reviewing the role of the Children's Advocate and some of the questions that the minister raised. We think that there should be public input, and that can probably happen best by way of public hearings, either here at the Legislature or in other locations, and we would recommend getting out of the Legislature and even out of Winnipeg.

I think these are very important issues that the minister has raised, for example, expanding the Children's Advocate's mandate so that he could investigate matters pertaining to all children, not just children who are in the care of an agency or may be in the care of an agency. This is something that we have not thought about or caucused, but the minister raised it, and it is an important issue. I think it would be good if we could hear the public's views on that and consider them. It does not mean that we will necessarily move in that direction, because, of course, there are many considerations.

One is, how many staff would the Children's Advocate's office have to have if he had the legislative authority to investigate complaints in every area, whether it is education or health or Child and Family Services? Of course, that means that there are budgetary implications. So we would not necessarily endorse that. As I said, we have not caucused it, but it is a very interesting suggestion that the minister makes and one that I think should be examined. We believe that the best way to do that would be by having public hearings.

I have been the critic, I guess, since the Advocate was appointed, and it has been very interesting to watch the

evolution, I guess, of the Children's Advocate and how he has handled his responsibilities.

As the minister knows, we introduced a private members' bill to amend the legislation to require that the Children's Advocate report directly to the Legislative Assembly, and I remember not only did I introduce a private members' bill, but the previous critic, the member for Wellington (Ms. Barrett), did as well. I remember some of my comments in my speeches. For example, I said that the Children's Advocate should report directly to the Legislature because he may make recommendations, and if the recommendations only go to the minister, we may never know what they are. As it turns out, I was wrong. The Children's Advocate came out with very strong reports and very strong recommendations. So we are very pleased that that happened.

On the other hand it may be because of who the current Children's Advocate is. It could be that he felt that he was going to say what he wanted regardless of the consequences and, in fact, he was extremely critical of this minister's predecessor and some of the things that were said to him. All you have to do is read the first annual report, and it is all in here, taking up their cause, first annual report of the Children's Advocate, 1993-94.

However, that does not mean that his successors might do the same. His successors might feel constrained, either because of their own personal views or maybe even constrained because of pressure from the minister's office and might write annual reports that only include the number of investigations and the kinds of investigations and the outcomes and might not include the kind of strong recommendations that this current Children's Advocate has made. So I think we would like some public input into questions of not only the mandate but to whom the Children's Advocate reports, whether the Advocate should continue to report to the minister or to the Legislature, and both the NDP caucus and the Advocate have said that the Advocate should report to the Legislative Assembly.

Another issue that the public might want to have some input on is the timeliness of the Advocate's reports. The legislation says that it must be tabled within 15 days of the beginning of the session and, unfortunately, we have had a problem because the report has been prepared in the fall. Of course, we do not know exactly when the

report has gone to the minister, but when we were in session in December, I believe we were only there for 10 days, and the Advocate's report has not been ready or I guess has not been received, as far as we know, within that 15-day period and so it has been tabled in April. The result is that we have a report, and I believe this is true twice in a row, the first annual report and the second annual report, with a report that is almost 13 months old. It is over a year old.

So we have real problems with the timeliness because, when you have a report that is 13 months old, then you ask the minister questions about the recommendations, the minister can say, oh, well, we have implemented this and we have implemented that. All we can do is, I guess, trust the minister that that is true, what she is telling us, but a lot of these recommendations are very serious, and we think that we should have the report on a more timely basis. So that is another example of something that we would like some public input on.

* (1520)

So, to summarize, first of all we would like a public process whereby the public can comment on the minister's remarks, since they are on the public record, and the Children's Advocate's own recommendations and other ideas that the public might want to suggest. Also, I would like to recommend that this committee seriously consider hiring a researcher to evaluate the role of the Children's Advocate, somebody who would be nonpartisan, who would be hired because of their expertise and who could look at the different models and look at the legislation in other provinces and write a report for consideration of this committee.

Mr. Chairperson: Any further comments? If not, what is the wish of the committee, then? How do we further proceed? There have been a number of recommendations put on the table, two by the minister and a number by the opposition members. I am wondering how the committee wishes to proceed with the dealing of the recommendations that were put forward.

