

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

Chairperson
Mr. Tom Nevakshonoff
Constituency of Interlake

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MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Wednesday, October 3, 2012

TIME – 3 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Tom Nevakshonoff
(Interlake)**

**VICE-CHAIRPERSON – Mr. Matt Wiebe
(Concordia)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Ms. Howard, Hon. Mr. Swan

*Ms. Blady, Messrs. Dewar, Goertzen, Marcelino,
Nevakshonoff, Schuler, Mmes Stefanson,
Taillieu, Mr. Wiebe*

APPEARING:

*Hon. Jon Gerrard, MLA for River Heights
Mr. Greg Recksiedler, Research Officer*

MATTERS UNDER CONSIDERATION:

*Contents of Bill 209–The Legislative Assembly
and Executive Council Conflict of Interest
Amendment Act (Cooling-Off Periods Related to
Independent Officers)–from the First Session of
the 40th Legislature*

* * *

Mr. Chairperson: Good afternoon. Will the Standing Committee on Legislative Affairs please come to order.

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

Mr. Gregory Dewar (Selkirk): I nominate Mr. Wiebe.

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

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

This meeting has been called to consider the content of the following: Bill 209–The Legislative Assembly and Executive Council Conflict of Interest Amendment Act (Cooling-Off Periods Related to

Independent Officers) from the First Session of the 40th Legislature.

You will find before you some research material that has been prepared by our research officer, Greg Recksiedler, to provide you with some background and context of this topic.

According to the agreement signed by the House leaders and the Leader of the Liberal Party and tabled in the House on June 7th, 2012, if the committee agrees to bring forward legislation, this legislation will be brought forward by an opposition private member. If the committee does not agree, private members' ability to bring forward any legislation is not affected.

I would also like to remind members that considering the unique nature of this committee meeting, we will not be hearing public presentations at this stage.

How long does the committee wish to sit this afternoon?

Mr. Kelvin Goertzen (Steinbach): I'm open to sitting to midnight, but I'll propose 4 p.m. and then we can review.

Mr. Chairperson: Committee has heard Mr. Goertzen's suggestion. Any comment in that regard?

Okay, well, seeing no comment, we thank the member–[interjection]–no comment on the record, that is. We thank the member.

Does the bill sponsor, Mr. Goertzen, have an opening statement?

Mr. Goertzen: Yes, thank you members of the committee for coming out this afternoon to discuss this. I want to also make mention of the current Government House Leader (Ms. Howard) and the member for Morris (Mrs. Taillieu), the whip of our party and was acting in House leader at the time when this agreement was signed to allow this bill, which isn't technically before the Legislature, to come to this committee for discussion for us as MLAs.

I think that that's a unique thing that's happening and I think it's good that we have the opportunity to

come here and to discuss an issue in a different forum and perhaps in a different way without some of the unique partisanship that sometimes happens when bills are making their way through the Legislature. This gives us an opportunity to discuss a concept and an issue in a way that's done in other legislatures, in Parliament in Ottawa, and I think it can bring credit to us as MLAs and certainly increase the integrity of the process overall.

I also want to thank Mr. Recksiedler for his research which I received just a couple of hours ago and has now been provided to all members of the committee. We benefit from the work of the staff here at the Legislature in terms of having fullness of knowledge and information, and that's been provided.

This bill, when it came forward as a private members' bill, was sparked by a particular incident, but I don't want to dwell on that, nor do I think it's particularly important to the discussion here this afternoon. I want to make it clear, and I think I did in my comments in the Legislature, that the individual who was an independent officer and who moved into government, this bill is not a reflection on their abilities or qualifications. It was more to do with the general practice, and that's not unusual, I think, for us as legislators. Often specific incidences come to our mind when something happens and then we look for a general application in terms of trying to prevent it from happening again. So I just want to make it clear at the outset that certainly nothing in this bill or the discussions are a reflection on any former independent officer or any current independent officer, Mr. Chairperson.

