



Third Session - Thirty-Seventh Legislature

of the

Legislative Assembly of Manitoba

Standing Committee

on

Privileges and Elections

Chairperson

Mr. Conrad Santos

Constituency of Wellington



Vol. LII No. 1 - 11 a.m., Monday, February 11, 2002

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myma	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim	Assiniboia	N.D.P.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Joy	Fort Garry	P.C.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.
<i>Vacant</i>	Lac du Bonnet	

LEGISLATIVE ASSEMBLY OF MANITOBA

THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Monday, February 11, 2002

TIME – 11 a.m.

Committee Substitutions

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Conrad Santos
(Wellington)

VICE-CHAIRPERSON – Mr. Harry
Schellenberg (Rossmere)

ATTENDANCE - 10 – QUORUM - 6

Members of the Committee present:

Hon. Ms. Mihychuk

Mr. Martindale, Mrs. Mitchelson, Messrs.
Nevakshonoff, Reimer, Santos, Schellenberg

Substitutions:

Mr. Dewar for Hon. Mr. Doer
Hon. Mr. Mackintosh for Hon. Mr. Ashton
Mr. Laurendeau for Mr. Murray

APPEARING:

Ms. Susan Scott, Director of Members'
Services, Manitoba Legislative Assembly

MATTERS UNDER DISCUSSION:

Recruitment and Selection of the Children's
Advocate and the Ombudsman

Mr. Chairperson: Good morning. Will the Standing Committee on Privileges and Elections please come to order. The committee substitutions, if any, prior to the proceedings: with the business this morning we have to deal with some committee resignations and substitutions.

Mr. Chairperson: For example, I have before me the resignation of the honourable Mr. Steve Ashton, effective immediately. Are there any nominations to replace Mr. Ashton?

Mr. Doug Martindale (Burrows): With the leave of the committee, I move that the Honourable Gord Mackintosh replace the Honourable Steve Ashton, effective immediately, for the Standing Committee on Privileges and Elections.

Mr. Chairperson: Is there leave? *[Agreed]*

The honourable Mr. Mackintosh has been nominated. Is it the will of the committee that the honourable Mr. Mackintosh replace Mr. Ashton? Is that agreed? *[Agreed]*

I also have before me the resignation of Mr. Murray, effective immediately. Are there any nominations to replace Mr. Murray?

Mrs. Bonnie Mitchelson (River East): With leave of the committee, Mr. Chairperson, I move that Mr. Laurendeau replace Mr. Murray, effective immediately, for the Standing Committee on Privileges and Elections.

Mr. Chairperson: Is there leave? *[Agreed]*
Leave having been granted, is that agreed? *[Agreed]*

We have one more resignation. I have before me the resignation of the honourable Premier, honourable Mr. Gary Doer, effective immediately. Are there any nominations to replace Mr. Doer?

Mr. Martindale: Mr. Chairperson, with the leave of the committee, I move that Greg Dewar replace the Honourable Gary Doer, effective

immediately, for the Standing Committee on Privileges and Elections.

Mr. Chairperson: Is there leave of the committee? *[Agreed]* Leave having been granted, Mr. Dewar has been nominated. Is it the will of the committee to replace Mr. Doer? *[Agreed]*

* * *

Mr. Chairperson: The next item of business I suggest be dealt with is the process to be followed today by the committee in considering the recruitment and selection of the Children's Advocate and the Ombudsman. As a background, the appointment of the Children's Advocate is for a three-year term. The Children's Advocate shall not hold office for more than two terms of three years each. The first term of the present Children's Advocate, Ms. Janet Mirwaldt, expires on March 29, 2002.

With regard to the Ombudsman, the appointment of the Ombudsman is for a six-year term. The Ombudsman shall not hold office for more than two terms of six years each. The first term of the present Ombudsman, Mr. Barry Tuckett, expires on March 2, 2002.

Both of these positions are Order-in-Council appointments. Copies of the applicable legislation for both of these positions were circulated at the commencement of this meeting.

Before commencing with the business before the committee, does the committee wish to indicate how late it is willing to sit on this morning's committee?

An Honourable Member: Eleven-fifteen.

Mr. Chairperson: Is that agreed?

An Honourable Member: No, twelve o'clock.

Mr. Chairperson: Twelve o'clock. That is the will of the committee. As to the process to be followed, what is the will of the committee?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Well, I understand and I know in the interest of incumbents that these

discussions are normally held in camera. So I would move that this Committee on Privileges and Elections go in camera to deal with these two issues.

Mr. Chairperson: It has been moved by Mr. Mackintosh that this Committee on Privileges and Elections go into camera.

Mr. Marcel Laurendeau (St. Norbert): Mr. Chair, I do not think we went into camera last time when we were discussing what we were doing until we did the actual review of the positions. Are we doing a review of the position this morning? What is the reason for going in camera?

Mr. Mackintosh: Well, I was part of the Privileges and Elections process for the Ombudsman last time, and, I mean, the process was in camera until such time as the report went to the House, because it deals with the qualifications and individual attributes of these public servants. That is my understanding. If there is a different history to this one, I am certainly prepared to consider that. I am doing this just based on what I understand has been the practice.

