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of the

Legislative Assembly of Manitoba

Standing Committee

on

Law Amendments

Chairperson

Mr. Doug Martindale

Constituency of Burrows



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

THE STANDING COMMITTEE ON LAW AMENDMENTS

Wednesday, July 31, 2002

TIME – 6:30 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Doug Martindale
(Burrows)VICE-CHAIRPERSON – Mr. Conrad Santos
(Wellington)

ATTENDANCE - 11 – QUORUM - 6

*Members of the Committee present:*Hon. Ms. Barrett, Hon. Messrs. Lemieux,
SaleMr. Cummings, Ms. Korzeniowski, Mr.
Martindale, Mrs. Mitchelson, Messrs.
Nevakshonoff, Reimer, Santos*Substitutions:*

Mr. Dyck for Mr. Maguire

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

WITNESSES:

Ms. Marianne Rivoalen, Présidente, Conseil
d'administration de la Société franco-
manitobaineMs. Bobbi Pompana, Dakota Ojibway Child
& Family ServicesMr. Sydney Garrioch, Vice-Chief, Manitoba
Keewatinowi OkimakanakMr. Francis Flett, Grand Chief, Manitoba
Keewatinowi Okimakanak

Ms. Trudy Lavallee, Private Citizen

Mr. David Chartrand, President, Manitoba
Metis FederationMs. Leslie Spillett, Mother of Red Nations
Women's Council of ManitobaMs. Carla Engel, Métis Child and Family
and Community Services ProgramMs. Rosemarie McPherson, Métis Women
of ManitobaMs. Burma Bushie, Executive Director,
Southeast Child and Family Services

Ms. Donna Harris-Kirby, Private Citizen

Ms. Elizabeth Fleming, Provincial Council
of Women of Manitoba Inc.Ms. Leona Freed, President, First Nations
Accountability Coalition

MATTERS UNDER CONSIDERATION:

Bill 35–The Child and Family Services
Authorities Act

Mr. Chairperson: Good evening. Will the
Standing Committee on Law Amendments
please come to order. The first order of business
is the election of a Vice-Chairperson. Are there
any nominations?**Ms. Bonnie Korzeniowski (St. James):** I nomi-
nate Mr. Santos.**Mr. Chairperson:** Mr. Santos has been nomi-
nated. Are there any other nominations? Hearing
none, I declare Mr. Santos declared the Vice-
Chair of this committee.

Committee Substitutions

Mr. Glen Cummings (Ste. Rose): I would like
to make, with leave of the committee, the
following membership substitutions effective
immediately for this Law Amendments com-
mittee. I would like to have Peter George Dyck,
Pembina constituency, replace Larry Maguire,
Arthur-Virden.**Mr. Chairperson:** Is there leave of the
committee for this substitution? *[Agreed]* With
the leave of the committee, it has been moved by

Mr. Cummings that Mr. Dyck replace Mr. Maguire. Agreed? *[Agreed]*

* * *

Mr. Chairperson: This evening, the committee will be considering the following bill: Bill 35, The Child and Family Services Authorities Act. We have presenters who have been registered to make public presentations on this bill. It is the custom to hear public presentations before consideration of bills. Could I ask those persons in attendance who are speaking in French to please make themselves known to the Clerk of the committee, if you have not already done so?

Is it the will of the committee to hear public presentations on the bills, and, if yes, in what order do you wish to hear the presenters?

Hon. Becky Barrett (Minister of Labour and Immigration): I think that I would suggest or recommend that we hear the public presentations before clause by clause, and also if there are people who would be interested in translation that we hear the translation first and then the out-of-town presenters second.

Mr. Chairperson: It has been recommended that we hear presentations *en français* first and then out of town and then the others. Is that agreed? *[Agreed]*

I will then read the names of the persons who have registered to make presentations this evening. The first name, Louise Newans, has advised that she wishes to be removed from the speakers' list. Is there agreement to remove her name? *[Agreed]*

The names then remaining are Bobbi Pompana, Trudy Lavallee, Chief Louis Stevenson, David Chartrand, Leslie Spillett, Sydney Garrioch, Harold Cochrane, Grand Chief Margaret Swan, Carla Engel, Rosemarie McPherson, Elsie Flette, Shirley Cochrane, Corbin Shangreaux, Burma Bushie, Donna Harris-Kirby, Grand Chief Francis Flett, Felix Walker, David Monias, Walter Spence, Maître Marianne Rivoalen, Elizabeth Fleming. Those are the persons and organizations that have registered so far.

If there is anybody else in the audience who would like to register or who has not yet

registered and would like to make a presentation, would you please register at the back of the room. Just a reminder that 20 copies of your presentation are required. If you require assistance with photocopying, please see the Clerk of this committee, but you can present orally as well.

Before we proceed with the presentations, is it the will of the committee to set time limits on presentations?

Ms. Barrett: I would recommend that we sit until at least midnight and then assess the situation at that point, but have at least everyone who is in the room at that time who wishes to make a presentation, if they have not been already heard, to be heard.

Mr. Chairperson: That answers the question of how late do we wish to sit tonight. Is it agreed that we reassess at midnight if we are not finished yet? *[Agreed]* Do we want to put time limits on presentations?

Ms. Barrett: Sorry, well, I knew which questions I wanted to answer. I just did not know what order. I would recommend that we set 15 minutes for presentations, a maximum of 15 minutes per presentation and a maximum of 5 minutes for questions and answers.

Mr. Chairperson: It has been recommended that presenters be allowed 15 minutes for presentation and 5 minutes for questions and answers. Is that agreed? *[Agreed]*

How does the committee propose to deal with presenters who are not in attendance today but have their names called? Shall the names be dropped to the bottom of the list, and shall the names be dropped from the list after being called twice? *[Agreed]*

Bill 35—The Child and Family Services Authorities Act

Mr. Chairperson: I will now call Maître Marianne Rivoalen, who will be speaking in French. I apologize if I pronounced your name wrongly. Will you please come forward? Do you have written copies of your presentation?

* (18:40)

Ms. Marianne Rivoalen (Présidente, Conseil d'administration de la Société franco-manitobaine): Yes, I do. Oui.

Mr. Chairperson: Please proceed.

Ms. Rivoalen: Bonjour. Je m'appelle Marianne Rivoalen. Je suis la présidente du Conseil d'administration—peut-être que je devrais aller beaucoup moins vite—de la Société franco-manitobaine. Je suis également ici comme présidente sortante de l'Association des juristes d'expression française du Manitoba. Également, je suis avocate qui travaille dans un cabinet privé qui a exercé dans ce domaine, qui a représenté des clients, justement, qui ont eu affaire aux Services à l'enfant et à la famille. Donc, c'est pour ceci que je suis ici ce soir. Ce ne sera pas long. C'est la bonne chose.

J'ai seulement quatre points à faire. Je vous ai remis mon document. C'est très bref. Ce sont seulement les points saillants.

Donc, je vais commencer en vous félicitant et en vous remerciant d'avoir mis dans le projet de loi l'élément linguistique dans le préambule de la loi. Dans le préambule on indique clairement qu'il faut regarder l'élément linguistique et on vous remercie pour ça.

Je dirais qu'il y a deux lacunes qu'il faut regarder. La première est au paragraphe 6(4) de la loi. La loi confère à la Manitoba Metis Federation le pouvoir de nommer le conseil d'administration de la Régie métisse. On n'a aucun problème avec ça. Seulement, il nous semble qu'il faudrait prévoir un mécanisme pour assurer une représentation métisse francophone au sein de ce conseil d'administration. Alors, s'il vous plaît, notez qu'il y aurait moyen d'avoir un mécanisme quelconque pour assurer la représentation des Métis francophones. Nous croyons que c'est très important pour l'élément justement culturel et linguistique.

Mon troisième point est à l'alinéa 19(c) de la loi. Les régies sont tenues de s'assurer que toutes les normes établies concernant les services et les règles à suivre soient adaptées à la culture, et c'est normal, mais il n'y a aucune mention de la langue. Ça, c'est une lacune, d'après nous. Culture et langue sont également importantes.

Alors, s'il vous plaît, notez cette lacune d'après nous et remédiez s'il vous plaît à cet alinéa de la loi, 19(c), pour mentionner la langue.

Mon dernier point, c'est que nous savons qu'il y aura bientôt une refonte législative importante à l'égard de la Loi sur les services à l'enfant et à la famille, et nous souhaitons que cette refonte tienne compte des propos que six organismes francophones ont soumis. C'est le mémoire que nous avons soumis le 19 septembre dernier. Nous avons soumis ça à la Commission d'enquête sur l'administration de la justice et les autochtones. Dans ce mémoire, nous avons souligné les recommandations du juge Chartier. Il ne faut pas oublier le rapport Chartier, et surtout dans son rapport c'était sa recommandation n° 28 de modifier certaines lois particulières pour traiter des services en français. Ça, c'est une de ces lois-là qui est primordiale pour notre communauté comme pour la communauté autochtone, métisse, et toute la communauté en général.

Alors ce sont mes points. Si vous avez des questions, je serai heureuse de vous répondre. J'espère que je ne suis pas allée trop rapidement pour l'interprète, parce que je sais que c'est un travail très difficile, et je vous remercie de l'interprétation. Mais, en gros, j'ai soumis mes quelques lignes sur une feuille. Je suis ici pour répondre à des questions si vous le voulez, et merci de votre attention.

Translation

Good evening. My name is Marianne Rivoalen. I am the president of the board of directors—perhaps I should go much less quickly—of the Société franco-manitobaine. I am also here as the past president of the French jurists association of Manitoba. As well, I am a lawyer with a private firm who has practised in the area, who has represented clients who have had dealings with Child and Family Services. So that is why I am here this evening. It will not take long. That is the good thing.

I have just four points to make. I have provided my document to you. It is very brief. These are simply the salient points.

So I will begin by congratulating you and thanking you for including the linguistic factor in the preamble to the bill. In the preamble it is clearly indicated that the linguistic factor must be taken into account, and we thank you for that.

I would say that there are two shortcomings that need to be looked at. Firstly, there is subsection 6(4) of the bill, where the Manitoba Metis Federation is granted the power to appoint the board of directors of the Métis Authority. We have no problem with that, but it seems to us that a mechanism should be provided to ensure Francophone Métis representation on the board of directors. So please take note that there would be a way to have some sort of mechanism to ensure representation for Francophone Métis. We think this is very important from the cultural and linguistic point of view.

My third point concerns clause 19(c) of the bill. Authorities must ensure that all standards developed for services, practices and procedures are culturally appropriate. This is normal, but there is no mention of language. In our opinion, this is a deficiency. Culture and language are equally important. So please take note of this deficiency, in our opinion, and amend clause 19(c) to mention language.

My final point is that we know that there will soon be a major legislative review of The Child and Family Services Act and we would like to see this review take into consideration the submissions of six Francophone organizations in the brief that we submitted last September 19 to the Aboriginal Justice Inquiry. In this brief, we emphasized the recommendations of Judge Chartier. We must not forget the Chartier report, and recommendation No. 28 of that report was that a number of specific acts be changed to deal with French Language Services.

This is one of those laws that is fundamental for our community as it is for the Aboriginal and Métis community and the entire community in general.

So those are my points. If you have any questions, I will be pleased to answer them. I hope that I did not speak too quickly for the interpreter, because I know that it is very difficult work, and I thank you for the

interpretation. But in summary, I submitted my few lines on a sheet of paper. I am available to answer questions if you wish and I thank you for your attention.

Hon. Jon Gerrard (River Heights): *Merci pour votre présentation. C'est très important que la langue française soit bien respectée.*

Je veux demander s'il y a eu des problèmes dans le passé dans cette domaine pour être certain que, dans le futur, on s'adresse bien à ces questions pour être certain que la francophonie et la langue française sont bien respectées.

Translation

Thank you for your presentation. It is very important that the French language be respected.

I would like to ask whether there were problems in the past in this area so as to ensure that in the future these issues are addressed and so it is certain that Francophones and the French language are properly respected.

Ms. Rivoalen: *Merci. Je dois vous dire que notre communauté, on a su coopérer avec tous les gouvernements et jusqu'à date on n'a pas eu de gros problèmes parce qu'on a toujours su, s'il y a des problèmes, on sait comment vous rejoindre pour justement travailler le problème et avoir des solutions. Mais c'est une occasion idéale maintenant de s'assurer qu'il n'y aura pas de problèmes justement au niveau constitutionnel ou linguistique pour nos clients, pour notre population. Je crois qu'on a toujours eu, avec tous les gouvernements, franchement, on a pu coopérer. Mais je vous remercie de la question.*

Translation

Thank you. I must tell you that our community has known how to co-operate with all governments and to date we have not had major problems because we have always known, if problems occur, how to reach you to work on a problem and achieve solutions. But we now have an ideal opportunity to ensure that there will be no problems from the constitutional or linguistic point of view for our clients, our population.

Frankly, with all governments, I think we have always been able to co-operate. But thank you for the question.

Hon. Tim Sale (Minister of Family Services and Housing): Merci pour votre présentation. Premièrement—

Translation

Thank you for your presentation. Firstly—

English

—the Child and Family Services agency of Winnipeg has had a very strong French languages plan since, I think it was the year 2000 it was approved. I think there has been general satisfaction with the services from that agency to Francophone Manitobans.

It is my intention, I should tell you this, to use a regulation rather like the one that exists in the health regions, The Regional Health Authorities Act. There is a regulation in terms of the appointment of boards in terms of appropriate linguistic recognition. It is my intention to use a similar approach in regard to the appointment for the general authority.

I think probably you may have a chance tonight to talk with President Chartrand of the Metis Federation with regard to your concern there. We take very seriously, as you know, the issues you raise. We will continue to work with the community to ensure that appropriate recognition exists and that service capacity, which is even more important than who is on the governance body, continues to be strengthened over the next period of time.

Mr. Cummings: While I represent Ste. Rose, my French is not as good as it should be, so I will ask it in my regular language, and that is: Would you prefer an amendment as opposed to regulatory or a process-driven solution to the question you raise?

Ms. Rivoalen: La solution parfaite pour notre communauté francophone, c'est, bien sûr, d'avoir un mécanisme qui est directement écrit ou souligné dans la loi. Comme avocate, je vous dis

que c'est la force. Alors ce serait notre solution première.

Je sais que ce que Monsieur le ministre Sale a proposé semble fonctionner bien quand même. Nous, on veut s'assurer qu'on soit représenté, nous, Francophones métis et Francophones en général. Mais c'est sûr que la loi, si la loi indique quelque chose de clair concernant la nomination de personnes de la langue française, c'est beaucoup mieux pour nous comme communauté.

Translation

The ideal solution for our Francophone community, of course, is to have a mechanism that is directly written into or emphasized in the act. As a lawyer, I can tell you that creates strength. So that would be our first solution.

I know that what Mr. Minister Sale has proposed does seem to work well. We want to ensure that we are represented, as Francophone Métis and Francophones in general. But it is certain that the law, if the law indicates something clearly concerning the appointment of French-speaking persons, this is much better for us as a community.

Mr. Chairperson: Thank you for your presentation.

Ms. Rivoalen: Merci de votre attention.

Translation

Thank you for your attention.

Mr. Chairperson: Is there anyone else who wishes to present in French? Anyone else? If not, is there agreement from the committee that the translator can go home? *[Agreed]*

We will start with out-of-town presenters then, beginning with Bobbi Pompana, representing Dakota Ojibway Child & Family Services.

* (18:50)

Ms. Bobbi Pompana (Director, Dakota Ojibway Child & Family Services): Good evening, everyone. Thank you for the opportunity to be here. I have never been to a committee

hearing before so I am not sure what process we are supposed to use, so just bear with me.

I am Bobbi Pompana, the director of Dakota Ojibway Child & Family Services. Dakota Ojibway Child & Family Services is an agency that services eight First Nation communities in southwestern Manitoba. DOCFS was also the first mandated First Nation agency in Manitoba and we have been delivering a service now within our jurisdiction for 21 years. With 21 years experience we feel as a First Nation agency we are ready to take on more responsibility than we have had in the past.

DOCFS, as their director, and also representing our board of directors, support Bill 35. It is something First Nation agencies have wanted for a very long time, to be able to deliver a service outside of the jurisdiction we currently have. This process was also a process that included First Nations in the development. The memorandums of understanding were signed. We had lots of input into the development of the authorities, into the development of what we thought the process should look like.

I also think that this restructured system looks at the inherent right of First Nations. It looks at our right to be able to deliver a service to our people regardless of where they live. We have, over the 21 years that we have been delivering service, constantly been asked to deliver service outside of our jurisdiction. There have been funding issues that create problems for us when we do attempt to deliver service outside of our jurisdiction. With this bill and with the restructuring of Child Welfare, the whole system, it will give us the ability to be able to deliver that service.

I also think, with the development of southern authorities, that we also will be able to look at the development of programs that would be more appropriate to the services that we think need to be delivered. We have been delivering a service under the provincial legislation for the last 21 years. We have also learned in that 21 years that there is a lot of what is in the legislation that really does not apply to us in the service that we deliver on reserve. We also know that we can change the way we deliver service off reserve so that we meet the needs of the

people who are living off reserve in a more equitable fashion.

