

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

Chairperson
Ms. Melanie Wight
Constituency of Burrows

Vol. LXV No. 6 - 11 a.m., Wednesday, July 10, 2013

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MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy, Hon.	St. Vital	NDP
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
ASHTON, Steve, Hon.	Thompson	NDP
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GOERTZEN, Kelvin	Steinbach	PC
GRAYDON, Cliff	Emerson	PC
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IRVIN-ROSS, Kerri, Hon.	Fort Richmond	NDP
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KOSTYSHYN, Ron, Hon.	Swan River	NDP
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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Wednesday, July 10, 2013

TIME – 11 a.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Melanie Wight (Burrows)

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

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mses. Howard, Marcelino, Hon. Mr. Swan

Ms. Braun, Messrs. Cullen, Dewar, Eichler, Goertzen, Marcelino, Pedersen, Ms. Wight

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

MATTERS UNDER CONSIDERATION:

Recommendation for the Appointment of the Chief Electoral Officer

Hiring Process for a new Auditor General and an Ombudsman

* * *

Clerk Assistant (Ms. Monique Grenier): Good morning. Will the Standing Committee on Legislative Affairs please come to order.

Our first item of business is the election of a Chairperson. Are there any nominations for this position?

Mr. Gregory Dewar (Selkirk): I nominate Ms. Wight.

Clerk Assistant: Ms. Wight has been nominated. Are there any other nominations? Hearing no other nominations, Ms. Wight, will you please take the Chair.

Madam Chairperson: All right. Our next item of business is the election of a Vice-Chairperson. Are there any nominations?

Mr. Dewar: Madam Chair, I nominate Mr. Marcelino, Tyndall Park.

Madam Chairperson: Okay, 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 consider the recommendation for the appointment of the Chief Electoral Officer and the hiring process for a new Auditor General and an Ombudsman. For your reference, copies of the applicable legislation for these positions have been provided for members of the committee, and I would like to note the following: that section 22 of The Elections Act specifies that in the case of a vacancy in the office of the Chief Electoral Officer, the Standing Committee on Legislative Affairs must consider candidates and make recommendations to the president of the Executive Council; that section 3(1)(c) of The Auditor General Act specifies that in the case of the resignation of the Auditor General, the Standing Committee on Legislative Affairs shall consider candidates for the position

In this case, Ms. Carol Bellringer's retirement date will be March 31st, 2014.

That section 2 of The Ombudsman Act specifies that in the case of a vacancy in the office of the Ombudsman, the Standing Committee on Legislative Affairs shall consider persons suitable and available to be appointed as Ombudsman and shall make recommendations to the president of the Executive Council.

How long does the committee wish to sit this morning?

Mr. Kelvin Goertzen (Steinbach): Until the work of the committee has been completed.

Madam Chairperson: Until the work of the committee has been completed.

How does the committee wish to proceed with the matter before us?

Oh, sorry. Do we all agree? *[Agreed]*

How does the committee wish to proceed with the matter before us?

Hon. Andrew Swan (Minister of Justice and Attorney General): I suggest we start with the Chief

Electoral Officer position and then move on to the other two vacancies.

Madam Chairperson: Okay. Is that agreeable? *[Agreed]*

Mr. Swan: I do have a motion to present.

I move

THAT the Standing Committee on Legislative Affairs recommend to Lieutenant Governor-in-Council that Ms. Shipra Verma be appointed as the Chief Electoral Officer for the Province of Manitoba effective immediately.

Madam Chairperson: It has been moved by Minister Swan

THAT the Standing Committee on Legislative Affairs recommend us—recommend to the Lieutenant Governor-in-Council, that Ms. Shipra Verma be appointed as the Chief—electoral—Electoral Officer for the Province of Manitoba effective immediately.

The motion is in order. The floor is open for questions.

Mr. Goertzen: More of a comment than a question, Madam Chairperson.

Certainly, we want to agree and support this motion, as Progressive Conservatives. This has been a long process. I know that's no surprise to anyone at this committee.

There's a bit of a history to this process that I think is important to note. The issue around the Chief Electoral Officer, following the resignation of the former chief electoral officer, was delayed longer than I think that any of us would have liked. It was a less than ideal set of circumstances, to say the least, Madam Chairperson.

We, of course, as Conservatives, had questions about the illegal rebate that was given to the NDP following the 1999 election of \$76,000, and there were a number of committees that were held in regard to that. There were whistle-blowers that came forward with information and all of that took a long time. The time in between committee hearings was significant, and so that certainly dragged things out in terms of discovering what happened with the illegal rebate.

And then following the resignation of Mr. Balasko, there were questions further for the office and for those who were involved in the office. And, again, we thought it was a responsible thing to do—

and I still believe it was the responsible thing to do—to ensure that we had the best knowledge we could obtain about that situation. There are still outstanding questions, I believe, but we, as Progressive Conservatives, did our best to try to get as many answers as we could.

Committees, again, are scheduled infrequently on that topic. So it went on longer than any of us would have liked. If there had been consecutive days of committee, I suppose, it might have moved quicker.

And then we got into the election period prior to 2011, and I think everyone agreed that it didn't make sense, or probably wasn't wise, to either change or go through another hiring process prior to the election. So that obviously caused a delay.

