

Third Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Ms. Bonnie Korzeniowski
Constituency of St. James

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Tuesday, December 21, 2004

TIME – 1 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Bonnie Korzeniowski (St. James)

VICE-CHAIRPERSON – Ms. Kerri Irvin-Ross (Fort Garry)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Messrs. Bjornson, Mackintosh

Messrs. Dewar, Goertzen, Mses. Irvin-Ross, Korzeniowski, Mrs. Mitchelson, Messrs. Penner, Santos, Schellenberg, Mrs. Taillieu

APPEARING:

Mr. Kevin Lamoureux, MLA for Inkster

MATTERS UNDER CONSIDERATION:

Recruitment and Selection of the Children's Advocate and Ombudsman

Clerk Assistant (Ms. JoAnn McKerlie-Korol): Good afternoon. Will the Standing Committee on Legislative Affairs please come to order.

The first order of business is the election of a Chairperson. Are there any nominations?

Ms. Kerri Irvin-Ross (Fort Garry): I would like to nominate Bonnie Korzeniowski, MLA for St. James.

Madam Clerk Assistant: Ms. Korzeniowski has been nominated. Are there any further nominations?

Seeing none, Ms. Korzeniowski, would you please take the Chair.

Madam Chairperson: This afternoon the committee will be considering the recruitment and selection of the Children's Advocate and the Ombudsman. 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, did the committee wish to indicate how late it is willing to sit this afternoon?

Ms. Irvin-Ross: Till the job gets done.

Madam Chairperson: It has been suggested till the job gets done. Is the committee in agreement? Does the committee agree? *[Agreed]*

When this committee last met, Honourable Mr. Mackintosh had moved the following motion:

THAT a subcommittee of the Standing Committee on Legislative Affairs consisting of Kerri Irvin-Ross, Greg Dewar, PC MLA as designated by a PC caucus be struck to establish the selection criteria, the advertisement, conduct the screening and interviews, and provide to this committee their recommendation of the appointment of the individuals to fill the positions of the Ombudsman and of the Children's Advocate.

Mr. Penner subsequently moved the following amendment:

THAT the motion be amended by adding the following after the words "PC MLA designated by the caucus," "a Liberal MLA designated by the Leader of the Liberal Party."

* (13:10)

At the last meeting, the amendment was under debate with Mr. Lamoureux having the floor. I will now recognize Mr. Lamoureux to continue.

Mr. Kevin Lamoureux (Inkster): Madam Chairperson, the nice thing of having the break is that I did get a chance to review Hansard, and what I

want just to point out is that relatively at the beginning, I think it was on page 2 of Hansard, the Government House Leader (Mr. Mackintosh) had indicated that he would suggest that we delegate to a subcommittee of three. The reason why I say that is because I know the Government House Leader has expressed some concern in the sense that it would appear as if my comment somewhat supported the Liberal Party not necessarily having a voting presence on the committee. What I wanted to emphasize, and it would be re-emphasize, is the fact that we have these independent offices, and the importance of these offices being independent and accountable to the Legislature, I think, is something that is worthy of standing up for and ensuring that all MLAs have the opportunity to participate.

I appreciate very much the fact of the official opposition and their efforts to ensure that these offices really and truly are independent and recognize the role that all members of the Legislature have in terms of being provided the opportunity to have direct input. What Mr. Mackintosh's motion was proposing would be something that would not have allowed at least two members of the Legislative Assembly the opportunity to have that direct input, and I think that that would be a major oversight. We, as I am sure, government members and opposition members, have concerns that want to be taken into consideration in regard to issues of the independent offices.

This afternoon we are talking about two of them with the Child Advocate's office and the Ombudsman's office. We have concerns which we would like to ensure that the government and opposition are aware of and feel it is important that we have representation on the committee itself. I guess I look to the Government House Leader as to why it is that he would feel that it is not appropriate to have all MLAs, all 57 MLAs, have that direct input. I think that the Government House Leader should recognize that all political parties, all MLAs, have an interest in children in our province and the importance of the Ombudsman's office.