The development of the authority will also enable us to look at things that have happened in the past that have been problems for First Nation agencies, one of them being the sixties scoop we call it. In the sixties, when a lot of our people were adopted into United States and into different countries and other provinces, when the Kimmelman report was done, they called that cultural genocide. There was a ruling by a judge on DOCFS last week that just happened to talk about the adoption issue. She called it a historical factor, but it is also something that we live with that is current to us and it is something that we live with on a day-to-day basis.

I think that the whole piece around The Adoption Act and the whole piece of looking at what does adoptions mean to First Nations people and having people understand that; we have been trying to explain to the Winnipeg Child and Family Service agency, to Western, to Central, to all of the other agencies that exist that adoptions are not necessarily the way to go. Because we think differently from some of the other agencies, they think what we are doing is not right. I think maybe we could reverse that and think that what we are doing is right and maybe what they are doing with our children is not.

The authorities will look at equity in funding. I do not know how much you are aware of the funding process that we have with the Province right now. There is an inequity of funding. With the development of the authorities, there will definitely be a look at the funding mechanisms, what resources are available to First Nations on reserve plus off reserve. It will look at all those different areas.

I think that the development of culturally appropriate programming is a really important piece for us. If the southern authority were to look at the development of programs, and those would be areas that they definitely would be looking at, I know that one of the concerns that comes up regularly about First Nations being able to deliver their own service is the question around accountability and who would we be accountable to and how would we be accountable. It is important for people to realize

that First Nations like our agency as a First Nation agency is accountable to a whole lot of people. We have our community members who hold us accountable. We have local child and family service committees within our communities who also hold us accountable. We have different interest groups that ensure, if they think we are not doing something right, they make it known that we are not doing it right. We are constantly under scrutiny to do things properly, and, because of that, we do.

I know that there is also some question about qualifications of staff, what kind of staff we are going to get, how we are going to deal with those kinds of things. I think that when people talk about trained staff, the perception of what trained means is different for some people than it is for others. So I know that we are very aware of those kinds of things, and they are things we are attempting to deal with.

I think that over the years DOCFS as well as other agencies have made mistakes. You are all aware of the inquest, the Lester Desjarlais inquest that happened with DOCFS about 10 years ago. If anybody were to do research on our agency, they would know that there were something like 120 recommendations that were made after the inquest was over, and I am sure that 95 percent of those recommendations have been followed through with. Although it was a tragedy, it has made us a better agency than we were prior to that.

But we are not alone in that. Every other agency has had inquests done. Every other agency that exists has made mistakes at some point or another. We have been around for 21 years. If we have made mistakes, we have definitely learned from them, and we have developed our program to be one that makes sure that we do not do that again. So we are very conscious of that.

I think the authority development will allow for First Nations people to be the ones who make the decisions on First Nations people. Winnipeg Child and Family, Central Child and Family, Western Child and Family, we know that from their perspective they have the best interests of children at heart, the same as we do. They

deliver a service a little bit differently than we do, but it does not lessen their dedication to children.

I think that when we are going to deliver a service through the authority and through the extended jurisdiction, the service that we will be able to deliver will be one that is more culturally appropriate to what our clients need.

I think sometimes that just the term "culturally appropriate" needs to be defined as well for people, in that when we talk about culturally appropriate versus the definition that other people have of culturally appropriate, we do not think about it necessarily being the tradition piece, the sweat lodges, the sun dances, the burning of sweetgrass, some of those kinds of things that non-Aboriginal people think of when you talk about culturally appropriate programming.

We are talking about people who work for our agency, who really understand the background, understand where the people that you are delivering a service to come from. What is it like to live on a reserve community? What is it like to make the transition from a reserve community to Winnipeg? What is it like to be poor? What is it like to be unemployed? What is it like to be all of those kinds of things that our people experience on and off reserve?

* (19:00)

So, when we talk about culturally appropriate, we are also talking about being able to understand that piece of their lives, the extended family piece, the family relationships, the commitment to community. I mean, there are lots of those kinds of things that are considered, in our minds, culturally appropriate. Sometimes people who are not First Nation who work in some of the agencies do not always understand that.

I am not sure what else to say. We have had a relationship with other child and family services over the years. There are standards within the provincial legislation that recognizes that First Nations need to be involved in the planning around First Nation children, but there is also an inequity in the funding that goes with that.

Again, there was a thing in the paper about DOCFS the other day, the whole piece around

adoptions, and sometimes the misconception that non-First Nation agencies have about our perception of adoptions. So, I mean, there is a real difference there.

There is program standards that say that all agencies have to notify First Nation agencies when they bring a child who is from one of our communities into care. You know, notifying us is fine, but, in order for us to get involved in those cases and to be part of the planning of those cases, then we need more resources to do that. We do not get any funding for that piece. You know, I mean, Winnipeg right now probably has about 160 children from one of our communities in care. If we were to get involved in 160 case plans, it could venture, I mean, like, it could be a very expensive venture for us, and we do not get that kind of funding through the Province to do that.

With the authority and with the extended jurisdiction, you know, a lot of those kinds of things will fall into place and the delivery of service, in our minds, will be much better. I cannot think of anything else. I am sorry. That is all I need to say.

Hon. Jon Gerrard (River Heights): Thank you for your helpful presentation. Perhaps you could clarify two things: One, you mentioned the inequities of funding. You did provide an example of one instance where there were problems in inequities, but maybe you could clarify whether there are other areas, as well, that need to be addressed in terms of making sure that there is equity in funding. The second issue has to deal in setting up for agencies like this. There is some concern that there may be sort of an overlap or kids falling through the cracks, and you have had 21 years experience. Maybe you could just comment on the importance of how agencies will work together to make sure that kids do not fall through the cracks.

Ms. Pompana: Our agency has had 21 years of experience; I have had only 10. So I will try to answer that question. The funding piece through the provincial government has always been an issue for First Nation agencies. First Nation agencies, because we have jurisdiction on a reserve, get funded by the federal government for the on-reserve service. Now, we do some off-reserve service, and the provincial government

funds us for that, but they do not fund us for that at the same level that they fund other agencies. They have admitted to and have said that they know that there is an inequity in funding. They know that it is unfair, and they know that it is just not something that should be happening. However, it still does, and I know that there are some plans to rectify some of that now, but it has been for years and years and years like that, that there has been an inequity in funding. They know that, and they admit that to us.

The piece around children falling through the cracks, I think that no children fall through the cracks right now. We are hoping that because, if we are going to deliver a service to people who come from our communities, we know who they are, for the most part. If we are planning, I know that the IC and the JMC, all of those other people are planning like an intake system where there would be a central intake system, and that central intake system will be the system that ensures that people do not fall through the cracks. They will refer them to whichever agency has responsibility for that child or that family.

Mr. Sale: Bobbi, thank you for all your work over the last couple of years in getting us to this place. I just want to commend your agency for giving you the capacity to work probably at about two and a half jobs for the last couple of years. You have done a great deal to help get us to the point where this act is before the Legislature. I just wanted to record our thanks to your agency and to you for that.

Mr. Cummings: Thank you for your presentation. I just wonder if you could elaborate a little bit on what direction you see happening in relationship to training for workers in the future and standards. I know that you touched on it. I should state out front that it was my understanding that there would be a continuum of training and the standards. Is that the way you understand it, as well?

Ms. Pompana: I might not be the right person to be asking about education and training because I have been fighting for education and training in a different sort of way over the last couple of years. I think that education and training is really important, and I think that trained workers are really important. I do not necessarily believe that

somebody with a Bachelor of Social Work degree is what is required.

We have had in the past people who have come to work for us with Bachelor of Social Work degrees, and we have had to train them to do child and family services. The DOCFS has initiated a program with the university, and it is called a diploma in Aboriginal child and family services. It is a two-year diploma, and all of the courses are transferable into a Bachelor of Social Work degree. They have also agreed to revise some of the courses so that the training or the education that they get is more applicable to the field of child and family services. I still do not believe that they are doing that, and it is a fault with the system, it is a fault with the education system that people are not training people. They are educating people, but they are not training them to do the jobs that need to be done. Again, we have hired people who have had social work degrees who we have had to train.

We have also hired people who have lots of life experiences and a real understanding of First Nations life and community and who are really good people. We have hired them and trained them. There are sometimes some inequities, sometimes not. I do not know when you compare a 45-year-old who has had all kinds of experience on a reserve with children, have their own families, have gone through a number of crises themselves, who have gotten their act together, who has taken training and is a really good child and family service worker and if you compare that to a 26-year-old graduating from the school of social work and ask me which of these two do you want to hire, which of these two do you think are the most qualified, I would take the 45-year-old without any formal training because of their experiences. I think that is a really important piece that constantly gets overlooked. A piece of paper from a university does not necessarily mean that you are qualified now to do a job.

* (19:10)

I think education is important. I have a degree. I have two degrees, and I think that it is important to have that, but if I want to hire somebody to do a job for me, I want them to be able to do the job. I do not want to have to pay somebody really lots of money for a degree and then not being able to do the job. I think that

training is really important, and I think that culturally appropriate training is really important. The clientele, that First Nation, the clientele that workers have to work with, the training needs to teach them how to work with that group of people, to be able to identify with, to be able to understand even where those people come from. We have been trying to develop a program through Yellowquill College or even through the university that would allow us to develop the program. I say to them all the time I know what these people need. When I tell you what should be in your programs, you should believe me because we expect workers to do a certain job, and if they do not get that there, then I think that we are wasting our time and our money sending our staff there.

But training is important. I do not want people to think that it is not. Training and skill development and knowledge on how to do the job is very, very important. We feel really strongly the staff we have need to be trained. In fact, we feel so strongly about it we have our own training program, that when somebody comes to work for us they go through our training program, and we train them to do the work, whether they have a social work degree or whether they do not.

Mr. Chairperson: The next out-of-town presenter is Sydney Garrioch from MKO. Please proceed.

Mr. Sydney Garrioch (Vice-Chief, Manitoba Keewatinowi Okimakanak): Good evening. I would like to thank the standing committee for allowing me to make a presentation.

Mr. Chairperson: Excuse me. Can you move a little closer to the mike? I am having trouble hearing you.

Mr. Garrioch: The recent introduction of The Child and Family Services Authorities Act marks a historic moment in the evolution of child and family services in Manitoba. I am here today to speak in support of this new legislation. My rationale is based on the following reasons.

First and foremost, The Child and Family Services Authorities Act recognizes the right and

authority of Aboriginal people to control and deliver child and family services to their members in the province of Manitoba. In August of 2000, MKO, on behalf of northern First Nations in Manitoba, signed a memorandum of understanding, MOU, on child and family services in the province of Manitoba. The objective of the MOU was to extend the existing services, mandates of the northern First Nations Child and Family Services. This will enable them to deliver services to MKO First Nations members who live off reserve.

Under this new legislation, the objective of the MKO MOU and Child and Family Services will be achieved. MKO First Nations members will now be able to receive services from the Northern First Nations Child and Family Services agencies, regardless of where they live in the province of Manitoba.

The establishment of the First Nations of Northern Manitoba Child and Family Services Authority means that decisions affecting northern First Nations children will now be made by the northern First Nations people. This represents a fundamental shift in the governance structure of the CFS system. The First Nations of Northern Manitoba Child and Family Services Authority will represent the management of the service delivery system for the northern First Nations members.

I want to expand on that note. The northern authority, our people in First Nations in their culture are different, their tradition, their custom and their language. So there is a provision for us to do certain things in a cultural component. So I just wanted to clarify the reason it is appropriate for the First Nations in northern Manitoba, as well representing different languages, Dene, Cree and Ochi-Cree. So there is a different setting and different languages that need to be adapted to the nature of that service.

The responsibility for the provision of services to MKO First Nation members will rest with the northern CFS agencies, which currently include Awasis Agency of Northern Manitoba; Kinosao Sipi Minisowin Agency; Norway House; Nisichawayasihk Cree Nation Family and Community Wellness Centre, that is Nelson House; Cree Nation Child and Family Caring

Agency, that is Swampy Cree area, The Pas; Island Lake First Nations Family Services.

One year has passed since the parties to AJI, Aboriginal Justice Inquiry, Child Welfare Initiative, endorsed in principle the conceptual plan which outlined the proposed changes to restructure the CFS system in Manitoba. At this time the MKO Grand Chief Flett gave his support to take this plan forward to the public for feedback. As part of the feedback process, representatives participated from 12 communities across Manitoba, including Churchill, Cross Lake First Nation, Garden Hill First Nation, Opaskawayak Cree Nation. Based on the finding of a summary feedback report, widespread support was expressed by the public for the overall objectives of AJI-CWI, including the establishment of Aboriginal CFS authorities.

In closing, it is an honour to speak in support of the recent introduction of the new Child and Family Services Authorities Act. This represents a historic moment in child welfare in Manitoba. Thank you.

Mr. Gerrard: Thank you for your presentation. You have certainly done a lot of work in visiting a lot of communities, and we commend it.

One of the questions which comes up in the MKO child and family services, in Northern Child and Family Services, you have people who are going to be moving back and forth and visiting in southern communities. If you have somebody from the North who is living for a while in Winnipeg, it is probably less of a problem, but, in some of the other smaller communities, it is going to be a challenge sometimes to provide services.

How do you envisage that is going to work? Will this work in part through co-operation with the different agencies perhaps, or how will it work?

Mr. Garrioch: There are certain components on your question. For the northern First Nations authorities act, the way we designed it, that the northern First Nations agencies will amalgamate an office in Winnipeg setting. There is a provision for all of the team members to come together in different areas to work closely to collaborate.

As well, with the setting in Winnipeg, a general authority or the service CFS in Winnipeg, we will work closely to develop the approach of the changes in the cultural transition when it is transition that needs to be looked at very carefully, so there is no disrupting of the services of those that require services in a most appropriate way. Those that might be commuting, we need to work closely with the appropriate agencies that are available because there might be an overlap on those families in different areas on a background of their ancestry.

We will very closely work with the agencies that may be providing services and may be required to review. Certainly, we are attempting to co-operate as well as develop a collaborative team to work closely together so there is no gap in the services that they require attention in different issues and different settings that may require attention. So we will work very closely with those appropriate agencies to provide appropriate service for a cultural component.

Mr. Sale: Thank you very much, Vice-Chief. I, again, just want to express my thanks to MKO and to you, personally, for two years of tireless advocacy on behalf of your people and co-operation and collaboration with the team that has brought us to this point. I know we will continue to build on that partnership, but I want to express my appreciation formally to MKO, to Grand Chief Flett for all the time he gave you to come to a lot of meetings and to work very hard on behalf of First Nations people. Thank you.

* (19:20)

Mr. Cummings: Just a brief question. Do you have any comments that you might like to make about the level of funding, and are you seeing some problems with the level of funding and support that your people have generally been receiving through the existing agencies?

Mr. Garrioch: On the funding issue, generally, there could be two parts to that issue that we need to look at, review and generate a proper funding level on authority offices that will be established. We need to review that there is a proper formula for, one, is the support staff that is required for that office and as well as the operation to make sure that they are dealing with the appropriate sections of that act that is being

specified in the system to make sure all those requirements, establishing the regulations, the policies or programs.

The programming. We need a special person that is familiar with the culture, the language or whatever, proficient in the special areas that are required, to make sure they are dealt with accordingly in the program for a policy in the authority.

The funding on the services. We are still attempting to work out a proper formula in the system so there is no cap for special needs for L category, or education, or in areas of justice. There is overlapping in those areas, as well. That needs to be clarified. So there are a lot of matters that will be worked in, in the system, to make sure that there is sufficient funding for the services that are required in the areas that I mentioned. But there could be other categories, another group of children that will be dealt with in the future, a group of three and fours that needs to be looked at very carefully.

But, certainly, there is a concern for MKO on the funding issues that are being developed right now. I am hoping that they will be an improvement, and, as well, to provide flexibility within the system and hoping that in the near future, the Government of Manitoba can provide a block funding system so there will be flexibility to accommodate, however the design of a cultural group, programs that we develop, as well as the alternative programming. It is not the way the services are designed, but to find, to create new programs in the future that are a little different design, but the standards will be maintained. I am hoping that the funding issue can be settled in the near future, but it is still a concern.

Mr. Chairperson: Thank you for your presentation. The next out-of-town presenter is Corbin Shangreaux. I apologize if I pronounced your name wrong. Please correct me if need be. Not here.

The next presenter, Grand Chief Francis Flett, representing MKO. Please proceed.

Mr. Francis Flett (Grand Chief, Manitoba Keewatinowi Okimakanak): Thank you very much, Mr. Chairperson. Thank you to the Law

Amendments committee for allowing us to do a presentation on behalf of Manitoba Keewatinowi Okimakanak.

I would like to begin by acknowledging all members of the committee, Ministers Sale and Robinson, as well as other members of the Legislative Assembly. It is an honour to sit before you. It is an honour for me to be here, I guess, before the Legislative committee and speak to this very important piece of legislation.

