



Legislative Assembly of Manitoba

HEARINGS OF THE SPECIAL COMMITTEE

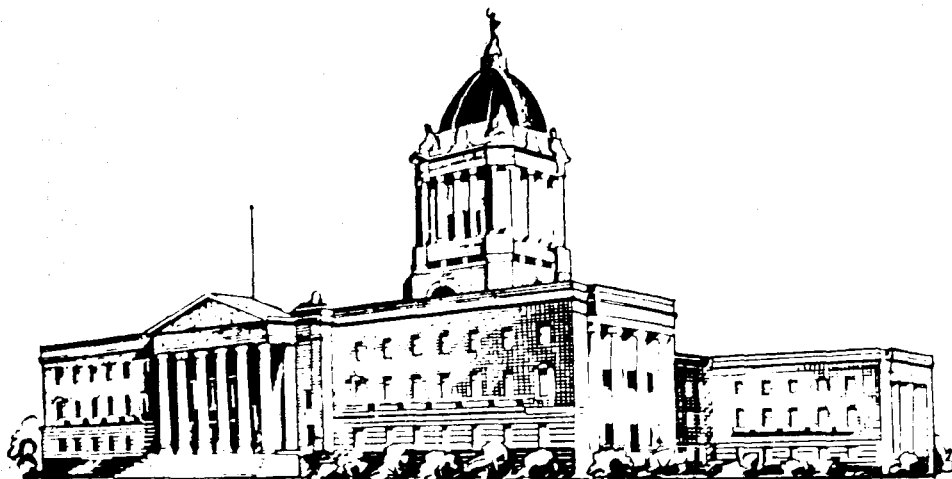
RE

APPOINTMENT OF OMBUDSMAN

Chairman

Harry Shafransky, M.L.A.

Constituency of Radisson



11:30 a.m., Friday, March 19, 1976

THE LEGISLATIVE ASSEMBLY OF MANITOBA
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Chairman: Mr. Harry Shafransky

CLERK'S ASSISTANT: Gentlemen, our first item of business is to elect a chairman. Any nominations? --(Interjection)-- Any further nominations? Hearing none, Mr. Shafransky, will you take the Chair, please.

MR. CHAIRMAN: I believe we do have a quorum, it would be more than a 50 percent quorum.

The purpose of this meeting is to deal with the resolution which was proposed by Mr. Pawley relating to the position of Ombudsman. Now I don't know what procedure you wish to take but Mr. Schreyer, would you like to start off.

MR. SCHREYER: Well, yes, I just have a very brief statement to put on the record in respect to the procedure involved here.

Pursuant to the provision of the Ombudsman's Act, the appointment and the re-appointment of the Ombudsman pursuant to the Act is to be done by way of an all-party Committee of the House, and due notice having been given, this meeting's been convened. In the meantime, back in - I think it was February - I wrote to the leaders of the other two parties, or I should say of the Progressive Conservative Party and the Liberal Party indicating that the Ombudsman's term expired the 31st of March, and requesting in advance, if possible, some indication as to whether there would be concurrence to the reappointment of Mr. Maltby. Mr. Craik, I'm sure, can confirm that a letter was received in reply from Mr. Craik and Mr. Johnston concurring with the proposed re-appointment and so all that remains is for this meeting to be convened to formally do that in accordance with the Act.

So there's where it's at. I would simply await the arrival of the Attorney-General so that he could make a motion formally and then any member of this committee can speak to it if he wishes.

MR. CHAIRMAN: Mr. Pawley. We are dealing with the question of the re-appointment of the Ombudsman whose present term expires on March 31st. I believe it has been understood that there were letters written to the various political parties indicating that this position becomes vacant and whether the present Ombudsman would be reappointed or position terminated. Mr. Pawley.

MR. PAWLEY: Well, Mr. Chairman, I would like to move that Mr. George Maltby be reappointed as Ombudsman for the Province of Manitoba for a further term as spelled out within the Ombudsman Act of the Province of Manitoba.

MR. CRAIK: I'll second the motion.