I can tell you, Madam Chair, that, over the years, I have had opportunity to communicate with the provincial Ombudsman's office on a wide variety of different issues. I would not mind to just kind of give a bit of a sense of the importance that office is. We all have constituents that at times come up with grievances through a great deal of frustration of the

process in which ultimately they approach their MLAs. The Ombudsman's office is one of those offices that we do encourage our constituents to visit in order to resolve grievances and the same thing in terms of the Child Advocate. Both offices are important, and we do believe that we should have the ability to be on the hiring committee.

With those words, I will listen to what others might have to say.

Hon. Gord Mackintosh (Government House Leader): First of all, we came in with a proposal to have a three-MLA interview committee (1) because it has been done that way successfully in the recent past, and (2) because it is a number that I do not think would be intimidating to a candidate.

At the last meeting, I also said that we certainly would be interested in pursuing the idea of a role or a representative from the independent members at this committee on the receipt of the report, and then the member with the support of opposition raised the issue of representation on the subcommittee. We have no problem with that, and I made that commitment in the House to pursue that further. I had discussions with the Opposition House Leader and with Mr. Lamoureux, and at that time I had proposed that we move then to a five-person subcommittee and that the representative from the Liberals, as proposed by Mr. Penner, be on there and that the Chair of the committee, Mr. Reid, could chair that subcommittee, in other words, act as a person to get them together. I think that would be a good balance.

I can also say that, as the House Leader, I do not think this is a confidential discussion. The Opposition House Leader thought it was important on the basis of a principle for the government to nonetheless maintain a majority, but I think if the former Chair of this committee, Mr. Reid, is Chair of the subcommittee that there is a fairness that is built into that. That is what I would propose. So, if there would be a good will to amend the motion then to add that Mr. Reid, as a Chair, be also on that committee, hopefully that will resolve this matter.

Is there going to be a big difference between three and five members before the applicants? I guess we have to balance our internal interests first and foremost, so I am prepared to go there.

Madam Chairperson: The procedurally correct way in which to deal with this would be for, firstly, Mr.

Penner to ask for leave to withdraw his amendment, and following the withdrawal of the amendment, Honourable Mr. Mackintosh would ask for leave to withdraw his motion. Once both of the motions are off the floor, a new motion can be introduced. Agreed?

Some Honourable Members: Agreed.

Madam Chairperson: Second? Mr. Penner seconded it. So, agreed? *[Agreed]*

Mr. Penner, are you withdrawing your amendment?

Mr. Jack Penner (Emerson): Yes, I am.

Madam Chairperson: Is there agreement? *[Agreed]*

Honourable Mr. Mackintosh, are you withdrawing your motion?

Mr. Mackintosh: Yes.

Madam Chairperson: Is that agreed? *[Agreed]*

Mr. Mackintosh: I move

THAT a subcommittee of the Standing Committee on Legislative Affairs consisting of Kerri Irvin-Ross, Greg Dewar, Kevin Lamoureux, Kelvin Goertzen, Daryl Reid, as Chair, be struck to establish the selection criteria, the advertisement, conduct the screening and interviews, and provide to this committee the recommendations of the appointment of the individual to fill the positions of the Ombudsman and of the Children's Advocate.

Madam Chairperson: It has been moved that a subcommittee of the Standing—

An Honourable Member: Dispense.

* (13:20)

Madam Chairperson: The motion is in order.

Mr. Mackintosh: We should also accommodate, if there is agreement, that Mr. Lamoureux can attend the committee proper later as well. I think that was part of that discussion because it would be in camera, and that is one piece of business.

The other piece of business, I am just wondering and one of the reasons we wanted to have this

committee today, I know Mr. Reid is not here, but I am wondering if the other members of the committee could meet with the personnel staff and maybe make some decisions today and get the ads going or move the process along because we have a two-week gap then otherwise.

Mrs. Bonnie Mitchelson (River East): Madam Chair, I guess just before we get to that, I think I am just looking for a little clarification. I think it is important that the work of the committee get started.

