



MANITOBA ORDER IN COUNCIL

DATE: **May 10, 2023**

ORDER IN COUNCIL NO.: **134/2023**

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

ORDER

1. James McCrae, of Brandon, is appointed as a member to the Masters Appointment Committee under clause 11.3(2)(b) of *The Court of King's Bench Act*, for a three year term.
2. Monique Gillan, of Winnipeg, is reappointed as a member to the Masters Appointment Committee under clause 11.3(2)(b) of *The Court of King's Bench Act*, for a three year term commencing June 17, 2023.
3. John W. Morris, of Winnipeg, is reappointed as a member to the Masters Appointment Committee under clause 11.3(2)(b) of *The Court of King's Bench Act*, for a three year term commencing June 17, 2023.
4. The appointment of Doug Nanton, of Winnipeg, as a member of the Masters Appointment Committee under clause 11.3(2)(b) is revoked.
5. The appointment in paragraph 1 and the revocation in paragraph 4 come into effect the day this Order is made.

AUTHORITY

The Court of King's Bench Act, C.C.S.M. c. C280, states:

Appointment of masters

11.1(1) The Lieutenant Governor in Council may appoint such persons as he or she considers necessary as masters of the court in accordance with the provisions of this Part.

Appointment from list of candidates

11.1(2) An appointment under subsection (1) must be made from a list of candidates that are recommended for appointment by the masters appointment committee under section 11.5.

Composition of committee

11.3(2) The committee consists of the following:

- (a) the Chief Justice, or a judge designated by the Chief Justice, 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) the senior master;
- (d) the president of the Law Society of Manitoba, or a member of the Law Society 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

11.3(3) When appointing or designating persons under clauses (2)(b), (d) and (e), the diversity of Manitoba must be taken into account.

Term of appointment

11.3(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.

Appointment committee to meet re appointment

11.5(1) When the minister advises the Chief Justice that the appointment of a master is required, the masters appointment committee must meet to consider candidates for the appointment in question.

List of recommended candidates to minister

11.5(2) Subject to subsection (4), the committee must 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. James McCrae is not a lawyer, judge or retired judge, as required by clause 11.3(2)(b).
2. Monique Gillan, formerly of Lakeside, was appointed as a member to the Masters Appointment Committee under clause 11.3(2)(b) by Order in Council No. 160/2020, and the term of appointment expires on June 16, 2023.
3. John Morris was appointed as a member to the Masters Appointment Committee under clause 11.3(2)(b) by Order in Council No. 160/2020, and the term of appointment expires on June 16, 2023.
4. Doug Nanton was appointed as a member to the Masters Appointment Committee by Order in Council No. 190/2022 and he has resigned.