

Third Session – Forty-First Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Mrs. Sarah Guillemard
Constituency of Fort Richmond

Vol. LXXI No. 2 - 6 p.m., Wednesday, May 9, 2018

ISSN 1708-668X

MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

Member	Constituency	Political Affiliation
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
CURRY, Nic	Kildonan	PC
DRIEDGER, Myrna, Hon.	Charleswood	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FLETCHER, Steven, Hon.	Assiniboia	Ind.
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GRAYDON, Clifford	Emerson	PC
GUILLEMARD, Sarah	Fort Richmond	PC
HELWER, Reg	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek	Interlake	PC
JOHNSTON, Scott	St. James	PC
KINEW, Wab	Fort Rouge	NDP
KLASSEN, Judy	Kewatinook	Lib.
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMOUREUX, Cindy	Burrows	Lib.
LATHLIN, Amanda	The Pas	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MARTIN, Shannon	Morris	PC
MAYER, Colleen	St. Vital	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Arthur-Virden	PC
REYES, Jon	St. Norbert	PC
SARAN, Mohinder	The Maples	Ind.
SCHULER, Ron, Hon.	St. Paul	PC
SMITH, Andrew	Southdale	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Verendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
SWAN, Andrew	Minto	NDP
TEITSMA, James	Radisson	PC
WHARTON, Jeff, Hon.	Gimli	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian, Hon.	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC
YAKIMOSKI, Blair	Transcona	PC
<i>Vacant</i>	St. Boniface	

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS**

Wednesday, May 9, 2018

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mrs. Sarah Guillemard
(Fort Richmond)**

**VICE-CHAIRPERSON – Mr. Derek Johnson
(Interlake)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

*Hon. Messrs. Fielding, Schuler,
Hon. Ms. Squires, Hon. Mrs. Stefanson,*

*Mr. Altemeyer, Ms. Fontaine, Mrs. Guillemard,
Mr. Johnson, Ms. Klassen, Mr. Maloway,
Ms. Morley-Lecomte*

APPEARING:

*Mrs. Bernadette Smith, MLA for Point Douglas
Ms. Amanda Lathlin, MLA for The Pas*

PUBLIC PRESENTERS:

*Bill 7–The Sustainable Watersheds Act (Various
Acts Amended)*

*Mr. Pat McGarry, Ducks Unlimited
Ms. Jill Verwey, Keystone Agricultural
Producers*

*Mr. Gary Wayslowski, Manitoba Conservation
Districts Association*

*Mr. Ian Stepler, Manitoba Beekeepers'
Association*

Ms. Alexis Kanu, Lake Winnipeg Foundation

Mr. Jim Fisher, Delta Waterfowl

*Ms. Dimple Roy, International Institute for
Sustainable Development*

*Mr. Tim Sopuck, Manitoba Habitat Heritage
Corporation*

*Bill 9–The Community Child Care Standards
Amendment Act (Enhanced Powers Respecting
Governance and Accountability)*

Ms. Cindy Curry, private citizen

*Ms. Gisele Roch, Child Care Coalition of
Manitoba*

*Bill 14–The Traffic and Transportation
Modernization Act*

*Mr. Gavin van der Linde, Association of
Manitoba Municipalities*

*Mr. Chris Lorenc, Manitoba Heavy Construction
Association*

*Bill 18–The Child and Family Services
Amendment Act (Taking Care of Our Children)*

Ms. Judy Mayer, Manitoba Metis Federation

*Ms. Billie Schibler, Metis Child and Family
Services Authority*

*Ms. Doreen Moellenbeck-Dushnitsky, Dakota
Ojibway Child and Family Services*

*Ms. Natalie Daniels, Southern Chiefs'
Organization*

*Ms. Joanne Crate, Manitoba Keewatinowi
Okimakanak*

Ms. Mary LeMaitre, private citizen

*Mr. David Monias, First Nations of Northern
Manitoba Child and Family Services Authority*

*Ms. Cora Morgan, First Nations Family
Advocate Office*

Ms. Amy Komus, private citizen

Mr. Matthew Shorting, private citizen

Ms. Chantel Henderson, private citizen

*Bill 17–The Drivers and Vehicles Amendment
and Highway Traffic Amendment Act*

Mr. Len Eastoe, Traffic Ticket Experts

Bill 22–The Queen's Counsel Act

*Ms. Melissa Beaumont, Manitoba Bar
Association*

WRITTEN SUBMISSIONS:

*Bill 7–The Sustainable Watersheds Act (Various
Acts Amended)*

*Joe Masi, Association of Manitoba
Municipalities*

Bill Elliott, Fort Whyte Alive

*Michel LeClaire, The Wildlife Society, Manitoba
Chapter*

Bill 9—The Community Child Care Standards Amendment Act (Enhanced Powers Respecting Governance and Accountability)

Jodie Kehl, Manitoba Child Care Association Inc.

MATTERS UNDER CONSIDERATION:

Bill 7—The Sustainable Watersheds Act (Various Acts Amended)

Bill 9— The Community Child Care Standards Amendment Act (Enhanced Powers Respecting Governance and Accountability)

Bill 14—The Traffic and Transportation Modernization Act

Bill 17—The Drivers and Vehicles Amendment and Highway Traffic Amendment Act

Bill 18—The Child and Family Services Amendment Act (Taking Care of Our Children)

Bill 22—The Queen's Counsel Act

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Madam Chairperson: Good evening. Will the Standing Committee on Legislative Affairs please come to order.

Our first item of business is the election of a Vice-Chairperson.

Are there any nominations?

Hon. Ron Schuler (Minister of Infrastructure): I would like to move the member for the Interlake, Mr. Derek Johnson.

Madam Chairperson: Mr. Johnson has been nominated.

Are there any other nominations?

Hearing no other nominations, Mr. Johnson is elected Vice-Chairperson.

This meeting has been called to consider the following bills: Bill 7, The Sustainable Watersheds Act (Various Acts Amended); Bill 9, The Community Child Care Standards Amendment Act (Enhanced Powers Respecting Governance and Accountability); Bill 14, The Traffic and Transportation Modernization Act; Bill 17, The Drivers and Vehicles Amendment and Highway Traffic Amendment Act; Bill 18, The Child and Family Services Amendment Act (Taking Care of Our Children); Bill 22, The Queen's Counsel Act.

I would like to inform all in attendance of the provisions in our rules regarding the hour of adjournment.

A standing committee meeting to consider a bill must not sit past midnight to hear public presentations or to consider clause by clause of a bill except by unanimous consent of the committee.

We have a number of presenters registered to speak tonight as noted on the lists of presenters before you.

On the topic of determining the order of public presentations, I will note that we do have some out-of-town presenters in attendance, marked with an asterisk on the list. With this in consideration, what order does the committee wish to hear the presentations?

Mr. Jim Maloway (Elmwood): We'd suggest we deal with the bills in chronological order and that the out-of-town presenters be heard from first.

Madam Chairperson: Does the committee agree to this? *[Agreed]*

Written submissions from the following persons have been received and distributed to the committee members: Joe Masi, Association of Manitoba Municipalities, on Bill 7; Bill Elliott, FortWhyte Alive, on Bill 7; Michel LeClaire, The Wildlife Society, Manitoba Chapter, on Bill 7; Jodie Kehl, Manitoba Child Care Association Inc., on Bill 9.

Does the committee agree to have these documents appear in the Hansard transcript of this meeting? *[Agreed]*

Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in the attendance who would like to make a presentation this evening, please register with staff at the entrance of the room.

Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak to our staff.

As well, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from committee members.

If a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the same presenter is not in attendance

when their name is called a second time, they will be removed from the presenters' list.

Lastly, I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say that person's name. This is the signal for the Hansard recorder to turn on and off the mics.

Thank you for your patience. We will now proceed with public presentations.

*(18:10)

**Bill 7—The Sustainable Watersheds Act
(Various Acts Amended)**

Madam Chairperson: We are now going to deal with Bill 7, The Sustainable Watersheds Act.

We're going to deal with out-of-town presenters as previously agreed, so I will now call upon Pat McGarry, Ducks Unlimited Canada.

Mr. McGarry, do you have any written materials for distribution?

Mr. Pat McGarry (Ducks Unlimited Canada): I do.

Madam Chairperson: Please proceed with your presentation.

Mr. McGarry: Good evening, Minister Squires and MLA committee members. My name is Patrick McGarry, and I'm head of industry and government relations for Manitoba for Ducks Unlimited Canada, based at our national office at the lovely Oak Hammock Marsh near Stonewall, which I hope you all will visit.

I want to begin by thanking the members of the Manitoba Legislature for their work and collaboration in getting this bill through second reading and to this point, and I hope our comments will assist in your deliberations on this important and significant legislation.

I'm here in support of Bill 7 on behalf of Ducks Unlimited for two main reasons: Wetlands are essential to all Manitobans, and wetlands must be protected. As a preface to our comments, I would like to give you a bit of background on DUC. Ducks Unlimited Canada is a private, science-based, not-for-profit organization with a mission to conserve, restore and manage wetlands and

associated habitats to benefit waterfowl, wildlife and people. Began in 1938, right here in Manitoba at the Big Grass Marsh and has since spread all across Canada. Now, eighty years later, DU has invested \$168 million in habitat projects and secured more than 650,000 acres of wetland in Manitoba alone.

DUC has a very strong following and presence in rural and urban areas, with 60 community events across Manitoba each year, involving 832 volunteers and almost 11,000 supporters; that's a lot of dinners.

DU and our supporters are very concerned about the ongoing loss and degradation of wetlands and the benefits they provide. And that is why we strongly support Bill 7, based on what it will do for protecting our essential wetlands for all of Manitobans. This bill represents strong leadership and recognition of the ecological and social value that wetlands provide on the landscape, and we applaud the efforts of government to advance this important environmental agenda that has been in play for some time now.

Wetlands are crucial to our province. Doesn't matter where you live, whether you farm, whether you're making a living outdoors or whether you live in the heart of downtown Winnipeg and have never seen a wetland, preservation of wetlands matters to us all. It makes a difference to every Manitoban. I will elaborate shortly about the significant benefits of keeping existing wetlands but would first like to draw your attention to several key aspects of the bill that DU is very supportive of. Specifically, they are in part 4 of the bill dealing with The Water Rights Act, where there are three significant clauses of interest to DUC: firstly, the creation of a list of prescribed classes of wetlands in clause 4.1(2); secondly, the 'decalation'—decreation on no net loss of wetland benefits in clause 5.1(1); and, thirdly, wetland restoration or compensation requirement for any loss of a prescribed class of wetland, clause 5.1(2).