I was wondering whether, and I do not know whether it requires a motion or not, but I think in order for the committee members to do their job and ensure that the ad, the bulletin that goes out for the hiring process is full and complete that the possibility of doing exit interviews with both the present Ombudsman and the present Child Advocate might be very beneficial in looking at some of the requirements that might be placed in the ad for the hiring process.

I think, just today on the record, I would like to compliment both the present Ombudsman and the present Children's Advocate for the great job that they have done in serving the Legislature and the public of Manitoba. I think that their input would be of considerable value as we move forward and look at the next six years of support to Manitobans and to us as legislators.

I just would ask for your comments on whether that should be in the form of a motion, or is it something that all committee members might be agreeable to?

Mr. Mackintosh: Well, then, why do we not just assign that consideration to the subcommittee? Perhaps they can meet after and discuss these things and decide on a line of action.

Madam Chairperson: Agreed? *[Agreed]*

Mrs. Mitchelson: Well, I guess if the exit interviews were done, we probably would hear from the Children's Advocate specifically because I know there were comments in the annual report that just came out that it might be very beneficial to have some different processes in place for the Children's Advocate to report, and for the Department of Family Services and Housing to be required to at least provide a written response to how they were going to look at implementing the recommendations.

If, in fact, the committee does undertake to do those exit interviews, does the committee then have the ability, without direction from this committee as a whole, to change any of the processes that are in place? Do we need to make some motions here to direct that subcommittee to undertake some different activities that the Children's Advocate might have recommended?

Mr. Mackintosh: I am not sure I understand this. This is about hiring a replacement for the Children's Advocate, and the mandate of this committee was set by the Legislature which was by the House Leader to hire a replacement. I think that is the mandate. In terms of processes, there are issues around LAMC that may come into play if there are financial issues. The Estimates for the Children's Advocate are coming before LAMC presumably in the next few weeks, so I think as long as the committee is within the mandate of the replacement that is the extent of it.

Mr. Kelvin Goertzen (Steinbach): Madam Chairperson, I think that the Member for River East (Mrs. Mitchelson) raises a valuable point in terms of the exit interview. We had this discussion at the last committee hearing about how valuable it would be to hear from the current Child's Advocate and the current Ombudsman in terms of the challenges that are faced within the department, and the challenges, on a go-forward basis, and the type of skills that a new Ombudsman and that a new Child Advocate would require to fill those positions.

I know the minister talks about the Estimates process and different processes, I think, to look at where the status of the department is and where the challenges lie. But there is a time sensitivity, I know, that the minister mentions about the hiring of the new Ombudsman and the new Child Advocate. It is to have an opportunity, I think, as a committee, this committee, to go through that process of an exit interview, to speak on the record. I do not think any of these things should be hidden from the public when we are talking about an office that deals so much with the public, and, that really is there, as has been mentioned, to serve us as individual legislators but, also, the public as a go-between between the Legislature and people who are in need, children who are in need, or individuals who are dissatisfied about how their contact is gone with individual departments. I think that to have a public exit interview in terms of a committee having that

discussion with the outgoing Ombudsman or the outgoing Child Advocate would be a valuable process.

Certainly, I am not sure why the government would be concerned about that. It is an employee that would be moving on to other avenues, and I think to get the kind of frank comments that the person now has the opportunity to bring forward would be a benefit to all of us, not just us as opposition or independent members of the Legislature. All Manitobans deserve to have that kind of information available. So I would just maybe ask the minister again whether or not the ability to have an exit interview with the outgoing Ombudsman and Child Advocate at this committee would not be a valuable process. I recognize there are time constraints, and I suppose that can be discussed, but, certainly, a commitment by the government to have that process here, I think, would be a good step forward. I do not understand what the objection would be.

Mr. Penner: The Member for Steinbach (Mr. Goertzen), I think, lays out the issue fairly well of the urgency of the appointing. However, I want to point out to the committee that there is a provision under the act that allows for the appointment of an acting Child Advocate. I do not think there are any restrictions placed within this act that would make it impossible for government to extend the current Child Advocate and/or the Ombudsman to a longer term on an interim basis. I think the act allows for that. So I think the urgency is not quite as dramatic as might be considered. I just want to make sure that the committee is aware that the person could actually be asked to extend the term as an acting member, not as a full Child Advocate, but as an acting Child Advocate.