I am going to begin with a quote by the Honourable John G. Diefenbaker on the role of the opposition: The reading of history proves that freedom always dies when criticism ends, upholds and maintains the rights of minorities against majorities. We must be vigilant against opposition and unjust invasion by the Cabinet of the rights of the people. It finds fault, it suggests amendments, it asks questions, and elicits information. It arouses, educates and moulds public opinion by voice and vote. It must scrutinize every action by the Government. In doing so, it prevents the shortcuts through democratic procedures that governments like to make.

I choose this quote to begin my presentation to the committee, because it summarizes, in a very simple way, how and why legislative bodies operate the way they do. There is a government, there are opposition parties and there are interest groups.

I want to state that I am not here today playing any formal legislative role. I am here as an elected politician, much like all of you are. However, I represent no mainstream political stripes, as you all do, and have no formal seat in this or any other legislative House in the country other than my own. I am here as an advocate for this bill. However, I do not consider First Nations to be in the same category as interest groups. I am here as a critic of the bill. However, I am not here to point out all its limitations, nor am I here to pick it apart clause by clause. In spite of my different roles here today, I remain honest to myself and to the people whom I represent.

This is not a perfect bill, and it is not without its flaws. All those who were involved in the creation, scrutinized, criticized, debated it during its course of development quietly revealed in its

completion. In spite all of its imperfection, it is still the best damn piece of legislation that we as MKO First Nations have ever been a part of.

This is a very significant occasion for First Nations in Manitoba. It marks the first time in history that First Nations have actively participated in a legislative process that leads to new and significant law. From the conceptual stage until the moment in time, we had direct input into the development of this bill. Our involvement alone symbolizes a movement towards our rightful place in this country, in this case, as a legislative partner.

Mr. Vice-Chairperson in the Chair

* (19:30)

I like the concept of opposition parties because it provides a formal place for criticism, cynicism and critical thinking about mechanisms, government processes and procedures. However, I am not here to speak negatively about this bill or to be critical of the process; nor am I here to speak as an elected government representative bound by rules of partnership. I am here merely as a spokesperson for my people and to share with you some of my thoughts. Consider me as a progressive opposition party.

As you know, on May 2000, at the special assembly in Opaskwayak Cree Nation, MKO passed a resolution supporting the proposed legislation. I am here today on behalf of the Manitoba Keewatinowi Okimakanak to speak in favour of this legislation. Nevertheless, apart from our legislative achievement in the AJI-CWI process, I would like to speak to six topics related both to the bill and to the AJI-CWI process itself: History, the Aboriginal Justice Inquiry, the Aboriginal Justice Inquiry-Child Welfare Initiative, issues, self-government and children.

First off, I mentioned already that history is being made through our direct involvement in developing this bill. However, history is not always positive. As you know, First Nations child welfare emerged out of a very tragic experience. I do not need to sit here and remind everyone of the "sixties scoop," nor am I here to dwell on the devastating impact that historic child welfare policies and practices had on our

families and our communities. First Nations child welfare agencies were established in the North beginning in the eighties.

To date, there are five Child and Family Services agencies serving our children and families in all MKO communities. We are deeply proud of all the agencies for their dedication and service to our people. Our First Nation agencies symbolize all that is good in our culture: care, love, respect, humility and forgiveness.

Given that the historical injustices that have taken place in our communities and in other areas continue to take place, the AJI-CWI process was truly seen as an opportunity for change. It is a process that had as one of its objectives to do what was just and right for Aboriginal people. It is yet another major step forward towards control and development of culturally appropriate services.

The AJI-CWI process emerged out of the recommendations made by the Aboriginal Justice Inquiry. I would like to commend the efforts of the Government of the day to remain committed to the spirit of the AJI and to take immediate action to begin to implement progressive and culturally sensitive policies of justice.

Since the signing of the MOUs and the protocol agreement between the four parties, a lot of research and discussions have taken place. I want to give special recognition to all the staff who have worked so hard on the process over the past two years and who remain committed to bettering the system and, most importantly, the lives of our children and families.

Special mention is also necessary to all those who participated in the public feedback process, particularly the parents of children in care, former children in care, foster parents, caregivers, women and current children in care who with strength and courage shared their own personal experiences in the spirit of hope and change.

The past year of the AJI-CWI process, with all its promise and achievement, poses some very interesting dilemmas for us all. To name a few: choice, file reviews, process dollars, developmental dollars, transitional dollars, arm's-length authority offices, incorporation, and, last

but not least, CJ. I choose not to utter the words for fear of reprisal from the implementation and joint management committees. However, in all seriousness, the concept of providing province-wide mandates was and continues to be the most interesting yet contentious concept of them all.

MKO invested a lot of time and energy examining this concept and was not without its decision and debate. To this day, some chiefs are still not comfortable with the concept. However, given the protective mechanisms within the legislation, a majority of the chiefs in assembly were satisfied enough to proceed.

The mechanisms of which I speak, that gave us the level of comfort to proceed, had to do with first off the recognition by the parties that Indian land is for the exclusive use of Indian people. Given this recognition, there are provisions in the bill that guarantee a protocol agreement to be signed prior to other non-First Nations service providers entering our lands.

Further, there is a non-derogation clause that recognizes both our treaty and Aboriginal rights. It is clear in our treaties that reserve lands were meant for the exclusive use of Indian people. Our lands are at the core of our existence and signify what little we have left in our exclusive control. It is imperative that these provisions remain in the bill. If an outcome of this stage in the legislative process is change to the clauses as drafted, the parties must sit and discuss the changes prior to third reading.

Without dwelling too much on this issue, I wish to close off my presentation with a few final statements. The AJI-CWI process is an administrative process aimed at providing Aboriginal people full access to culturally appropriate services wherever they reside in Manitoba. This concept is not new to First Nations, given MKO's past efforts with the former government to initiate a similar process.

* (19:40)

We believe it is our right to serve our people wherever they reside and without limitations. In spite of the limitations in the current process, Mr. Vice-Chair, we remain committed to achieving all the objectives.

Current limitations can and will be addressed through the Framework Agreement Initiative that has as one of its main objectives to restore jurisdiction to First Nations and in this case jurisdiction to child welfare.

The AJI-CWI is not about self-government. Self-government is only achieved through honest recognition of our rights to determine for ourselves how we will make laws, who will make laws, how the laws will be implemented and where the laws apply. Until such time as self-government is achieved, such as through the Framework Agreement Initiative, we are content with moving forward with these administrative changes. Mr. Vice-Chair, this is not the end. It is a new beginning.

My final comment then has to do with the future of our children. We have seen and heard many examples of what I term to be the "politics of children." Children's poverty, maintenance enforcement, zero tolerance, child health and child protection are all concerns that have been debated in many institutions and amongst many players, legislative assemblies and their politicians—

Mr. Vice-Chairperson: Grand Chief, with due respect, I will ask the committee for an extension if you wish to complete. *[Agreed]* Please continue.

Mr. Flett: I am just about done—universities and their professors, bureaucrats and the administration, media and their reporters, schools and their teachers.

Within MKO, the politics of children is not unique. We are flawed, and we are as responsible as anyone else for the proper care of our children. In spite of the sensitivity and political incorrectness around issues that impact children and how these issues get addressed, one thing holds true. Children are sacred and should never be mere subjects in a game of politics.

I am going to close my presentation with a cherished quote from Chief Sitting Bull. I urge all these different people present here today to hear it carefully, put their politics aside and promise to do only what is right. The quote: Let us put our minds together and see what life we will make for our children.

Mr. Gerrard: Grand Chief, thank you for your presentation. It is encouraging to see that there was a good bit of direct consultation and direct input into this bill. It is quite a contrast from when you were here not very long ago with real problems with consultation related to a mining bill. It sounds like this one worked a whole lot better. That is good to hear.

Mr. Flett: I know the last time I came here it had to do with Bill 19. Certain people take different approaches in what they do and how they do things, but, with this bill, we were informed. I guess you could say we were equal partners in the decision making of some of the things that are required to support the bill.

Mr. Cummings: Thanks for your presentation, Grand Chief. I was going to ask if you could comment on your observation at the top of page 4, where you said that there was provision in the bill that guarantees a protocol agreement to be signed prior to First Nations service providers entering our lands. Do you see that as an issue, or do you simply refer to it here because you are pleased to see that guarantees are in place? Do you see that in any way an impediment to provision of service down the road?

Mr. Chairperson in the Chair

Mr. Flett: I keep forgetting the procedure. Some of the things that need to be spoken about on that issue is that I know a lot of our chiefs were not fully satisfied with some of the things that were there. Having Treaty rights and having everything to do with our Treaty rights, there is always concern that someone is going to take over the jurisdiction of our land and our people. That is one of the concerns that was debated for a long time in our assembly. We always have to be careful to ensure that those rights are protected by ourselves and to ensure that government does not implement anything other than what we believe to be our treaty rights, even though we agreed to some degree, and I know I have pointed out in my presentation, that this is an administrative process that we are into.

Mr. Chairperson: Thank you, Grand Chief Flett.

Next is Felix Walker representing Health and Wellness Centre. Is Felix Walker here? That name will be dropped to the bottom of the list.

Next is David Monias representing Awasis Agency of Northern Manitoba. David Monias? That name will be dropped to the bottom of the list.

Next is Walter Spence representing Minisowin Agency. Walter Spence? That name is dropped to the bottom of the list.

I would now like to go back and ask if there are any other out-of-town presenters. I am advised that there might be. If you are from out of town, please come to the podium and identify yourself.

Mr. Cummings: I can, perhaps, add a little light on that. I believe there are one or two people who may be en route and I am sure they will be here before the evening is over, but I had advised the Clerk that they might be coming.

Mr. Chairperson: Thank you, Mr. Cummings.

We will start at the top of the list then. Trudy Lavallee, representing the Assembly of Manitoba Chiefs. Is there leave of the committee for her to present on behalf of Chief Louis Stevenson? *[Agreed]*

Please present.

Ms. Trudy Lavallee (Private Citizen): Good evening, ladies and gentlemen. I am here today to represent, on behalf of Grand Chief Dennis White Bird, this presentation on Bill 35. It is an honour to be here in front of the ministers and the audience to speak on this bill and what it means to the Assembly of Manitoba Chiefs. I am here to speak on behalf of supporting Bill 35.

The presentation is broken down into five main areas: the first area is going to focus more or less on the history and the academia behind Indian and child welfare development in Manitoba; the second will be the achievements of that time; the third is the AJI restructuring process itself and the partnerships that have been developed; the fourth is the role of First Nation-Aboriginal women in this process; and, the fifth, I will discuss the ongoing First Nation initiatives that are in place and will continue to be in place on First Nations Child and Family Services.

* (19:50)

I go back to when I was doing my BSW in the very early eighties out in northern Ontario, and much of my focus in my research was on First Nation child welfare, and every time I did my research, I ended up back here in what happened in Manitoba.

Academia here, in the Faculty of Social Work, were very proactive in that area. The literature that comes out of U of M under folks like Peter Hudson, Brad McKenzie, Sharon Taylor, Judge Kimmelman, the list goes on, talked continuously about the cultural genocide of Aboriginal children and families resulting from policies that governments enforced on those folks through, whether it was a residential school system, or, of course, the adoption policies in the sixties. So there was a lot of work that came out of here.

The Government of Manitoba at that time, after listening and working with the First Nation leaders, began to make changes that became landmarks in history across this country. The academia, along with the First Nation leaders, were influential in articulating and educating the international social work, economic community about the Manitoba experience and the key movements in changing an entire system by listening to what First Nation leaders were saying and understanding the suffering of First Nation Aboriginal children and their families.

First Nation leaders initiated this process of restoring responsibility back to their families in conjunction with working with women and parents to take care of their own children. At that time, First Nation women worked alongside their chiefs in advising their political approaches towards the creation of First Nation agencies.

Those are the roots. Those are the foundations that began where we are today. Those are instrumental in the true forms of policy making and law making, is when you go right back to the foundation and you go back to grassroots, you are listening to what the people are saying.

Many of the achievements that came out of developing those agencies over 20 years ago were programs like repatriating families. Between 1960 and '80, over 4300 Aboriginal children were adopted out of this province.

Programs like the Manitoba First Nation repatriation program were developed. Our First Nation agencies also took it upon themselves to undergo repatriating those folks back to their communities or at least bringing them back to meet families if they were not going to stay but find that connection was there now.

We have seen hands-on the emptiness experienced by adoptees throughout their lives. Although their upbringing may have been positive, there is always an emptiness and a gap that they must know they must fill in order to maintain that harmony that so many of us enjoy in society.

The AJI-CWI is another, but very instrumental, incremental step toward the goal of fully restoring responsibility rightfully back to the First Nation people. Our First Nation agencies have been doing this work for over 20 years, as Bobbi and Grand Chief Flett and Vice-Chief Garrioch had mentioned. They know what they are doing. They have a proven track record.

Bill 35 is progressive legislation that is needed to improve the relationship between First Nations and other Canadians. The partnership between AMC and the Province has indeed strengthened along with the work under Bill 35. Other provinces right now are closely watching this process and are in awe of the innovative thinking and working partnerships that have been developed in order to achieve these changes.

Unique aspects of the AJI process, in regard to the actual working tables themselves, is that First Nation peoples represented at those tables have had hands-on involvement in the achievements thus far accomplished and the proposed plans presently at the table. We have sat at different tables, such as the legislation table, to direct the intent and meaning of the legislation. The direction has always been guided via a process of going back and forth to First Nation grass-roots peoples and our First Nation child welfare social workers.

As previously mentioned, most significantly, this restructured system recognizes that First Nation peoples have inherent rights that extend

to our families and children. It recognizes that First Nation people have a right and responsibility to support First Nation families and children in their best interests. The Authorities act specifically mentions those words.

We are going into a different phase of the legislation process now under The Child and Family Services Act, therefore new standards and upcoming legislative changes, along with the restructured system, will prevent the sins from the past from occurring again. Our kids will never be subject to mass and indiscriminate adoptive practices like those in the sixties.

The restructured system will build upon the successes of the agencies to expand their ability to better serve children and families. The system will be more culturally appropriate for First Nation clients. It recognizes the important difference between non-Native mainstream approaches to child welfare that at times are brief, intense and quick to judgment. The new system will result in improved services for all clients, not just First Nation families, because it will promote cultural sensitivity and cultural competence among all agencies.

In addition to that, under certain change management activities that have begun thus far, among all the agencies in Manitoba, there is now relationship building beginning and senior workers getting together and talking to each other on the work that they provide to families. This is a real key tool. I have heard remarks that those types of forums have never happened before in history and that people had wished those had happened years ago among the non-Aboriginal and First Nation agencies.

There was a question earlier about resource transfers. This is really crucial. Right now, within southern First Nations, we are looking at about 1500 cases that will be transferred. As you can see, we have to ensure that appropriate resources and funding are in place to accommodate those transfers in the transition process.

In addition to the second stage of legislative review, it is really important to ensure that the consequential amendments towards The CFS Act will correspond with the intent and wording of what is indicated within the authority act.

I wanted to speak a bit about First Nation women, First Nation Aboriginal women's role in First Nations Child and Family Services. Since the late seventies, early eighties, First Nation Aboriginal women have played a major, if not the highest, role in the development and delivery of First Nations Child and Family Services here in this province. They were key players in the development of First Nation CFS over 20 years ago. They worked alongside with First Nation leaders and guided their ways. The majority of our First Nation agencies are run by female executive directors. The majority of our agencies are staffed by women, particularly in high-level positions. Therefore, they are solely involved in decision-making in those governance levels.

The local child care committees are largely represented by community women, mothers and grandmothers. These people guide CFS decisions at the grassroots levels. First Nation women have been traditionally seen as the leads in child rearing and education. These responsibilities have naturally fallen on women's roles in First Nation societies. In addition, the AJI-CWI various working committees that are in place right now are led by female First Nation representatives. Therefore, the values and approaches from the First Nation women at those committees are seen vividly in the development and restructuring process. All in all, the initiative has fully embraced the input and involvement from all relevant partners who have a genuine caring conviction for ensuring the best interests of families and children are met.

First Nations do not see the AJI-CWI as the end-all progress of First Nation CFS services. Our First Nation leaders will continue, as they have been for years, in securing full jurisdiction of control and the development of First Nation legislation in negotiations with other non-Aboriginal levels of government towards the inherent right of a self-governing model for the care of children, families and communities.

* (20:00)

Mr. Gerrard: Thank you, Trudy, for a very carefully thought out historical review of the situation and the contributions of Aboriginal women to improvements in child and family services. Two comments or issues that maybe

you could just provide a little bit of clarity on: One is you commented that the new environment will provide better opportunities for learning for people working together. I think that is very positive. Why is that and what is it about the legislation which works to that advantage?

The second, you talked about the importance of getting the transition right. What aspects do you see as particularly important to making sure that that transition goes smoothly?

