

TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF MANITOBA:

Your Standing Committee on JUSTICE presents the following as its Second Report.

Meetings:

Your Committee met on Thursday, November 18, 2004 at 6:30 p.m. in Room 255 of the Legislative Building.

Matters Under Consideration:

- **Bill** (No. 47) - The Legal Aid Services Society of Manitoba Amendment Act/Loi modifiant la Loi sur la Société d'aide juridique du Manitoba

Membership Resignations / Elections:

Substitutions received prior to commencement of meeting:

- Mr. SWAN for Hon. Ms. OSWALD
- Mr. DEWAR for Mr. SANTOS
- Mr. GOERTZEN for Mr. CUMMINGS
- Mr. EICHLER for Mr. FAURSCHOU

Public Presentations:

Your Committee heard 10 presentations on Bill (No. 47) – The Legal Aid Services Society of Manitoba Amendment Act/Loi modifiant la Loi sur la Société d'aide juridique du Manitoba from the following individuals and / or organizations:

Ken Mandziuk	Manitoba Association for Rights and Liberties
Byron Williams	Public Interest Law Centre
Veronica Jackson	Manitoba Bar Association
David Joycey	Legal Aid Lawyers Association
Allan Fineblit	Law Society of Manitoba
Sheldon Pinx and Saul Simmonds	Manitoba Criminal Defense Lawyers Association
Michael Williams	Private Citizen
Sarah Inness	Private Citizen
Laura Friend	Private Citizen
Val McCaffrey	Private Citizen

Bills Considered and Reported:

- **Bill** (No. 47) - The Legal Aid Services Society of Manitoba Amendment Act/Loi modifiant la Loi sur la Société d'aide juridique du Manitoba

Your Committee agreed to report this Bill with the following amendments:

THAT Clause 6 of the Bill be amended by adding the following after the proposed section 6:

Tariff review

6.1(1) At least once every two years, the council must review the tariff of fees paid to solicitors for providing legal aid.

Consultation with advisory committee

6.1(2) The council must consult with the advisory committee when conducting the review.

Report to minister

6.1(3) The council must provide the minister with a report on the findings of the review. The report must set out any recommended adjustments to the tariff of fees and provide an explanation for any recommendation.

THAT Clause 6 of the Bill be amended by adding the following after the proposed subsection 8(5):

Meetings

8(5.1) The committee must meet at least four times each year. One of the meetings must be a joint meeting with the council.

Executive director and chair to attend

8(5.2) The executive director and the chair of the council must attend each meeting of the committee or send a delegate on his or her behalf.

THAT Clause 6 of the Bill be amended by adding the following after the proposed section 8.1:

Information to advisory committee

8.2 The chair of the council must provide the advisory committee with the following information on an annual basis:

- (a) the number of applications for legal aid;
- (b) the number of applications approved;
- (c) the number of eligible applicants who requested the appointment of a specific solicitor to provide legal aid;
- (d) the number of eligible applicants who had legal aid provided by their requested solicitor.

THAT Clause 7 of the Bill be amended in the proposed subsection 11(2) by striking out "An applicant" and substituting "In order to determine whether an applicant is, or continues to be, eligible to receive legal aid, the applicant".

THAT Clause 9 of the Bill be replaced with the following:

9 *Section 14 is replaced with the following:*

No right to choose lawyer

14(1) The executive director or an area director must appoint a solicitor who is a registered member of the panel to provide legal aid to an eligible person or group.

Consideration of request

14(2) In making the appointment, the executive director or area director must consider any request by the person or group for the appointment of a specific solicitor.

THAT Clause 10 of the Bill be replaced with the following:

10 *Subsection 15(1) is amended*

- (a) *by striking out "selected by or appointed for an applicant" and substituting "appointed to provide legal aid"; and*
- (b) *by striking out "for that applicant" in the English version.*

Submitted by:

Mr. MARTINDALE, Chairperson
November 18, 2004