Mr. Mackintosh: I think that is a legal question. I believe the term is set out in the legislation. That is my understanding. I understand for the Ombudsman that he has actually made a decision to leave at a certain date, and it was my understanding that it was not a negotiable issue with him.

Mr. Goertzen: I suspect it is the Government House Leader that is taking the lead on these issues. There still is the outstanding issue of whether or not exit interviews could happen at this committee. I will not restate the argument that I put forward a few minutes ago; the minister heard it. I just wonder if there

would not be that opportunity to have that come forward. I do not know that it would preclude the subcommittee from going about the business of placing ads if that is what the determination is in terms of the time frame. However, I think that it would still be good in the early part of the new year to have those exit interviews here at this committee stage. The subcommittee could go about still doing an intake of résumés. Based on the discussions that we then have as a committee here with the Ombudsman and the Child Advocate, the subcommittee can take some broader direction in terms of doing interviews with those who have already, then, submitted their résumés, and on a go-forward basis.

* (13:30)

So, again, I do not understand, and maybe there might not be any resistance on the government's side. They saw the light on the issue of bringing forward the independent member on board. It took a couple of weeks for that light to shine, but it came through. So I say that that is good. Maybe in the spirit of the season and that continuing co-operation, the minister is perhaps ready to say that those exit interviews should take place here at this committee at a near date in the future.

Mr. Mackintosh: This is a hiring committee. If the subcommittee needs advice in terms of what the ad should say whatever, then that subcommittee should be left to look at that. That is why we are delegating a subcommittee to look at those issues, you know, what the qualifications are. I think we have got experience; we have got some ads from before and some questions and so on. They can look at that and make decisions accordingly. That should be left with them. I mean, that is the whole purpose of the motion which, I understood, was agreed to.

Mr. Goertzen: Then I apologize because I guess I was not clear. The minister did not quite understand where I was coming from, so I will just simply restate it.

I think that it would be a valuable process, not just for the subcommittee in determining what the ads will say, not just in the process of hiring an individual with the appropriate skills, although it would be both of those things. I think there is also a value in having exit discussions with the current Ombudsman and the Child's Advocate at this committee in a public forum, in a recorded forum

because they do deal with public issues. The office does deal very directly, in a very direct way, probably more so than most departments, and certainly in a more independent way than most departments would, with the public. Again, I mean, I did not think that this was going to be an issue that the government would have any objection to. If the minister has the objection, he can just publicly say it, but I am asking whether or not exit interviews could happen at this committee in the near future with the current Child's Advocate or the outgoing Child's Advocate and the outgoing Ombudsman.

Mr. Mackintosh: I know what the member is trying to do, but I think what is important here is that we put in place a good hiring process. That is an issue, as I have said, that should be left with the subcommittee to determine if further information is needed to describe the qualifications for the job. In terms of processes, as I say, the Child Advocate comes before the LAMC in the next few weeks to discuss the financial demands and requests of that independent office. That is according to process.

Mr. Goertzen: Maybe the minister can just simply answer the question. Does he not think that it would be of public value, I mean, quite apart—he seems to think this is some sort of cute political maneuver, and maybe his own past experience would lead him to believe that. The minister is not above his own little cute political maneuver in the past, and I give him credit for some of them that he has done, but this is simply about whether or not the public has a right to hear some of the comments. You know, he should not presume they are all going to be bad. The Children's Advocate and the Ombudsman might come forward and say things are going very well, and have some very complimentary things to say about their funding status or otherwise.

So I do not know that he should fear that there is going to be some sort of a public outing of the government on this issue. I am just raising it from the perspective that I think it would be valuable information for the public to hear, and he might get a very positive response. I just simply ask if the minister will reconsider.

Madam Chairperson: Are we ready for the question?

Mr. Goertzen: Madam Chairperson, I guess that is disconcerting that the minister is going to just simply

let this go by. I think it is a missed opportunity, and the government, I guess, has the right to ignore opportunities that would bring forward information to the public and information on how better to run an independent office. This is not an office of the government, and it is not an office of the opposition, and it is not an office of the independent members of the Legislature. It is really an office there to serve in a very direct way and in a way that most government departments do not, to serve the public.

