

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

*Chairperson*  
*Ms. Marilyn Brick*  
*Constituency of St. Norbert*

**Vol. LXIII No. 1 - 1 p.m., Tuesday, March 1, 2011**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Ninth Legislature**

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

**Tuesday, March 1, 2011**

**TIME – 1 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Ms. Marilyn Brick (St. Norbert)**

**VICE-CHAIRPERSON – Mr. Greg Dewar (Selkirk)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Mses. Howard, Irvin-Ross, Hon. Mr. Swan*

*Mr. Borotsik, Ms. Brick, Messrs. Cullen, Dewar, Goertzen, Martindale, Schuler, Ms. Selby*

**MATTERS UNDER CONSIDERATION:**

*Recommendation for the appointment of the Children's Advocate*

*Recommendation for the reappointment of the Ombudsman*

\* \* \*

**Clerk Assistant (Ms. Monique Grenier):** Good Afternoon. Will the 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?

**Hon. Kerri Irvin-Ross (Minister of Housing and Community Development):** Hi. I'd like to nominate Ms. Brick for Chair.

**Clerk Assistant:** Ms. Brick has been nominated. Are there any other nominations?

Hearing no other nominations, Ms. Brick, will you please take the Chair.

**Madam Chairperson:** Good afternoon. Our next item of business is the election of a Vice-Chairperson. Are there any nominations for this position?

**Ms. Irvin-Ross:** I'd like to nominate Mr. Dewar, please.

**Madam Chairperson:** Mr. Dewar has been nominated. Are there any other nominations?

Hearing no other nominations, Mr. Dewar has been elected as the Vice-Chairperson.

This meeting has been called to consider the report and recommendations from the subcommittee regarding the recruitment and selection of the Children's Advocate and the reappointment of the current Ombudsman.

Before we get started, I have a few points of information for the committee. For your reference, copies of the applicable legislation for these positions have been provided for members of the committee. I would note that section 4(1) of The Ombudsman Act specifies that the Ombudsman shall hold office for six years from the date of his or her appointment and a person may be reappointed for a second term of six years but not for more than two terms of six years. In this case, Ms. Irene Hamilton's first term will expire on March 31st, 2011.

Also, section 8.1(2)(b) of the family and–no, excuse me, I want to correct that. 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 provide–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. In this case, Ms. Billie Schibler's term will expire on April 10th, 2011.

How long does the committee wish to sit this afternoon?

**Hon. Jennifer Howard (Minister of Labour and Immigration):** I'd suggest we sit till we're done our agenda.

**An Honourable Member:** Agreed.

**Madam Chairperson:** Agreed? [*Agreed*] We shall sit until we've done our agenda.

How does the committee wish to proceed with the items before us? Shall I suggest that the committee deal with the reappointment of the Ombudsman first before dealing with the appointment of the Children's Advocate? *[Agreed]*

**Ms. Howard:** I move that the Standing Committee on Legislative Affairs recommends to the Lieutenant-Governor-in-Council that Ms. Irene Hamilton be reappointed for a second term of six years as the Ombudsman, commencing April 1st, 2011.

**Motion presented.**

**Madam Chairperson:** The motion is in order. The floor is open for questions.

**Mr. Kelvin Goertzen (Steinbach):** My understanding is, Madam Chairperson, that it's the legislation, The Ombudsman Act, under section 4(1) that sets the time frame for the reappointment at six years. So the recommendation, the motion from the minister is, in accordance with the act, and I think that's where the time frame is directed from, and I think we're ready to proceed for the question on this motion.

**Madam Chairperson:** Is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** Motion—pass.

As we will be dealing with the report and recommendations from the subcommittee regarding the recruitment and selection of the Children's Advocate, following past practices, committee should continue this meeting in camera. Once we have concluded that discussion, we can resume our proceedings on the record.

Before dealing with the motion to meet in camera, I would like to remind members that only MLAs who are members of this committee and the committee Clerk may attend. However, since Honourable Mr. Gerrard was serving on the subcommittee pertaining to this matter, is it the will of this committee to allow him to attend the in camera proceedings? *[Agreed]*

As well, does the committee grant permission for the Legislative Assembly Human Resource office staff to attend the in camera proceedings? *[Agreed]*

**Ms. Irvin-Ross:** I move that the Standing Committee on Legislative Affairs now meet in camera.

**Motion presented.**

**Madam Chairperson:** The motion is in order. The floor is open for questions. Is the committee ready for the question?

\* (13:10)

**Some Honourable Members:** Question.

**Madam Chairperson:** Motion—pass.

*The committee went in camera at 1:10 p.m.*

*The committee resumed at 1:40 p.m.*

**Madam Chairperson:** Due to the nature of the items under discussion at today's meeting, and given that the committee reports containing these recommendations will not be presented until the Assembly is in session, this now leaves us with an issue of timing to resolve.

Normally, appointments or reappointments like these would not be made public until all MLAs are advised by way of the committee report. Therefore, I believe we have some motions addressing this issue.

**Ms. Irvin-Ross:** I move that the Standing Committee on Legislative Affairs authorizes the Chairperson to advise the Speaker of the appointment of the Children's Advocate once the offer has been accepted, and to ask the Speaker to—

**Madam Chairperson:** Order.

**Ms. Irvin-Ross:** Oh, did I miss a thing? Did I miss a phase?

—and to ask the Speaker to inform all MLAs in writing of this appointment, as well as issue a press release prior to the presentation of the committee report to the Assembly.

**Madam Chairperson:** It has been moved by Honourable Minister Irvin-Ross that the Standing Committee on Legislative Affairs authorizes the Chairperson to advise the Speaker of the appointment of the Children's Advocate once the offer has been accepted, and to ask the Speaker to inform all MLAs in writing of this appointment, as well as issue a press release prior to presentation of the committee report to the Assembly.

The motion is in order.

The floor is open for questions. Seeing no questions, is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** Motion—pass.

**Ms. Howard:** I move that the Standing Committee on Legislative Affairs authorize the Chairperson to ask the Speaker to inform all MLAs in writing of the reappointment of the Ombudsman prior to the presentation of the committee report to the Assembly.

*Motion presented.*

**Madam Chairperson:** The motion is in order.

The floor is open for questions.

**An Honourable Member:** Question.

**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. I would also like to thank the members of the subcommittee for their efforts, as well as the members of our expert advisory panel for their hard work and dedication throughout this process.

That concludes the business before the committee. Are there any other comments?

The hour being 1:43, what is the will of the committee?

**Some Honourable Members:** Committee rise.

**Madam Chairperson:** Committee rise.

*COMMITTEE ROSE AT: 1:43 p.m.*

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