Mrs. Mitchelson: I think the only other experience we have had at this committee around review of legislation is the Freedom of Information legislation, although this is somewhat different. I think that process has taken a fairly lengthy time to complete. I would think that this is

one issue that we would like to get dealt with. I would recommend, if I could, that whatever public process this committee determines should take place that that public process be completed by the fall of this year, late fall, so that in fact, as we look to bringing in other amendments to The Child and Family Services Act in the next legislative session, if there are legislative requirements or amendments to legislation required that we be able to include them with the legislative package next spring.

I agree with my honourable friend that we need some sort of a public process, although I would caution, public hearings as such throughout the width and the breadth of this province, I think in today's economic times the resources that we approve as a Legislature collectively for any kind of a process have to be looked at very carefully. In my opinion, if we can get input from the public without a major cost, those dollars then can be directed towards the services for children that really need those services. So I have some difficulty in having a wide, broad process where this committee and all its members travel all over the province and there are major travel costs and possibly accommodation costs and the staff resources required to undertake that process. I would prefer any dollars and the scarce resources that we have available to be spent actually serving the needs of children.

I mean, I might recommend, if I could, that we advertise broadly enough. The committee could determine what that advertising could be. We could certainly receive written presentations. We could certainly try to assess what the interest is by way of public advertising and asking for a phone call or a written presentation or a desire to appear before the committee before we determine exactly how many committee meetings we might need to hear the public. I mean, if we have a long list of presenters that want to make presentation face to face, I think then that we would have to take into consideration that and schedule enough meetings, but my sense is that it would be great to canvass, first of all, throughout Manitoba and get some sense of how important this issue is to Manitobans and how many of those Manitobans want to make representation.

Mr. Chairperson: I hear members of the committee, I hear the minister, and I hear the recommendations of a

public process that this committee might enter into which would incur expenditures.

Let me remind the committee that it is not under the jurisdiction of this committee to make decisions that would incur costs such as travelling and those kind of things, that it is not under the purview of this committee to make that determination. It is under the purview of this committee to make recommendations to the House, and it would be then up to the House to make the decision as to what procedure would be followed based on the recommendations that this committee might make. So in light of that, I would ask for further consideration.

Ms. Becky Barrett (Wellington): The minister spoke about the importance of providing services to the children of Manitoba and, of course, none of us disagree with that, but it seems to me that one of the reasons for the element in the original legislation to require a review was to assess how adequate the services provided by the Children's Advocate over its first three years have been. I would suggest that, in this case, it would be money well spent to have the opportunity to hear from people outside the city of Winnipeg.

I would suggest that the minister's comments about canvassing prior to that to see what kind of response there would be will engender not the kind of response that there would be if the decision was made to go to, say, Dauphin, Thompson, Brandon, I do not know, but regional. Because if you advertise in the media and say there will be public hearings held, if you do not say they definitely will be held outside the city, the people outside the city will not bother to make presentations or write in to say they want to make a presentation because they assume it is only going to be in the city.

I think that it is important if we determine it is important to hear from the people of Manitoba on this particular issue, which is one that often requires—often you get the best response face to face, going out to visit people. For many people a written submission on a concern they have had with the Children's Advocate is very difficult to do, given the nature of the questions that come before the Children's Advocate. It is not easy. I think, particularly at the first chance that we have to assess the role of the Children's Advocate, it behooves us to be as complete and thorough as we possibly can, to

proactively act on behalf of all of the people of Manitoba, not show another example of Perimeter mentality, and go to where the people are on this one, rather than just saying we cannot afford it. We cannot afford not to, I would suggest.

Mr. Chairperson: We had two up, three—I am going to recognize the minister first to respond and then I will recognize the other two members.

Mrs. Mitchelson: I would like to hear from other members of the committee, although I have to indicate that it would be very precedent setting. We do not travel the province to hold public hearings around legislation. When we hold legislative hearings around bills, we hold those hearings here in the Legislature, and people are free to come and make presentation. So I would indicate, and I know that under The Freedom of Information Act, we held hearings here in the Legislature.