I think it is critical that the individuals who are the heads of those independent offices, the Child's Advocate and the Ombudsman, have that opportunity to come forward and to discuss these kinds of issues. I do not know that this is a particularly unusual request that we have put forward as a committee. I suspect that if the members opposite would speak to some of their business friends—and I am sure they have some—and talk about exit interviews, and whether or not it is a common occurrence especially among senior employees, I think that they would find that it is almost a mandated issue that there is that kind of feedback from senior employees that are leaving private organizations. I recognize that this is not a private organization. We are dealing with a government organization, but even more so is the need then to have that kind of public discourse.

The Minister of Justice, the House Leader has talked about perhaps maybe doing some kind of in-camera report and something like that. I do not think that does a service because not only then is that information that comes forward, is it not publicly digestible, but it certainly leaves the impression that there is something that should come forward. That is something that should be brought forward to the public light. It is always one of those situations when anything is held in camera, Madam Chairperson, that there is a feeling that something is being hidden, that something is not forthright.

Again, I said to the minister, and I thought he might take it in the spirit that it was given, that there might not be anything negative that comes forward from the Ombudsman, that comes forward from the Child's Advocate. I think the worst they could fear is it would be very useful information. The rationale for the minister to kind of sit quietly and not want to respond to this just simply escapes me.

Why it is that a minister of the Crown, who has also sat in opposition—I have had the unfortunate

experience of only having seen government from this side of the table. So, obviously, the Minister of Justice has seen both sides of the table. I would think that he would recognize that this is not an issue of partisanship, that this is not something that is being done in a political way, and that here was a good opportunity when dealing with an independent office, two of them, that we could have a good bipartisan discussion about how the offices have operated, the challenges that they have faced in the past years and the challenges that future Ombudsman might face.

So the minister does not want to comment on it and instead decides to clam up and not say anything about the issue. I guess we are left to have to see what the government's decision is on a different level, and I think that is unfortunate. Perhaps there will be other opportunity later in the committee to further address this because I know that there is a motion on the floor currently and we will get on with moving that motion. Hopefully, in the interim time between when the motion is voted on that we are discussing, the Minister of Justice will have a change of heart, have a change of mind as he did on the last issue, and see that this, in fact, would be good, not for opposition, not for independent members, but it would be good for the public.

With that, Madam Chairperson, I suspect we are probably ready to move on this motion.

Mr. Lamoureux: Yes, actually one quick comment, and it is just to follow what Mr. Penner had indicated. In terms of the acting, given the time constraints that are there, it would probably be beneficial just to get some sort of an official interpretation of how if it was deemed necessary, or if it is possible to appoint someone in an acting basis, that I would definitely be interested in knowing that. I do not know maybe if the minister or whoever can just look into it and get clarification on those for both offices; it would be appreciated. Thank you.

Mr. Penner: Madam Chair, in regard to the acting Child Advocate, I think the act is relatively simple and relatively clear. I can read section 8.1(9) for you: "The Lieutenant Governor in Council may appoint an acting children's advocate if the office of children's advocate is vacant or if the children's advocate is suspended or removed or is absent for an extended period because of illness or another reason."

So I think it is relatively clear that it is a relatively simple extension and/or appointment of an acting and virtually the same clause holds true for an acting Ombudsman. I can read that as well, which is 6(2) of The Ombudsman's Act: "Where the office of the Ombudsman is vacant, or the Ombudsman is suspended under subsection (1), the Lieutenant Governor in Council shall appoint an acting Ombudsman to hold office until another Ombudsman is appointed under section 2 or the suspension has been dealt with in the assembly." It is a very simple matter of saying, yes, you may appoint an acting, in both cases, by the Lieutenant-Governor-in-Council.

