

Fourth Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Mr. Daryl Reid
Constituency of Transcona

Vol. LXII No. 7 - 10 a.m., Friday, October 8, 2010

ISSN 1708-668X

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS**

Friday, October 8, 2010

TIME – 10 a.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Daryl Reid (Transcona)

VICE-CHAIRPERSON – Ms. Erna Braun (Rossmere)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mr. Blaikie, Hon. Ms. Irvin-Ross, Hon. Mr. Swan

Mr. Borotsik, Ms. Braun, Mr. Goertzen, Mrs. Mitchelson, Messrs. Reid, Saran, Mrs. Taillieu, Mr. Wiebe

MATTERS UNDER CONSIDERATION:

Recommendation for the Appointment of an Information and Privacy Adjudicator

Hiring process for the Children's Advocate

* * *

Mr. Chairperson: Good morning, everyone. Will the Standing Committee on Legislative Affairs please come to order.

This meeting has been called to consider the appointment of the Information and Privacy Adjudicator and the hiring process for the Children's Advocate.

I have a few points of information for the committee members. For your reference, copies of the applicable legislation for these positions have been provided for members of this committee and you'll find copies of that in front of you, I believe.

I would note that section 58.1(1) as enacted by section 23 of The Freedom of Information and Protection of Privacy Amendment Act indicates that on recommendation of the Standing Committee on Legislative Affairs, the Lieutenant-Governor-in-Council must appoint an Information and Privacy Adjudicator as an officer of the Assembly.

Also, section 8.1(2)(b) of The Child and Family Services Act specifies that where the term of the Children's Advocate in office expires within 12

months, the Standing Committee on Legislative Affairs shall consider persons suitable to be appointed for that position and shall consider persons—and shall make a recommendation respecting the appointment to the president of the Executive Council. In this case, Ms. Billie Schibler's term will expire on April 10th, 2011.

First order of business, though, is for this committee to consider how long they wish to sit this morning. Is there recommendations from committee members?

An Honourable Member: Till the work of the committee is finished.

* (10:10)

Mr. Chairperson: Till we're done? It's been suggested that this committee sit until we've concluded our business this morning. Is that agreed? *[Agreed]* Thank you.

Does the committee wish to indicate how you wish to proceed with the matters before us this morning?

Hon. Bill Blaikie (Minister of Conservation): Mr. Chairman, my suggestion is that we deal with the appointment of the Information and Privacy Adjudicator first and then proceed to do the other items on the agenda.

Mr. Chairperson: It has been suggested to the committee that we start with the appointment of the Information and Privacy commissioner and then proceed to other matters of business.

Is that agreed? *[Agreed]*

Mr. Blaikie: Yes, Mr. Chairman, with that understanding, I would therefore move

THAT the Standing Committee on Legislative Affairs recommend to the Lieutenant-Governor-in-Council that Mr. Ron Perozzo be appointed as the Information and Privacy Adjudicator.

And I'm prepared to speak to the motion briefly.

Mr. Chairperson: It has been moved by Mr. Blaikie THAT the Standing Committee on Legislative Affairs recommend to the Lieutenant-Governor-in-

Council that Mr. Ron Perozzo be appointed as the Information and Privacy commissioner—Adjudicator, pardon me.

Motion is in order.

Mr. Blaikie: There have been discussions about the appointment of Mr. Perozzo, and my understanding is that there is now agreement on appointing Mr. Perozzo as the Information and Privacy Adjudicator. Members will know that he currently serves as the—also serves as the Province's Conflict of Interest Commissioner and he certainly has a distinguished career in the civil service and in the legal community. And so I would—I'm pleased to move this motion and to—by doing so, I'm assuming that it has the approval of the committee to fill that position.

Mr. Kelvin Goertzen (Steinbach): I just concur with the minister's comments regarding the appointment of Mr. Perozzo, who is familiar to members of the committee in his work in Justice and the department and also in his current role as our conflict of interest officer, and we wish Mr. Perozzo well in this new position.

I also want to acknowledge the work of the member for Morris (Mrs. Taillieu) on a number of different areas related to privacy and moving some of this initiative forward. I know there are other initiatives that she's brought forward to the Legislature in relation to privacy legislation and perhaps we can also have movement on that in the future days as well.