Ms. Lavallee: There was a question earlier on in one of the other presentations about gaps in services for our children, and there are a number of pieces in the bill that could certainly address those gaps more meaningfully than they have been addressed in the past. Those are sections 29 and 30. It talks about a leadership council and a standing committee. Those will be forums now where our leaders can get together and discuss those gaps and bring about meaningful options to address those issues.

I am not too clear on your transition question.

Mr. Gerrard: You spoke about the importance of getting the transition right since there are going to be about 1500 cases to be transferred, and I think all of us are concerned to make sure that the transition goes well.

Given your background and experience, your sense of what has happened historically, what are the critical components to make sure that that transition for the 1500 cases and other aspects goes well?

Ms. Lavallee: We can respect the transition because like I mentioned, our First Nation agencies have a proven track record. We know they can do the work because they have been doing it.

They need capacity. Capacity is really important to ensure that when they begin the transfers, that the capacity is there to handle those cases, and we have folks at our agencies that can work alongside the secondments, what have you, who are going to come over to make that transition as smooth as possible for the children and families.

Mr. Sale: Trudy, I would ask you to convey to the Grand Chief and to the council, again, our formal thanks for your work and for their work in bringing us to this stage, a huge investment of energy and time and commitment and a very principled process. I would like to officially record our thanks to AMC for that.

Mr. Cummings: I just want to say thank you for your presentation, very useful.

Mr. Chairperson: Thank you for your presentation.

We have two new presenters who have just registered who are both from out of town, and so we will call them now.

First, William Richard, representing Anishinaabe Family Advocacy Group.

Floor Comment: Mr. Richard is not here yet. He is on his way, though.

Mr. Chairperson: Okay, thank you.

Next, then, is Leona Freed representing the First Nation Accountability Coalition of Manitoba Incorporated. *[interjection]*

Okay, we will wait until they arrive. Thank you.

Next, then, is David Chartrand, President, Manitoba Metis Federation. Please proceed.

Mr. David Chartrand (President, Manitoba Metis Federation): Firstly, I would like to state, on behalf of the Métis people of Manitoba, I am very honoured to be here this evening to give a presentation on our views on Bill 35. I am also very pleased to see community members here to echo their views and also state support or concerns.

I think before I make my presentation I should explain who I am. I am the President of the Manitoba Metis Federation, but that is my political title. I was born and raised in Duck Bay, Manitoba, which is about 300 miles from here. I grew up in a very strong Métis community. I guess I have to reflect on my upbringing, how close we were, yet very poor. I grew up on welfare, I am not ashamed of it. If it were not for

welfare I probably would not be standing here today or I would be a lot skinnier than I am today.

But I look at the state of my people in a different perspective in our community. Being in Duck Bay, I think gave me an entirely different perspective. I did not know, in fact, racism until I left Duck Bay.

First, I did not even know I was being mistreated too when I was going to school with the nuns in Duck Bay. I was punished quite vigorously for speaking *Saulteaux*, which is my first language, and of course the Métis language is *Michif*, but there is not much still of that language survives in our community.

But growing up it was a difficult point when you reflect back. Going back and living in that kind of lifestyle was not difficult. We did a lot of hunting and big gardens. As I said, we were lucky to have 50 cents or a quarter. It was very, very hard growing up, but you did not know that. You did not understand the difficulty until you actually had to leave, when after Grade 8 we have to leave our community and are forced to go to school outside of our community because that is as far as the school went. Then we started seeing a different world.

In fact, my first presentation of seeing something different was when I was transferred to Dauphin, which is a very strong Ukrainian community. I lived with a Ukrainian family. I had a bedroom in the basement along with my colleague from Duck Bay. We got into that town very hungry. I was hungry because we were traveling, I did not eat lunch that day, and then supper was coming, we were waiting for it quite anxiously. They called us up for supper, I eagerly ran up first. I was nervous. I looked around. Everything was covered in plastic in that house. Every couch, table, everything I looked at I had never saw that before. It was new to me, I never saw this.

So, all of a sudden, they put this pink bowl of soup in front of me. That was borscht, my first example of ever seeing borscht. I did not eat it. Then they put this bowl of *perogies*, slimy looking things, in front of me, and I was wondering, what is this? I am being serious here. This is, you know, I am 14 years old and I am

looking at all this stuff and wondering, what is this stuff?

I acted like I had a sore stomach. I said I got a sore stomach, I am not hungry. Then I went downstairs, and we went to the corner store or gas station and we got chips. That was our supper, a little bag of chips, because we never saw that. In fact, I never ate borscht yet to this day. I like perogies, but I have never tasted borscht.

So we were raised, as I said, and I am very proud of my mother. She never went a day of her life in school. She was raised in a very tough life, outside in the forest. She was raised with some strong, tough rules, and those were instilled into us. Of course, we got lickings from my mother. I am not ashamed of that. I got beaten if I did not listen, but we were taught very strong. The principle of our culture is to respect and take care of each other. To this day, anybody can check on our family. We have a very strong family and a very close family. We meet on a regular basis, and we are there for each other no matter what happens.

But I left my community and got myself an education and came to Winnipeg. I got involved. First, I worked on Main Street. I was a bouncer and I became a manager of a hotel. I was there for four years. I saw a lot of different things happening in the street. My mum told me never to go on Main Street when I left my community to come to Winnipeg. I still came. Mum, I will never go on Main Street. Later on, I was bouncer and a manager on Main Street. I lied to my mum a little bit, I guess, but I saw what happens to people who live in poverty and how they try to live their lives in the sense of trying to capture that they, too, have the ability to go out, enjoy themselves and maybe dress up nice for that once a month they come out when they get their welfare cheque. They pride themselves with trying to be part of the circles that we see on TV, or we see in the papers, or we see in the catalogues. These families try so hard to be somebody else, and they know full well they cannot afford it. So I got to see all that when I was on Main Street. I saw a different perspective. I got a good eye-opener as a young man.

* (20:10)

So I decided to quit that. I went back to school, became a probation officer, and, later on, I got transferred to a department of courts. I think I was in Justice for about nine years, but since a young man, I got quite involved and quite active in trying to understand who I was. In fact, I did not know the idea of being a Métis until I started rebelling in Winnipegosis in the school that they taught me, I think, a one-week session of who we are as a people. It was very difficult because I was very interested in who we are, and all we were taught is that we were traitors; our leader was a traitor. It was a very short course, and, yet, I was so interested in it. The rest of it was taught in Ukrainian and other cultures. I was very disappointed in that, and I protested at a very young age over it again.

So, when I came to Winnipeg and got myself actively involved, and, at 18, already, I got involved in a local 19, and in 1986, I ran for elections for a board of director. I lost by 12 votes, and then I ran in '88, and I have never lost since then. Hopefully, I will not lose for some time to come and I will be fortunate like some of you and get re-elected.

The federation that I believe so much in was created there to protect the Métis and look at the rights and the privileges that so many times the Métis are ignored and forgotten. This Government and all parties here in this Government can never take the position publicly that they have fought vigorously to protect the rights of the Métis people. There is not a government yet that I have seen that has taken on the challenge to find a rightful place for the Métis people. Yet, I think it is beginning. History is slowly unravelling and the change is happening. However, I must state the Métis people had no choice but to create a political body that needed to defend its rights and its privileges and to retrieve its rights as a people in our country.

Today, we have a president. I am elected province-wide. We have seven vice-presidents, fourteen board of directors. We also have a Métis women organization that has its own infrastructure across the province, but the board of directors are my governing body. Just like you are ministers, they are my ministers. Just like a premier, I have the privilege of appointing people to lead us in certain categories or certain

areas, and many of them do an excellent job of moving us ahead. The federation has grown leaps and bounds in the last five years. We are very, very proud of that, the hard work of the people at the local level and our government itself as a nation.

Just to give you a quick example of the federation, I think it is important. I do not know how many of you actually ever sit down and try to know who we are as a people, or our structure as a government, why it is important it is there and the direction we are trying to take. We take pride when we deliver programs and services. We work very, very hard. We are no different than anybody. No one at this table can tell me they do not make mistakes, neither can MMF say they do not make mistakes. All of us make mistakes. All of us try, but the issue is, we try to give it our best shot and make sure it is done well.

The federation and its pride in trying to accomplish the task is even harder for us because both governments, still to this day, push the button back and forth, point their finger, like we are still the football of the Aboriginal nations. Both governments have never taken the challenge of who is responsible to deal with the rights of the Métis people, and that is something that is so important that we have to evolve.

It is even harder for us as a people when we apply for funds. So, when we get a program, we work very, very hard to make sure it is successful. Just to give you an example, the Human Resource Development Agreements of Canada, the HRDAC as they call them, out of the \$200-and-something million that is transferred across this country, there are 79 agreements in Canada. Some get \$30 million, some get 11, some get 1, some get 5. The Manitoba Federation gets \$11 million now this year, and we started off with, I think, 7 or 5, 7— it went up. It is going up every year. We are at \$11 million, and I am very, very pleased to state before this committee, we rank No. 1 in Canada for being the best administrative body, the best service body, created the most jobs, and had the best infrastructure in Canada.

When we first began this, Canada's position was, no. We do not like your structure. We think your structure is too cumbersome. We think it is

going to fail, and it is going to cost us too much money. Today, Canada, the same government I fought with for over a year and a half to advocate that this is the structure we need and this is what the people are saying will work, this one will work for them, we devolved it to the community levels and the community have a say in decision making on who gets what in the funding process.

Government fought us hard, and, finally, at the end, after a year and something, I would not give up and we finally succeeded in trying this model. Now, Canada is using it as a model of the country. Ironically, after five years they said, no. Now, it is the model of the country. So I thought I would share a little bit about that before I actually go into the presentation of my strong support of Bill 35.

Mr. Chairperson: Excuse me, Mr. Chartrand. I apologize for interrupting. I just want to let you know you have about four minutes left.

Mr. Chartrand: I want to state to you first what is important, I think, is that for us, we have never had the chance to truly have the ability to, as I said, keep our families together and keep them within our own culture and our own society. We have always had the intrusion of outsiders coming to tell us what it is and how we should live in our communities, and how houses should look, and what we should be all about. That is why it is important to give you the background, and maybe you will give an extension like you did to the Grand Chief. Maybe I will enjoy the same, Mr. Chair.

But, aside from that, I think you will see that in our communities, we have struggled quite vigorously to keep our families together, and we have gone through the challenges of the sixties' scoop. Today, we are suffering the consequences of what happened. Prior to the sixties' scoop, you will hear a story from a Métis woman, and it happened before the sixties.

I am going to tell you a story, a quick story, a story we call Joseph. MF received a phone call from an aunt in British Columbia named Geraldine. Joseph had been apprehended by Winnipeg Child and Family Services. The extended family is not notified. Even though his

older sister had been placed with an aunt in Manitoba previously, they still did not notify the extended family.

Joseph was placed in a Mennonite foster home and was to be adopted by a neighbouring couple. Geraldine did not want Joseph to be adopted by the Caucasian family, but the courts decided that since Joseph looked Caucasian, he would be better off raised in that environment. During the court proceedings, we found out that the couple adopting Joseph had another baby before Joseph that they chose not to adopt because his skin was too dark and that he would not fit in. This is a reference right in the court. When the adopting couple was asked how they would help Joseph understand his culture when he got older, they said they would take him to the powwows and to the Museum of Man and Nature to understand who the Métis are—powwows are not part of my culture.

Joseph's adoptive parents, like many other non-Aboriginal parents in Manitoba, have no idea what it means to be Métis. Joseph will never know his language, culture or traditions, like so many of our children who are taken from their families and communities over the last 40 years. You may think that this only happened in the sixties. I am sorry to tell you this happened in the year 2000, just a couple of years ago. It is sad to see that it is still happening today, that the sixties' scoops are not dead. It is still alive. It is just more hidden in a different format. The sad case about Joseph is that we lost Joseph. We will find Joseph again one day when he is 18 and he tries to come back and find himself. We have so many.

You will also hear a presentation about repatriation and what you have done to us. You gave our soul and sold our children as a government to the United States, and you did not put aside any kind of resources to bring back those kids when they turned to be adults when they decided to find their parents and know where they are, when they lost their identity, their social and economic beings.

So I am here, today, representing the Métis people of Manitoba, with hopes and dreams of putting the end to these wrongdoings. We began a struggle for our own child and family services

system years ago. The AJI supported our struggle. When the MOU was signed with the Province of Manitoba, many people broke down in tears of joy, and the minister can vouch for that throughout this province. This shows the importance of why we are here today. Our people remember all the Josephs who disappeared from the communities because their parents were too poor, their house was too small, or it was that there was not enough food.

We know of adults today who narrowly escaped being taken away from their families, their communities and, to this day, cannot tell you the stories without shedding a tear for those who were not so lucky. We, of the Métis people, have known many social economic culture hardships. When we are losing our children and our families to a system that is beyond our control, we remain unified in our commitment to our communities and to the hope that we will one day change the system that treated us as less than equal. The day has come. Although we will never forget the heartache and wrongdoings of the past, I thank this Government for having the courage to work with the Métis people for a better future.

Through this legislation, we will ensure that there will never again be another Joseph, because the Métis people will finally have the opportunity to take care of their own children, families and communities.

Once again, on behalf of all the Métis people, I thank you. I will look forward to the first case that we transfer to the Métis people of Manitoba because it is then and only then that we will finally know we are getting our children back, and our families can finally wipe the tears of the past. Thank you. Meegwetch.

Mr. Gerrard: David, thank you very much for your presentation. I see this initiative is very positive for Métis people and Métis children. One of the observations that has been made repeatedly about the situation in Manitoba is that we have, in this province, compared with other provinces, a very high level or a very high proportion of children in care. It seems to me that one of the potential positive aspects of this is that there will be opportunities to provide better approaches and better involvement with

families so that the end result may be that we will need to have fewer children in care in the long run. Perhaps you could comment?

* (20:20)

Mr. Chartrand: I think common sense will prevail. We have seen the challenges each government, whether it is Conservatives or the NDP today, have seen the ongoing rise in deficits in the child welfare system and the humongous task the Government has to try and find new dollars that they do not have to assist in trying to find a solution to this process.

By encouraging our families and extended families in our culture to be a primary process in our delivery, I think you will find that the cost factor, in our view, and an issue already, will lessen as we go on. The families will get strong. There will be less need for the intervention of our child welfare systems to come in and start making apprehensions and developing systems and using hotel room after hotel room. Hotels may build their fancy institutions to get larger and better while our families suffer. I think those days will come to an end, and we will start seeing our communities start utilizing the resources they have within their structure to make sure that their children stay in and continue to retain their culture and be a strong family.

For us, I will make it very clear, our objective and our principle and our saying in our own organization is this: With strong families, come strong communities; with strong communities, comes a strong nation. That is a philosophy we have in our federation. Thank you.

Mr. Sale: Well, David, you and I have become quite good friends over this process, and I want to thank you for the gift from your people to our Government of this, I think, a very historic garment which I have worn with pride on a number of occasions now, but I thought I might read your words to us at the time that we signed the MOU, that you had put inside the jacket. It says: Dreams take time, patience, sustained effort, a willingness to fail if they are ever to be anything more than dreams. I think we all share with you the dream that you are talking about today. So thank you for your partnership in this process.

Mr. Chartrand: You are welcome. I want to also reflect the importance of showing our respect when we give a gift through our culture. It is so, so important, and this one, this jacket that we see the minister wear is not just a jacket that you just commission somebody. In fact, the woman is a Métis artist. She first had to meet the minister, to know and talk to the minister prior to making the jacket or she would not make it. She wanted to know who he was, what he stood for and what he believed in. That is why the flowers and the design was designed a specific way to reflect the respect that is given on the stand and position of the minister today.

Mrs. Bonnie Mitchelson (River East): Thanks, David, for your presentation. I was just wondering whether you might have had an opportunity to talk to the first presenter tonight, that had a suggestion for inclusion of Francophone representatives on the board of directors of the Métis authority. Have you any comments to make on that suggestion or recommendation that she may have made or that she did make?

Mr. Chartrand: Thank you for that question. I was hoping I would find a way to bring it in so that I could respond to it. Although I did not understand her, one of our students who speaks French who was going to make a presentation here today was translating for me what she was saying. She said it in French, and I could not understand it. My first language is *Saulteaux*.

The issue of French is an ongoing matter with high priority in our infrastructure. In fact, it was the Métis who fought to protect the French process in The Manitoba Act. It has, in fact, evolved. Quite a number of our staff speak French and some of our students from St. Boniface, St. Vital. Our housing department has an infrastructure for the French. Mr. Reimer will know of that. We do have, as part of the process, we have French-speaking. We also have a strong relationship with St. Boniface College. We put aside close to \$300,000 in that college to continue supporting the Métis French students to continue pursuing their educational careers. We have an endowment fund with the college of St. Boniface.

We have a strong partnership with the infrastructure of St. Boniface. We participate—and St. Vital, Festival du Voyageur and all these

other aspects. Although I personally, as leader, do not speak French, I have many people that do. So French will definitely be one of the areas we will put a priority on.