* (13:40)

Madam Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Madam Chairperson: It has been moved by the honourable Mr. Mackintosh

THAT a subcommittee of the Standing Committee on Legislative Affairs consisting of Kerri Irvin-Ross, Greg Dewar, Kevin Lamoureux, Kelvin Goertzen, Daryl Reid as Chair, be struck to establish the selection criteria, the advertisement, conduct the screening and interviews and provide to this committee their recommendation of the appointment of the individual to fill the positions of the Ombudsman and of the Children's Advocate.

Is it the will of the committee to adopt the motion? *[Agreed]*

It is ruled in order. It is passed.

As suggested by Mr. Mackintosh, is it agreed that when the main committee meets in camera that Mr. Lamoureux be able to attend the in-camera meetings? *[Agreed]*

Mr. Lamoureux: Madam Chair, I am just going to emphasize that, when the meetings do occur, I be notified of the meetings because sometimes I think it is just more of an oversight.

Madam Chairperson: What is the will of the committee?

Mr. Goertzen: I understand that the past motions have been dealt with, and I would like to move another motion of the committee.

The motion that I move is

THAT this committee undertake exit interviews with both the outgoing Ombudsman and the outgoing Children's Advocate early in the new year.

Madam Chairperson: It has been moved by Mr. Goertzen

THAT this committee undertake exit interviews with both the outgoing Ombudsman and outgoing Children's Advocate early in the new year.

It is in order.

Mr. Goertzen: I have already put comments on the record in regard to the substance of this motion when dealing with a previous motion, but certainly I think that it is worth reiterating at this point the rationale that underlies this particular request. Really, it is a request of the government, because we have already seen some resistance on this point from the members opposite, in particular the Government House Leader, the Minister of Justice, who refused to speak to the issue. The comments that he made did not seem to be particularly supportive.

I think it is worth outlining, again, the fact that in virtually every other organization that I can think of—and the members opposite might want to put forward some of their own comments on the record. I know they have been reluctant to speak throughout the committee other than their designated spokesperson on the committee. However, I think that, if they were to look at other organizations, they would find that senior members of virtually any organization that leave that organization and leave generally, I think, on good terms—I do not think there is any discussion that the current Ombudsman and the current Child Advocate are not leaving on favourable terms in their positions—have the opportunity to go through an exit interview.

The reasons are manifold. Certainly, chief among those reasons is it gives an opportunity for employees who are leaving those positions, who are in senior management, to have a frank discussion about the nature of their work and some of the things that were successes within that work, some of the good things that happened in their particular field, those things that worked well.

I do not think that the Government House Leader does himself any favours by thinking this is

somehow a witch hunt, that we are trying to open up closets to see what skeletons fall out. Certainly, the track record of this government over the last number of months is that skeletons fall out of closets without even having to open them. So we are not necessarily looking for any more; we are having a hard time dealing with all the ones we have right now.

Really, I think the rationale is a very simple one. The rationale is that they have the opportunity then to go and tell us those things that worked well and those things, frankly, that maybe did not work so well. I think that is probably where the objection comes from the members opposite, those that have spoken, or the one member who has actually spoken at this committee on behalf of the government, the one member who, I guess, is designated to carry the Premier's (Mr. Doer) torch on this issue. Certainly, I think that the rationale, again, is to ensure that we have a proper understanding of those things that went well and did not go well. From a committee's perspective, either this committee as a whole, which might meet in camera at some point to discuss the issue of hiring, or the subcommittee, the ability to look at the challenges that the department now faces as only the perspective of the outgoing directors could properly give, it is important to see that.

I know members opposite, some of them have got their material packed up and they are maybe ready to leave. Maybe they have Christmas shopping to do or other things they would rather be doing, but I think this is important. I would not raise it if I did not think it was important, about the ability to have a public discussion with the Ombudsman and with the Children's Advocate about those things that they see as good and bad things on a go-forward basis. It is not our office, certainly. The people of Manitoba, and here is another point, pay for this office. It is paid for by their tax dollars, and it is there to act as a service to them and to ensure that they have the opportunity and their children who are in that particular need or individuals who have dealt with the government departments who do not find the satisfaction that they were hoping for, to have a kind of another avenue, an independent avenue, one that they can see as being separate from government, not under the direct hand of government, one that they could have confidence in that, when they go to it, it is not simply being puppeted by the government.