* (1530)

This is an amendment to a piece of legislation, and I believe that the process for holding meetings in the Legislature would be an appropriate process, and it may—yes, under legislation there is a review of the act. But I am saying that, as under The Freedom of Information Act, the determination was made that hearings would be held here in the Legislature for that process. I caution again that my preference—and I know we do not have the ability to make decisions around funding; that has to be a recommendation to the House. But I very seriously caution that, you know, for—what is it?—nine or 11 committee members to travel to several different communities throughout the province of Manitoba, in my mind, would not be the best use of the precious tax dollars we have available these days. [interjection]

Mr. Chairperson: Mr. Kowalski, let me remind the committee, in proper decorum and proper debate there is a process whereby the recognized speaker is allowed to speak and make their case, then the person that is the respondent to make their case, and then the next person is recognized. I will follow that order unless the committee insists that they all be allowed to speak at the same time, and if they would prefer the first suggestion, I would like to ask consideration that we follow that order then.

Mr. Gary Kowalski (The Maples): Yes, speaking to the idea of having committee hearings throughout the province, I know it has become an annual event for this government on its budget consultation for many members of this government to travel all over the province to consult with Manitobans about the budget. I think children are as important as financial matters. I know that I have a travel allowance as an MLA, as all MLAs do. I know if we want to save money that every MLA is eligible for a bus pass, free bus pass. If that is really the concern, we can. I think that this is important legislation, but I do agree with the minister that it would be a good idea to canvass the community, to canvass Manitobans and see how much interest there is in making presentations to the committee. Depending on the response, I have no hesitation to recommend to the Legislature that this all-party committee do go to Manitobans and find out their views on this legislation on the Office of the Children's Advocate.

You know, sometimes by just allowing those who could come to us, we end up with a very skewed view because it is only those with resources, only those who have radical views or very strong views, and we may not find the views of the average person. While going into communities, some key communities, throughout Manitoba, I think it will set a good precedent. I would be willing to use part of my travel allowance for that as an MLA, and I might even use my bus pass, if necessary. So, if the expense is the concern, I think this is just as important as doing a budget consultation that has become an annual event to this government. So I think the expense—although you want to be fiscally responsible—I think it is a little bit of a red herring to not do it because of it, because there are ways of saving money in doing it. We do not have to have a Cadillac hearing process. We just want to hear from people what they feel about it, and I think as MLAs who are paid \$57,000 a year for 12 months' work to go out and travel Manitoba is a legitimate request on our time and energy. So I would support going out to the community if there is interest out there.

Ms. Diane McGifford (Osborne): Mr. Chair, I think we should be careful not to draw a demarkation between the successful workings of the Advocate and services for children, because I think that the successful workings of the Advocate are indeed intimately related to services for

children and that if the Advocate is not working successfully, the services for children will suffer.

As far as canvassing the community, one of the things that occurs to me is that there are a number of Manitoban people who are basically oral rather than literate or where orality dominates as opposed to literacy, and I am not sure that canvassing the community would be helpful there. I think these people would be much more likely to turn up and make public presentations.

I agree with my colleague from Wellington (Ms. Barrett) that many Manitobans believe government suffers from a Perimeter mentality and that we should do whatever we can to discourage that particular attitude. I also would like to bring to the minister's attention that the NDP task force on violence against women did tour the province, and I am told by my colleagues, I was not with them at that time, that their whole enterprise was done for less than a thousand dollars. So that does not seem to me overly expensive in pursuing the interests of the children of Manitoba.

The other thing that I wanted to say is, I understand from my colleagues too, that the Freedom of Information review did not leave Winnipeg but that my colleagues had moved an amendment and thought that it indeed should, just as we think this particular review should go outside the confines of the city. Thank you.

Mr. Mike Radcliffe (River Heights): Mr. Chair, I would suggest that perhaps we are being precipitous at this point in debating the issue of where the committee should go for its hearings until we ascertain what interest level there is out there. I would suggest at this point that if perhaps the honourable critic and the minister were to collaborate on the form of an advertisement or solicitation, which were then to be circulated with responses to go back to some appropriate receptacle, we then could meet again and evaluate the response that was out there. It would be, I think, excessive and we would be subject to significant criticism were we to wind up a major junket to go across the province for this committee just for a minimal response. I do not think that I could endorse or support such a suggestion. I think that perhaps it is creative at this point to test the interest level that is out there on this issue and then discuss that matter at a future date.

An Honourable Member: Go to the North.

Mr. Radcliffe: I have been to the North.