On that first point, prescribed classes of wetland, the government has indicated through public consultation that this will include class 3 or seasonal wetlands along with class 4 and 5, the semi-permanent permanent wetlands. The addition of class 3 wetlands is very significant for a number of reasons. They are biological hotspots, having the highest biomass per unit area of all wetland types and are home to a wide array of wildlife and several rare and endangered species. They've also been disproportionately drained due to their small size. Almost 90 per cent are less than two acres. And also

a quarter of a million acres of wetland that have been lost since the '50s, two thirds of them are the class 3; so class 3 is very significant.

Class 3 also—wetlands also provide a stack of benefits, including flood reduction, nutrient and carbon storage, biodiversity and groundwater recharge, and I will elaborate on it shortly.

The second major point that DU supports is the inclusion of no net loss of wetland benefits in the bill. This is a crucial concept to maintain these increasingly rare ecosystems on the prairies. We estimate that up to 70 per cent of wetlands in southern Manitoba have been lost since the early '50s and that ongoing loss is estimated at 3,300 acres per year, or nine acres a day, which is totally unsustainable and unacceptable loss. The no net loss principle can help stem that tide of excessive loss.

And the third key clause of the bill I wish to note requires wetland replacement or an in-lieu payment to restore a wetland if a protected class of wetland is altered or drained. This is a critical approach to 'reusing' losses and ensuring wetland protection, which DU supports. It is important to keep in mind this approach does not entirely prohibit drainage, but where it is seen necessary, appropriate mitigation of any losses will be required to maintain the principle of no net loss. However, to further bolster our support for these key clauses in the bill, DUC recommends that a mitigation hierarchy be adopted as the supporting guiding principle and that focuses at first on avoidance and invokes compensation measures as a last resort.

Yes, wetlands are an essential habitat for an amazing variety of waterfowl, wildlife and the plant species. Over 600 species of plants and animal species occur in wetlands; 17 of them are species at risk. But wetlands do so much more, and I wish to provide some factual information on their benefits and why it's so important to protect them.

They retain and store water in ways that help to lower the impact of flooding in high-water years. A recent prairie study demonstrated that peak flows are almost one third higher as a result of wetland drainage during the flood of 2011, and more water left the landscape much quicker. And you of course all remember the floods in the Assiniboine basin 2011 and 2014 where over 3 million acres either went unseeded or were flooded and cost the farm economy \$1 billion for each event thus illustrating the losing—the impact of losing flood storage and the effects on farming.

Wetlands also help to clean and purify our surface waters by collecting and storing nutrients and pesticides from field runoff. They act as important sinks for retaining up to 80 per cent of nutrients and 62 per cent of pesticides running off agricultural lands.

Wetlands also play an important role in drought mitigation by storing and slowly releasing water into our streams and rivers. They are important landscape features that provide climate resiliency in times of flood and drought, the extremes and frequency of which are expected to increase. And 2018 may be a starting point as an illustrative year of the impacts of drought.

Wetlands also provide groundwater recharge to local aquifers, which is an important source of water, especially in times of drought. And another benefit is the significant amount of carbon stored in wetlands. Prairie studies have shown that wetlands store over 300 tons of CO₂ per hectare, and if drained, they release that same amount to the atmosphere, contributing to greenhouse gas emissions.

So, by preserving our wetlands through this bill, we will lower the impact of high-water years, protect wildlife, store carbon and nutrients, and maintain some climate resiliency on our agricultural landscapes. And by protecting class 3, 4, 5 wetlands, Bill 7 will contribute to the environmental health of our watersheds and really—and we are really excited to see this come about through this passage of this bill.

You can see more detailed aspects of our support in our written submission, but at Ducks Unlimited Canada, we are really excited to see the Province moving on this legislation.

Thanks to this legislation, Manitoba will be in a position to protect over a quarter million acres of wetland in southern Manitoba, prevent up to 1,000 tons of phosphorus from entering our lakes and watersheds each year, providing carbon sinks to store 100 million tons of carbon, equivalent to three times the annual emissions of all road vehicles in Canada, provide a flood-storage capacity that will exceed 11 Shellmouth reservoirs, which translates into real savings, as those reservoirs might be valued at around \$665 million today.

* (18:20)

So there is a lot we are supportive of in seeing this act pass, and we wait with great anticipation for that to occur. Of course, there's always more that

needs to be done, but Bill 7 is an important step in the right direction.

We are looking forward to a strong commitment from this government to effectively implement the act so it will meet its intentions in wetland protection and conservation.

DUC has and will continue to assist Manitoba's sustainable development in developing regulations and guidelines for implementing the act. We are here to help. Now, that may–line may sound different from other sectors, but we are sincere.

Preserving and protecting wetlands–

Madam Chairperson: Order.

The presenter's time has expired, so we are going to move on to questions now from the members.

Hon. Rochelle Squires (Minister of Sustainable Development): Mr. McGarry, I really appreciate your presentation tonight and really appreciate the work that Ducks Unlimited has done to date in preserving wetlands in our province. And I appreciate your working with our government and being supportive of Bill 7, The Sustainable Watersheds Act, and I just want to express my ongoing appreciation for the work that you do and look forward to future collaboration. Thank you for being here.

Madam Chairperson: Mr. McGarry.

Mr. McGarry: Sorry?

Madam Chairperson: I have to acknowledge you before you speak. Otherwise, it's not recorded into Hansard. So, Mr. McGarry, did you have a response for the minister?

Mr. McGarry: Just to thank Minister Squires for her kind comments.

Mr. Rob Altemeyer (Wolseley): Thank you, sir, for making time tonight. DU's advocacy on this has been very, very helpful, dating back to when we were in office and bringing forward a not dissimilar legislative proposal. It's good to see that this is moving forward.

I do have some thoughts that I'd love to bounce off you if I may. Firstly, as you and I both know and as the public is coming to realize, wetlands have always provided multiple benefits, and you identified them there. Are there any that you would consider more important than others? Different wetlands can provide different amounts of benefits, whether it be

carbon sequestration, nutrients, water retention, all the rest of it. Is there any preference from Ducks Unlimited Canada which types of projects would be the best ones to pursue?

Mr. McGarry: Projects over another? No, I think wetlands themselves, in terms of restoration, creation, protection, are important for all the things I've mentioned. To say that one particular project is better than another because of the particular benefit, I'm not sure we would single it out that way. We see the value in the multiple benefits of wetlands. I mean, we come from an organization called Ducks Unlimited. So, you know, waterfowl might be high on our minds, but Ducks Unlimited Canada has moved a long way from the days of just simply looking at waterfowl.

The benefits of wetland are multiple. They're recognized in literature, in governments, everywhere, and we feel it's important that, when you're thinking of wetlands, including things like green infrastructure, they have multiple benefits. And that connectivity, that comprehensiveness of wetlands is important. So we wouldn't necessarily say one project's better than another. The wetland–if it's a classified wetland or a protected wetland–we're certainly very concerned about protection–restoration, similarly, as well.

Mr. Altemeyer: Thank you for that. I mean, stopping the disappearance of wetlands is clearly job one.

The government also has, under–I believe it's The Water Protection Act–a provision that, while they would be monitoring the nutrient levels in various waterways around the province every year, they would only be issuing a report on that every four years. I have suggested in a previous iteration of this bill that it should be annual reporting.

Which would be more useful for your organization, particularly if the raw data behind that was also made available publicly?

Mr. McGarry: No, the timing–I mean, Ducks Unlimited is a science-based organization. We have our own science and research programs going on. Collection and use of data by others, certainly useful. For us to say one way or another, we're just happy to get the data when we can get it and to supplement our own. We are not dependent, necessarily, on that data, but it would be useful.

Madam Chairperson: Seeing no further questions, thank you very much for your presentation.

I will now call upon Jill Verwey.

Ms. Verwey, would you have any written materials for distribution? Okay.

Please proceed with your presentation.

Ms. Jill Verwey (Keystone Agricultural Producers): Good evening, honourable members of the Legislative Assembly, ladies, and gentlemen.

My name is Jill Verwey, and I am vice-president of Keystone Agricultural Producers, commonly known as KAP. I farm alongside my husband and his three brothers south of Portage la Prairie where we have cereal, oilseeds, beef, and we also have a dairy herd.

KAP is Manitoba's general farm policy organization representing and promoting the interests of thousands of agriculture producers in Manitoba. Our membership consists of farmers and commodity groups throughout the province who set our organization's policy through grassroots governance structure. On behalf of KAP, I would like to share our organization's position and provide support to Bill 7, The Sustainable Watersheds Act.

KAP policy supports the development of a watershed-based regulatory framework that streamlines the process of implementing drainage projects on farms and provides a holistic and practical approach to water management. Water issues negatively affect farmers in Manitoba, and the changing weather patterns continue to reduce the predictability of precipitation year after year.

In Manitoba, varying precipitation patterns, including late seasonal rainfalls, have led to an increase in moisture-related challenges. Since 2010, Manitoba Agricultural Services Corporation has processed nearly 13,000 excess moisture insurance claims and paid out over \$281 million in compensation. The largest number of these claims occurred in the flood years of 2011 and 2014, costing \$162 million and \$63 million, respectively.

Typically, in Manitoba, we see an abundance of moisture in the spring, and in recent years, we have seen drought concerns in the summer months. This year, we are experiencing springtime drought conditions throughout most of agro-Manitoba. According to Canadian Drought Monitor as of March 31st, 2018, there's abnormally dry conditions in the southern half of our province, including some areas of moderate to severe drought. As well, there's

pockets in eastern Saskatchewan that have reached extreme drought levels.

Water resources are linked. Draining or holding water in one area can have an impact on water availability in another area. Drainage systems like water retention or control structures on tile drainage can move excess water off farmland and hold it until necessary—are increasing in popularity but must be implemented as part of a water management plan. Policy development and pragmatic legislative and regulatory changes are necessary in order to assist Manitoba farmers in mitigating risks associated with water management issues.

For these reasons, KAP supports the proposed changes to The Water Rights Act, in particular the development of a registration process for certain classes of water control works. We understand that the current backlog of drainage licensing applications is approximately 1,600, including ones both from farmers and municipalities. This demonstrates that there is a problem with the current system, and streamlining application and approval processes for works that can be registered is the way to alleviate the problem.

We recommend that the government be clear about the differences between the work so that they can be registered, or those that still require licensing. The more information that can be made available to farmers, the better equipped they will be to make informed drainage decisions.

KAP also has some general concerns with the proposed changes, particularly around the concept of no net loss of wetlands benefits and how licensing and compensation packages will be applied on the landscape. We have been actively working with the department and stakeholders through a committee tasked with developing regulations, and a few issues have surfaced.

First, we want to see the criteria for evaluating wetland benefits to be well defined and workable for Manitoba's vast and diverse landscape. We also recommend that the organization that is the recipient of wetland compensation payment not be responsible for evaluating the wetland or be the proponent of the offset project. We view this as a conflict of interest, as any organization that may be directly involved in receiving funds from a landowner to do wetland offsets projects could not independently facilitate a fair evaluation system.