I do think, though, that the concept of this bill and the principle is important. We debated it in a morning and during private members business and, as is often the case sometimes in the context of the Legislature, some of those debates get a little heated and maybe slightly off the rails and don't have the same sort of value that this forum might provide. But the principle that was debated is certainly, I think, one of value, and that is that perception is important and the perception that independent officers not only act independently and without fear or favour, but, in fact, that they are perceived to be acting that way is important to us.

We as elected officials operate under that same principle. We put in rules in place for ourselves so that the public won't believe that we are acting in any other way than in a way that is in their best interests

or certainly within our best knowledge and our best intentions. And we put only—not only put in restrictions that make that happen, but that ensure there's a perception that that is happening. And for us as elected officials it's just as important to have the perception and the reality that independent officers, in their current roles or in roles they might take on in the future, are not acting in any other way than an independent way and without any sort of other motivations or influences. And that really is what this bill is intended to safeguard.

Clearly, I think, just like we as elected officials have rules in place for us, it's unlikely that even if those rules didn't exist that we would do something that would be nefarious or would cast a bad light on us as individuals. Those rules are there often to ensure that the perception is guarded against and the exception is guarded against, and that is the case here as well. I certainly think that the vast majority of people, the vast, vast majority of people who would operate as independent officers would do their job well, but that doesn't preclude the reality and the need to ensure that we have rules in place to guard against the exception and to sure—ensure that the perception is guarded against as well.

I—we know that there have been those rare occasions, and there's been no great pleasure to any of us who are independent officers, have lost the confidence of a good portion of the Legislature, and those are contentious and unhappy times for each of us. And so everything we can do to strengthen the office of the independent officers, I think, benefits all of us as individuals who are operating in our roles as MLAs.

So I'm not—I want to make it clear before we get into maybe broader discussion suggesting that this legislation is perfect or that it can't be improved, I think the principle is correct. There might be questions about the remedy, whether it's the appropriate remedy. I've looked at the research. I know others are now getting caught up on it. It was provided to us earlier today. There's a bit of a hodgepodge. There certainly are some protections in place in Parliament in Ottawa. There are other jurisdictions outside of Canada that have protections in place that are similar to cooling-off periods—if not defined by that name—and there are other jurisdictions that have indicated they don't have specific protections, but they wouldn't hire an independent officer directly into government. So it really is a bit of a mixture in terms of what's out

there and so it leaves us to come up with a Manitoba solution and that's not a bad thing either.

* (15:10)

So I'm looking forward to your respectful comments and suggestions. Again, I'm not married to the remedy within the bill. I think the principle is correct, but there are always avenues to bring forward better ways or better ideas, and I don't think any of us have a monopoly on that. So it may be at the end of this hour, or now 50 minutes, Mr. Chairperson, there's a willingness to refer this to a subcommittee of this committee to go forward with greater details if there are suggestions coming out. I don't propose that this committee sit here for numerous hours debating numerous ideas, but it might be a good way to start with different ideas or suggestions from members.

Mr. Chairperson: Thank you, Mr. Goertzen.

Does any other member wish to make an opening statement on Bill 209?

Hon. Jennifer Howard (Minister of Family Services and Labour): Yes, I don't know if it's an opening statement on the bill but I did just want to say, you know, in our discussion as House leaders, one of the things we talked about is trying to use this experience as a bit of an experiment about how we use committees, and it is kind of a new thing. I mean, we're used to using committees for bills when the bill is already in the House and we've gone through some debate and then we have public presentations, and so this is a bit of an opportunity and we'll see how it goes to kind of talk more generally maybe about the contents of a bill and have some discussion and ask some questions. So I just want to say that's kind of the spirit in which we're trying this out and I do want to also share our appreciation to the Clerk's office for the work that they've done in preparing us for this.

I don't know if there's value in just going through some of this research. I don't know if—Greg, if—I don't know what the process is, but I haven't read it as thoroughly as my colleague from Steinbach has. So I don't know if someone wants to summarize it for us or if that's valuable to other members of the committee.