We have, in fact, already discussed looking at maybe, if the need is there, depending on the need, of course—all of us have to look at the cost basis—if the need is there where such a lot of involvement is occurring with children in that field, then we will probably have to open an agency that will be strictly on that area of language. But, clearly, French will be a component we will not forget.

Mr. Chairperson: Mr. Nevakshonoff, you have time for one short, pithy question.

Mr. Tom Nevakshonoff (Interlake): As the Slavic member on this board here, last name, Nevakshonoff, I would begin by strongly recommending that you partake of borscht at the next opportunity. My wife is of French Métis ancestry, and she cooks a mean bowl of borscht. If you would prefer trying the Russian version of borscht, which is known as shchi, I can cook that up for you. If you are ever in the Poplarfield area, you are invited to drop by for that.

My question relates to you as the leader of the Metis Federation. Back in my genealogy, you will find a lot of Aboriginal blood, but it comes from some of the English settlers or Scottish settlers that came to this land many years ago. Birds, Cooks, Monkmans and Garriochs are all people in my family tree.

That begs the question: Where would you place these people, people who required child welfare services? Would you include them in the group represented by the Métis people, or would you place them elsewhere in the administrative structure?

Mr. Chartrand: Firstly, on your issue of borscht, I will take you up on that challenge one day. Maybe we will exchange. I will bring muskrat. You will bring borscht and we will have a chance to share each other's foods.

I think I would say on that matter, the issue of ensuring that no Aboriginal person will be left out, it is very clear from the onset that not only

myself but the grand chiefs and the Government have made it very clear that we will ensure that every aspect and every stone will be turned until we make sure that no child will be left out and that every service that is going to be provided will be in place for the children who have mixed blood, Scottish blood if you want to use the phrase.

We in the Federation are going to be finalizing our national definition of who is Métis. In this province, one of the things I am proud of, and I echo it quite openly, is that you do not have a major challenge of finding non-status people in this province. Either the mass majority will be status people with treaty numbers, or you will find that they will be Métis people or Inuit people. But if there are any that do not fit that criteria, as I said, the Government and the leadership of the Aboriginal governments made it very clear that we will do everything in our power to ensure that there are provisions within the structure that no child or family will be left untreated or unhelped.

Mr. Chairperson: Thank you for your presentation. The next presenter is Leslie Spillett, representing Mother of Red Nations Women's Council of Manitoba. Please proceed.

Ms. Leslie Spillett (Mother of Red Nations Women's Council of Manitoba): Good evening, Mr. Chairperson and members of the committee. At 8:30 on a Wednesday evening with all that talk about muskrat soup and borscht and not having had dinner yet, I would partake in either option at this point.

At any rate, it is a pleasure for me to present to the committee. Also, I have sat at many presentations in support of many, many issues in the 20-odd years that I have been in this city, but I have never been a presenter. So this is a first for me.

* (20:30)

I personally have a background in advocacy for Aboriginal women and children. I have accompanied many, many moms who have lost their children to meetings with a variety of people who are involved in the child welfare system. We heard tonight people talk about the

sixties' scoop. Actually, it started in the fifties, and it continues today, as the previous speaker has said. I have helped many, many people try to reconnect with their birth parents, with their communities, with their nations. So the issue that we are dealing with tonight is truly historic and truly significant.

I am here today, however, representing Mother of Red Nations Women's Council of Manitoba. Just a little bit of background, Mother of Red Nations is a provincial organization that was incorporated on the 10th of September 1999. Our mission is to promote, protect and support the spiritual, emotional, physical and intellectual well-being of Aboriginal women and children in Manitoba and to provide voice representation and advocacy for Aboriginal women through spiritual, cultural, social, economic, political, educational and recreational development.

MORN's membership is open to all Aboriginal women in Manitoba. We currently have a membership base of approximately 300. We are representative of the diversity of Aboriginal women in Manitoba. Our membership includes First Nations, Inuit and Métis women. MORN's 16-member council is elected at MORN's annual general assembly and includes four elders and four youth members, one from each of the four geographic territories that compose our province.

MORN is also affiliated to the national Aboriginal women's organization, the Native Women's Association of Canada, and has a seat on its board of directors. Like the MMF, we also operate in ARDA.

It is not our intent this evening to critique Bill 35 in its entirety. Indeed, Mother of Red Nations has been generally supportive of this Government's Child Welfare Initiative. MORN has both publicly and privately commended this Government for introducing legislation that begins to recognize and restore what we believe to be an inherent right of Aboriginal people to look after their own families.

We also want to recognize this evening the significant work that was done by the numerous parties that have been involved in the process, namely MKO, AMC, SCO and the MMF, both

their leaders and technicians as well as government people that are sitting in this room this evening.

During the public consultation process, MORN was invited and participated in a focus group that included several women's organizations. MORN also attended one of the public meetings that was held at R.B. Russell High School.

At the focus group, MORN's representative was one of the few organizations in attendance at that focus group that supported the Child Welfare Initiative. Other women's organizations, both Aboriginal and non-Aboriginal, expressed great concerns about the management of the Aboriginal child welfare model that was being presented. These concerns are included in the published report on the consultation that everybody, I am sure, has had an opportunity to read over.

While MORN expressed general support for the overall direction that the AJIC and the Aboriginal child welfare initiative was taking, we also asserted the inherent right of Aboriginal women that Aboriginal women be recognized. We also asserted that the inherent right of Aboriginal women represented by an independent Aboriginal women's provincial political organization be recognized as full and equal participants, here, in ensuring the well-being of our families and our children.

We also, at that time, raised the issue of funding. We said it was very critical that, if this model was going to work, and these authorities were going to do the job that was necessary for ensuring that quality services were being provided, the funding model had to be significant. We certainly did not want our governance models to be provided the funding that other models of child welfare organizations had in the past.

On March 14, 2002, MORN wrote to Ministers Robinson and Sale asking for inclusion in the process via our representation on both the leadership council and on the standing committee. The response from Minister Sale was disappointing. He suggested that MORN explore opportunities for participation in the governance directly with the Aboriginal parties involved in

the process. It is MORN's position that, as the minister responsible for the administration of the act governing Child and Family Services in Manitoba, it is his responsibility to ensure that effective structures are in place that recognize Aboriginal women's inherent rights and traditional roles with regard to full participation in all deliberations and discussions that impact on our families and on our nations.

It is also MORN's position that this can be accomplished quite easily by including an independent and inclusive provincial Aboriginal women's organization in the governance structures. MORN is, therefore, asking the Government to amend section 30(1) Standing Committee to include a deed that would state that a member appointed by Mother of Red Nations Women's Council of Manitoba be added into that legislation. This change will ensure that the inherent and traditional role of Aboriginal women is recognized and respected. Further, MORN believes that an independent Aboriginal women's voice, represented by MORN, should be also included in the leadership council that will be established in accordance with the regulations.

MORN held a public consultation meeting in April 2002 with about 16 women, representing a number of organizations, present. Those in attendance were supportive of MORN's position. Several women present, including myself, were among those Aboriginal people, primarily women, who advocated for fundamental changes in child welfare in the early 1980s. If I can take you back very briefly, I recall advocating with a group of Aboriginal women to a former minister of the NDP government, Muriel Smith. We advocated that an Aboriginal child welfare agency be established for the city of Winnipeg that had mandated, so this is 20 years after that. While we are supportive of it, it has been a long time in the making.

In any event, we are, as previous speakers already noticed, in the forefront of changes in child welfare. It was largely as a result of this effort that the Children's Aid Society, which it was then called, was restructured, and Ma Ma WiWi Chi Itata Centre came into being in 1984. In 1991, the AJI, upon which its current legislation is also based, recommended the

establishment of Aboriginal child and family services to begin to turn around the profound damage that had been done to children, families and communities by the non-Aboriginal mandated agencies. The AJI also recognized the inherent equality of women in precontact society and the integral role of women in what the authors of the AJI call the early socialization of children. It is acknowledged that, in Aboriginal society, it was women, as primary transmitters of culture, who shaped the thinking of its members in the loving, nurturing atmosphere of the family unit.

Indeed, according to Jeanette Armstrong, an Okanagan woman and director of En'owkin, an education centre in British Columbia, in traditional society, the earliest assurance of social order was quality motherhood during childhood, and quote: Before European contact, our societies required no armies, no prisons, no police, judges or lawyers. Prostitution, rape, mental illness, suicide, homicide, child sexual abuse and family violence were unheard of. It was the women who passed that social order to successive generations.

The AJI notes that European economic and cultural expansion was especially destructive to Aboriginal women. Their value as equal partners in tribal society was undermined completely. Quoting an inmate in Kingston at that time, the AJI writes, the critical difference is racism, one inmate puts it. We were born into it and spent our lives facing it. Racism lies at the root of our life experience. The effect is violence, violence against us and, in turn, our own violence.

* (20:40)

The authors also described the horrific violence that Aboriginal women experience in their homes. The AJIC also note the continuing extreme levels of violence that Aboriginal women are continuing to endure. Armstrong writes that, despite the horror that women have experienced, it is we who have survived and have struggled to bring whatever healing we can to our families and our nations. Our struggle has maintained some balance, enabling children to survive and contribute to their people. It has always been the women, the mothers who provide that change.

A quote: The force of women's strength holds nations together in health and is the bridge to the next generation. It is the key to survival in an increasingly damaged environment that is becoming unfit for all life forms. It is women who hold this power but only when catalyzing co-operation, harmony and, therefore, health from the individual, outward to the community, the family and the environment. Without it, all becomes chaos, despair, hostility and death.

MORN's inclusion and participation in the governance structure will enhance the effectiveness of the administration of child welfare in Manitoba. It is our view that MORN's inclusion in the governance structure will be viewed very positively by our communities, both male and female. MORN believes that its inclusion will also ensure greater transparency and accountability, thereby adding to its overall success. However, most of all, MORN's inclusion will acknowledge the traditional roles of Aboriginal women and recognize the inherent right of Aboriginal women to play significant roles in all matters that relate to the well-being of our families and communities. We urge the Government to amend Bill C-35 to include the appointment of individuals representing an independent and inclusive provincial Aboriginal women's organization. Ekosi. Thank you.

Mr. Gerrard: Thank you for your presentation, your discussion of the role of Aboriginal women, historically. You mentioned the letter that you wrote to Ministers Robinson and Sale on March 14 of this year. Has there been discussion subsequent to your initial reply, which would be more positive?

Ms. Spillett: No.

Mr. Gerrard: Why do you think the minister is so reluctant to involve the MORN?

Ms. Spillett: I think that question would be better put to the minister. I do not know.

Mr. Gerrard: I will put that question to the minister in due course. But—

Ms. Spillett: I want to make it clear that we are not asking that we run a governance model, that MORN has its own authority. What we want to be added into, there are two committees in the

way that the initiative is structured now, we want to be able to appoint independent people to those bodies.

Mr. Gerrard: Now, you have at the moment roughly 300 members, I think. How many of those would be Métis and how many from the MKO region and how many from the southern region?

Ms. Spillett: Actually, we just went through this process of defining that for an application. We are about 60-40, in south probably 60-40 First Nations and 40 percent Métis and approximately 50-50 actually with regard to urban and rural split.

Mr. Sale: Thanks very much, Leslie. I understand the commitment and the concern that you raise. I think that one of the things that we all know is that the structures will evolve over time, and I am sure there will be discussion around this issue at the leadership council. I think that also I would refer you back to what Trudy Lavalée said, that perhaps one of the most passionate people involved in this process from the beginning has been Grand Chief Swan who herself has publicly spoken of her early years and her passion for Aboriginal children in her community. We have been blessed with extremely strong, vocal and powerful women representing a number of cultures and a number of parts of our province throughout this process. I take your concern very seriously, but I would also just reflect that the voices of women have been very, very present throughout the process and will continue to be. But I will raise your concern in the appropriate place.

Mrs. Mitchelson: Thanks, Leslie, for your well-thought-out presentation. I hear your concern, and I hear the minister's response. I guess the question I might ask is, of the 300 organizations that you represent through MORN, 300 women or 300 organizations? Three hundred women. Are any of those 300 women any that might be involved in the leadership council at the present time, or is there anyone that you represent through your organization that would be placed in the leadership role as a result of this legislation?

Ms. Spillett: Not to my knowledge. I know that there has been significant work done as the

minister has talked about this evening, and I know that women have been significantly involved in it as technicians, which is an important aspect of it, but we are talking about leadership roles in the governance structure and an independent voice for women in that structure, and that is what we are asserting here. With regard to our membership, bearing in mind that we have only been around since 1999 and we spent much of the past year doing a provincial-wide consultation with over 200 individuals, women from across Manitoba, and so you know, we have quite a small operation. We are building our membership base, and we will continue to do that.

Mrs. Mitchelson: I will just take another moment. Leslie, sometimes you understate your power and your ability to make things happen and to affect change. I have seen you in action for many years, and I know that you are very competent and very capable of effecting change, speaking your mind and getting results, so we will certainly take into consideration the amendment that you are suggesting.

Ms. Spillett: Thank you very much, Mrs. Mitchelson. You know, it is not just my voice that I want to make sure that is amplified here. When this came out, another person who has also been a wonderful community leader, Lucille Bruce, came to us and said we really needed to take a position with regard to our involvement in this issue. She volunteered as somebody who would be very interested in participating in this.

I want to make it very clear that we are supportive of this. This is, as I said, a long, long time overdue. We support and applaud the work that has gone in. We want to be able to make it better and I think it can be made better. As Grand Chief Francis Flett talked about tonight, we all have to put our heads together, all of us, including independent Aboriginal women's political organizations.

Mr. Chairperson: Thank you for your presentation.

The next presenter is Harold Cochrane, representing the Southern First Nations. Is Harold Cochrane here? His name drops to the bottom of the list.

The next name is Grand Chief Margaret Swan. I am informed that she is unable to be here tonight. Her name drops to the bottom of the list.

Next is Carla Engel of the Métis Child and Family and Community Services Program. Please proceed.

Ms. Carla Engel (Métis Child and Family and Community Services Program): My presentation will be done in English. However, I would like the opportunity to just introduce-

Mr. Chairperson: I am sorry. I cannot hear you. Can you move the microphone up? Thank you.

Ms. Engel: My presentation will be done in English. However, I would just like the opportunity to introduce myself in both languages, if that is all right?

Mon nom est Carla Lauzon-

Translation

My name is Carla Lauzon-

English

-sorry, Engel. I got married.

Je viens de Saint-Vital au Manitoba. Mes parents puis mes grands-parents viennent de Saint-Laurent, Manitoba.

Translation

I am from St. Vital, Manitoba. My parents as well as my grandparents are from St. Laurent, Manitoba.

English

Did you understand that or no?

Mr. Chairperson: Well, for the matter of the record, you need to repeat it in English, please.

Ms. Engel: Okay. I am Carla Engel and I come from St. Vital. My family comes from St. Laurent, Manitoba. The reason I thought it was important to state that is because I come from a very Métis community.

I am now enroled and I am here on behalf of the students currently enroled in the Métis Child and Family and Community Services diploma program, run through Louis Riel Institute in partnership with Red River College and Métis Child and Family Services.

* (20:50)

I appreciate the opportunity to speak to the proposed legislation, particularly as it pertains to the Métis people of Manitoba. As a student I have become aware of how critical it is to have cultural understanding of the people we will be serving in child and family services. An example I can share with you occurred in my current field placement at a treatment home caring for some very high-needs Aboriginal youth. A resident requested a visit to her home community to attend her mother's cousin's funeral. A staff-person in this home denied the request, stating that the adolescent was looking for an excuse for a home visit.

As a Métis person, I have a deep understanding of how important it is that when a member of our family dies we make all efforts to attend funerals as a sign of respect. Métis families are very much extended families. Whether it be a cousin, an aunt, a brother or a second cousin, they are family and they are in our hearts and our spirits.

The worker did not have this understanding of the importance of this girl's presence at this event, not only to the young woman but also to the entire family and community. But I do and all the students in our program do.

Many of us have had painful experiences in the current child welfare system. Many of our families and our communities have been wounded as a result of that system. We have profound understanding of the importance of doing this work in a different way, providing services that focus on the strengths of the families rather than the faults, who treat all families with respect and truly support these families rather than blaming them.

We are currently in a program that is teaching us valuable skills in doing this very challenging work, but we also come with an understanding and a knowing of our families and

our communities and how best to provide this service. You cannot teach that. This is something you live and we all have lived as Métis people. We have felt the painful and often devastating consequence of racism in our society.

A fellow student asked that I share with you her experience as a Métis person growing up and living in Winnipeg. All her life she was faced with racism on a daily basis. The kids at her school and in her neighbourhood nicknamed her Niggerdine, because her skin was brown. Her mom was a single parent who sometimes used alcohol as a way to escape the hardships of living in poverty. When she was a very young child, Child and Family Services apprehended her and her siblings, and they were placed into different foster homes for 15 months. This was in spite of the fact that an aunt had come forward to care for the children. She was three years old at the time and still bears the wounds of being stabbed in the foot by another child in the foster home where she was placed. She cannot recall when her family or her ancestry had not lived in poverty. It felt to her that her own life had spiraled in the same direction with little hope for change.