* (18:30)

We have concerns that the offset system that is currently being proposed by the department will not work for farmers. The cost per acre that is being proposed is significant, and the offset ratios mean that the compensation payments will always be prohibitive to farmers. KAP supports this legislation only because it provides a legal framework that grants the flexibility necessary for 'sustainable' water and land management. If it is the intention of the government to eliminate the flexibility through the imposition of unreasonable red tape or high cost to farmers, then KAP would respectfully withdraw our support.

KAP recommends that the government implement an offset ratio and cost per acre that works for farmers. If the compensation ratio is too high, it may result in a cost of offsetting drainage projects being too expensive to be reasonably undertaken. As a result, the Province may lose the economic activity associated with the new productive land, place the existing wetlands at risk of being illegally drained and limit restoration enhancement and preservation opportunities.

KAP is supportive of proposed changes under The Water Protection Act. Reporting of nutrient levels will provide an opportunity for farmers to demonstrate that the practices they undertake, like utilization of four R's of nutrient stewardship, are successful in holding nutrients in the landscape and reducing runoff.

We are also support of the government of Manitoba working with water management authorities in other jurisdictions to promote and develop co-ordinated water management for transboundary river basins. KAP policy states that water management strategies should be all-encompassing and interjurisdictional in nature. Our members, particularly those living along the borders, understand that water does not abide by political boundaries. The Red River Basin Commission, the Assiniboine River Basin Initiative are actively working to overcome jurisdictional barriers and are bringing together government, industry, scientific community and the stakeholders from across watersheds to work on solutions.

KAP is supportive of the government working closely with these organizations to overcome jurisdictional challenges and enable a truly holistic approach to watershed management planning. KAP policy states that there should be a strong role for conservation districts in the development

and implementation of process of provincial water management strategy. KAP members have also established policies stating that the CDs should be appropriately funded and have a financial capacity to carry out their water management mandates. KAP issues and CD issues are linked, as our members are landowners who are living and working on the same landscapes that the CDs are managing.

KAP is supportive of the proposed name change from—of watershed authorities. It is concerning for our members that there are some areas of Manitoba that are not covered by a conservation district, so moving to a watershed-based boundary system not only more accurately reflects the role of conservation districts, but also will allow for farmers and landowners to have the access to the variety of services that conservation districts can offer. We recommend that the changes to the structure of the conservation districts happen transparently and that Manitoba Conservation Districts Association be involved completely in the process. Government must be aware that there will be a personal element to the transition and that knowledge and experience of the current CD staff should be valued and respected.

We are also supportive of the proposed changes to the partnerships of watershed authorities and see this change as a valuable development for water management in Manitoba. There are many other stakeholders, including indigenous communities, hunters, recreational 'anglerlers,' commercial fishers that, given an opportunity to partner with watershed authorities, could provide services and make changes that would benefit the entire landscape.

KAP also sees inclusive watershed authorities as a positive step towards getting a landowner buy-in and a more extensive knowledge base to work with.

Overall, KAP is supportive of the changes outlined in Bill 7. We encourage government to continue working with us and other stakeholders as the regulations are developed as we want to see the drainage and offset policy that adequately protects wetland benefits but works for farmers.

Thank you for your time.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions for the presenter?

Ms. Squires: Thank you very much for your presentation and it certainly was thorough and I appreciated a lot of the comments that you had brought here, particularly in the request for flexibility in the aspect of restoring wetlands as well as working in harmony with farmers and their goals, and we know that we can do both at the same time. We can restore wetlands, we can responsibly manage our landscape and support agriculture goals at the same time and it's really about partnerships and collaboration. So our government certainly does work—want to work very collaboratively with KAP on these mutual goals.

And you also had highlighted the historical backlog on licences for water projects, and that is certainly our goal to address that backlog through a more simplistic streamlined process through the registration process and we certainly do hope that that will alleviate that backlog so that your members can get to work in a productive manner that is in keeping with the rules and regulations as it pertains to water drainage.

So, again, thank you very much for your ongoing collaboration and for your thorough presentation tonight.

Mr. Altemeyer: Yes, thanks very much for making time and for coming in from your home community to offer your expertise. I'll echo the minister's comments on that front for sure.

I want to pick up on the part you were talking about under The Water Protection Act, where you indicate fully supportive of the government working with other management authorities in other jurisdictions, the transboundary issues that can come up. Is KAP supportive of the Lake Friendly Accord? Was that a document that KAP signed onto?

Ms. Verwey: I would actually have to refer that back to my office, but I could certainly find out for you as far as—

Mr. Altemeyer: The reason I ask is unfortunately, under the current version of this government's legislation that we're considering tonight, they've gotten rid of it. It was a document that we very effectively used. If I'm not mistaken, both the state of Minnesota's government and the provincial government of Ontario signed onto it just as commitment that they're going to try and do their upstream part to reduce impacts on us downstream. So yes, if your organization had any further

comments on that or support to offer one way or the other, that would certainly be helpful, I think.

I also wanted to—and you're welcome to comment on that if you like. I also really appreciated you highlighting that there are some areas of Manitoba not covered yet even by a conservation district, the city of Winnipeg being one of the more glaring examples. Can you inform the committee of other areas of the province that aren't yet covered and perhaps encourage the government to try and help make that happen?

Ms. Verwey: I could refer that back to the office. I'm actually—Dan is actually sitting on the regulatory committee and stakeholder committee in regards to this file and is farming unfortunately tonight so—and relatively new to the vice-president position. So I'd certainly refer that back to the office and I can certainly give you your comment on it.

Madam Chairperson: Seeing no further questions, thank you very much for your presentation.

I will now call upon Gary Wayslowski, Manitoba Conservation Districts Association.

Mr. Wayslowski, do you have any written material for distribution? Please proceed with your presentation.

Mr. Gary Wayslowski (Manitoba Conservation Districts Association): First of all, I'd like to start off by thanking you for this opportunity to speak to Bill 7 today. I am here representing the Manitoba Conservation Districts Association, and for this presentation—and we know that when this bill passes that's going to change, but for this presentation we will still be the MCDA, which represents all 18 conservation districts that currently exist in the province.

* (18:40)

After 40 years, MCDA is very happy to see the changes to The Conservation Districts Act. As an organization, we were overall supportive of the changes the changes that the government is proposing to the act. The proposed Sustainable Watersheds Act recognizes a number of initiatives that conservation districts had already been undertaking, and we congratulate the government on this bill.

We are supportive of moving to watershed boundaries; however, we know that this will create some substantial challenges, and we look forward to working with the provincial government to make this

transition as smooth as possible. MCDA's goal is to have all municipal and agro-Manitoba included in the new watershed program. It is good to see the mention of First Nations in this bill, as many conservation districts have already been working with nearby First Nations as part of their integrated watershed management plans.

The bill also mentions Northern Affairs communities and government agencies. We hope that this includes federal and provincial parks along with wildlife management areas. We also need to work together that integrated watershed management plans align with municipal bylaw plans.

We must also ensure that some of the fundamentals of the conservation districts program remain in place. The conservation districts are made up of local people who know their areas. We must recognize that we live in a province that is—has a very diverse landscape. Programs that work in one conservation district might not work for another. The new watershed management areas need to have enough autonomy moving forward so they can continue to choose which programs they enter into that will serve the needs of their area.

Our conservation districts have demonstrated a history of delivering programs and projects, and we look forward to continuing this work.

We realize that this is a time of financial restraint and that there are many challenges on the horizons and new programs coming on board, including the carbon tax, the GROW program, climate-and-green-planet implementation, the Lake Winnipeg Stewardship Basin Fund, and the Winnipeg Foundation fund to—just to name a few.

We feel, as conservation districts and future watershed districts, we are uniquely positioned to work with the government to help deliver these programs. We feel we can deliver them in a very cost-effective manner. Our board members bring local knowledge to the table, with knowledge of agriculture, local conditions and the needs of local municipalities and rural and urban areas.

Our board members are excited about the new challenges facing us as we move forward. We realize that this bill is only a first step and that there are many challenges for all of us to work through. One of the things that our members continue to impress upon us is that we need to have the funding in place to make sure that our valuable programs continue.

And, once again, I'd like to thank you, and we look forward to working with you in these new and exciting endeavours.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions for the presenter?

Ms. Squires: Well, thank you very much, Gary. Really appreciate your presentation and appreciate you bringing a copy of the Current here for our reading pleasure this evening.

Just want to congratulate the work that the conservation districts do. You're really the grassroots on the land and really work so hard to sustain our land and waterways and environment in an integral way, and we look forward to the ongoing contributions of your association on a go-forward basis. So thanks again for being here tonight.

Mr. Wayslowski: And we look forward to—as I said in the presentation, we look forward to looking—look—working forward with you and moving this whole program forward. We're excited about this. We know there are some challenges, but we—there are some new things on the horizon that we're very excited to see, and we want to work with you to make sure that those happen.

Mr. Altemeyer: Thank you, sir, for coming down. And please—on behalf of our caucus, please pass along our deep thanks to all of your members for the really important work that's been done on the land for many years. It was my predecessor, actually, the MLA for Wolseley, Jean Friesen, before me who played a bit of a role in expanding and in raising the profile of it, so it's neat to see this next step take place, which we're fully in support of.

My question for you today concerns sort of the—your experience and the relationship between trying to manage water in a different way through the work of conservation districts and then this act compared to the powers that are still vested in The Planning Act, which, ironically enough, just down the hall is also being debated tonight.

What has that dynamic been like? Do you have any insights for us?

Mr. Wayslowski: There—the—a lot of the planning and development are not meshing with the integrated watershed management plans, and that's one thing that we certainly have to work with. And Bill Barlow, who was from the conservation district that I

was from, made sure that when their area did their planning and zoning bylaw, that they did reference the integrated watershed management plan.

Certainly, some of the issues—and our conservation district in the East Interlake—and I'm here representing everybody, but we're one of the conservation districts that is now commenting on planning and zoning. Interesting that—and there was a decision that we applauded in our area, where we had set aside, in the integrated watershed management plan, a 100-metre buffer zone from the lake. And that was challenged, and it did—the municipal board did say—did agree with that.

The problem with that is, as a conservation district, we were only allowed to make presentation because we were called by the planning district. We, as a conservation district board, were not given the opportunity on our own to do that. We were not given standing. That's something that we would like to see change in the future, but that's a very important role in what we play.

Certainly, any type of subdivisions, there's water issues, there's retention issues, and we'd certainly like to play a role in that.

Mr. Altemeyer: I really appreciate your—you sharing that experience, because that's what I've been hearing as well. We still have this—a bit of a disconnect. So it's a relationship, and you've got a really good one in your area. That might not be true in the 17 other areas. So certainly something for us all to note.