Mr. Goertzen: I'd be happy to give my own impression of the summary, but in the spirit of bipartisanship, perhaps—I'm not sure, Mr. Chairperson, if there is an ability for the individual who collated the information to make some general comments to the committee about it.

Mr. Chairperson: Well, we can decide these things as a committee if it's desired that somebody give us a summary on the bill and that's the will of the committee, then we'll proceed in that matter. Is that the will of the committee? *[Agreed]*

On that note, I invite Greg to the table to summarize what we have before us.

Mr. Greg Recksiedler (Research Officer): Okay I'll—I anticipated this question, so I'll hand out a brief—a very brief—

Some Honourable Members: Oh, oh.

Mr. Chairperson: Greg—order—we'll have you come sit at the front of the table here and put your thoughts on the record, okay?

The Chair recognizes Research Officer Greg Recksiedler to comment on what's before us. Mr. Recksiedler.

Mr. Recksiedler: Thank you for your indulgence.

What I just put before you beside the initial research is a very brief summary, because there is considerable amount of detail in regards to what various jurisdictions have and, as Mr. Goertzen alluded to, it is somewhat over—all over the map. So, essentially, if you look at the summary page I just gave you, the House of Commons and the Senate basically have similar types of provisions and they are very—they are detailed in there and they're also—House of Commons especially, is detailed in the separate document that I gave you, the actual legislation in regards to the various provisions. In regards to the—exactly what they have in regards to different types of independent officers or it might be deputy ministers in some examples as well.

And, if you look through this chart, Alberta has provisions for deputy ministers, as does New Brunswick, and there are various jurisdictions that have no provision whatsoever, as well as some that have—they have provisions of that nature, I guess, is the best way to describe it. And I don't think I will go through the whole detail of this document unless this committee wants me to do that, because there is considerable amount of writing and material here, and I could spend a few hours just reading this to myself.

But, just in summary then, there is—the jurisdictions are, kind of, all over the map, but the primary jurisdictions, or the major, more major jurisdictions seem to have such legislation, such as

the House of Commons, United Kingdom, Scotland and, of course, the Senate. So, I don't know if—I'll let you guys read into that whatever you want to read into that. And I didn't ask them why or why not they would have such jurisdiction, just basically a query as to what do you guys have and the answer is there before me. So maybe I'll leave it at that for now, and if there's any questions.

Mr. Chairperson: Thank you, Mr. Recksiedler.

The floor is now open for questions.

Mr. Goertzen: Thank you very much, Greg, for your work on this, and for also coming to speak to the committee, because I know it's somewhat unusual and you might not have been prepared for that particular element of it.

My read of some of the legislations that—where I have it sort of as a separate piece of legislation related to the Legislative Assembly. For others, it seems to appear under the Conflict of Interest Act in different jurisdictions. I mean, is it maybe something that's better dealt with under the Conflict of Interest Act from what you're—or is it—maybe that's—probably not a fair question. Is it more common for it to be found under the Conflict of Interest Act as opposed to being tied to the act that governs the officers themselves?

Mr. Recksiedler: I won't give my opinion as far as whether it's better or not, but as far as being common, I would say the provisions or the jurisdictions that have some provisions, it is more commonly in that type of legislation.

Mr. Goertzen: And I think that this is maybe more of a comment than a question for Greg. I think—I'm not trying to simulate the NHL and NHLPA negotiations here, but they're probably—I may have gone a little far on the length of the cooling-off period I think we put it as three years—on sort of reflection on that, and it was mentioned—I don't think I'm breaking confidence of the minister, or the Government House Leader (Ms. Howard), that there might be some concern about independent officers finding employment after they leave their position. I can see that the three-year limitation could be maybe overly restrictive, and the one-year limitation seems to be the one that applies to ministers of the Crown. And I don't know that the independent officers should be held to a higher standard than ministers of the Crown would be.

