

**Fourth Session - Fortieth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Legislative Affairs**

*Chairperson*  
*Ms. Nancy Allan*  
*Constituency of St. Vital*

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Fortieth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLAN, Nancy	St. Vital	NDP
ALLUM, James, Hon.	Fort Garry-Riverview	NDP
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ASHTON, Steve	Thompson	NDP
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<i>Vacant</i>	The Pas	

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

**Tuesday, April 21, 2015**

**TIME – 10 a.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Ms. Nancy Allan (St. Vital)**

**VICE-CHAIRPERSON – Mr. Ted Marcelino (Tyndall Park)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Ms. Braun, Hon. Mr. Chomiak, Hon. Ms. Wight*

*Ms. Allan, Messrs. Ewasko, Goertzen, Helwer, Marcelino, Struthers, Wiebe, Wishart*

**APPEARING:**

*Hon. Jon Gerrard, MLA for River Heights*

**MATTERS UNDER CONSIDERATION:**

*The process for hiring a new Ombudsman*

\* \* \*

**Clerk Assistant (Mr. Andrea Signorelli):** Good morning. 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?

**Hon. Dave Chomiak (Minister of Mineral Resources):** I nominate Nancy Allan.

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

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

**Madam Chairperson:** Thank you very much.

Our next item of business is the election of a Vice-Chairperson.

Are there any nominations for this position?

**Mr. Kelvin Goertzen (Steinbach):** I nominate Mr. Marcelino.

**Madam Chairperson:** Mr. Marcelino has been nominated.

Are there any other nominations?

Hearing no other nominations, Mr. Marcelino is elected Vice-Chairperson.

This meeting has been called to order to consider the report and recommendation from the subcommittee regarding the recruitment and selection of the 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 2(2) of The Ombudsman Act states that "Where (a) the office of the Ombudsman is vacant; or (b) the term of the Ombudsman in office will expire within 12 months; or (c) the Ombudsman has tendered his resignation to take effect within 12 months; the President of the Executive Council shall convene a meeting of the Standing Committee of the Assembly on Legislative Affairs which shall consider persons suitable and available to be appointed as Ombudsman and shall make recommendations in respect thereto to the President of the Executive Council."

In this case, the office is currently vacant.

How long does the committee wish to sit this morning?

**Mr. Goertzen:** Until the work of the committee is done, Madam Chairperson.

**Madam Chairperson:** Agreed? [*Agreed*]

Thank you very much.

As we will—whoops—the—it has been moved—oh, sorry—as we will be dealing with the report and recommendations from the subcommittee regarding the recruitment and selection of the Ombudsman, following past practice, this 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

Mr. Gerrard was serving on the subcommittee pertaining to this matter, it is the will of the—is it the will of the committee to allow him to attend the in camera proceedings? *[Agreed]*

Thank you.

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

Thank you. So it has been—*[interjection]* Go ahead, Dave.

**Mr. Chomiak:** I move that the Standing Committee on Legislative Affairs now meet in camera.

**Motion presented.**

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

**An Honourable Member:** Question.

**Madam Chairperson:** The committee is ready for the question.

Shall the motion pass? *[Agreed]*

*The committee went in camera at 10:04 a.m.*

*The committee resumed at 10:16 a.m.*

**Madam Chairperson:** Committee members. Committee members. Thank you.

Due to the nature of the items under discussion at today's meeting and given that the committee report 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, does the committee agree to authorize the Chairperson to advise the Speaker of the appointment of the Ombudsman once the offer has been accepted prior to presentation of the committee report in the House?

**Mr. Goertzen:** And then, Madam Chairperson, the expectation is that the Speaker would immediately notify the MLAs.

**Madam Chairperson:** Yes.

**Mr. Goertzen:** Prior to a press release going out or simultaneously to a press release going out or by virtue of the press release?

**Madam Chairperson:** If we're not in session, a letter will be sent to all MLAs and then there will be a press release.