I would also just ask—one of the concerns our caucus has had about Bill 19, the planning act changes being debated just down the way, under the new rules, only a proponent for a new development, whether it be a subdivision, or an agricultural operation, only the proponent would get a chance to appeal a decision. Citizens or citizen organizations would not be allowed to do that.

What do you—what impact do you think that type of a change would have for the work you're trying to do from a watershed perspective?

Mr. Wayslowski: At this point in time, we are a commenting agency. We are still—the municipalities are still the ones that appoint us and drive this issue. I'm not sure we're looking for the appeal. The commenting is good. Some standing at some hearings would be a good thing, but to have the right to appeal, I'm not sure that that's something that we would want to be looking at.

Madam Chairperson: Seeing no further questions, thank you very much for your presentation.

I will now call on Ian Stepler, Manitoba beekeeping association.

Mr. Stepler, do you have any written materials for distribution?

Please proceed with your presentation.

Mr. Ian Stepler (Manitoba Beekeepers' Association): I want to thank you for the opportunity to be here today. I am here to comment on The Sustainable Watersheds Act in Bill 7.

I sit as a director on the Manitoba beekeeping association, and I represent 225 beekeepers who manage 105,000 honeybee hives within our Manitoba industry. Annually, our Manitoba beekeeping industry produces 15 million pounds of honey valued at \$21 million, and directly contributes \$120 million to \$150 million of honeybee pollination to our Manitoba agricultural production.

The Manitoba beekeeping association has been our beekeeping industry's collective voice since 1903 and has worked tirelessly to advocate not only for the honeybee industry in Manitoba but also for the protection of all pollinators. Our challenge is to work for the general welfare of honeybees in Manitoba and the prosperity of Manitoba beekeepers.

I'm here to support The Sustainable Watersheds Act in Bill 7. I'm here to demonstrate why this act is important to our Manitoba beekeeping industry, and I am here to further comment on land development issues that need serious and immediate attention.

* (18:50)

Our landscape is changing. Our lands are being managed unlike anytime in history. We are losing our natural riparian areas and prairie wetlands from overreaching drainage projects; projects where land development encroaches into areas never before considered for cultivation: ravines cleared, levelled; dedicated wetlands drained, tiled; and natural wetland muskeg cleared, tiled and farmed. Natural lands and prairie wetlands maintain a diversity of tree, shrub, berry and flower and plant growth. It's this diversity of plant growth which provides our honeybees with rich, nutritious pollen and nectar throughout the season.

Our prairie landscape is currently experiencing irresponsible riparian and wetland development, which has recently increased due to the increase in

land prices, equipment availability and tile drainage. It is the position of the Manitoba beekeeping association that all places of our lands do not need to be farmed. We believe that society must start valuing these prairie wetlands and other natural, unfarmable lands, and we feel that this government's responsibility to recognize an increasing problem and actively work with farmers to help preserve our natural lands and nature within it.

Natural lands are an important food resource for honeybee hives and other pollinating insects. It's here where the bees collect pollen and nectar to use as their primary food source. Pollen is a powdery substance given off by the flowers and is the bee food used to develop the honeybee nest. It contains all the nutritional requirements for a honeybee hive to develop and sustain its growth throughout the year. We have yet to crack the code on pollen to enable us to provide a feed substitute. Without pollen, our bees can't survive.

Agriculture is changing, and it's been changing over the last 50 years, especially over the last 10 years. We are managing our land differently than ever before. Farmers have the technology at their fingertips, which has allowed them to achieve the brilliance they were born for: tools at their fingertips which allowed farmers to grow that crop, only that crop and nothing but that crop. This has resulted in a landscape dedicated to monoculture and has resulted of the loss of biodiversity scattered throughout our cultivated fields, which has been a very important source to our honeybees. To compound this problem, farmers have the ability to improve and change the makeup of our lands, to allow cultivation in areas previously impossible to develop.

As a voice for the Manitoba beekeeping association, our position is that we do not—our position is that we need to develop programs to promote and preserve wetlands and natural lands to provide the recognition to landowners for their contribution and ongoing efforts in regards to sustainable land management. We as beekeepers place huge value on natural lands left throughout the prairie landscape, and we ask this government to do the same. Our voice comes to you of one of balance. We are not interested in criticizing the routine land improvement projects; in fact, we encourage it. We're not against cutting red tape and streamlining the permit process on land improvement initiatives. Farmers need to be able to access these tools to help improve their cultivated acres and make their land more productive. Beekeepers directly gain from

the success from the farming community. We do, however, insist that this government also recognize the disregard that some of the landowners have toward your sustainable land development regulatory process, and we insist this government beef up the enforcement to stop illegal drainage works and to stiffen up penalties towards these deliberate, ignorant acts. If this government does not enforce stiff penalties on illegal land development, there will be no natural land in the near future.

The Manitoba beekeeping association has found a common voice with the Keystone Agricultural Producers, and we support their efforts to promote ALUS, Alternative Land Use Services program. Our common voice carries on the opinion that our intention is not to interfere with cultivated land management projects, but to solely focus on projects in marginal eco-sensitive lands to develop projects around the margins. The vision Lara Ellis provides as director on the ALUS project falls in line with the values of the Manitoba beekeeping association. She states: The vision of ALUS is to create healthy landscape that sustains agriculture, wildlife and natural places for all Canadians.

The Manitoba beekeeping association specifically supports projects and initiatives which would include the preservation and protection of wetlands and natural lands by providing recognition to landowners with land tax rebates of that property; to provide function of outside donor support that layer the incentives to value eco-sensitive lands; to create programs around farmers, with farmers and their communities, who are the stewards of our land; to help enhance better decision making around sustainability; to establish pollinator riparian buffer zones; and to establish ecological beneficial projects, which include enhancing pollinator habitat through cost-sharing programs.

Natural riparian wetlands, pastures, ditches, tree rows and other small pockets of the natural world are our honeybees' only source of essential continued season-long nectar and pollen. When farmers leave places of nature as unfarmed land, they provide the resources for our hives to live on until the cultivated crops bloom. In return, our bees provide crop pollination and then we huge—harvest huge honey crops to sustain our livelihoods.

There's been a long-standing understood relationship between farmers and beekeepers of our environmental stewardship and our inherent responsibilities in managing the land. As the

dynamics of agriculture industry are changing so are the attitudes towards sustainable land management and the responsibilities to uphold that.

I just want to close on a more personal note. We farm 3,500 acres of cropland and we manage a 500-head cow-calf operation and manage a 1,200-honeybee hive operation. I'm the president of this farm and I'm also the farm's beekeeper. Recently our farm received the 2018 Pembina Valley Conservation District award in recognition of our farm's unique perspective as we balance the need to farm our lands and to produce crops and graze livestock with the need to conserve and preserve our natural lands to feed our honeybee hives.

Because of our honeybee enterprise, our perspective on agriculture is changing—has changed our broadened—our perspective on agriculture is changing—has broadened and allowed us to acknowledge the natural world we live in. Farmers see anything other than crops they grow as weeds. Beekeepers see these weeds as food. Our farm has embraced this modern-day technology as well: we view weeds as weeds. But along with keeping our landscape weed free, we make a point of providing a place where our farm provides weeds as bee food.

You'll notice as you drive around our farm that we maintain those little pockets of wetlands within and around our fields. You notice we maintain trees of all types of shrubs growing along our natural waterways, and you'll notice we maintain a vast 500-acre ravine free of any type of farm management. You'll notice all of our field road allowances are left unsprayed. You'll notice that we cut our road allowances after important flowering plants have cycled to maturity. All of our efforts help maintain flowering diversity for our honeybees to forage on. You'll notice as you walk through our farm we maintain abundant diverse plant growth, and within that, you will notice a diversity of living insects, including honeybees. You'll notice life on the ground, life within the plant canopy and life flying in the air.

Drive out of our farm's reach towards more intensive agriculture, you'll notice a complete lack of diversity and no life to be seen. I call these areas living deserts.

As a beekeeper, as a farmer and as a voice for the Manitoba beekeeping association, I ask this government to make an effort to appreciate and maintain these little pockets of the natural world. I ask this government to beef up enforcement to

prevent illegal works and to stiffen up penalties towards illegal land development. I ask this government to fully implement the ALUS project laid out by KAP. It is the initiatives within ALUS which will help preserve these little natural pockets within our lands and help keep our bees alive and nature alive.

I appreciate the opportunity to speak in front of you today. And I'll field any questions if you have any.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions for the presenter?

Ms. Squires: Well, thank you very much, Mr. Stepler, for coming here to present and support our government's Bill 7, The Sustainable Watersheds Act, but more importantly, thank you so much for being such a good steward of the land, and congratulations on your recent conservation award, and keep up the good work, and I really appreciate your perspective today and bringing the perspective of a beekeeper to this committee this evening. So thank you very much.

Mr. Stepler: I appreciate the comments. Thanks.

Madam Chairperson: Seeing no questions, thank you very much for your presentation.

Bill 9—The Community Child Care Standards Amendment Act (Enhanced Powers Respecting Governance and Accountability)

Madam Chairperson: We will now move to Bill 9, The Community Child Care Standards Amendment Act, and I will call upon Cindy Curry, private citizen, to present.

Also, just for the information of the committee members, we have another name added for a later presentation to this bill, Gisele Roch, Child Care Coalition of Manitoba.

Do you—sorry, Ms. Curry, do you have any written materials for distribution?

Ms. Cindy Curry (Private Citizen): Not tonight, no.

Madam Chairperson: Please proceed with your presentation.

Ms. Curry: Thank you to the Chair of the committee. Good evening, honourable Minister

Fielding and other honourable ministers and members.

* (19:00)

I am an early childhood educator. I have been in this field for 29 years and held various roles such as front-line staff, supervisor, director of a non-profit centre. I currently operate a licensed family group child-care program in Portage la Prairie as well as instruct at the Portage Red River College campus.

The proposes—the proposed changes to the committee—to the community child-care act are a move in the right direction in better supporting Manitoba's early learning educators in continuing to strive for higher quality child care. With less red tape and redundant requirements, time is then freed up for family child-care providers, directors, and front-line ECEs to better to be able to focus their time on the children in their programs, which is where the majority of their focus should be.

If we truly want to provide quality care, then we need to—the time to do that, and it is a struggle to balance the needs of our programs with the needs of complying and completing with all the paperwork that is required by the government. This reduction in red tape and 'redunsancy' I also feel will help move towards allowing the co-ordinators who oversee our various child-care programs more time to be able to support struggling programs. With less paperwork and repetitive requirements, including yearly relicensing to deal with in strong programs, they would be able to better spend their time with programs who really need their attention. Co-ordinators' time is always so limited, and they are spread so thin with overseeing so many programs, it is hard for them to give the programs that they—that do need their extra help the time that they really need to be able to improve.

