



MANITOBA ORDER IN COUNCIL

DATE: **February 26, 2020**

ORDER IN COUNCIL NO.: **46/2020**

RECOMMENDED BY: **Minister of Justice and Attorney General**

ORDER

1. Gail Halko, of Winnipeg, is appointed as a member to the Judicial Appointment Committee under clause 3.3(2)(b) of *The Provincial Court Act*, for a two year term.
2. Judy Swanson, of Boissevain, is appointed as a member to the Judicial Appointment Committee under clause 3.3(2)(b) of *The Provincial Court Act*, for a two year term.
3. John Kulchychki, of Dauphin, is appointed as a member to the Judicial Appointment Committee under clause 3.3(2)(b) of *The Provincial Court Act*, for a two year term.
4. This Order comes into effect the day it is made.

AUTHORITY

The Provincial Court Act, C.C.S.M. c. C275, states:

Lieutenant Governor in Council may appoint judges

3(1) The Lieutenant Governor in Council may appoint such persons as he or she considers necessary as judges of the court, in accordance with the provisions of this Act.

Appointment from list of recommended candidates

3.1 An appointment under subsection 3(1) must be made from a list of candidates that are recommended for appointment by the judicial appointment committee under section 3.6.

Composition of committee

3.3(2) The committee consists of the following:

- (a) the Chief Judge, who is the chair of the committee;
- (b) three persons, who are not lawyers, judges or retired judges, appointed by the Lieutenant Governor in Council;
- (c) a judge designated by the judges of the Provincial Court;
- (d) the president of the Law Society of Manitoba, or a member of the Law Society of Manitoba designated by the president;
- (e) the president of the Manitoba Branch of the Canadian Bar Association, or a member of the Manitoba Branch of the Canadian Bar Association designated by the president.

Appointment considerations

3.3(3) When appointing or designating persons under clauses (2)(b), (d) and (e), the diversity of Manitoba must be taken into account.

Term

3.3(4) Committee members under clauses (2)(b), (d) and (e) are to be appointed or designated for a term not exceeding three years and may be re-appointed or designated for an additional term not exceeding three years.

List of recommended candidates to minister

3.6(1) When the minister advises the Chief Judge that the appointment of a judge is required, the judicial appointment committee must meet and provide the minister with a list of at least three and no more than six persons from the list of qualified candidates whom the committee recommends for the appointment in question. The names on the list must not be ranked.

BACKGROUND

1. Gail Halko, Judy Swanson, and John Kulchycki are not lawyers, judges or retired judges, as required by clause 3.3(2)(b).