Mr. Martindale: I move, seconded by the member for Wellington (Ms. Barrett),

THAT the committee on Privileges and Elections recommend to the House that this committee hold public hearings, including outside Winnipeg, on the Children's Advocate sections of The Child and Family Services Act and report to the Legislature no later than the last day of the fall session of the 36th Legislature.

* (1540)

Mr. Chairperson: We have a motion before the committee. It has been moved, seconded by the member for Wellington (Ms. Barrett),

THAT the Committee on Privileges and Elections hold public hearings to recommend to the House that this committee hold public hearings, including outside of Winnipeg, on the Children's Advocate section of The Child and Family Services Act and report to the Legislature no later than the last day of the fall session of the 36th Legislature.

We should say then—I would interject here, “of the fall session of the Second Session of the 36th Legislature.”

What is the will of the committee? Mr. Martindale wants to speak to his motion. I recognize Mr. Martindale.

Mr. Martindale: I would like to, in speaking to my motion, pick up on some of the things that several other committee members have said, including the member for The Maples (Mr. Kowalski). Quite often, we in this Legislature are accused of having Perimeteritis, especially us in the official opposition, I guess, because the government has so many more members in southwestern Manitoba. And yet, every time we go to a committee, whether it is on The Freedom of Information Act or the Children's Advocate section of The Child and Family Services Act and we request public hearings outside Winnipeg, we are told no, we cannot.

While this is an attempt to consult people in Manitoba outside Winnipeg, we think it is a reasonable request.

We think, as the member for The Maples said, that it could be done quite cheaply, and it would provide an opportunity for people outside of the city of Winnipeg to provide input into the review of this legislation.

I also think that it is important that more than one person, more than just ministers who get to travel all the time are allowed a role in reviewing legislation. Now I know that this minister has appointed an upper bencher to review the Child Day Care Act and another upper bencher to review The Child and Family Services Act. It is good that those pieces of legislation are going to be reviewed. The problem is only one MLA is going to consult with the community and provide views to the minister, which suggests to me that the minister knows where she wants to go before the individual is even appointed.

I think we need to increase the roles and responsibilities of private members, of backbenchers and opposition and third party members. Some of us, including the Chair of this committee and myself, have been on an ad hoc committee to review the rules of the House. We are in the middle of an experiment on major changes to the rules that are going quite well. Some of us would like to, in the next review of rules, look at committees and how they function. Some of us would like to give an expanded role to private members and to the functions of committees.

Right now in our parliamentary system, with its British roots and traditions in Legislatures, particularly provincial Legislatures in Canada are very much dominated by the Premier's Office and by Executive Council, and some of us think that there should be given more responsibility to committees and to backbenchers. This would be one small step in that direction, allow individuals on committees to travel and to hear presentations of the public and to write a report and submit it to the House, which basically means that it would go to the minister. Ultimately, the minister will decide whether or not the public's views are considered in amendments to the legislation or not. I think it would be a major step forward and an improvement if, first of all, a whole committee was involved in the process, and,

secondly, if Manitobans outside Winnipeg were at the very least consulted.

Hon. Vic Toews (Minister of Labour): I had occasion to listen to my learned colleague's comments. They certainly appear to have merit to them, and I think this committee should give very serious consideration to supporting this motion.

Mr. Kowalski: I have some concerns about the actual motion in that it does not specify how many meetings, where they would be.

Mr. Chairperson: Let me just interject here if I may here, Mr. Kowalski. It is not up to this committee to make those kind of determinations. It is up to this committee simply to recommend to the House. If that should be included as part of a recommendation, at consideration of government, I would consider that. But if it is to try and determine by this committee a direction for a future committee established by government, I am not sure that is under our purview.

Mr. Kowalski: I do not have the motion in front of me, so I am not too sure about the wording. Would this be that this committee itself would be doing the travelling, or could we end up with a government committee going to do it? Would it be this committee specifically?

Mr. Chairperson: It would be, Mr. Kowalski, this committee that is indicated by this motion that the recommendation would be coming from, and it would also be recommended that this committee be the committee that would do the hearings.

Any other questions or comments? If not, all those in favour of the motion, please indicate by raising your hands? Opposed?

I declare the motion carried.

Are there any other considerations by the committee? If not, committee rise.

COMMITTEE ROSE AT: 3:47 p.m.