Simplifying the language in the act will make it easier for everyone to understand, and making the language more inclusive moves us forward towards current trends in society. It is important for us to be using language that includes everyone. As a sector that works closely with all families, we want to be inclusive and to make everyone feel valued and respected.

As a profession, we as ECEs work hard to provide quality child care to Manitoban families, and we need to be able to spend more time on our—on creating quality programs, supporting and mentoring new ECEs and new family child-care providers and

having an opportunity to network and develop a support system outside our own programs.

We should also be able to have more time to spend supporting the families we serve. With these proposed changes, I feel this is a step in the right direction in continuing to strive for the quality we want to ensure that we are offering the children and families in Manitoba.

With this being the first phase of the government's two-phased approach, I hope the second phase that has been identified to come in 2018 and '19 will include more amendments that directly affect family child care as well as centres. For example, I would like to see group family child-care operators be allowed to hold their own licence rather than have their employees listed on it.

I would also like to see mandatory professional development hours for early childhood educators and child-care assistants who work in both family child care and centres. At this point, there is no requirement for family child-care providers to do extra professional development, but there is 24 hours for centre staff, but there is really no way to make sure that there is compliance with this.

I am very passionate about my profession and the children and the families that I work with. I am pleased and optimistic about where the government will take child care in the future, and I strongly believe we need to work together to create and ensure quality and that we support different types of child-care 'progras' because families deserve a choice in the care that they have access to.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions for the presenter?

Mrs. Bernadette Smith (Point Douglas): I want to thank you for your presentation. There are some good things about this bill that I like. As a parent, who was on a board of directors in a daycare that my daughter attended and now as a grandmother of a daughter—or a granddaughter that's in daycare, you know, I value the work that you do. You do tremendous work. I was an educator; I worked with, you know, kindergarten all the way up to grade 12. So takes a special person and a special skill to do that work.

A couple of questions. So the powers to suspend a board: have you ever had to—in all of your career, have you seen that ever had to be—have to be done?

Ms. Curry: I have never seen it had to be done; no I haven't. I've certainly heard of, certainly, situations that it might've benefited having someone—somebody coming in and help the centre and the board that might have been not working in the best interests of the centre.

Mrs. Smith: What this act does is it says that the authority is to the director to take the board and, you know, basically say that they have no authority anymore and take over that power.

So the second question I had was in regard to families that are receiving subsidy. You know, they're already in need; they're already vulnerable families that are getting subsidy for a reason. In this act, it says that if there's unpaid, you know, dues due to false reporting—and as a parent, you know, my income fluctuated. You know, I worked shift work; I worked casual work, so sometimes I didn't always remember. I was a single mom of two kids, you know, and I didn't always have time to do that, and sometimes it took a month later.

So this gives the authority of this government to take people to court to get those funds back. So we're punishing parents that are already, you know, living in, you know, poverty, that require subsidies. Do you think that that's something that you would support?

Ms. Curry: I don't think I would necessarily want to see families that are struggling losing more money. I think if what they've reported is accurate, I really—I don't think I can speak anymore on that. It's not an area that I would feel comfortable speaking on.

Hon. Scott Fielding (Minister of Families): First of all, thank you for your presentation, and I want to thank you for your 'advocacy'—advocacy on a number of issues, and especially on EC training. And I've had a number of conversations with you, so helping to understand even myself in my earlier role, anyways, with things, the importance of that. And so, you know, I do want to say, with some of the, you know, partnerships with the federal government that have come to the table, there is some more, I think, important work with ECEs and the training and that sort of stuff.

And some of the—I want to just say that some of the information that you provided to us helped us to form some of those ideas. So I just want to say thank you for not just informing me, but informing the bill

and informing—not just—not the bill here, but, per se, the federal government commitment and how we may ensure that people have professional development, because we do think it is important. So I just want to thank you for everything you do on an everyday basis and for your involvement, whether it be emailing, texting or tweeting—tweeting—any one way or the other, so thank you for everything you do.

Ms. Curry: Thank you. I appreciate for being listened to.

Madam Chairperson: Seeing no further questions, thank you very much for your presentation.

Bill 14—The Traffic and Transportation Modernization Act

Madam Chairperson: We will now move to Bill 14, The Traffic and Transportation Modernization Act.

I will now call upon Gavin van der Linde, vice-president, Association of Manitoba Municipalities.

Just for—okay, just for clarification, I had mentioned there was a name added to the previous bill, but we will be going back to in-town presenters after we hear from all of the out-of-town presenters for all bills.

Mr. van der Linde, do you have any written materials for distribution?

Please proceed with your presentation.

Mr. Gavin van der Linde (Association of Manitoba Municipalities): Thank you all. Good evening, honourable members, ladies and gentlemen. On behalf of the Association of Manitoba Municipalities, I just want to thank you for the opportunity to present tonight and to discuss municipal priorities related to Bill 14, The Traffic and Transportation Modernization Act.

I'll begin my presentation today by providing a brief overview of AMM and then discuss current municipal relations with the Highway Traffic Board and our recommendations going forward to give municipalities more autonomy in determining speed limits within our communities.

The AMM was formed in 1999 as a result of a merger between the Union of Manitoba Municipalities and the Manitoba Association of Urban Municipalities. Our organization is independent, non-partisan, and our mission is to identify and address needs and concerns of our members in order to achieve strong and effective

local government. Our members consist of all of Manitoba's 137 incorporated municipalities, including the City of Winnipeg.

In regards to Bill 14 specifically, I would like to be clear on behalf of AMM that we welcome the review of the Highway Traffic Board's mandate, as the current application process for speed limit changes in local communities is mired by red tape and lengthy time delays. Obtaining approval from the Highway Traffic Board to adjust speed limits on a stretch of road can take years, and this is currently very common practice.

*(19:10)

For example, the City of Winkler has been advocating for speed limit changes on a stretch of road since 2007. Applications from the City of Winkler for speed changes on roads have also been rejected by the Highway Traffic Board after two or three years since submitting the initial applications. Similarly, various applications submitted by the RM of Macdonald have been in limbo for more than two years. Many of these applications RM of MacDonald has not yet received any additional correspondence from the Highway Traffic Board, indicating the findings of engineers' reports or when hearings will be held. Additional examples of unnecessary red tape and time delays relating to the functioning of the Highway Traffic Board were highlighted in our formal submission to the Red Tape Reduction Task Force in March of 2017.

Moreover, the joint—the technical advisory committee on conditions of subdivision approval which was co-chaired by AMM and Manitoba Municipal Relations, also highlighted in its recommendations the Highway Traffic Board's unnecessary red tape. The tech's final report mentions the Highway Traffic Board issues permits for access to limited-access highways. In Saskatchewan and Ontario, the Highway Traffic Board is not involved in subdivisions or development-related issues at all.

Under the current Highway Traffic Board process, here in Manitoba, it takes an applicant approximately two to four months to obtain the necessary permits and this slows economic development opportunities in local communities. In November 2017, the City of Winkler and RM of MacDonald, jointly presented a resolution at our annual convention calling for greater autonomy for municipalities in determining local speed limits and

this was overwhelmingly supported by more than 800 municipal officials from around the province.

AMM welcomes the provision of Bill 14 to allow municipalities to set speed limits of up to 90 kilometres an hour, as well as the ability to override default speed of 50 kilometres an hour by bylaw in certain circumstances. Granting local councils the legislative authority to establish speed limits within their respective boundaries not only further recognizes municipalities as a mature order of government, but also adheres to the provincial government's commitment to give our members more say in how our communities are managed. Simply put, municipalities know their own roads the best.

Going forward, engagement and consultation with our organization and Manitoba municipalities will be essential to ensure a smooth transition process and consistent practice across the province. We therefore request that the AMM be consulted throughout the development of regulations associated with this act. Allowing municipalities to establish speed limits within specified parameters in the regulations will require clear communication and tools, such as bylaw templates from Manitoba Infrastructure and Manitoba Municipal Relations.

The Department of Infrastructure must also indicate resources—dedicate, sorry, resources to review municipal applications and appeal in a timely manner. Departmental process much be transparent and streamlined with no red tape.

In regards to other aspects of Bill 14, the AMM is also supportive of giving municipalities more say regarding inter-municipal bus operations. We are aware of cases in which the motor transportation board has denied municipal requests for operating inter-municipal bus services. Promoting competition within the charter bus industry is a positive step forward, which should help communities to pursue this service, if interested. Meanwhile, allowing municipalities to offer inter-municipal bus operations will be essential for continued growth and shared services.

In closing, AMM would like to underscore its appreciation to the provincial government for giving municipalities greater autonomy and a greater say in the day-to-day management of the operations. Reducing red tape when determining speed and municipal speed limits is long overdue and it will lead to decisions that respect municipal authority and knowledge within local communities.

I just want to thank you for the opportunity to provide these comments this evening and if you have any questions, I'd be happy to answer them.

Madam Chairperson: Thank you for your presentation. Do members of the committee have questions?

Hon. Ron Schuler (Minister of Infrastructure): Well, first of all, thank you very much Mr. van der Linde for being here and on page 4, second sentence, you write, simply put, municipalities know their own roads best.

I would also add to that, you also know your communities best. And with this piece of legislation, you're also going to have a much easier process. For instance, we have a town here in rural Manitoba where the Legion wanted to put a new ramp on and had to go to the Highway Traffic Board, because it seemed to just come very close to the right of way that the Province holds. And it has to go through a very onerous process of the Board and it's just is really full of red tape.

So, and we really appreciate your comments in that.

I just want to be clear, you have already spoken to the department. And I was there myself personally, that we've made it very clear you will be consulted throughout the development of the regulations. And we did say that very clearly to the AMM. I just want to be assured that you got that message. Is that correct?

Mr. van der Linde: Yes, thank you, honourable Schuler. I appreciate that. Yes, in our meetings that message did come across clearly. At AMM we have long requested a fair say in a lot of those areas, and specifically, this has been one of the areas that we hear from most of our municipalities on.

And, on behalf of AMM, just to say, thank you for the ability to have a fair say in these issues, and it's been one of the biggest issues that's been taken off the table for us.

Madam Chairperson: Honourable minister, on a follow-up.

Mr. Schuler: The next paragraph, if you talk about allowing municipalities to establish speed limits within specified parameters in the regulations, and you go on to talk about templates. We made it very clear to—and I always want to make sure that the message got through—that we have a six-month

provision, but even if we don't make that six-month provision, that we will still have laws in place.

Like, we don't—the six months runs out and then it's just the Wild West. Like, the provincial laws will be in place until such time as everything is done, all the proper motions are put forward by councils. And the AMM and your affiliates, like, you know that that's the case, right? That this is more of a marathon than a sprint. We'll make sure that everybody gets it right before we hand over that responsibility. That impression has been left, correct?

Mr. van der Linde: Absolutely. At AMM, we are aware that regulations are essential. We're not asking—we would never be asking for no regulations, and we're just asking for unnecessary red tape to be done away with, and we feel like this is a great step in the right direction.