MR. CHAIRMAN: Moved by Mr. Pawley, seconded by Mr. Craik, that the position of Ombudsman, that Mr. Maltby be reappointed to the position of Ombudsman. Any questions?

MR. SCHREYER: Now that the motion is before us I could speak properly to the motion and merely recapitulate for Gordon Johnston's benefit the sequence of events leading up to the convening of this meeting. To minimize repetition I would merely indicate that under the terms of the Ombudsman's Act, the Ombudsman is appointed pursuant to a recommendation of the Legislature and, in effect that is pursuant to a recommendation of a Special Committee of the Legislature, this being that Special Committee. In advance I wrote to the leaders of the Progressive Conservative and Liberal Parties asking whether there would be concurrence to the person and to the procedure; the procedure really, however, is laid down in statute, and letters of confirmation, or concurrence, I should say, were received some few weeks ago. This procedure then is required to formalize that understanding.

I might say in conclusion that Mr. Maltby, his term expires the 31st of March. Under the Act the incumbent is eligible for reappointment for a second term but the Act is specific - I don't know if honourable members are just aware of it offhand - but an Ombudsman could not be appointed for a third term unless, of course, the Act were amended which is, well under a parliamentary system, that's always possible.

MR. CHAIRMAN: Mr. Johnston

MR. JOHNSTON: Mr. Chairman, I'd just like to go on the record as saying I think Mr. Maltby has done a fine job in his first term and we had no problem or hesitation whatsoever in replying to the Premier's letter that we would concur in the reappointment of Mr. Maltby. We think he's done an outstanding job.

MR. CHAIRMAN: Mr. Craik.

MR. CRAIK: Mr. Chairman, as the Premier has indicated, the letter was received from him back some time ago and it was discussed and accepted by our caucus and we replied to it endorsing his reappointment for the second six-year term. So we have no hesitation at all in recommending or seconding the motion that he be reappointed for the second term.

Just to also comment on what Mr. Johnston has said, we feel that on the average that the establishment of the Ombudsman has worked out probably very well, and I think all of us as MLAs probably have more awareness of what an Ombudsman has to do than most people would have because we act in that role ourself a lot of the time on a day-to-day basis with inquiries from constituents. So I think he has done a good job and he certainly handled the large number of cases that you would wonder in some cases where they would have gone to had the Ombudsman not been there. So I think that the move to establish the position has been good - it was a good one - and I think his appointment has turned out to be very good.

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Mr. Chairman, I feel I should relate one instance where I feel that Mr. Maltby's services, as an Ombudsman, have been most beneficial to the province and, in fact, the example I would like to give is in regard to what I think has been an improvement of a section within my own department as a result of Mr. Maltby's involvement in complaints that have been filed with them, and that is in connection of the Public Trustees Office. And as a result of complaints that Mr. Maltby had looked into, I think he did an extremely fair job, it was found that there had been negligence and as a result of that there was a tightening of the rules and the procedures and whatnot, so that it's not probably just the individual and his complaint where there has been betterment, but this is an example that's very close to me where there has been an effective improvement within a branch of a department because of the observations and the report of the Ombudsman.

MR. CHAIRMAN: Any further debate? Mr. Schreyer.

MR. SCHREYER: Mr. Chairman, since others have spoken really to the person, that is to say have spoken in reference to Mr. Maltby's attributes and the way in which he has carried out the duties of the office, I would like very briefly to join in the general observations already made and to indicate further that when first appointed it was a new function in a new office so to some considerable extent it was a case of his piloting through uncharted waters, and I feel in the circumstance and looking back with the benefit of five years of retrospection that he has served in a very judicious manner which is, in my opinion, the greatest single attribute that that office demands. I certainly - of course honourable members are aware that in some few issues there has been difference of view but by and large he has carried out his duties in a way that I think we would all like to think has been helpful to the general citizenry and well, I suppose, I should leave it there. I'm rather happy to think, to know there is this general concurrence and I would suggest that if there are no further comments, we put the matter to a vote.

MR. CHAIRMAN: Are you ready for the question? To confirm that the position of Mr. Maltby as Ombudsman be confirmed. The decision is unanimous.

Committee rise.