

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

Chairperson
Mr. Doug Martindale
Constituency of Burrows

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Thursday, December 13, 2007

TIME – 3 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Doug Martindale (Burrows)

VICE-CHAIRPERSON – Ms. Marilyn Brick (St. Norbert)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mr. Chomiak, Hon. Ms. Irvin-Ross

Mses. Braun, Brick, Messrs. Briese, Dewar, Martindale, Schuler, Mrs. Stefanson, Mr. Swan, Mrs. Taillieu

APPEARING:

Mr. Kevin Lamoureux, MLA for Inkster

MATTERS UNDER CONSIDERATION:

Appointment of the Children's Advocate

* * *

Clerk Assistant (Mr. Rick Yarish): Good afternoon. Will the Standing Committee on Legislative Affairs please come to order.

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

Hon. Kerri Irvin-Ross (Minister responsible for Healthy Child Manitoba): I nominate Mr. Martindale.

Clerk Assistant: Mr. Martindale has been nominated. Are there any other nominations?

Seeing none, Mr. Martindale, would you please take the Chair.

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

Ms. Irvin-Ross: I nominate Ms. Brick.

Mr. Chairperson: Ms. Brick has been nominated. Are there any other nominations?

Hearing no other nominations, Ms. Brick is elected Vice-Chairperson.

This meeting has been called to consider the appointment of the Children's Advocate. How long does the committee wish to sit this afternoon?

Hon. Dave Chomiak (Minister of Justice and Attorney General): Perhaps until we complete our task.

Mr. Chairperson: Is it agreed that we meet until we finish our assignment? *[Agreed]*

Copies of the relevant legislation have been provided to members. For your information, I would like to draw your attention to a few provisions in The Child and Family Services Act. Section 8.1(1) states, "The Lieutenant Governor in Council shall, on the recommendation of the Standing Committee of the Assembly on Legislative Affairs, appoint a Children's Advocate." Section 8.1–

An Honourable Member: Dispense.

Mr. Chairperson: Dispense?

An Honourable Member: Dispense.

Mr. Chairperson: You have the act in front of you.

I would like to further advise the committee that Ms. Billie Schibler's term as the Children's Advocate will expire on April 10, 2008. How does the committee wish to proceed with the matter before us?

Mr. Chomiak: Insofar as the Children's Advocate was appointed to a three-year term in March '05, and insofar as the act allows her term to be renewed for a second three-year term, I would move

THAT the committee recommend Lieutenant-Governor-in-Council that Ms. Billie Schibler be appointed for a second three-year term as the Children's Advocate, commencing April 11, 2008.

Mr. Chairperson: It's been moved by Mr. Chomiak

THAT the committee recommend to the Lieutenant-Governor-in-Council that Ms. Billie Schibler be re-appointed for a second three-year term as the Children's Advocate, commencing April 11, 2008.

The motion is in order. Discussion?

Mr. Chomiak: Just briefly, I think that experience of all individuals in the Chamber has indicated that the current Children's Advocate has been very active and has shown a tremendous interest and familiarity with the complex issues in child welfare insofar as there has been somewhat of a practice for advocates or individuals we appointed to the Legislature to have them serve full mandates. In this case, it would be two terms insofar as there have been some historic reviews of the child welfare system that are ongoing, and the important role the Child Advocate has made insofar as her original appointment was unanimous, and insofar as I think there's a general sense amongst, certainly, government members and, I suspect, members on all sides of the House, that her work has been useful and efficient and in keeping with the spirit and intention of the act. So, for all of those reasons, Mr. Chairperson, I would recommend that she be re-appointed.

Just to illustrate for the committee, one of the reasons that we, as a government, felt it was important to have a committee meeting commence on this date was so that we could send a note to the entire community, as well as the Advocate, that we want the work to continue and the situation to improve.

* (15:05)

We also did not want to leave the incumbent in a situation where she might have to fear that at the end of her term she would have to end all of her work. It just makes good sense that if you appoint someone to a two-year term and they've been very active and well received in the community, and there's no doubt that this has been an area of acute activity and interest by all members of the House, that an Advocate of this kind be appointed to a second term to allow her to use her familiarity and her experience to do an even better job during a second mandate.

So, for all of those reasons, I have put this motion forward on behalf of, certainly, the government members, and I look forward to the comments and advice of all the committee members.

Mr. Stuart Briese (Ste. Rose): I think we on this side of the table have no problem with supporting that motion. We understand that, in conversation with the Child Advocate that I've had not too long ago, during the first term of her mandate there have been some pretty extensive undertakings and reports put out with a lot of recommendations in them that I'm sure took a lot of time out of that office, time and resources.

With the legislation that was recently passed in this House on the investigation of child deaths somewhat going to that department, I think we have to always be aware of the resources that are there and how they're going to deal with the added workload.

Having said those few words, I don't think there's anyone on this side here that has any problems with supporting the resolution.

Mr. Kevin Lamoureux (Inkster): Just to very quickly comment, Mr. Chairperson, given the nature of the independence of the office, I think, for future references more so than anything else, I appreciate the information that was provided to our office from Ms. Crawford, Erin Crawford. It was appreciated. Thank you.

Having said that, I do believe that, prior to the moving of a motion of this nature, because it is an independent office, government House leaders, present and in the future, should have to ensure that there is a consensus prior to the moving of the motion. I will assume that that in fact has been the case in this situation. That is a caveat.

I think it's a good thing, good to see Ms. Schibler re-appointed. Thank you.

Mr. Chairperson: Are you ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: The question is, moved by Mr. Chomiak,

THAT the committee recommend to the Lieutenant-Governor-in-Council that Ms. Billie Schibler—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense.

Voice Vote

Mr. Chairperson: All those in favour, please say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Carried unanimously.

Mr. Chairperson: Mr. Chomiak, I have a script here. Do you want me to read this first?

Mr. Chomiak: I guess so.

Mr. Chairperson: Normally, a re-appointment like this would not be made public until all MLAs are advised by way of the committee report in the House. Given that the committee report containing this recommendation will not be presented until the House resumes next year, we do have an issue of timing to resolve.

Does the committee have any suggestions regarding this situation?

Mr. Chomiak: You know, Mr. Chairperson, I move

THAT the committee authorize the Chairperson to ask the Speaker to inform all MLAs in writing of the re-appointment prior to the presentation of the committee report in the House.

Mr. Chairperson: I suppose we need to deal with that formally by way of a motion, rather than just agree to it. So I'll read it into the record.

Moved by Mr. Chomiak

THAT the committee authorize the Chairperson to ask the Speaker to inform all MLAs in writing of this re-appointment prior to presentation of the committee report in the House.

The motion is in order. Discussion?

An Honourable Member: Question.

Mr. Chairperson: Question.

Voice Vote

Mr. Chairperson: All those in favour, say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Carried unanimously.

* * *

* (15:10)

Ms. Marilyn Brick (St. Norbert): Would that then allow for public notice, that this is the case, that she has been re-appointed?

Mr. Chomiak: I believe that the conveyance of this motion to the Speaker would enable the Speaker to advise all MLAs and also to advise her that all MLAs—that subject to the House re-sitting, not in a legal sense but in a formal sense, she is re-appointed, yes.

Mr. Chairperson: Any further business?

The hour being 3:10 p.m., what is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise. Committee adjourned.

COMMITTEE ROSE AT: 3:10 p.m.

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