Madam Chairperson: The honourable minister, on a follow-up.

Mr. Schuler: And then I have one more question on this paragraph. The Department of Infrastructure must also dedicate resources to review municipal applications and appeals in a timely manner. Departmental processes must be transparent and streamlined with no red tape.

I'm confused where that fits into all of this. Is that mean that with the process leading up to the authority being transferred over—can you just help me with that paragraph?

Mr. van der Linde: Absolutely. So at the—as that is developed, from a municipal perspective, we would like as much support as possible to go the next step in this, and so the departmental support and transparency in this would be very valuable to us.

Mr. Jim Maloway (Elmwood): As the opposition critic for Infrastructure, I want to thank you for a very well-presented presentation this evening.

Mr. van der Linde: Thank you very much.

Madam Chairperson: Seeing no further questions, thank you very much for your presentation.

**Bill 18—The Child and
Family Services Amendment Act
(Taking Care of Our Children)**

Madam Chairperson: We will now move to Bill 18, The Child and Family Services Amendment Act (Taking Care of Our Children).

I will now call upon Judy Mayer, minister, Manitoba Metis Federation.

Ms. Mayer, do you have any written materials for distribution?

Please proceed with your presentation.

Ms. Judy Mayer (Manitoba Metis Federation): Good evening. On behalf of the Manitoba Metis Federation, we'd like to say that the Manitoba Metis Federation supports customary care provided for indigenous children of Manitoba.

The following are points for recommended changes to Bill 18:

(1) Under the 'explanatory' note, it states: other amendments that support customary care include requiring that notice of a court proceeding relating to a Metis child be given to the Metis agency responsible for serving the child, in the same way that notice representing a First Nations child is given to the agency serving the child's First Nation.

We as members of the Manitoba—of the Métis Nation are extremely pleased to see this long awaited clause. Our question is, will it be embedded in the actual legislation?

(2) Section 3(b), indigenous includes First Nation, Metis and Inuit. Since the devolution of Manitoba child-welfare system in 2004, the Metis CFS Authority has been mandated to provide services to the Inuit population. While we greatly respect our Inuit brothers and sisters, at this time of reconciliation and commitment to the distinct indigenous cultures of Canada, we support the Inuit population to have their own mandate to provide their own unique cultural child-welfare services.

* (19:20)

(3) Section 8.28(4): For the purpose of this part, a child's indigenous community is (b) the Manitoba Metis Federation Inc. if the child's parent or guardian is a citizen of the Manitoba Metis Federation Inc. and has requested its participation in planning or providing customary care for the child.

We are citizens of the Manitoba Metis Federation, not members. It would be our recommendation that the Metis Community Liaison Department, also known as MCLD, who has workers in every region of Manitoba, be a formal party signatory to the customary-care agreements, as they are a non-government, non-political community body who support and advocate for our Metis

families. This would assist in defining who our Metis community signatories are.

The second part is for our CEO to do.

Madam Chairperson: We are going to ask for leave from the committee to allow a second part to the presentation.

Is there leave? *[Agreed]*

So this is going to be a joint presentation, then, along with Billie Schibler? Yes, okay. Go ahead.

Ms. Billie Schibler (Metis Child and Family Services Authority): Good evening.

So the additional areas of concern that we've identified is: How will customary-care agreements apply for matters that are currently in front of the family courts? Have the provincial judges been briefed on this legislation? That, I think, is going to be a very important one as we move forward.

Also, what will happen with children currently in long-term, non-Metis foster care, whose caregivers will not support the child's involvement or move to biological family or cultural community through customary care? We have had and we currently do have situations where these foster parents have appealed the child's removal and the courts and adjudicators have ruled against their culture and supported the continued care of the foster—by the foster family.

So those are areas that we are still concerned about as we move forward with customary care.

Thank you.

Madam Chairperson: Thank you for your presentation. Are there any questions from committee members?

Mrs. Bernadette Smith (Point Douglas): I just want to thank both of you for your presentation and, of course, you know, lift you up for the work that you do for our kids.

And, as a Metis woman myself, you know, I just worry about some of the children that aren't—you know, that are not card-carrying members and that aren't connected to the Metis communities. And we just introduced a bill today that talked about, you know, urban indigenous children that wouldn't fall under this customary-care bill because they're not connected to communities.

How do we, you know, ensure that those kids are getting the same supports as this bill is? What are your thoughts on that?

Ms. Schibler: Thank you for that question. I think that's a really important one, and it's one that we have also discussed. And I think that is why we feel that that piece that's under the explanatory note that's requiring the notification is going to be a very important one because it identifies a Metis child; it doesn't identify a card-carrying citizen.

And so I think that allows for a lot more latitude for us to still continue our involvement and our planning for those children. We know that there's a lot of families out there that would fall under that category and don't see themselves connected. While we will encourage them to become, you know, citizens, we know that we still have to be able to provide the customary-care services for them.

That's the movement coming from our agencies. That's where we're going. We're doing this and it's very, very important for us to see this transpire.

Thank you.

Ms. Judy Klassen (Kewatinook): I want to thank you ladies for your presentation. I also have an issue with—in respect of our non-status First Nations people and how this will affect them, as well. I personally know many children as well that—where their foster parents have simply outright stated that, no, they will not let go of their children. And it's very scary because we want our children back.

So what would you like for us to do as opposition and as a government to address this serious issue? Have you submitted an amendment for consideration for the minister? And, if so, can we get copies of that amendment?

Ms. Judy Mayer: At this time, we haven't done that. That is something that we will be doing, moving forward.

Mr. Fielding: Well, first of all, I want to thank you both for not just your—Minister Mayer, I want to thank you for the consultation session that you facilitated both in Dauphin and in Winnipeg. I want to thank you for your leadership on this, and Billie as well. Billie has done a great job with the authority and managing it in a whole bunch of different aspects.

I do—and just a question more to Billie, I guess. You were asking, I think, about the foster-care appeal process. So could you maybe expand upon

that? And I know that is something that the Legislative Review Committee has been—a topic that has been discussed. And, you know, for the purpose of this committee, obviously the Legislative Review Committee, there is—Frances Chartrand is the member for Metis that is a part of that group—has been debated. So could you expand upon your comments in regards to that?

Ms. Schibler: So I think it's important. You know, as I've indicated, our agencies are moving into the direction where customary care and bringing families together is a priority. That's the—if we ever want to change the way that communities and society and this country looks at child welfare, we need to do this. We need to do it straight across the board, no matter what the culture is.

Having said that, though, we know that we have faced challenging situations where—and bless their hearts. We really value the caregivers that step forward and want to provide care for children. But our children are not to be owned, and that's a message that we're trying to instill within caregivers that we are bringing on now. But some of them have been historically involved within the system, providing care, and they really take their role seriously, and they become what they consider the forever family. And we go, they already—these children already had a forever family.

Our difficulty is that there's been two veins of thought out there, and it's instilled in the communities, and it's going to be challenging to undo it. One is: What supersedes the other, culture or stability within a family? So, if you say having a child in a home, no matter what their culture or their—you know, their spiritual beliefs or whatever, if they're committed to that child, that's the most important thing, that sense of belonging to that child. But we also know, historically and from research, that children that have come back through the '60s scoop, children who have gone through difficult adoptions, lose their identity, don't know who they are, come back, and it's wreaking havoc in many of our families' lives for generations.

So, for—

Madam Chairperson: Order.

The time for questioning has expired for this presentation. So thank you very much for your time and for your words.

I will now call upon Doreen Moellenbeck-Dushnitsky, Dakota Ojibway Child and Family Services.

Ms. Dushnitsky, do you have any written material for distribution?

Ms. Doreen Moellenbeck-Dushnitsky (Dakota Ojibway Child and Family Services): Yes, lots.

Madam Chairperson: Please proceed with your presentation.

Ms. Moellenbeck-Dushnitsky: First, I'd like to say my name is Doreen Moellenbeck-Dushnitsky. I'm from Dakota Ojibway Child and Family Services, and I'm a member of Shoal Lake First Nation in Ontario.

* (19:30)

I'm honoured to present to the committee today to provide recommendations to Bill 18. Upon review of the recommendations, it's important to keep in mind our children are gifts from the Creator and are integral parts of the family, the community and their culture. They will become our future leaders and need—and we need to pave the way for them to be nurtured, loved, cared for, and to be proud of their indigenous heritage.

With regards to the proposed legislation, there needs to be—the first step is not only to express an interest in entering into customary care; it's also—it should be one that would be mandatory, so if a child is in the need of protection, that would be a first step that they would go to the community and not when interest is expressed by the parent.

There's six recommendations in total that we will be providing. Parties to the agreement, having a community representative involved in the process to enhance relationship of the community and the child welfare agency by incorporating culturally appropriate responses to the areas of concern. This reinforces the community-care model and also fosters a strong sense of identity and belonging to the community.

In addition, adding the representative to the community's indigenous—rather, adding a representative of the child's indigenous community ensures the communities are involved with the placing decision of their children.

Recommendation No. 2, the length of the agreement: by reviewing the customary-care plan at regular intervals will provide for opportunities for

modifying plans, support and service provisions required for the parent, the caregiver or the child. But there also needs to be recognition that healing takes time and this will also ensure that the parent and the child receive the services and the programs that they require.

Recommendation No. 3, the age of majority: there are multiple reasons for children to be entering into customary-care agreements. They need to be provided the same opportunities as other children in care who are—who require services beyond the age of 18. They may only—that may only not—that they may not be able to access from other federal or provincial programs within the province.

Number 4, court proceedings: including the best interests in the declarations into the court proceedings will increase the need for indigenous children's cultural identity and community connections to be equally important.

Disburse maintenance: the agency has—the agency have direct funding relationships with the federal and provincial maintenance payments and are billed—directly funded through the division. Consequently, this section is not required and authority does not facilitate or play a role in the disbursement of maintenance dollars. Customary care allows for the community and the agency to have the power and—to facilitate to taking care of their own children.

With this being said, should be afforded that they would be allowed them the rights to control their monies attached to the family's children and their youth.

Authority review: the current wording of the proposed legislation suggests that although there are—allows for more authority to the authority in the delivery of support and service provisions when they are not familiar with the communities, the cultural identity, and the connection to the family, the children that they have to the community, so its recommendation to use the current CFS act, section 54, that director shall review each 12-month period in care and review at that time.

With the introduction of the Bill 18, we now have an opportunity for our communities to facilitate and have a voice in the care of their children. The term that it takes a village to raise a child holds true. Keeping in mind a quote from the Aboriginal justice implementation commission in 2001, which explained that for the first time in over 100 years,

many families are experiencing a generation of children who live with their parents until they're teens.