So, certainly, that's one thing I would make as a suggestion. We could perhaps lower that period of

restriction to one year, which might take away some of the concern about the ability of independent officers to transition into another career. And I believe that all of them would have some access to severance pay after serving four to eight years, and so there shouldn't be a financial deterrent either. They probably are covered off in that year or pretty close to that year through a severance package. So that's one comment I'd put on the record.

* (15:20)

Ms. Howard: Yes, just so—I guess my question on, like, the House of Commons, for example, is a list of all of the people considered to be officers of Parliament. So I'm not really clear on—so some of them are subject to the Conflict of Interest Act and the lobbying act, and that provides that they should wait for a period of one year before they can enter into contract or accept an appointment to a board, or accept an employment with an entity which they direct. So, I'm just wondering how, like, what does that actually mean in practice? What are we—does that apply to all of those office holders? Does it only apply to some of them? Does it mean that, you know, if—they could be hired by a government department with which they had no dealings? That's how—I mean, maybe you don't know, but how does it actually—how is it actually implemented in practice?

Mr. Recksiedler: I haven't specifically examined that question. I do note that each of the officers— independent offices have specific legislation in regards to that, and that is in this separate document here, but I do believe the Conflict of Interest Act does apply to them generally as well. But I—that is just my general understanding without specific research on that point.

Ms. Howard: And, I guess, looking at the summary—and thank you for doing that—I don't know if you feel like you can speak to—so where we talk about—no. But there's some provisions, what those some provisions—is there any commonality in what, like, perhaps there isn't a formal period where they're prohibited from accepting employment, but there are some other provisions. Is there any way to give me some basic understanding of what some of those other provisions might be?

Mr. Recksiedler: Yes, I believe where I indicated some provisions, they would be specific—they are specifically listed in this document here, the main document. And, like, and as I've previously indicated, I believe the majority of them are

somewhat Conflict of Interest Act related, but not all of them. It's, like, the territories have their own unique legislation in some regards and stuff like that. But the majority, I believe all, if not the majority, of those type of—some provisions examples are in here.

Ms. Howard: And I know when I look at the summary you're talking about both independent officers or deputy ministers. Was there—in your research, was there a different standard that would apply to independent officers and deputy ministers, or was it the same? I guess, looking at the table, like, I'm not—you say some had deputy ministers only that they apply to. Some have no for anyone. Some have no, but something. So did there, from your look, was there a different standard that generally applied to deputy ministers as opposed to independent officers?

Mr. Recksiedler: I guess the primary research, the initial question, was in regards to independent officers, and then we subsequently asked them about deputy ministers as well. And the initial response from all—from the jurisdictions where there was no—we have no such provisions in regards to independent officers. And then the follow-up question in regards to deputy ministers came—and from my cursory glance of that information it does seem somewhat similar where they do have both, like, the legislation, it seems to be similar as far. But when they—but the separate ones, I believe, are generally roughly about a 12-month—a 12-month cooling-off period when it's just deputy ministers only. I don't know if that answers your question or not.

Ms. Howard: And is the 12-month cooling off—so what does that mean? Does that practically mean no employment with any government, any Crown, no contracts with any entity that a government funds, or is it restricted to just government? Like, how—and maybe you can't answer this and that's fine, but how would you—is there any definition with respect to that? Because I think, you know, there is—there are different ways to define government, right? There's government proper, and then you can go beyond that and look at Crowns, and then you can go beyond that and look at anything that government is a substantial funder for.

Mr. Recksiedler: I believe the—where they do have such rule they try to define that. They've tried to specify exactly what you're saying: what is government and what isn't. And I cannot tell you if that's ever been tested or not and whether or not there's been borderline cases or not because I didn't

ask that question. I suspect it hasn't, but I can't say that for sure.