But, in terms of this appointment, I believe that Mr. Perozzo goes into that position with the confidence of all members of this Legislature.

Mr. Chairperson: Any further comment, questions? Seeing none, is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Question. Do you wish to have the motion reread?

Some Honourable Members: No.

Mr. Chairperson: No? Shall the motion pass?

Some Honourable Members: Pass.

Mr. Chairperson: The motion is accordingly passed.

Mr. Blaikie: With respect to the process for the hiring of the new Children's Advocate, it had been

our thought that maybe we would be moving a motion to simply assign the process of hiring a new Children's Advocate to this, the same subcommittee that had been struck to manage the process of hiring the new Chief Electoral Officer. But on discussion with the official opposition, who would like to see two separate subcommittees to deal with this, the government is prepared to support that particular way of proceeding.

And so the—I would move the following motion:

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

(a) the subcommittee may only report back to the committee with a recommendation that has received a general level of acceptance by all members;

(b) the subcommittee consist of four government members, two official opposition members and one independent member;

(c) the subcommittee have the authority to call their own meetings, the ability to meet in camera and to be able to take—undertake duties it deems necessary in order to fulfil its responsibilities in the hiring process;

(d) the subcommittee appoint an expert advisory panel of three members to assist in the hiring process and ultimately provide the subcommittee with a prioritized list of candidates, and;

(e) the subcommittee establish the terms of reference for the expert advisory panel, and that Legislative Assembly staff may be authorized by the Chair to attend all meetings of the subcommittee and the expert advisory panel.

Mr. Chairperson: It has been moved by Mr. Blaikie—and do you wish to have the motion reread?

Some Honourable Members: No.

Mr. Chairperson: No. The motion is in order. Comments? Questions?

Mr. Blaikie: Well, Mr. Chairman, although we will have two separate subcommittees, I think the—I presume the understanding remains that the three independent people that we've agreed on to assist the original subcommittee will be the three members who will be called on to assist the second subcommittee that we've now established with

respect to the Children's Advocate. So I just wanted to have that on the record.

Mr. Goertzen: That's my understanding, as well. There's agreement in terms of the three individuals who will form the expert panel, if you will, to do the vetting of the initial application intake, I believe, and then they'll serve both subcommittees. I appreciate the fact that we can move to having the two subcommittees. I think it'll be easier just in terms of establishing times and dates for those subcommittees and their individual responsibilities to meet.

In terms of the wording of the motion, I note and I was aware, obviously, previously, that the same wording that was used to establish the process for the Chief Electoral Officer is also the wording used to establish the process for the Child's Advocate hiring process in that the terms received a general level of acceptance by all members before the subcommittee can report back to this committee.

In the May 20th meeting earlier this year where we established the process for hiring the Chief Electoral Officer, the Premier (Mr. Selinger) went on *Hansard* as to say that his understanding of that term, the term received a general level of acceptance would be—and these are the words of the Premier: In my view that means that we want everyone to have a level of comfort with this decision and that the opposition and the government parties have to agree upon it.

And so we assume that since it's the same words and the same process that the same definition that the Premier applied applies to this process and that all opposition parties have to agree at the subcommittee level before it comes back to this level. So, on that basis, we're willing to proceed.

Mr. Blaikie: Yes, the same position that the Premier took with respect to the initial subcommittee applies to the second subcommittee.

Mr. Chairperson: Any further comments or questions?

Committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Do you wish to have the motion reread?

Some Honourable Members: No.

Mr. Chairperson: Shall the motion?

Some Honourable Members: Pass.

Mr. Chairperson: The motion is accordingly passed.

One further point of business for the committee. For the information of the committee with regards to clause (e) of the motion, I would like to advise that the Legislative Assembly staff to be present at all subcommittee and expert advisory panel meetings will be the committee clerk, as well as Susan Scott and Judy Wegner from the Legislative Assembly Human Resource Services. That's for information for committee members. You're okay with that?

An Honourable Member: Yes.

Mr. Chairperson: Okay. The hour being 10:19 a.m., what's the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 10:19 a.m.

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