Considering it was approximately 28 years since the report was released, approximately five generations have been historically impacted by policies they have no control over, which they now have control—they could have control over.

Lastly, we are hopeful the committee will take into consideration the recommendations to protect and enhance and preserve our cultural identity and connection to our communities for our children and all our families.

Did it real fast.

Madam Chairperson: Thank you for your presentation.

Does the committee have questions for the presenter?

Hon. Scott Fielding (Minister of Families): Well, first of all, thank you for your presentation—well thought out. And I do have some questions.

In terms of the—I guess the first recommendation, you talk about the parties to the agreement, the customary-care agreement. So, just so I'm clear, you're suggesting that we add in the representative of the children's indigenous community. Obviously, the customary-care provider, that would be part of it.

The way—and I'll phrase this maybe in a question—but the way we did try and present the bill, it does allow for communities to add a member to the customary-care agreement. So that potentially could be someone like an elders council, or a grandmothers council, or something like that. But, I guess, I'll ask you, are you aware that we tried to ensure that each community, knowing each communities are very different in terms of their approach, would have enough flexibility because we know that customs and traditions and cultures are better. So, knowing the fact that that is a part of the bill that you can add other members to that customary-care agreement that will allow flexibility to each community to address the needs, because different communities are different, do you believe that gives enough flexibility to the customary-care agreement to allow communities to finally have a say in terms of the agreement and the care provisions for children?

Ms. Moellenbeck-Dushnitsky: Thank you. Just reading that will regards to parties, to our customary-care agreement, in section 8.242, the first three is must be—so you must have these three members—and the other parties to the agreement, so for section 3, they may be, could be, possibly.

So I think that, if you have it where they must be, and then the community, its representative from the child's indigenous community and they can define that themselves. So that would take into consideration all those different models of how the community may decide that for themselves. But I think that should be a must and not a maybe—is the recommendation.

Mr. Fielding: Just to follow, you know, kind of question to that point. I mean, we—obviously, when framing the bill we tried to have as much flexibility as possible. So instance—for instance, a child potentially could be a signatory of the customary-care agreement, so we tried to build as much flexibility for each community to build in whomever needs to be a signatory to be part of that and knowing different communities, when the first bill came and you know, we reintroduced the bill in kind of a different format, one of the criticisms that we initially heard was there wasn't enough flexibility for each community, because communities are different. So, maybe I'll just ask the question, are you aware of, you know, the essence of why we're trying to give some more flexibility so each community is a little bit different?

Ms. Moellenbeck-Dushnitsky: Yes, I am aware. We were one of the pilot agencies, that we piloted the customary care when the first bill came out, Bill 15. So we had two agencies that were part of the pilot of the consultations. And with our—with the two communities that they had, they wanted to design a system that would work for them. Their response to a child, if a child was in the need of protection and that would be a committee, or whatever that community decided, or it could be a child, or could be a representative of the child's indigenous community, but having that representation, or having a representative that the community decides on there, was something that was very important. So it was a must-be and not a maybe. So I think I just go back to must and may.

Mrs. Smith: Thank you for your presentation.

You referenced children requiring care past 18. Could you elaborate on that? And what would your opinion be on what age that should be raised to?

Ms. Moellenbeck-Dushnitsky: Well, the recommendation that we did to the Legislative Review Committee was that the age should be extended to 25 and not 21. We didn't reference in this, but we did provide a number of recommendations that were an oral presentation, a written presentation, online and did the surveys, and did other surveys. So we've—the agency has put forward that the age for 25.

Ms. Klassen: Thank you.

* (19:40)

I also mentioned earlier with another presenter, the fact of our non-status. And another presenter mentioned they—or my colleague mentioned the non-carrying-Metis-card Metis people. What are your recommendations, in respect of those people that we might forget with this new legislation?

Our 60s scoop people are going to be coming back and going to be recognized, and this legislation is going to affect them greatly in going forward. What is your recommendation for looking at those people, as we don't want to leave out any of our relations?

Madam Chairperson: The time for questions has expired, but I will allow for the answer.

Ms. Moellenbeck-Dushnitsky: Sorry, I wish I had a shorter last name. But I think that the recommendation would be that it's an affiliation, so if you recognize that you're from a particular group, then it should go from there, and not necessarily that you have a number or card. So I think if you have an affiliation, then I think it should be. I hope that answers your question.

Madam Chairperson: Thank you very much for your presentation.

I will now call upon Natalie Daniels, Southern Chiefs' Organization, on behalf of Grand Chief Jerry Daniels.

Ms. Daniels, do you have any written materials for distribution?

Please proceed with your presentation.

Ms. Natalie Daniels (Southern Chiefs' Organization): Right. Good evening.

Hi, good evening, I'm Natalie Daniels. I'm the CFS liaison for Southern Chiefs' Organization. So I want to thank the honourable members of the Standing Committee for inviting us, and to allow us

with the presentation. Again, I'm here on behalf of Grand Chief Jerry Daniels to discuss Bill 18.

So the Southern Chiefs' Organization, SCO, represents 34 Anishinabe and Dakota First Nations and is the organization and governing body which appoints the board of directors to the Southern First Nations Network of Care. There are currently 10 First Nations Child and Family Service agencies that are mandated under the Southern Network, including All Nations Coordinated Response Network, ANCR.

In Manitoba, the child-welfare system is governed by The Child and Family Services Act, The Child and Family Services Authorities Act and The Adoption Act. The Child and Family Services authorities provide services throughout the province in a concurrent jurisdiction system.

The Southern Network of Care is responsible for managing and providing for the delivery of child and family services through our 10 member agencies. As well, in collaboration with our member agencies, the Southern Network is responsible for developing culturally appropriate placement resources for children.

The proposed legislation to recognize customary care in Manitoba was developed by the provincial government after engagement process, in collaboration and feedback from the authorities, agencies and in consultation with the Leadership Council and feedback from the summits held.

This included amendments to The Child and Family Services Act to provide legislative basis for supporting the provision of customary care for First Nations, Metis and Inuit children through agreements and living arrangements.

The Aboriginal Justice Inquiry Child Welfare Initiative began in 2000 and was the beginning of what we call today devolution. The AJICWI provided a blueprint for improved service delivery for First Nations children and families involved in the child-welfare system and also created the four Child and Family Service authorities.

In 2015, the Truth and Reconciliation Commission of Canada issued 94 calls to action to redress the legacy of residential schools and advanced the process of Canadian reconciliation. The first five calls to actions pertain to child welfare, and call to action No. 4 pertains to the creation of legislation for Aboriginal child welfare.

On January 26, 2016, the Canadian Human Rights Tribunal released its decision. That tribunal determined that the federal government discriminated against First Nations children on the grounds of race and national ethnic origin by failing to ensure substantive equality in the provision of child and family services for First Nations peoples.

In May 2016, Canada became full supporters without qualification of the United Nations Declaration on the Rights of Indigenous Peoples, UNDRIP, and it intends to adopt and implement the declaration in accordance with the Canadian Constitution.

This declaration describes the rights of indigenous peoples in the realms of self, identity, culture, language, social and economic development, and freedom from discrimination. Articles relevant to the dialogue of legislation for jurisdiction for child and family services include articles 4, 7, 18, 19, 23 and article 38.

First Nations children are disproportionately represented in the number of children presently in the child-welfare system and continue to enter into it at alarming rates.

There has been an 85 per cent increase in the number of children in care in the last 10 years, and according to the Manitoba Families 2016-17 annual report, the Southern Network alone carries 46.7 per cent of those indigenous children in care.

On November 21st, 2017, the government of Manitoba announced their Throne Speech on child welfare reform and their intention to make significant changes to the existing child and family services system that will deliver better outcomes for children and youth. The four essentials for reform are: (1) community-based prevention; (2) lifelong connections through reunification and permanence; (3) funding for results, and (4) legislative reform.

On January 10th and 11th, 2018, the SCO had hosted a special summit on CFS, which brought leadership and those working in child welfare together for the first time for joint deliberations. These deliberations emphasized the critical nature of the indigenous concept of family to ensure healthy child development that involves a strong sense of purpose, belonging, cultural identity, and an understanding of roles and responsibilities of community leaders, schools, health care and all other social programs as well as police, child and family

service agencies and authorities and to have personal voice and support.

On February 27th, 2018, Minister Scott Fielding gathered the Leadership Council to provide consultation on the proposed amendments to The Child and Family Services Act, supporting customary care for indigenous children. The intention for the proposed amendments of The Child and Family Services Act are to ensure that the door is open to create a new model or path in the model of customary care. This will carve out a space with Child and Family Services and the legal frame with community involvement and will add a new lease of the principles and how they are interpreted.

Currently, the high rate of children in care is also symptomatic of years of failed provincial and federal child-welfare policies that deny indigenous people the right to care for their own. Evidence is found in the residential school system, '60s scoop and the current child-welfare system. This has caused lasting harm and trauma to our families and our communities. As a result of the provincial and federal policies, the following statistics reflect the numbers of indigenous children that are involved with the child-welfare system in Manitoba: 11,000 children in care; almost 90 per cent of the children in care are indigenous; 60 per cent of the children in care are permanent wards; 73 per cent increase in the number of days children spent in care; and child costs have tripled in the last 10 years.

For customary care, the Southern Network has been working with four child and family service agencies to explore customary care in six communities. Those communities are Roseau River, Dakota Plains, Sandy Bay, Sagkeeng, Ebb and Flow and Waywayseecappo. The customary-care initiative promoted collaboration and built and strengthened relationships between First Nations agencies and First Nation communities. At each community meeting, the intergenerational traumas of individuals were shared by participants, including the '60s scoop, residential school and CFS today. Some members identified issues that needed further resolution, and, in response, the agency made necessary arrangements to address the traumas. These discussions needed to occur in order to move forward in building relationships.

Collaborative meetings occurred to review the unique governance structure of First Nations. This collaboration was to establish a decision-making

process for each First Nation community that would be recognized in the customary-care framework.

The rediscovery of traditional practices for an indigenous person from spirit to birth into the physical world generated excitement and recognition of culture. The development of a community-committee and conducting a vision session with the group established their purpose and a common goal. The vision of the committee may state the values and beliefs of the community and the principles that will promote a positive outcome. The principles will guide as a guide-will act as a guide to the practices of customary care. Establishing the terms of reference affirmed the community's authority and inherent rights, as well as accountability and the partnerships.

As collateral services get involved in providing services, protocols will need to be developed to define the service arrangement and accountability. This initiative has provided the agencies with an insight into possibilities of customary care, and understanding of practices of customary care was achieved and promoted as a general application for the safety and protection of families and children.

The goal of establishing customary care in all of Manitoba's First Nations communities is an ongoing work in progress. The customary-care initiative aided the idea that one day Manitoba will have a vibrant model that will keep First Nations families together and strengthen the values, beliefs and traditions of our ancestors.