Hon. Jon Gerrard (River Heights): I note, in terms of the cooling-off period, that in a number of cases there's some fairly specific restrictions. In other words, for a minister or deputy minister there is a restriction in terms of lobbying with regard to any area that they have dealt with, you know, on a confidential nature or had extensive dealings with or where they might have inside government knowledge, that it would be a conflict of interest for them to, you know, accept an appointment to be lobbying or to be what have you, that the cooling-off period in a number of cases is not a blanket in terms of anything, but is often quite specific in terms of things that the—whether it's a deputy minister or independent officer or minister, in some cases, would have had dealings with, and that the—I wonder if maybe you'd comment on this, that the—there may be, in terms of applying, if one were looking at applying this cooling-off period, an alternative to doing something which is complete blanket prohibition about government employment or what have you, but does focus in on anything where there would be a potential significant conflict of interest.

Mr. Recksiedler: I don't think it would be my position to make that kind of comment. It sounds a bit more policy oriented.

Mr. Goertzen: Maybe just in response to Mr. Gerrard, I think I understand where you're coming from, and going through the legislation I would summarize maybe your point as being the cooling-off periods maybe are more common for elected officials where there's a much clearer line when you leave office that you remove yourself from any lobbying, any sort of dealing with government. The conflict of interest ones are more where you're not able to be involved with something that you've had a recent dealing with, and that's certainly an option. If there's—if it seems like a better, maybe a less blunt instrument to write something in where the independent officers couldn't be hired into a position where they've had dealings with government over a previous six or—months or a year, whatever that would be, that would certainly be a less blunt of a tool than the cooling-off period. It might be somewhat of an inequity to different independent officers. Obviously, if you're the Child and Family Services officer you'd probably narrow your interaction with two or three departments. If you're the Ombudsman you've dealt with departments and the Auditor General right across the board, so it

might not be completely equal, but I'm not sure that that's what we're trying to achieve anyway. We're trying to achieve the principle of perception and reality of independent officers not being put into a situation of conflict. So, I mean, I'm open to if it's better to be addressed or seem to be better to be addressed in a conflict of interest act where independent officers can't be hired in a position that they've had direct dealings with over a certain prescribed period of time. I think that that's a fair comment as opposed to a blanket cooling-off period if that's seen as being too restrictive.

Mr. Gerrard: I think that part of—to speak bluntly—part of the concern here is that if you have an independent officer of the Legislature that you don't ever want the independent officer to be influenced by the possibility of being advanced employment, right. And I give an example, you know, the World Bank, not a political entity, but they have realized that they have a division called an evaluation division, right, and they want to make sure that no other department can influence their evaluation by promising people in those positions a job after they leave their position in the evaluation department because obviously that would be a big problem. You're not going to be able to provide an independent evaluation if you're being promised a job, right. And so they, in fact, as I recall, have a specific provision for the most senior person in the evaluation department who's auditing all the other departments that that person—that that will be the last job that that person ever has in the World Bank because of the stipulation that they can never be in a position that they would be influenced by offering a job. I think that that's part of the consideration here, and although that's not a government political issue, it may be an example of the sort of approach or concern that some members have.

* (15:30)

Mr. Goertzen: And that articulates at least one half of the concern that I have, Mr. Gerrard. I mean, the issue being—we all know or generally know that employment doesn't sort of appear usually, and transaction of employment happened within a day.

I mean, you often, you know, understand a job is coming open; you express your interest for the job; you go through a formal application process is extended over a lengthy period of time. And the 'quoncern', of course, is somebody might be an independent officer and have all of those intentions to try to transition into something else and they

would—could certainly be influenced, or you—one might perceive they would influenced to not do their job fully as the independent officer if they're trying to move into government, and it might be seen as negative by the government that was hiring them, as a general scenario.

On the reverse, of course, if one is a deputy minister and is looking to become an independent officer. I mean, the concern there might be, as an independent officer, they might be reviewing things that they were instrumental in bringing forward as a deputy minister. They might have, you know, a disincentive to be overly critical of something that they might have had an involvement with.