**Mr. Goertzen:** I appreciate that. I just want to make sure that the MLAs are at least notionally advised in advance of the media since it's an independent officer, so thank you for that.

**Madam Chairperson:** Are we fine, then, to proceed? *[Agreed]*

Also, does the committee agree to authorize the Chairperson to ask the Speaker to inform all MLAs in writing of the appointment of the Ombudsman prior to the presentation of the committee report to the Assembly? *[Agreed]*

I'd 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?

\* (10:20)

**Mr. Goertzen:** I also want to thank the members of the subcommittee. I think I've expressed some concern about the process of the hiring of the Ombudsman, not about the members of the subcommittee but the long delay that it's taken, and I'd hate, perhaps, to see legislation needed to ensure this long delay in between the notice of the previous Ombudsman and the hiring of the new Ombudsman happen again. I don't like to legislate common sense. I think it is common sense to have these things happen more quickly, and so it's more of a word of concern and caution that we were disappointed with the length of time that it took for the hiring of the Ombudsman, as well as the auditor, frankly. I know that the previous auditor gave a great deal of notice before resignation to try to avoid the gap in between, and that wasn't—that didn't work out.

So my hope is that in the future that this sort of long delay doesn't happen because I don't think it serves us as legislators well, or the public or the institutions of government, so that—a word of concern. I'm happy to welcome a new Ombudsman if the offer is accepted, but, obviously, the process, I don't think, shone great glory on anybody in the Legislature at this particular time.

**Mr. Chomiak:** I also want to comment. In my experience as House leader, I can't speak for the past, but I've found that members of the committee, both the subcommittee and the committee of—the standing committee, have been very co-operative, and it's been a very expeditious process. I can't speak for the past. I can only guess as to what some of the difficulties may have been, but I certainly have found that the committee members and the MLAs have been very co-operative at moving this process forward and I look forward to continued progress in a non-partisan—as we have done in the past few months, in a non-partisan sense, to move forward on these very important appointments.

And so I want to thank committee members, I want to thank the Opposition House Leader, I want to thank the leader of the Liberal Party for their co-operative approach, and I want to thank both the staff and yourself, Madam Chair, for doing an excellent job in resolving and moving this issue forward. Those are my comments.

**Hon. Jon Gerrard (River Heights):** Just, I want to thank the current House leader for getting on top of this and moving this forward. There were certainly some significant delays in the past, as has been alluded to, and, hopefully, those can be avoided in the future.

I just correct one thing; I'm not, any longer, the leader of the Liberal Party. I'm the MLA in River Heights, and Rana Bokhari is now the Leader of the Liberal Party.

**Mr. Goertzen:** It is worth also noting, I want to thank Mr. Holley for serving in the interim. I don't know that it's an easy job to fill at the best of times;

it's probably a particularly difficult job to fill when you're doing it on an acting basis. So he did stand in for two or three years, I suppose, and that's—it served us well that he did stay on, and I think he did a good job in the time that he was there. And, if the new Ombudsman, the person who's being offered the job, accepts it, I know that that person will, I think, do a good job as well, and we look forward to that.

**Mr. Chomiak:** Yes, I want to concur with the comments of the Opposition House Leader, and I've known Mr. Holley for a long period of time. And I followed his work in a lot of areas, and I, too, want to wish him well and thank him for his service, his dedicated service, which he's done in many ways, to the people of Manitoba.

**Mr. Gerrard:** I want to join the other members of the committee and the other House leaders in thanking Mr. Holley.

And I wonder if we could have a specific letter going from the committee thanking Mr. Holley for his service, and if others would be in agreement, I would move that such a letter be written to Mr. Holley as a letter of thanks.

**Madam Chairperson:** Do members of the committee agree with the motion? *[Agreed]*

Are there any other comments?

The hour being 10:24, what is the will of the committee?

**Some Honourable Members:** Committee rise.

**Madam Chairperson:** Committee rise.

**COMMITTEE ROSE AT:** 10:24 a.m.

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