Her mom started to work for the Manitoba Metis Federation and the student met many other Métis people. She learned of the history of her people and the strength of this great nation. This opened her eyes and her spirit to have pride in herself and her community. This student feels, as many of us do, that her own experiences will be invaluable in passing on to other families the hope, the strength, the healing that she has finally found.

This legislation finally brings the child and family services' system full circle. Our ancestries had strong vibrant communities who took care of their families and their children. Many of these families were devastated by the experience of residential schools and then by the introduction of the child welfare into our communities. We have worked hard and have come to reclaim our heritage, to reclaim our culture. Now, finally, we have the opportunity to reclaim our children.

On behalf of all the students, I am grateful for this opportunity to voice our support for Bill 35. We are finally getting back what, in retrospect, should never have been taken from us

in the first place, the responsibility of caring for our own children. Meegwetch, merci and thank you.

Mr. Cummings: Thank you for your presentation. I think you addressed some of the questions that some of us had received from those not familiar with the process that has been undertaken here, about the training opportunities and the role that you and your fellow students may be able to play as this agency evolves, this authority evolves.

Can you comment on the program of training that you are taking?

Ms. Engel: You want the course outline or significance of it? I am not—

Mr. Cummings: Simply, I was wondering if you could put on the record your feelings about whether or not this course is assisting you, along with your inherent understanding of what you are going to be facing, if the program is suitable and appropriate to prepare you to go into the work force.

Ms. Engel: Well, it is a two-year program, focussed on providing child and welfare family service with the Métis perspective. I feel that it is very valuable in what we are doing, compared to the four-year social work program that only has a fraction of the curriculum focus in this area. So I believe that this will be more valuable in the training in our agency. Is that the answer you are looking for?

Mr. Cummings: That is the right answer.

Mr. Sale: Just very briefly, Carla, could you give us a sense of who your other colleagues are? How many are there and, roughly, just a kind of impression, men, women, urban, rural, what is the component of the training like?

Ms. Engel: There are 58 students in our program, mainly women. A lot come from out of town. There are people from many areas of the city. Is that, again, what you are asking? We all come from—a lot of the people have been in the current child and welfare system. We come with a lot of experience. Where someone has been apprehended, they have had their own family issues to deal with. So we come together with a

great knowledge of just being a Métis person and a human being, and that understanding.

Mr. Nevakshonoff: Thank you, Mr. Chair, for your attention and that valiant attempt to pronounce my very difficult Slavic last name.

In the same vein of the question that I asked Mr. Chartrand, as I indicated to him, many of my English ancestors, predating confederation and so on, married Indian wives in this province. Some of my ancestors were issued script along the Red River and were subsequently ejected from that land as well.

I want to put the same question to you that I did to him. Where do you put these people? It puzzles me because as you have experienced some alienation and prejudice, as you have referenced in your letter here, I think people of English ancestry or Scottish ancestry that have Aboriginal blood feel somewhat disassociated at this point in time as well, and very curious where the Metis Federation and all that, where they placed these people.

Ms. Engel: Well, if it was up to me, I would welcome you, for my grandmother is Irish. I have two Irish grandmothers. We have script. However, in Louis Riel's constitution, I do believe he protected the English Métis, the Francophone Métis, so he pretty much encompassed everybody in his constitution. So I believe that you would fit under the Métis federation, being that you have script and you have Native and you have Scottish and Irish. I myself am part that, and I fall under the category with script.

Mr. Chairperson: Thank you, Ms. Engel, for your presentation.

The next presenter is Rosemarie McPherson.

Ms. Rosemarie McPherson (Métis Women of Manitoba): I am going to apologize. I do not have a written—

Mr. Chairperson: That is fine, Ms. McPherson. You can make an oral presentation.

Ms. McPherson: Thank you.

Mr. Chairperson: Please proceed.

* (21:00)

Ms. McPherson: Good evening, ladies and gentlemen. I am very pleased and honoured to be making a presentation here tonight.

Number one, I want to tell you a little bit about myself. I am Rosemarie McPherson. I am the spokesperson for the Manitoba Métis women. I got elected in 1996 by 600 ladies at an AGA. We have a board of directors that make up the board of eight, myself as being the spokesperson, and there are seven board members that are from each of the regions. We do have a vote within the Manitoba Metis Federation and I was very, very fortunate that, right from the onset, I got a portfolio for child and family services.

So, when in the beginnings of the development and the design of the system about child welfare, I was quite excited and was involved right from the onset, right to the town hall meetings. The people that I was speaking to, not only at the town hall meetings, but also privately, mostly women, are very, very supportive of this endeavour that we do look after our own children, and, having said that, I, myself, want to share a couple of stories with you.

Bear with me as I share my story. It is very close to me because it is about me. I was born here in the city of Winnipeg at the Misericordia Hospital. My mother contacted tuberculosis and she was shipped out to Ninette. My grandfather was a fisherman from Duck Bay, kissed my grandma goodbye and said he was going fishing for three weeks and that he would not return. Two days later, my papa walks in and my mama says what is the matter. He says something is not right. It is about the little girl in the city. I was six months old. They kept me in the hospital because, I guess, they had to monitor me because of my mother's contact with TB.

As my papa was walking in with my auntie, he said, wait, something is not right. He got closer to the desk. There were two people, a man and a woman with a doctor, and, I guess, it was a social worker. I am going back to the 1950s. They were adopting a little baby girl. Her name

was baby Lavallee. My papa went into the room where the children are, scooped me up and left.

My papa phoned Duck Bay to see if there was any mention. Yes. Duncan Campbell owned a cab in Duck Bay and said, Julien, do not take the cab, do not take the bus, do not take the train to make your way back to Duck Bay. The cops are looking for you. You have kidnapped baby Lavallee. He says I really do not care what the cops say. That is my grandchild.

I am one of the lucky ones. The Creator came to him, or whoever it was, and said, look, you better go and look after business, and that business was me.

Mr. Chairperson in the Chair

That is why the Métis people having the opportunity to look after their children is so close and dear to my heart because, can you imagine? I would never have known my uncles and my brothers, who I call my brothers and my sisters, all 14 of them. I would have never known them. My grandfather was such an amazing man. I would never have got to know him if things did not happen the way they did.

Now, I want to go back into the sixties, a man by the name of Michael Perry, he was born to a single mother. Child and Family Services apprehended him at the age of five. He was adopted into Louisiana. He married a woman from the States. They have a child. At age 23, he got into trouble in Louisiana. The adopted parents forgot to do some kind of signing when the young man turned 21, therefore, when he got into trouble, they deported him. They deported him to Toronto in the dead of winter with just a tee shirt, no coat, a pair of pants. Luckily for the Manitoba Metis Federation family support program that put in the repatriation program, this young man was in contact with that program five years prior to him getting into a little scrap in Louisiana and then being deported to Toronto. When he came to Toronto, he got in touch with the repatriation program that is administered by the Manitoba Metis Federation. They immediately made arrangements for him to work his way into Winnipeg. Today, this young boy, this young gentleman, lives in Brandon. He is

not welcome into the States. This young boy has a son. His son is now three years old. He does not know whether he will ever see his boy. He still writes and has communication with his common-law wife, but he will never be able to return to the States to see his boy. Can you imagine that?

Now I want to go to the eighties. A woman that is 85 years old, I guess, today, her daughter was taken away at age five in the eighties. The little girl got sick. CFS got involved and they said that the little girl could not come back because what made her sick was the water. Ellen cannot read or write and unfortunate for her, people like myself that were educated were not living at home then, or were in school in Cranberry Portage. They took the child. They made her sign papers saying that what is in here is to allow her to stay in the hospital. Ten days later, after she signed the paper, she found out that what she did sign was adoption papers, twenty years ago. Two weeks ago, that little girl that was adopted was sitting in a restaurant in Dauphin. Her brother was sitting close to her and he said there was a connection; there was a drawing to this young girl that was sitting beside him and he did not know what the connection was. Two weeks ago, through the repatriation program, Ellen got to see her daughter. Can you imagine living 70 miles away from your real mom?

* (21:10)

I am a mom of three beautiful girls. I would fight tooth and nail if somebody would ever hurt my girls, or say I am going to take them away and you will never see them again. I would die to have my children with me because my children are my world. They are my centre of my universe, and I do not believe for one minute that there is one woman on God's earth that does not feel the same way I do. Thank you.

Mr. Gerrard: Rosemarie, just to say thank you for sharing those very moving stories with us.

Mr. Sale: Thanks, Rosemarie. I am moved by your stories, too.

What I wanted to say was that we have had two very strong women on our steering com-

mittee, our executive committee, Chief Swan and you. I think that the passion that you shared with us in your stories is also reflected by the stories that Margaret tells, and I am confident that the voices of women are centrally and passionately informing the enterprise that we have all jointly undertaken. I thank you for that passion.

Mr. Chairperson: Thank you for your presentation.

The next presenter is Elsie Flette, Executive Director, West Region Child and Family Services. Not here? That name drops to the bottom of the list.

Shirley Cochrane, Executive Director, Inter-tribal Child and Family Services. I guess she is not here either. That name drops to the bottom of the list.

Next is Burma Bushie, Southeast Child and Family Services.

Ms. Burma Bushie (Executive Director, Southeast Child and Family Services): Good evening, Ladies and Gentlemen. I am very pleased to be here this evening and very honoured to be given the opportunity to make this presentation.

I am the executive director of Southeast Child and Family Services. We cover the eastern part of the reservations on the eastern side of Lake Winnipeg, starting from Poplar River all the way down to Buffalo Point. My presentation will focus on areas of concern raised in the first and second readings.

First Nation people have been under the influence of the current society's child welfare authority and legislation for many years now. We have seen a number of Aboriginal children and families involved within this system continue to grow to the point where they represent 70 percent of children in care. While we recognize and agree with the purpose for the creation of the child welfare system, we disagree with the design of the system. The process erred in overlooking the possibility that First Nation people required not identical services, but different services to achieve the same goal.

With the creation of our own authority, we hope that we can begin to initiate culturally-

appropriate practices within an authority structure that understands who we are as First Nation people. As First Nation people, we have always been aware that the current system did not fit for us. We have a different worldview and thus a different interpretation of what the problem really is among our people. A First Nation worldview is based on an holistic perspective that believes in the collective values and the right to self-determination. We have seen the current child welfare system, with all of their BSWs and MSWs, try and intervene with our First Nation families, without much success.

It is time that we now have an opportunity to be responsible and provide service to our own First Nation people. When members of the opposition or people on the outside question whether we are qualified, they must remember that those now deemed qualified have not been able to resolve the problems of our First Nation families. The numbers of Aboriginal families continue to increase in every social service department. What we, as First Nation agencies, recognized is that workers in our system require a different skill set in order to work effectively with our people. Workers in First Nation child welfare know that you must be able to connect with our families. Often, that means just being able to speak the same language as our clients.

Secondly, a worker must be able to share in our collective values and holistic approach to families if they are to provide appropriate intervention strategies for our people. Aboriginal social worker intervention understands that this best interest of children needs to be assessed from a developmental perspective that anticipates a child's lifelong needs in conjunction with their extended families and community. This is quite different from, then, the current child welfare system that is only concerned with children up until the age of 18 years. Workers must know how to work with and within Aboriginal communities or neighbourhoods to build up support networks outside the realm of the agency. These approaches are really quite different from the secretive and individualistic practice that mainstream child welfare promotes.

We do not understand why those who claim that we need a system that provides the best opportunity, provides the best care and best service to those who need it most, have not cried

out earlier for a different system for the delivery of child welfare.

* (21:20)

As First Nation people, we recognize that there will be challenges that go along with taking over the responsibility of administering our own system. We can guarantee, however, that our families and children will be given a fair chance in a service delivery system that is designed for them.

As for accountability, it is not often recognized that First Nation agencies have a tremendous amount of accountability built into our system, compared to mainstream agencies. We are accountable, not only to our clients, but also to their extended families, the supervisor, executive director, local child care committees, regional committees, chiefs-in-council, tribal councils and to the community as a whole. If we are not acting in the best interests of our families, we will certainly hear about it. We challenge any child welfare agency to point out how they could have as much accountability to their clients and agency as what we have at this time.

Lastly, we want to allay any fears individuals might have about the continuum and flow of services as the transition occurs. There is such a turnover of staff in mainstream agencies that an Aboriginal client may have numerous different workers throughout any given year. First Nation agencies have a very low turnover of staff, as the majority of people who work for us come from our own communities. Clients will experience a consistency with our agencies, working with people who speak their language, understand their history, and can share in the values and beliefs. Meegwetch. Thank you.

Mr. Gerrard: Thank you for your clear presentation and the illustration of the fact that the turnover rates are very low in the Aboriginal Child and Family Service agencies. It points to the success and the interest and the concern of people who work there.

Just as the need to cover a larger territory, to be able to cover Winnipeg and other communities, do you see that this may be more of a problem? The pattern that you have established

now looks like it is strong enough that you are going to be able to continue with a very strong agency and with low turnover.

Ms. Bushie: We have, for many years now, been setting up an expansion of services that covers, also, the urban area. We have, for example, within the urban setting, 90 foster homes that are licensed by Winnipeg Child and Family. Our staff do the initial application, do the home study and do all the legwork, but then everything is turned over to Winnipeg Child and Family for their licence.

So, already, just in that one area, you can see that we have begun to set up networks that move beyond our current jurisdiction. Also, through the MOU and the FAI process, we have established quite a network of connections with the northern agencies, with MMF, because a lot of our communities live very closely, side-by-side. So, historically, those connections have been built. I think the biggest stumbling block right now, is waiting for the funding to be in place so that we can begin transferring cases.

Mr. Chairperson: Thank you for your presentation.

Oh, I am sorry. Mrs. Mitchelson has her hand up.

Mrs. Mitchelson: Yes. Thank you very much for your presentation. Just the last comment you made was around funding, and, I guess, through the transition, I would imagine that there is going to need to be additional resources. Have you had any discussions around what those resources might be, and will there be adequate resources in order to fulfil your commitment and make for a smooth transition?

Ms. Bushie: In the area of funding, in the last two years with the present Government, our funding has been expanded into services to families to initially—I mean, prior to two years ago, the only funding that we ever got from the province was for children in care. So, slowly, the funding is being expanded. There is also a lot of work in conjunction with the Province and the First Nation agencies working collectively to come to establish, or design, a funding formula that is going to establish parity across the board. So we are all anxiously waiting for that.

Mr. Chairperson: Thank you for your presentation.

The next name is Donna Harris-Kirby. Is Donna Harris-Kirby here? Please begin.

Ms. Donna Harris-Kirby (Private Citizen): Hi. My name is Donna Harris-Kirby. I am a full-time foster parent. I work for West Region Child and Family Services. I am very honoured to be here today. I am speaking under the Bill 35 act. I am here to let you know that I am in favour because it gives us back power to take care of our kids, which we once had and is now almost given back to us.

We have always known how to raise our children, learning their own culture and being placed in a Native family who would give the children a better opportunity to keep their culture and be able to speak their language. Whereas an Aboriginal child being placed in a non-Aboriginal home tends to lose their beliefs and struggle to find ways to learn about their ethnic background, First Nation children should be given a chance to hold on to their Native ways. Whereas Bill 35 act would allow the agency to better place a child that comes into care without the long court process, a child that is moved too many times may lose trust in people and it can sometimes be hard to gain that child's trust again.

I believe that a child should grow up learning their own culture. I never had the opportunity to learn my second language which was Métis. Growing up, my parents separated. My father raised my siblings and me. My father being non-Aboriginal, I missed out on a lot of my Aboriginal culture. I am still finding my way back to find out about my ethnic background. I do not know much about politics, but, as a parent and a foster parent, I know the well-being of my children is very important. I try to educate myself and my children by going to powwows, museums and other events along the way that have to do with the Aboriginal culture. We had the opportunity to attend the opening ceremonies of the North American Indigenous Games. It was so exciting to watch all these Aboriginal athletes walk proudly into the stadium. They have made us very proud as each one of them are all winners. I have been a foster parent for seven years. I chose to do this job because I enjoy

looking after children. I look after two foster children, ages 3 and 9, and have three daughters of my own, 9, 15 and 18. Thank you for letting me have the opportunity to be here and be heard.

Mr. Gerrard: Thank you for telling your story and eloquently done. Thank you.

Mr. Chairperson: Thank you for your presentation.

The next presenter is Elizabeth Fleming, representing the Provincial Council of Women of Manitoba Incorporated. Please proceed.

Ms. Elizabeth Fleming (Provincial Council of Women of Manitoba Inc.): Thank you, Mr. Chairman, ladies and gentlemen. My name is Elizabeth Fleming, and I am representing the Provincial Council of Women of Manitoba.