And then following the election, I think there was a willingness, and probably wisdom, in allowing the then, or the still, I suppose, interim Chief Electoral Officer to complete the process of going through the election returns and all the other stuff that happens following elections. So, all of those things delayed the process.

* (11:10)

I'm sure that there are—to the extent that those in the public follow this, and I don't know that everyone does overly closely, but there'll be some who would have considered it to be an unnecessary delay. I think that is was important that we all had the confidence of whoever our Chief Electoral Officer was going to be, or had confidence in them.

And I can say without reservation that the process was lengthy but needed. And it had resulted, I believe—and I'll allow Mr. Gerrard to speak of his own accord, but I believe that all political parties represented in the Legislature have full confidence in Shipra Verma, that she's done a good job on the previous election ministering the things that need to be ministered through her office, has presented herself well in committee, has represented her office well in committee, and we believe she'll do a good job as the Chief Electoral Officer and I wish her well in that role.

Madam Chairperson: Thank you, Mr. Goertzen.

Hon. Jon Gerrard (River Heights): Yes, I just want to say that I am fully in support of Shipra Verma becoming the Chief Electoral Officer. She has acted as acting electoral officer for the last little

while and has done a very credible job, and pleased to support this motion.

Madam Chairperson: Thank you, Dr. Gerrard.

Hon. Jennifer Howard (Minister of Family Services and Labour): Well, I always find Mr. Goertzen's take on history entertaining and—if not a hundred per cent accurate, but we'll—I'm going to save the real story for my memoirs. I—

An Honourable Member: I'll buy one.

Ms. Howard: Great. I'll put you down. I'm going to dedicate them to you, so.

An Honourable Member: Can I do the introduction?

Ms. Howard: Of course.

So I do want to say, though, I think what this process has shown us is what can happen when members of the Legislature forget their responsibilities as members of the Legislature and decide to make everything a partisan battle.

And that's unfortunate, because one of the duties that we each have as legislators is to hire independent officers and then to support those independent officers even when sometimes those independent officers make decisions that we may not agree with or we may feel harm our political fortunes.

We have to, as members of this Legislature and as legislators, be able to take our responsibilities to the citizens of Manitoba seriously. And that means that we have the responsibility to hire independent officers, whether that be the Auditor General or the Ombudsman or the Children's Advocate or the Chief Electoral Officer, who are charged with some pretty fundamental parts of our democracy. And I'm glad that we are able to move forward.

We, of course, also have full confidence in Ms. Verma. She has acquitted herself well, I think, in the running of the last election, by-elections, several Elections Manitoba committee hearings where she's been here and answered questions capably. And I believe she is the right choice and I'm glad that we're able to move on what was a recommendation from an independent and non-partisan panel. And we're pleased to support this resolution and we're pleased that this process has finally come to a conclusion.

Madam Chairperson: Thank you, Minister Howard.

Is the committee ready for the question?

Some Honourable Members: Question.

Madam Chairperson: Shall the motion pass? *[Agreed]*

Mr. Goertzen: Can it be noted that the motion was passed unanimously by the committee?

Madam Chairperson: Yes.

And the motion is accordingly passed, unanimously.

Mr. Swan: I have another motion.

I move

THAT a subcommittee of the Standing Committee on Legislative Affairs be struck to manage the process of hiring a new Auditor General and a new Ombudsman for the Province of Manitoba 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 be able to undertake duties it deems necessary in order to fulfill 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.

Madam Chairperson: Thank you. It has been moved by Minister Swan

THAT a subcommittee of the Standing Committee on Legislative Affairs be struck to manage the process of hiring a new Auditor General and a new Ombudsman for the Province of Manitoba under the terms and conditions as follows:

- (a) the subcommittee may only report back to the committee with the recommendation that has

received a general level of acceptance by all members;

(b) the subcommittee consists 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 be able to undertake duties it deems necessary in order to fulfill 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 the meetings of the subcommittee and the expert advisory panel.

The motion is in order. The floor is open for questions.

Mr. Goertzen: Again, more of a comment. I think we are in support of the motion. I've had discussions with the Government House Leader (Ms. Howard) regarding it prior to its introduction.

While I don't think we are able to populate either of those committees at this stage, either the subcommittee or the expert advisory committee, I

believe and I'm confident that that can happen fairly quickly after this committee in consultation with the Government House Leader and the independent member as well.

Madam Chairperson: Thank you, Mr. Goertzen. Dr. Gerrard?

Mr. Gerrard: I just want to express my support for this motion, and I think it's important that we proceed expeditiously.

Madam Chairperson: Thank you, Dr. Gerrard.

Is the committee ready for the question?

Some Honourable Members: Question.

Madam Chairperson: Shall the motion pass? *[Agreed]*

For 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 Clerks, as well as Judy Wanger—*[interjection]*—Wegner—Wegner, from Legislative Assembly Human Resources Services.

The hour being 11:17, what is the will of the committee?

Some Honourable Members: Rise.

Madam Chairperson: Committee rise.

COMMITTEE ROSE AT: 11:17 a.m.

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are also available on the Internet at the following address:

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