Maybe that is where the objection comes from from members opposite. Certainly, we have heard

reports that it is a government that likes to pull every string and that seems to think just that *[interjection]* Well, and the Minister of Education (Mr. Bjornson) laughs, but the accusation has been made to him, too, so he might not want to laugh too hard. You know, it is certainly one of those things that have happened with this government that they feel the need to control every aspect of every decision that is made, even within the departments. Sometimes there cannot be any independence of things that happen. Maybe that is why there has been so much trouble that has happened within the government, certainly within certain departments like the Department of Family Services, with the glitches that we have seen in Education. The minister has talked about glitches, I think, that have happened within his department. That is, maybe, the fault of the government.

We are not in the new year yet. It is not time for resolutions, I suppose, but why not start with a clean slate even a couple of weeks before the new year and say, "Hey, here is a good opportunity. Here is a good opportunity to do the right thing and to ensure that we start off with a"—well, I guess the Minister of Education does not like the phrase "do the right thing." Maybe it convicts him too closely to his heart, I do not know, but I do not think that it is something that he should shake his head at. I think he should embrace the mantra of doing the right thing in government. I think that all Manitobans would want to embrace that direction in government.

So here is the opportunity now to say here is a clean start. We are going to start fresh. We are going to allow the outgoing Ombudsman and Child's Advocate to come forward and have this discussion. I think it is a good opportunity for the government to take that.

*(13:50)

So I certainly do not know why anybody on this committee—I suspect we will hear, perhaps, from the independent member of the House that sits on this committee. We will hear his opinions on it, but I think that the government would do itself a disservice. I have said before it is not my role to protect the government. Sometimes I feel I am trying to do that to encourage them to do something that they should do to protect them from themselves in a way, Madam Chairperson, and if that is what I have to do, I am willing to bear that burden.

I certainly think that this is an opportunity for them to ensure that disclosure is brought for openness about an independent office. I do not think if there is nothing to hide they have nothing to worry about. Here is their opportunity.

Thank you very much, Madam Chair. I look forward to this motion passing on a unanimous basis.

Mr. Lamoureux: Madam Chair, I do think it is a positive motion in the sense that having an exit interview would be, in fact, in the best interest of ensuring that we are on the right track in terms of whom we are going to be hiring to replace. The reason why I say that is that it is not like with the motion. My understanding of the motion is that we conduct exit interviews. It is not like it is saying that we have to have the exit interviews and then start advertising.

So there are other procedural things that we could be doing as a subcommittee. That does not prevent us from being able to have the exit interviews, whether they are at the end of the month or the beginning of January. Obviously, the sooner we have them, the better it would be. It would be nice to be able to have some sort of direct input prior to us having to do interviews as a subcommittee, as an example.

I know the Government House Leader had made reference that the Child's Advocate's office, for example, will be reporting to LAMC. I will not necessarily be at that particular meeting, not because I choose not to be there, but because it depends on the agenda items. So it is yet to be determined whether or not I would be able to listen in as to what the Child's Advocate would be saying, as an example.

So I think to have it in the committee structure where members of the entire committee can get a sense this way by them listening, as opposed to just the subcommittee. By the entire committee being provided or for the opportunity to listen, we might derive something out of it that we would not, had we not had the entire committee involved, or worse, if we did not have exit interviews.

I think that most members would recognize the value of having the exit interview. Maybe it is just the manner in which the exit interviews are being conducted. I, for one, do not have any problem with

the manner in which this one is being proposed. I do think that it would be in the public's best interest and would in fact prefer to see that. At the very least, I would be interested in hearing from other committee members as to, if they do not support this manner, what manner would they support in which we can conduct these exit interviews, because the concept of having exit interviews I think is very good given the very nature of making sure we get the right person in the right place.