We are circulating, this evening, a letter which we wrote October 2001, in response to the AJI-CWI initiative. We were very pleased to get involved in this. Our National Council of Women of Canada has a fair bit of policy on this area which we lay out in the covering letter and then the next part that you have in front of you are the recommendations that we made to the AJICWI in October. We did not actually present. We just sent in a written presentation, and then we did attend one of the women's focus groups which was held in St. Boniface later on.

* (21:30)

I think much of what we have to say comes out of our experience at the round table on women and violence that has been held by the Manitoba Women's Advisory Council. They have done an excellent job in having a round table with many service providers and groups in the community, women and men, talking about what is available for women and girls in this area. Really, what has come up through that are some real concerns about violence, particularly in isolated communities, and we have had many meetings now with women with stories to tell around Child and Family Services. Therefore, I would really like to bring your attention to our recommendations, numbers 2, 3 and 4.

In 2, we talk about the need to have some sort of standards within the workforce and

criteria through which the workforce is hired. We ask the question: How will professional workforce standards and quality of care be consistently maintained so that every child in Manitoba is assured of high quality child protection and preventive community services? This comes out of the stories that we have heard and also out of some recent experiences that we have had over the last few months with Dakota Tipi Reservation. We see that, in section 24, there are ministerial responsibilities that we still have concerns that there has to be standards, and there have to be standards within the skills and the people who are hired for these positions. We wonder, too, under the section that gives powers, we wondered about whether, in fact, the community would have any approval in a democratic way if they were to enter into an agreement with one of the authorities, the Child and Family authorities.

This is particularly important because there can be a great imbalance of power within a small community, and if people do not have a say, it is a recipe for pretty sad consequences later on as we have seen in some of our communities. So we would like to bring that to your attention. We are not in a position to offer concrete recommendations, but we do ask the question: How will the community approval be given in a democratic way or will it just be organized between political groups?

Next, No. 3, we commended the AJI-CWI for having the women's focus groups. There were four throughout Manitoba, and the one we attended was certainly very open, and I think as a previous presenter said, the comments made did appear in print, but I am not sure that we see them in the bill that we see in front of us now, Bill 35. In particular, we would like to see a commitment to include, at least in proportion, women elders and women at every level of governance and decision making in this initiative and in the final restructured model.

I think, further to what Leslie Spillett of MORN said, we would like to add our voice to the need, the very great need for independent women's voices, and by that I mean not actually involved in the political system but very focussed on the best interests of the children. That is not to cast aspersions on people who are either elected or appointed, but that does bring

with it certain baggage and we need to be sure that there are independent women's voices on both the standing committee and the leadership council. So, Mr. Chairperson, we would emphasize the independence.

We also wondered in this regard, too, what happens if there are cases of abuse. Where are complaints handled? Is there going to be an independent system with review powers, effective recourse and which is seen to have integrity, because this is the issue that we have seen in other areas of provincial jurisdiction where if there are not those checks and balances and independent bodies to refer to and to really know that you are going to have a fair hearing in something as serious as abuse, then that becomes a problem? So we would flag that point too.

We need trusted people because certainly parents who are very concerned, when they have nowhere to turn to, do get desperate, especially around issues concerning their children, and there, again, we have to have somewhere for them to turn to if there is a dispute, somewhere that is reputable.

Then, on No. 4 over the page, we stressed openness, public participation and accountability as being key. We see that sections 14, 15 and 16 do provide for audits, annual reports and that is good, but there, again, audits can perhaps be put off and extra time given to get them together, and we really would like to see the maximum openness, public participation and accountability and that a separate issue from confidentiality around client matters. But we feel that this is, you know, if it is built in right from the beginning, it does provide terrific assurance to people and probably is the best way to go about authorities with such powers as these.

Then the last query we had was around the issue that we had been following on one reserve, an issue of local policing. Now, policing is a very separate matter from child and family service authority. But what happens if the two become intermingled and who has power one over the other? There, again, we had the case where one of the women with whom we were working actually spoke here at a Law Amendments Committee on Tuesday, the 23rd of July, and on Thursday her mother, who was babysitting her children while she was meeting

with ministers here, was told by a Dakota Ojibway Police Service officer that they would be apprehending her children. This caused a great deal of trouble. As it happens, they have not been apprehended, but it was the police service that gave the news, and not the Child and Family.

So who, when push comes to shove, is going to have power in these situations? These are things that we would really like to see in legislation up front. It is primarily for the care and protection, well-being of the children. Those are all my comments.

Mr. Gerrard: Thank you for the presentation. I would ask just three areas. One is, can you help us with what would be an optimum appeal process? Two, there are some measures there now to ensure openness, but if you were going to put in additional measures, what would they be? Thirdly, given the experience in Dakota Tipi, are there additional measures that we need to make sure there is a level of independence? I mean, I think that the Dakota Ojibway Tribal Council, Child and Family Services, with something like 21 years would clearly have some experience in this area and something to draw upon.

Ms. Fleming: I do not think we have concrete solutions to the optimum openness or additional measures for independence, but what we found is really, in talking to the women in groups, some of them may be in the services, but a lot of them are not. They have either been adopted or have been involved as children with Child and Family or else their parents or foster parents. So our feeling is that they are the people that really have to be consulted and for them to understand that.

Also, although we have Aboriginal federates, we are very pleased to have Original Women's Network and Ikwe Aboriginal Shelter as our federates. But we do not really feel qualified to speak on these matters for Aboriginal people.

But, certainly, the ones that are suffering because these things have not been attended to on Dakota Tipi are the ones that should be included in the discussions. I think again having the independent women on the leadership council of the standing committee is good too.

But even before getting there, I think more openness could be built in and the roots for appeal as well.

Mr. Sale: Just first, as a point of information for the member from River Heights, it is Intertribal Child and Family Services that handles the Dakota Tipi. Dakota-Ojibway Child & Family Services, although it has the name Dakota in it, does not provide services on that reserve. So we just should not, for the record, have any confusion about Bobbi Pompana's agency and her reference to her 21 years of service. It is a different agency that serves the reserve community. I just wanted to be clear about that for the record.

* (21:40)

I think the points that you make, Elizabeth, are important points and have been thought about and talked about a lot. I think that it is appropriate for you to raise all of these issues, but I think it is also appropriate to recognize that in a particular issue that is being spoken about there is a great deal of strife on both sides, that there are difficult issues there that go far beyond Child and Family Services. It is a tragic situation, one that I hope will be resolved when the Government of Canada finally issues the call for an election when the 90-day period is over and there is finally a democratically elected chief and council for that troubled community.

I do not believe that we should be importing the troubles of that community into the long-term restructuring of Child and Family Services, although it is important that people on that reserve and in that community have secure services, which, of course, is a vital issue. But I thank you for that presentation. The issues you raise are appropriate and important issues.

Mr. Cummings: Well, thank you for your presentation. Do you have some specific suggestions or recommendations around appeals and/or processes that you believe would put some of the safeguards in what you are concerned about?

Ms. Fleming: The main ones would be to do with the standards, the skills required, and then the hiring practices to make sure that they are as open as can be and fair, and that they are based on skills, first and foremost. That would be a

protection. Apart from that, I think there again, consulting the Aboriginal women on their experiences would yield more than what I have just said.

Mr. Cummings: Well, perhaps you just answered the question that I was going to ask secondly. We did hear some suggestions tonight, or had some discussion, about the appropriateness of the skill level and training levels and they were coming from women who are and will be actively involved. Does that answer some of the questions, or, as others have asked me, should there be other appropriate appeal mechanisms especially for parents? I recognize those are somewhat disparate issues but the two are linked in as much as they relate directly to services provided to the children. Can I assume, No. 1, that you are satisfied with the training as we heard it discussed earlier, or would you want some kind of a standard across the agencies?

Ms. Fleming: Some standards are important because it is my understanding there are not professional organizations for this category of caregiver, and, without standards and training, then there are not safeguards, at least that safeguard that a certain level has been reached of understanding. So it does seem to us that they would be desirable. I know that, in talking to the minister, he has mentioned the whole idea is for each authority to have its own standard. But, to us, that it is not fair to all children and, surely, there should be a standard that is fair to all children, I think is what we want to say; then again, the actual hiring practice—who gets chosen based on merit and experience and ability to do a good job for the children.

Mr. Chairperson: Thank you for your presentation. I now have a list of names to call for the second and last time. Corbin Shangreaux, Felix Walker—all these people will be dropped from the list if they do not come to the podium—Felix Walker, David Monias, Walter Spence, William Richard.

Leona Freed. Please proceed.

Ms. Leona Freed (President, First Nations Accountability Coalition): I am Leona Freed. I am with First Nations Accountability Coalition of Manitoba. We were formed a number of years ago to ensure that the First Nation people are

receiving the services that they are rightfully entitled to.

We do take complaints from all First Nation band members on and off reserve. We also have organizations in all the western provinces, Ontario, Nova Scotia, New Brunswick. We have people who have joined our organization, First Nation people that is, from Québec and the Yukon. We also have Métis people who have joined our organization. Anyway, for the past three years, our Accountability Coalition has been watching the Native child and family services in our area. We have got complaints from the people about the Native and non-Native CFS agencies. We have got 19 documented complaints from 31 families, and 7 informal complaints; in total, 38 families.

We have gone to Minister Tim Sale's office a number of times, but we have been redirected to the Child Protection Branch with our complaints. They do tell us that they hear us, but, again, our First Nation people's complaints and allegations are not investigated. We did have a couple investigated by the Child Protection Branch, but there are a lot of issues that are not being resolved.

The 19 documented complaints are here. I do have more copies if you would like to see them. We have got right from abuse of authority; abuse of children in care services provided by non-Native and Native CFS; children apprehended without just cause, or without proper authority, or no investigation; closed files reopened; children apprehended and taken permanently; children not returned when their voluntary placement agreement ends; children apprehended and placed in high-risk foster homes; no consultations with police on alleged abuse of children while in care; children's rights not protected as in visits and whatnot; the family's rights violated; the needs of children not being met, as in clothing; family support innovations and techniques are next to non-existent; unqualified, unskilled, insensitive and incompetent Native CFS workers; rude and unprofessional comments made to clients; breach of confidentiality; conflict of interest; nepotism; and some CFS workers are alcoholics

or drug abusers. All these 19 complaints are documented.

Because of all the numerous complaints, our Accountability Coalition has been receiving by these families, we have encouraged the families to form their own organization, and they have. It is called the Anishinaabe family advocacy.

With the Native child and family services, the rights and privileges are non-existent or next to non-existent. Today, we have got families ripped apart for no reason at all. Families are suffering needlessly. We see power of authority abused by most Native CFS workers. To our knowledge, very few, if any, Native CFS workers have little education or training to work with the families in a crisis. I think I said that wrong. Let me try this again. To our knowledge, very few of the Native CFS workers have the education or the training to work with a family in a crisis. When these people are given power of authority, it tends to get abused. We feel that with proper education and training, this would not happen.

* (21:50)

The other thing we would like to do is we would like to see a body of authority to oversee the Native CFS agencies, a body that is independent of the Aboriginal leaders. In response to one of the other witness's statements about the qualified people not being able to work with the Native families, I believe that is because of lack of communication and the cultural gap.

I would like to ask what controls and protection are in place to stop all the different types of abuses we see in the system today. An example of this is, one reserve in Manitoba, Sandy Bay, is run by one big family. It is called Dakota-Ojibway Child & Family Services. They rule with a tyrant hand. We are very concerned about all the different types of abuses. We do need standards set in place for these people who are going to be working with Native families in a crisis.

The other thing I wanted to say was, with the Aboriginal leaders appointing the positions of the board of directors for the Native CFS agencies, I am very fearful, as well as speaking

for the people in our organization, that we are going to be getting another swoop of children. We do see it happening now. Thank you very much for giving me this opportunity to speak.

Mr. Cummings: Thank you for your presentation. The issues that you raise are certainly ones that I am sure all parties would want to be able to address and provide answers to. So I would ask you a question in this respect: Do you believe that there is a reason to put a strong appeal process in place to deal with the types of concerns you raised? Obviously, the process, as this bill devolves authority, has been negotiated. The issues that you raise are ones that the authorities will need to address.

Can I take from your comments that you were recommending, at least, that there be a strong appeal process for the families that find themselves caught in the system?

Ms. Freed: Do we not have a strong appeal process right now with the non-Native agencies, with the child protection branch? As far as we are concerned, our complaints and allegations are not being properly investigated. Yes, I believe we would need a stronger appeal process.

Mr. Cummings: This part of your organization, as I understand it, has been coming together over a recent period of time. Can you indicate to us the number of people that you have come in contact with, who have brought concerns to you, over the last six months or so?

Ms. Freed: Over the last six months probably—I do have it down on record and I am sorry I did not bring those stats with me—I believe, probably, about two dozen.

Mr. Cummings: As you would have heard in the discussion this evening, everyone is certainly of the opinion that this will bring more culturally-sensitive delivery of service. But you are raising an issue about appropriateness of training. The speaker just before you talked about whether or not some uniform standard might be appropriate for the agencies to adhere to in their employment practices. Does that sound like a reasonable suggestion to you?

Ms. Freed: Well, I feel that yes, we definitely need set standards for the Native CFS agencies. I

do realize that the non-Native ones have set standards. I am hearing that the Aboriginal leaders are saying well, it is our inherent right to run our own Native CFS agencies. But again, this is Canada. Should we not have one law for all, not one law for the non-Natives and one law for the Natives?

Mrs. Mitchelson: Thanks for your presentation. We heard earlier, and I do not know whether you had an opportunity to hear students from the program at Louis Riel institute talking about the curriculum and the program being very good. I tend to agree, from her comments, that what we are seeing is a program that has been developed that appears to be working and training individuals in the appropriate fashion.

Have you had an opportunity to look at the training there? Do you think that something like that might be a standard that should be set across the board?

Ms. Freed: No, I have not had that opportunity. I am hoping that I will get it to see if it is what we would expect.

Mr. Chairperson: We are out of time for questions.

An Honourable Member: One more short question?

Mr. Chairperson: Do you want to ask for leave? Is there leave of the committee for one more question? *[Agreed]*

Mrs. Mitchelson: Mr. Chairperson, just one quick question. A couple of presenters this evening have indicated that there need to be independent women's voices on both leadership sides of the new administrative structure. Would you agree with that?

Ms. Freed: Yes, I wholeheartedly agree that there should be an independent body of people to oversee these Native CFS agencies, independent of the Aboriginal leadership.

Mr. Chairperson: Thank you for your presentation. I have some more names to call for the second time: Harold Cochrane, Grand Chief Margaret Swan, Elsie Flette, Shirley Cochrane.

That concludes the list of presenters that I have before me this evening.

Are there any other persons in attendance who wish to make a presentation? Seeing none, is it the will of the committee to proceed with the detailed clause-by-clause consideration of Bill 35? *[Agreed]*

Mr. Sale: Mr. Chairman, I wonder if it might be the will of the committee to take, perhaps, a five- or ten-minute recess just for a bit of circulation stimulation. Also, I should indicate that my critic indicates that there may be a wish to have some amendments. I have indicated to him that we would recognize the opportunity in report stage or third reading, whichever, and that we would be prepared to look at any amendments that he might be putting forward to see if any of them were reasonable.

I have also put on the record, and will do so again, that all of the legislation that we have considered here has been developed in incredibly close partnership with First Nations and with the Metis Federation. I would not think that it would be possible to make any substantive change at this point in the legislative process, but I would also say that, because of the nature of the enterprise, we will have to have, in the next year, a very full rewrite of the whole Child and Family Services Act. This is actually an implementation capacity to roll us into the transition. There is a group working now on a rewrite of the whole act, and so we are going to be back here next year looking at very significant changes. So this is not a final position that we are in tonight in terms of how this system evolves. Perhaps we could take a very short break.

* (22:00)

Mr. Cummings: My comments will be very brief, and then I suggest we can take a brief break. Frankly, I wanted to pick up on Grand Chief Flett's comment that it does, in fact, take the responsibility of the opposition, in this case, to make sure that we have clearly understood the process and that we understand anything that we may be voting for or, conversely, voting against. I would ask only this—and the minister has indicated he is quite prepared to put it on the record, I believe, that, as we do not propose any changes this evening, which would obviously

put us into the wee hours because we have not had time since hearing a couple of issues being raised to put them into amendment form, so that we would be able to have some debate at report stage.

I see an affirmative nod of the minister's head. I think if we take a brief break we can then deal with the bill that is before us.

Mr. Chairperson: Is it agreed that we recess for 10 minutes? *[Agreed]*

The committee recessed at 22:02

The committee resumed at 22:12

Mr. Chairperson: Would the Committee on Law Amendments please come to order? Does the minister responsible for Bill 35 have an opening statement?

Mr. Sale: Very briefly, it is to thank the First Nations, the Metis Federation, the staff of the child and family service agencies, both Aboriginal and non-Aboriginal in Manitoba who, in the hundreds, have participated in what I think, by all accounts, is probably the most open and inclusive process of developing a new system that has ever taken place in this province.

Between consultation and community engagement, literally thousands of people have been touched by the process. I am honoured to have been the minister during this time. I played a little role in it, but the people who played the big role are the people sitting around the room here and hundreds who are not here. Our thanks go to them.