Mr. Chairperson: As far as previous practice was concerned, what happened last time is that there was a main committee. The main committee created a subcommittee to consider the qualifications, the requirements, the job description, and so on, and other matters confidential were convened in camera, the subcommittee, but not the main committee. That was the practice.

Mr. Mackintosh: If that is the practice, I am prepared to suggest or to move, or perhaps it is my consensus, that the incumbents be re-appointed for their appropriate terms.

Mr. Chairperson: It has been moved by the honourable Mr. Mackintosh that the incumbents—is that one or two? Two incumbents. This has to be a motion, and both of them have to be in writing. So can we deal with them one at a time just to avoid confusion?

Mr. Mackintosh: Mr. Chair, I move that this committee recommend to the Lieutenant-

Governor-in-Council that Ms. Janet Mirwaldt be re-appointed for a second term as Children's Advocate for the Province of Manitoba.

Mr. Chairperson: It has been moved by Mr. Mackintosh that this committee recommend to the Lieutenant-Governor-in-Council that Ms. Janet Mirwaldt be re-appointed for a second term as Children's Advocate for the Province of Manitoba. The motion is in order.

* (11:10)

Mrs. Mitchelson: Mr. Chairperson, I would like to speak in favour of the motion that has been placed on the table. I believe that Janet Mirwaldt has been a very creditable Children's Advocate.

I just wanted to ask maybe members of the Government if they might comment. I know that when we went through the process three years ago, the subcommittee of Privileges and Elections chose Janet Mirwaldt as the best candidate to do the job. She came out on top. At that time members of the New Democratic Party brought in a minority motion that did not support Janet Mirwaldt's appointment to the position. I was just wondering if I might ask anyone on the government side of the House today whether they are satisfied with the job that she has been doing and indeed could endorse today her appointment.

Mr. Chairperson: Before we proceed any further, we still have the in camera motion on the floor. What does the mover wish to do, withdraw it? Is there leave to withdraw the motion for the committee to go in camera? *[Agreed]*

Mrs. Mitchelson, please continue.

Mrs. Mitchelson: Mr. Chairperson, I did put a question to the Government and asked whether in fact they have found over the last three years that Janet Mirwaldt has done a good job and certainly did meet the requirements and the expectations of the job that she was chosen to do.

Mr. Mackintosh: Well, nothing speaks louder than a resolution, and the Government moved the motion to re-appoint Ms. Mirwaldt. I think

that speaks loudly. I can also say that the Government certainly respects the work and the knowledge, the background that Ms. Mirwaldt has brought to the position. I think she has done the position well. We know also from our service on LAMC of her eagerness to make improvements.

I think that we can also recall that the initial appointment, there was a transition issue that was more complex than the member, I think, now summarizes. There were concerns about the movement from the former Children's Advocate to the present one. We certainly have full confidence in the present one. Otherwise, we would not be making a motion.

Mr. Chairperson: There being no more speakers, is there consensus or agreement? The question before the committee is that moved by Mr. Mackintosh: That this committee recommend to the Lieutenant-Governor-in-Council that Ms. Janet Mirwaldt be re-appointed for a second term as Children's Advocate for the Province of Manitoba.

Some Honourable Members: Agreed.

Mr. Chairperson: Agreed and so ordered.

Mr. Mackintosh: I move that this committee recommend to the Lieutenant-Governor-in-Council that Mr. Barry Tuckett be re-appointed for a second term as Ombudsman for the Province of Manitoba.

Mr. Chairperson: It has been moved by Mr. Mackintosh that this committee recommend to the Lieutenant-Governor-in-Council that Mr. Barry Tuckett be re-appointed for a second term as Ombudsman for the Province of Manitoba. The motion is in order.

Mr. Mackintosh, the question being asked.

Mr. Mackintosh: Well, just in case, there is not a question, but I do not want a lack of speaking to this motion to suggest that there is any less confidence in the Ombudsman. So I am compelled to make a speech. I do want to put it on the record, though, that we recognize that the job of the Ombudsman is very challenging. It is not just dealing with the Ombudsman function, but,

of course, the access-to-information function. I think it is important for us to put on the record that we certainly have the utmost confidence in the current Ombudsman. We know how hard he is trying to make improvements to better meet the challenges that that office faces.

Mr. Chairperson: The motion before the committee is this: That this committee recommend to the Lieutenant-Governor-in-Council that Mr. Barry Tuckett be re-appointed for a second term as Ombudsman for the Province of Manitoba.

Some Honourable Members: Agreed.

Mr. Chairperson: Agreed and so ordered.

An Honourable Member: Committee rise?

Mr. Chairperson: Is that the will of the committee?

Mr. Mackintosh: Just a question, Mr. Chair.

Mr. Chairperson: Yes, Mr. Mackintosh.

Mr. Mackintosh: I take it that these resolutions now are transmitted to the Cabinet. If that goes through me, then I will be pleased to take those forward.

Mr. Chairperson: Ms. Susan Scott, the staff who is knowledgeable about this matter.

Ms. Susan Scott (Director of Members' Services, Manitoba Legislative Assembly): I believe that the appropriate process would be for the recommendation now to go to Cabinet. If they would like an Order-in-Council drafted for that, I would be happy to do that.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 11:15 a.m.