So you certainly articulate the concern, and I think the general principle is one that we realize could be an issue, I hope, as legislators, and one that has been addressed in some fashion in many jurisdictions. And I'm just—I'm open to how it gets addressed here, whether it's through the clear issue of a cooling-off period or whether it falls into the conflict of interest guidelines in terms of not being able to be involved with things you've been involved with before.

I'm sensitive to the fact you're not narrowing the pool for people who apply for independent officers but I'm also realistic of the fact that, I mean, every job has its pitfalls. And we all, as elected officials, run for office knowing that in four years we could be done, and so, I mean, and that—and—but we make that choice. And that probably narrows the field somewhat, but not as narrow as some of us would like, but it narrows the field in terms of who goes into those positions and that wouldn't be any different than independent officers. So, I mean, that's just the reality of the job, and I think if the—if they're—the cooling-off period or the conflict of interest guidelines around it were reasonable, I don't think you would unreasonably narrow the field.

Ms. Howard: Yes, I mean—I think—I'm not sure there's a direct comparison between elected officials and independent officers. I mean, they're different roles and I think that prohibitions that are in place on elected officials have to do with the fact that we're often in a decision-making role and have direct influence. Independent officers are more likely in a monitoring role, and I take the point that you want to make sure that they are in that monitoring role and able to do that job. But it's—to me, it's not exactly the same as someone who, you know, three weeks ago

had influence over making a decision or making an expenditure and then goes and works for the organization that that money was expended on. I think that's a different situation.

I guess, you know, one of my concerns with how this is crafted is exactly narrowing the pool for who applies to do these jobs. They're already jobs that require a significant amount of experience, either in the public or private sector, and I don't know that I want to be in a situation where we're telling people if you take this job it's the last job you're going to do, so take it when you're ready to retire at the end. So nobody under a certain age need apply, because this is the last job.

And I think, particularly when I look at, you know, the independent officer, I'm most familiar with the Children's Advocate, whose legislation limits them to two terms and really likely that person is coming out of a—the public sector, not necessarily, but likely, and likely if they want to go back and get employ, they're going back into the public sector. And so I'm not sure how fair it is to say either this is your last job or you have to go find a whole new place to work afterwards, and I don't know if you would cut out a lot of very worthy individuals. I don't know if that's a reasonable expectation to put on anyone, so that's my concern. I'm not saying that, you know, amongst all of this information that we've just gotten, there might not be something workable. But my concern would be that what we do doesn't unduly limit the possible pool of applicants for these independent officer positions and also that we're not making an assumption that the people in those jobs—you know, the people that are hired for those jobs know well their role, and I do think it is possible for them to do that role without fear of favour and there's no evidence that nobody has been able to do that, to my understanding. So I want to, you know—I want to make sure we're not assuming the worst of human nature in trying to craft something.

Mr. Goertzen: Yes, right, and I think I tried to outline, in my opening comments, exactly that that wasn't the point; that there are a lot of rules that are put in place to prevent things from happening. I can list a litany of them—and to ensure that the integrity of the office is upheld.

I don't know that I get the point that the House leader is trying to make, in terms of being a person's last job. I mean, the fact that somebody might have to not to take a government job for a year, I'm not

sure how that scuttles their entire rest of their career. And, in terms of—that just seems like a bit of an overreach to me.

And, in terms of narrowing the field, I mean, my—and I'd be happy to see research on it, I suppose—but, my understanding is that, certainly on the Parliament side, where they have quite a bit of restrictive rules in place and the cooling-off period in place, there's been no lack of applicants for these positions.

So, I think that it's a hypothetical that we're dealing with, in terms of who may or may not apply, but there's no evidence—and you mentioned the word evidence—there's certainly no evidence from the other jurisdictions that they're having a difficult time getting applicants for those jobs. I just don't see that as being a breaking point for this kind of legislation. I think that the benefit certainly weigh—outweighs any hypothetical risk and a risk that hasn't been proven in other jurisdictions.