Secondly, as I said just before our break, this is very much a work in progress. We have many, many miles to go and promises to keep, in the words of Robert Frost. I would not want anyone to think that what we have here, in this act, somehow completes a process. It is a process that began in 1976 with Sagkeeng Child & Family Services coming into place. It is a process that will go on for many, many years to come as both Aboriginal and non-Aboriginal

agencies grow and mature and change. So we are at a point in time—not at an end point or even a starting point—in which a new framework is being put in place, which has the support of First Nations and the Metis Federation, very broad support, and, while I think they would not claim it was perfect from their point of view, we probably would say the same, that there are things that will continue to need work.

So I hope that, whatever the future holds, people will recognize that this is a journey that started with contact, had unhappy chapters until very recently, and only in the last few decades have First Nations and Métis people begun to reclaim their capacity to contribute fully to their own communities's futures and to have the power and the authority to do so.

In that process, we all need to evolve, the accountability mechanisms, the transparency mechanisms. I think we have to say those things with a great deal of humility, because the systems that we elaborated and that we support today in our non-Aboriginal child and family services, let me say, are not the most transparent or accountable of services in terms of the problems that we daily encounter.

So I hope that our debate on the bill will be characterized by an understanding that we are in a process. The previous minister is here. She had her part to play in this evolution and things grew and changed during that time. Long after I am finished in this role they will continue, so I am pleased to answer, insofar as I can, any questions. I look forward to the clause by clause.

Mr. Chairperson: We thank the minister. Does the critic for the Official Opposition have an opening statement?

Mr. Cummings: I do not have an opening statement. I want to make a couple of comments, in part to clearly indicate that we do recognize the amount of work that had to go into bringing a bill along to this stage, but that does not preclude us from having some questions, which, I am sure, the minister will be only too anxious to answer. At the same time, we may indeed have some amendments.

Recognizing the minister's position that when he has had to negotiate to get to this point,

amendments of any significance could or might cause significant repercussions. That is not our goal in this process. The principle, as I said from the start, that is involved here is the main question. Once you get past that question, and we have, then it is how do we best achieve the goals that fall out from acceptance of that principle of devolution of the authority.

In doing that, as I said previously on the record, accountability and some of the issues we have talked about tonight have become increasingly clear. We are increasingly satisfied that at this stage of the devolution that if we accept the thought that this is a project that will evolve and that will be tweaked and that there will be an ongoing process, as the minister says, as it goes from the transition to the complete, then that provides some window of opportunity for myself and others, whether they are in political circles or whether they are in fact part of the community that is going to be directly affected by this, to have an opportunity to seek and achieve possibly some changes that would improve what is being done.

But there are a couple of questions that my colleague has as well. I would ask the minister to entertain a couple of questions before we start going clause by clause.

Mrs. Mitchelson: I would like to echo my colleague's comments on the process. I do know the challenges that you faced as you moved ahead. I commend the minister for having gotten this far in a process of negotiation, but I would just like to ask a few questions around the transparency, the accountability, perceived or real from time to time the political interference that presents itself when we move in this direction.

I have to admit something that I was not able to deal with when I was the Minister of Family Services, and I do not know whether this minister with the new legislation that is on the table has been able to deal with the issue of political interference. I do know, and it still takes place on reserve, that when the political leadership changes, very often all the child and family services workers are fired and new people are put in place. That is a reality and it does still happen today.

* (22:20)

As the provincial government, we know that governments change at the provincial level usually every 11 or 12 years, but, nonetheless, when it comes to the protection of children and people that work within our child and family services system, they do not come and go with governments. People are trained and there are some standards. There is the Civil Service Commission. There are checks and balances in place so that people that have the qualifications and are doing the job within any system throughout government have the protection and the ability to continue to do the work that they know how to do.

I think when that kind of activity happens in any political structure, where the authority and the ability is in the hands of the politicians to make a decision to fire sometimes very competent people that are delivering service to the most vulnerable within that community, I believe there needs to be a check and balance put in place. I think that is one of the reasons we heard many of the presenters talk about some sort of standard across the board that would have some expectations of certain qualifications to deal with children in the child and family services system.

So I guess I would ask the minister whether in fact there are checks and balances in place in this legislation that will protect those that are working within the system when the political leadership changes, to ensure the safety of children.

Mr. Sale: Well, the short answer is no, because this legislation is not about staffing. This legislation is about creating authorities that will in turn have to develop. I guess I would refer you to a number of different sections. For example, under regulations, under section 31(1), I will have the authority and will expect the authorities to engage in defining all of these various organizational kinds of details. I think if you look at (f), for example, standards to be followed in the planning, management and provision, it would be hard to do that without thinking about staffing.

So, no, there is not anything in this act as it currently stands that prescribes management practices in regard to how staff are treated. I think it would be frankly not something you

would find in The Child and Family Services Act. You would not find it in, I think, any provincial statute that I can think of except the statutes for which my colleague the Minister of Labour (Ms. Barrett) is responsible for, which are the employment standards acts, which do provide minimal protection.

I think your question really goes more to the evolution of this system. I would ask you to recall Bobbi Pompana's comments that DOCFS and, in her view, many Aboriginal child welfare agencies have lower turnover and more continuity of staff than the non-Aboriginal agencies. I know currently CFS Winnipeg has in the last few years had very significant turnover.

I think what you have to do is look at the reality out there. You probably are aware, because I think you were minister when this started, that Awasis Child & Family Services went through a difficult period but came out the other end a very strong agency and then went about negotiating with the University of Victoria to have an MSW program for its workers in which a very, very significant proportion of its workers completed their Master's of Social Work in a field-based program with staff from the University of Victoria coming into Manitoba and providing field-based instruction. So I see a pattern of evolution in which in some ways some of our First Nations agencies are ahead and in some ways they may be still evolving.

I would also ask the member to remember that it was in the early eighties when relatively few of the workers of Child and Family Services in Winnipeg had BSWs or MSWs. The BSW/MSW qualification as a norm, really 20 years ago did not exist, and 20 years in the history of this whole process is a long time in some ways, it is a short time in others.

I think the questions about interference are important and the questions about standards are important, but I see First Nations agencies, and, again, I point to Bobbi Pompana's presentation tonight, I point to the young student from the Metis Federation acquiring in two years a very concentrated program of child welfare, which, I think, is commendable on the part of the Metis Federation, to be putting their training dollars, which is what they are, they are federal training

dollars that the Metis Federation has allocated, to a very substantial investment in human capital development. I think that is commendable and it will continue.

Finally, in terms of interference, I think we have to be cautious to talk about it as though it were related only to Aboriginal communities. My experience, at least, as someone who grew up in a small town is that there are ways in which small communities always have perhaps been more prone to some people being treated differently than other people. I do not think it has got much to do with Aboriginal. I think it has got a lot to do with the size of the community and the fact that people are known differently depending on who they are in small communities. I guess I look at what we are doing as something that will lessen the likelihood of that, because no longer will there be the direct management of small agencies. The agencies will come under the direct management of the First Nations North or the First Nations South.

It is much harder to interfere in something that covers twenty-five or thirty bands than it is to interfere in something that covers two or three bands. So I have always been of the view that as we move towards the authority structure we will actually lessen the potential for interference and strengthen the overall management capacity. I think that the history is that interference is understood as a bad thing and it is not accepted very readily anymore. It is certainly not to be accepted when it happens, but I see First Nations concerned about that issue just as you and I are. I think the structure of authorities that are fairly large will lessen the tendency. It will not ever eliminate it, but it will lessen it.

Mrs. Mitchelson: I hear what the minister has to say. I still do, I guess, when looking at the best interests of the child hope that those standards will be put in place as we move forward so that people who work with children will not be vulnerable with the change in the political structure at any one band level.

I would like to ask whether the minister—I heard his comments to Leslie Spillet when she talked about independent women's voices being needed in these new structures. I heard other presenters make those comments too. It appears that the minister is not sort of amenable to the

organization maybe that Leslie Spillet represents as being a part of the new structure as an independent women's voice. But has he looked at any models anywhere that might have a way of ensuring that independent women's voices are heard on the councils of the new agencies?

* (22:30)

Mr. Sale: I think this is, on the contrary, a very high regard for Leslie Spillet's organization, Mother of Red Nations. I know that they are part of NWAC nationally. I value the advice that that organization has.

The difficulty, frankly, is that we are dealing here with the question of governance and governments. First Nations have a governance structure. We are dealing with constitutionally established entities in this country that under section 35 of the Canadian Constitution are recognized in law as having certain rights and privileges and responsibilities, I guess.

So, you know, if we asked you as a government five years ago, whatever, to appoint a non-elected body to be the voice of all Aboriginal women or all, let us use another group, Ukrainian women, in regard to some function and some statutory function of government, I think you probably would have had some difficulty with that, because you would say, well, which organization? Mother of Red Nations is one organization. There are other organizations. The North End women's transition centre comes to mind, the various shelter advocacy groups that are around. Who can be said to be an independent voice?

Rosemarie McPherson, who spoke so passionately and moved me to tears, I do not know whether it moved you to tears, but it moved me to tears, represents 600 women. She is the elected voice of those 600 women and in turn has a role in the Metis Federation structure of cabinet. Now, I think she is a pretty competent representative of those 600 women. She sits on the senior levels of this whole process. Grand Chief Margaret Swan is the elected grand chief, elected by a large number of people, in effect, through their process.

I understand the role of advocacy organizations. I think it is very important, sometimes it

is more important that they stay outside the formal structures of government and continue to advocate and make their voice heard, because that is what they do best. I hope Mother of Red Nations continues to do that, but I doubt that it would be accepted by any of the Aboriginal organizations that they be recognized as the sole or adequate representative of the voice of Aboriginal women across Manitoba.

I do not think, frankly, in your heart of hearts, that you would think that either, because it is such a varied community. There are so many organizations doing good work in that community.

Yes, I am sympathetic, and, yes, I will listen to her concerns and take them very, very seriously, but is it appropriate to name a non-elected, non-accountable body to represent the voices of all Aboriginal women when clearly they are not in a position to do so? I just do not think it is. I think it essentially may even put them in a difficult position.

Mrs. Mitchelson: Mr. Chair, I wonder if the minister has given any thought to any independent body to deal with complaints that come forward, any sort of a dispute settlement mechanism. I can see, I mean, and I know there are going to be lots of growing pains in this new structure, but I can see instances where there may be more specifically I suppose in the city of Winnipeg, I know there will be sort of a central intake process and then children will be dealt with by the appropriate authority once the determination is made of what band they might belong to, whether they are Métis or whether they are part of the general population.

But, if there happens to be a dispute between the Métis organization, agency with the general agency, what process is in place to try to settle that in an expeditious way so that we do not have the child being the victim of adults fighting over jurisdiction?

Mr. Sale: That is probably one of the most important questions that there is in this whole area. From the outset, it has been understood by all the parties that that would be a really important issue. What was determined was that first of all there would be an authority determination protocol, that is, the agency of record

would have to be determined by some agreed-upon protocol.

What was agreed in the general, broad picture was that maternal linkage would be the first stopping point, which, I think, recognizes much of the concern that many of the women presenting tonight might have.

So in mixed families, the first question is what is the mother's linkage, First Nations, Métis, non-Aboriginal, non-status in a few cases. That would then be the primary determination in terms of the authority of record.

However, there then has to be a process of saying, but, if that does not work in this case, the mother is not in the picture, for example, how do we go from there? So there is a series of decisions that the agencies, the authorities have already agreed on in terms of a streaming to the appropriate authority.

That streaming takes place at intake. Intake is operated on behalf of the system by the agency designated in that particular part of Manitoba. In the north it may be a First Nations agency. In Winnipeg it may be a general authority agency. It will be different in different parts. But that process of intake and authority determination takes place at intake.

There are then appeal mechanisms built into what we have agreed on at the authority level for sorting that out if there are cases of dispute.

Finally, there is the issue of choice so that, if a person would normally receive services from a particular agency but feels for whatever solid reasons they have that this is just not going to work for them, they have the right to request service from another agency in most circumstances. So we protect that, and, ultimately, further down in the process, if it is not working even after we have it in there, we have the family in there or the kid in there, they have the right to show cause why they should receive service from a different agency than they are currently receiving service.

We have tried to do this in a kind of stacking way so that most of the decisions will be fairly easy. The vast majority, it will be clear: Métis, non-Status, First Nations, treaty, non-Aboriginal.

But in those cases, and they will not be by any means a majority, there is a streaming of decisions, like a decision tree, that will hopefully sort that out.

Mrs. Mitchelson: What role will the Child Advocate's office play in the whole new structure? Will that role change? Will there be an increase in resources? Will there be culturally appropriate individuals working in the Child Advocate's office to be able to deal with the issues?

Mr. Sale: The minister probably knows that Mike there is the deputy advocate or whatever, the assistant advocate, and he is a First Nations person. We expect that the increase in resources that we provided I think two years ago will help them to continue to be able to do their job. They will have the same job. This act does not change the role of the Children's Advocate.

* (22:40)

I expect that there will be discussion about how that will evolve over time. We have invited Janet to take part in those discussions. She has been kept aware throughout the process of what it is we are doing.

Mr. Cummings: In the consequential amendments, the minister's staff and I touched on this, but, for the record, where there is a child in foster care and the family objects to that child being taken from the particular foster home, there is an appeal process that is described here. The final appeal is to a panel that the minister will appoint. It strikes me that, under similar circumstances in other acts, where people have a right of appeal, there is an onus on somebody to make sure that—in this case, it would be the foster parents—there is an obligation on the part of someone to make sure they are aware of all the appeals. It might be told there is an appeal, but this is actually a three-stage appeal, if I read it correctly. I do not read anything here that obliges anybody to make sure that foster family—and maybe I am picking you know what out of fly shit with boxing gloves. Pardon my language. It is a minor issue, but I would like the record to show whether or not the minister recognizes that as an issue and perhaps might be something that

we could look at as—[interjection] There is a lot of hilarity behind me here.

Mr. Sale: Mr. Chair, I do not think it is a minor issue at all. The appeal process remains as it is now. The only difference is that, under the authorities, they will have the first right and duty to hear the appeal and to adjudicate on it, but, ultimately, there remains the appeal process that there is now. I might say two things. One, when we are in the process of doing the difficult thing of moving a foster child, the foster parent where the kid is, is informed of their right to object, and they are informed of the process at that time. That is the standard expected protocol. If it is not being followed, I would be very upset, and I would love to know that it is not being followed because we would make sure that it was. So, if the member has any concern about that, I would be glad to specifically deal with it.

Secondly, as he knows, we have re-established the foster family association, and that association is very helpful in training and supporting foster parents to make sure they understand both their jobs and their rights and obligations. So I think that is also strengthening our foster families' capacities in Manitoba.

Mr. Cummings: We should proceed with the clause-by-clause reading of this bill, but I did not hear from the minister. He says that is handled under procedure. Is it a regulation? I mean, believe it or not, some of the issues that do come to my attention are related to this very situation, so I have a reason to ask the question, other than to be obnoxious.

Mr. Sale: Staff has just suggested that we refer to section 51(7) on page 31 of the bill, which gives me the capacity to make regulations. This is a very important section, and you will notice also that it is after consultation. So we built the consultation in, but the regulatory capacity of the minister is unimpaired by the act, and, certainly, appeal procedures are very important.

Mr. Chairperson: We thank the minister and the critic for their opening statements. During the consideration of a bill, the table of contents, the preamble, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is

agreement from the committee, the Chair will call clauses in blocks that conform to pages unless there is a suggestion we go page by page. With the understanding that we will stop at any particular clause or clauses, is there agreement to go page by page? I am advised by the Clerk that we have to go by blocks of clauses, so we will follow the advice.

Clause 1(1)–pass; clauses 1(2) to 1(4)–pass; clauses 5(1) to 6(6)–pass; clauses 6(7) to 9–pass; clauses 10 to 16–pass; clauses 17(1) to 17(3)–pass; 17(4) to 19–pass; clauses 20 to 21(2)–pass; clauses 21(3) to 22–pass; clauses 23(1) to 24–pass; clauses 25 to 27(1)–pass; clauses 27(2) to 28(1)–pass; clauses 28(2) to 28(5)–pass; clauses

28(6) to 29(2)–pass; clauses 30(1) to 31(1)–pass; clause 31(2)–pass; clauses 31(3) to 32(4)–pass; clauses 32(5) to 32(8)–pass; clauses 32(9) to 32(12)–pass; clauses 32(13) to 32(14)–pass; clauses 32(15) to 33(2)–pass; clauses 33(3) to 33(5)–pass; clauses 33(6) and 33(7)–pass; clause 33(8)–pass; clauses 33(9) to 33(12)–pass; clauses 33(13) and 33(14)–pass; clauses 34 and 35–pass; table of contents–pass; preamble–pass; enacting clause–pass; title–pass. Bill be reported.

What is the will of the committee?
Committee rise.

COMMITTEE ROSE AT: 10:49 p.m.