Mrs. Mavis Taillieu (Morris): Madam Chair, I just want to speak also in favour of this motion. Exit interviews do provide an excellent opportunity for both parties involved to speak with the person leaving the position and the people in the hiring process that will be involved in the hiring process. Having conducted several exit interviews myself, I always found that you always learn something from that experience. Something will always come up that has not come up before. I think that the terms of both of these offices—and I should also commend the present people holding these offices, the Children's Advocate and the Ombudsman for doing such a great job, but I think that the term is a lengthy term. So the opportunity is presenting itself now to have an exit interview. This opportunity does not come up all of the time.

I think that it would be the appropriate place, at this committee, to have both people come forward and do the exit interview. I think that at this committee there is an opportunity, then, for the public to access the public records, should they choose to do that, and just to also support what the member from Steinbach has said, that there should be no fear of what these people will say. In fact, I think it should be looked at as a great opportunity to see how we can go forward and improve on the situation, and look at the experience of the people that have held these positions.

Mrs. Mitchelson: Madam Chair, I certainly would like to support the motion and indicate that we have come a long way in six years. I think that, if you look to the government, they would indicate that the Children's Advocate has served them well, as I believe it has served all Manitobans well.

The office, as it was changed, if I can just provide a little bit of history on the office of the Children's Advocate, when I was the Minister of Family Services, the Children's Advocate reported

directly to the Minister of Family Services. We did change it through legislation, so that the office of the Children's Advocate reported to the Legislature as an independent servant of the Legislature rather than to one minister, because there was some sense at the time that the Advocate needed to be independent and not manipulated in any way by one specific ministry or minister within government.

So that change was made. We broke new ground with that six years ago. I think that the process that we went through at the time certainly brought forward the best candidate to do the job. It was an all-party committee of the Legislature, and I think that position reporting directly to the Legislature has worked well, not without some issues that maybe need to be addressed. We have six years of experience of now, and I think there has been some constructive criticism by the Children's Advocate based on her six years of experience that I believe needs to be looked at.

From time to time in the Legislature, we need to update the way we do things. If, in fact, there are some slight changes that might need to be made in order to facilitate the best interests of children through the Children's Advocate's office, then we should look at that. I have no hesitation in supporting the motion and having that exit interview happen so that all Manitobans understand and know, and hopefully we would be able to strengthen the office as a result. So I am hopeful that, if government members do not want to speak, at least they will stand and be counted today and support this motion.

Mr. Mackintosh: I understand the motion is to have the Child Advocate and I think they are saying the Ombudsman before this committee to have discussion about what went well, what did not go well, in other words, issues that are in the reports of the respective offices. Those two independent offices have processes in place in terms of their relationship with the Legislative Assembly, in terms of their regular reporting, and, indeed, on fiscal issues to LAMC, which is happening in the next few weeks.

* (14:00)

It does not seem to be proper that there would be a grilling of the Child Advocate by this standing committee as part of its mandate because it would not, in our view, be part of its mandate. I would suggest that the subcommittee might want to

consider Human Resources or someone seeking advice or interviewing independent officers to see if the ads were accurate in terms of what the potential applicants should have as their qualifications. That would be, in our view, the proper process.

Madam Chairperson: Is the committee ready for the question?

An Honourable Member: Question.

Madam Chairperson: It has been moved by Mr. Goertzen

THAT this committee undertake exit interviews with both the outgoing Ombudsman and outgoing Children's Advocate early in the new year.

Is it the pleasure of the committee to adopt the motion?

Some Honourable Members: Agreed

Some Honourable Members: No.

Voice Vote

Madam Chairperson: All those in favour, say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those against, say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Nays have it.

Formal Vote

Mr. Goertzen: A recorded vote, Madam Chairperson.

Madam Chairperson: A count-out vote has been requested.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6.

Madam Chairperson: The motion is accordingly defeated.

Point of Order

Madam Chairperson: On a point of order, Mr. Goertzen.

Mr. Goertzen: For the record, all those who voted against the motion were government members of the House.

Madam Chairperson: That is not a point of order.

* * *

Madam Chairperson: The hour being 2 p.m., what is the will of the committee?

An Honourable Member: Committee rise.

Madam Chairperson: Prior to the rising, could we ask the subcommittee to please stay just for a few minutes?

COMMITTEE ROSE AT: 2:03 p.m.