Ms. Howard: Well, I guess, you know, the example that I would give is, again, the Children's Advocate. So, there really isn't a private sector child welfare system. The child welfare system is publicly funded, publicly administered. So what we would be, in a sense, saying to that person is, if you take this job, knowing that you're limited to two five-year terms, so the most that you can work in this job is for 10 years. Afterwards, you can't work in child welfare in Manitoba for three years, which is—can be a long time and can make it challenging to get a job after that. So, you can either go out of province or you can do something entirely different. And, I do think that would limit who you would get into that position.

And, you know, I don't have any hard evidence I can lay on the table. I have had discussions with people in governments that have some of the rules that the member is talking about and they have let me know that they have found the quality of applicants to be less than it would have been otherwise. And, that they, when they have approached people to try to recruit them into positions, people have said the barrier for them is realizing that if they came and worked in this job, really, that would be the end of their career afterwards, because they wouldn't be able to go and do anything else.

And so, I think, you know, we have to balance the—I think it's important to pay attention to issues like conflict of interest, to make sure we have strong

rules around those things. But, I think we also have to balance that with the reality, especially in a small province like Manitoba, that people are going to work after they leave the independent officer position or after they leave government. And you don't want to put in such restrictive rules that you're really limiting the ability of good people to come and do those jobs because they're worried about what that'll mean for their employment future. So that's my only—you know, that's one of my concerns.

It's my main concern when we look at this that, however it may be structured, that we pay due attention to the fact that we want good people to continue to put their name forward for public service and we don't want to make it so restrictive that people feel like they can't do that because it's either their—either they decide I have to do this job for the rest of my life because there's nothing afterwards or I can only do this job at the end of my career.

Mr. Goertzen: Right, and I think I had mentioned earlier, I am open to the idea of reducing the cooling-off period to a year, using the scenario the minister provides: an individual who'd served for 10 years would certainly be eligible for, I think, a transition or a severance, or whatever the appropriate term is, of probably that amount, and so there wouldn't be an economic hardship, and then they certainly could apply to go into government. I just don't understand. The minister feels that their career is sort of ended because there is a one-year time period where they're still—assume they're getting paid—where they can't apply for a government job. Those two don't marry up. And I—in fact, it almost sounds as though, because the minister is saying that a person in that particular job wouldn't be able to find any other job after they leave there, that there's almost an expectation that they have to go into government, that we have to give them a job into government, because there's no possible way they can get hired anywhere else in the province, and that concerns me, too, I suppose, if that's, sort of, the expectation.

Mr. Chairperson: Okay.

Mr. Gerrard: I think that, given the nature of the discussion and the cooling-off period that's being proposed, that one of the things that would need to be clear is the definition of government. Does that include Crown corporations? Does that include the child and family services authorities? Does it include hospitals and universities? I mean, in terms of the public sector, I think that probably, you're not intending that everything—every, you know, job in all those areas would be covered, but I think that it would be important to specify what would be covered and what would not be covered so it's clear.

Mr. Goertzen: Yes. I might suggest, having heard some of the comments and concerns that, unless—and I don't want to end debate—if there are other comments I'm happy to hear them; if not, certainly I can take this back and speak with the Government House Leader about different proposals within the bill and how they might proceed through the legislative process.

Mr. Chairperson: All right. No further questions? Comments?

Bearing in mind the agreement tabled in the House, what is the will of the committee regarding Bill 209?

Ms. Howard: I agree with the Opposition House Leader. I'm happy to continue the discussion with him about the legislation and see how it, you know, see what determination we come to. We'll continue that informally, that discussion. You're all welcome to witness our discussions, but it might—I don't want to peel back the curtain of mystery to—to—yes—

Mr. Chairperson: All right. Seeing no further comment, I thank Mr. Recksiedler for his participation in the committee.

The hour being 3:32, what is the will of the committee?

An Honourable Member: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 3:42 p.m.

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