In conclusion, the introduction of customary care into the current Child and Family Services Act has been shared and is supported by the SCO executive chiefs committee and on an agreement in principle and on the interim until the development of our own Anishinabe and Dakota child-welfare laws and child-welfare system as we begin to assert our jurisdiction of our children and build on our inherent rights to self-determination.

SCO envisions that customary care will open the doorway for community development as the legislation will be there to permit such. The SCO would like to see that UNDRIP and the TRC calls to action 1 to 5, are echoed within the proposed legislative changes.

* (19:50)

We would also like to see that in the-best-interests-of-the-child section of the CFS act to prioritize the proposed addition (g) to (a).

We have worked with the Southern Network and the Province on creating awareness of customary care, what it would have impact on in our First Nations communities within the SCO region. The SCO-CFS special summit and the executive chiefs committee and the wishes of our First Nations and the Southern Network pilot projects see this as a first step as a way for committees-communities to incorporate community decision making in the future of children, youth and their families.

On behalf of the Southern Chiefs' Organization, Grand Chief Jerry Daniels, I say,

Kitchi miigwech

Additional translation unavailable.

Thank you.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions for the presenter?

Mr. Fielding: Sure. Well, first of all, Natalie, thank you very much for coming out, and thank you very much for engagement that was set up through the southern-through SCO and the chiefs. Great session was there. I'm honoured to have the support of the southern chiefs, MKO, as well as the Manitoba Metis.

Maybe I'll pose this as maybe a question. I know there were some questions that was answered here about non-status, so maybe getting it just on the record. I'll pose it as a question because I know there's been a couple questions, and I want to make sure the questions of the committee members are answered.

So, in terms of non-status First Nations children, are you aware that many can be cared for under customary-care agreements. If a child is not a member of the First Nations community, the child's parents may still express an interest in customary care under subsection (d) of section 8.28 of the bill. The CFS agencies would contact the First Nations communities identified by the child's parents or guardian to determine whether the community would be open to participate in customary care.

So I guess the long question that I'm asking you is, are you aware that non-status First Nations children would be able to participate in customary-care agreements?

Ms. Daniels: Yes, we are.

Mr. Fielding: Final question, also about the Metis, very similar. Some questions were asked about Metis families who do not identify with the MMF as the community leadership. Are you aware that if a community—parents identify with the Metis community, other than the MMF, the agencies would notify the indigenous communities identified by the child's parents?

For example, Metis in Cross Lake may identify the Cross Lake First Nation as their indigenous communities. For the purpose of customary care, the agencies would need the support of Cross Lake First Nation to enter into the customary-care agreement. So, are you aware that, you know, Metis families above and beyond that affiliate themselves with the MMF would still be able to participate and be involved in customary-care agreements?

Ms. Daniels: Yes, I'm aware.

Mrs. Smith: So, just further to the minister's questions, as someone who grew up in the city, a child of a residential school survivor that wasn't connected to her community, that wasn't connected to her culture and identity, that was part of the reason I ended up in care. And I see many of our kids in care.

And I know exactly what the minister is saying, that you can choose to, you know, ask a community to support you, but if you have no connections there, like, is a family—what is your opinion? Do you think a family's going to go to a First Nation and say, like, my kid's in care; I need your support. Can you—can we come and live on—in your community, and can someone in the community care for my child?

Ms. Daniels: I don't have the presentation in front of me, but there's a section there, section (g) that was being added to it. We had actually proposed that to become section (a) instead, to make it a priority that a child understands his cultural identity. I forget what it goes on to say, but it's reflected in the presentation that I handed out to you.

Madam Chairperson: Ms. Smith, on a follow-up.

Mrs. Smith: I was also an educator for 20-plus years, and I saw many children in my own classroom living with non-indigenous parents, not connected to their culture, starting to identify with the families they were living with. And that's, you know, part of the—you know, the place that we're in is, kids don't know who they are because those things were taken

from them through the residential schools, through the '60s scoop, through child apprehension.

Like, we just heard from a young man today that was in care since he was 2 years old, came back to find his family—and his mother passed away shortly after—and doesn't have that connection. So, in your opinion, you know, how do we work with those families to ensure that these kids are not living in non-indigenous homes and that perhaps they're not connected to their communities or any community? Where do they go for the support?

Ms. Daniels: That's a good question.

Again, in my opinion, because that's what you asked for—I think moving forward today with different indigenous First Nations CFS agencies—what they can do is they can provide some sort of contract with foster parents to ensure that they're having a cultural connection to those children's communities. However, again, there has to be a list of what you need to go through: what an agency would need to go through with contacting that child's family, what they can do to keep that child within the family—the nuclear family, the community, within the nation before they go out to somebody who's not culturally appropriate.

Mr. Fielding: One final question.

And a very good point by the member from the committee—from Point Douglas. And so, you know, I guess again I'll ask, you know, a type of question. Are you aware that Bill 18 amends—and this is probably the core essence of the declaration of principles of the consideration of the termination of the child's best interest.

The bill clearly identifies the rights of indigenous children to maintain the cultural identity and community ties. This—rights must be accounted for in all decisions made under the act, including decisions made by the courts—so that's a change. These amendments also allow for the community to participate in the care planning.

I strongly believe that these changes are really—made in the CFS act will help build the child's welfare system that respects the rights of indigenous children and really re-establishes the strengths of the community. And that's really what this is all about.

So are you aware that this has been added through the declaration of principles that would allow that culture which is so important—similar to

the Gladue principles in the decision-making process of best interest of the child?

Ms. Daniels: Yes. Yes, I am aware of that. And also aware of the different proposed changes to the CFS act, as I actually—I do sit on the legislative review committee now.

Madam Chairperson: The time for questioning has expired. Thank you very much for your presentation.

**Bill 7—The Sustainable Watersheds Act
(Various Acts Amended)**

(Continued)

Madam Chairperson: We are now moving back to Bill 7, The Sustainable Watersheds Act (Various Acts Amended).

And I will call upon Alexis Kanu, Lake Winnipeg Foundation.

Ms. Kanu, do you have any written materials for distribution?

Ms. Alexis Kanu (Lake Winnipeg Foundation): I do, yes.

Madam Chairperson: Please proceed with your presentation.

Ms. Kanu: Thank you, Madam Chair, Minister Squires, members of the committee. My name is Alexis Kanu, and I'm the executive director of the Lake Winnipeg Foundation.

At the centre of Canada, Lake Winnipeg is the world's 10th largest freshwater lake, with a watershed that spans two countries, four provinces, four states and over 100 indigenous nations. Lake Winnipeg supports a \$25-million fishery and a \$100-million tourism industry. Property values around the lake's south basin alone are worth \$2.5 billion and collectively generate \$40 million in annual tax revenues, supporting vibrant communities and businesses on the lake shores.

This is a lake that matters to Manitoba families. It defines our province's geography, shapes our cultures, supports our biodiversity and drives our economy. Yet our great lake is in trouble, increasingly plagued by potentially harmful algae blooms. Last summer, many Manitobans were horrified by what they saw when they visited the lake. Beaches coated in soupy green water that was unsafe for their kids to play in, water that could potentially cause serious harm.

Manitobans are concerned. Manitobans expect evidence-based action. LWF is pleased to provide support for Bill 7, which represents an important step in the right direction.

Science tells us that the answers to Lake Winnipeg's health lie in its vast watershed, an area of land that is 40 times larger than the lake itself. Decades of research have established that phosphorus-loading from across this watershed is responsible for the algae blooms that we currently see on Lake Winnipeg. All human activities have the potential to contribute phosphorus for our waterways, and we are all responsible for phosphorus reduction.

Part 4 of Bill 7 proposes amendments to The Water Rights Act guided by the principle of no net loss of wetland benefits. LWF commends Manitoba's government for adopting this important guiding principle, and we look forward to working with you to ensure that this principle is achieved in practice across Lake Winnipeg's watershed.

* (20:00)

Bill 7 is the result of collaboration among a diverse group of stakeholders, including broad public consultation.

Proposed amendments to The Water Rights Act lay the groundwork to ensure that the shared goals of flood and drought mitigation, water quality protection, and regulatory efficiency can be realized.

The passage of Bill 7 will enable the development of new drainage regulations designed to increase administrative efficiency, improve enforcement, and protect more of Manitoba's threatened wetlands in order to protect Lake Winnipeg.

These drainage regulations demonstrate Manitoba's leadership in taking action to improve sustainable water management across the province, and Manitoba's leadership will, in turn, demonstrate to our neighbours that they need to follow suit in their own jurisdictions.

Part 3 of Bill 7 proposes amendments to The Water Protection Act that further reinforce our province's leadership and commitment to improving provincial water quality.

LWF commends the government on amendments that enable evidence-based nutrient targets to be set throughout Manitoba and that require regular

public reporting on progress in achieving those targets.

This will ensure transparency and accountability and enable us to collectively and objectively evaluate our success in reducing phosphorus to protect water quality. Transparency and accountability could be further increased by sharing raw data annually in the intervening years between public reports. Annual data sharing will encourage further research by partner agencies and stakeholders and accelerate our ability to develop and implement strategic cost-effective solutions.

LWF has identified additional opportunities to strengthen Bill 7 and improve water quality in Manitoba, and we are pleased to provide the following recommendations in alignment with whole of government priorities to improve efficiency, demonstrate value for money, and maintain focus on outcomes and results.

LWF recommends that Bill 7 be amended to repeal sections 4.2–2(2) and 4.2–2(3) of The Water Protection Act. These clauses currently prescribe how upgrades to the North End Water Pollution Control Centre must be undertaken, and they have done so at the expense of the upgrades themselves and in a manner that is inefficient and inconsistent with the best available science.

Currently, these prescriptive clauses of The Water Protection Act represent unnecessary red tape that has prevented us from efficiently achieving results for the health of our lakes and rivers. Removing such prescriptions from legislation will enable the City of Winnipeg to employ the most efficient and cost-effective means available to immediately and aggressively reduce phosphorus-loading from North End treatment plant effluent.

Repealing these prescriptions will ensure that Manitoba's government is taking an evidence-based, results- focused approach by addressing the root causes of harmful algae blooms–phosphorus.

The repeal of sections 4.2–2(2) and 4.2–2(3) of The Water Protection Act will allow this government to deliver on what has not been achieved in the past two decades, ensuring that the City of Winnipeg is doing its part for the lake that bears its name.

LWF recommends that Bill 7 be additionally amended to provide for public consultation on water- monitoring regulations under section 39(3) of The Water Protection Act. This section of The Water

Protection Act requires that public consultation be undertaken in the formation or substantive review of certain specified regulations.

As currently written, Bill 7 does not provide for public consultation in the development of regulations respecting the manner in which nutrients are measured, including the timing of those measurements and the persons who may take those measurements.

LWF recommends that Bill 7 be amended to adjust section 39(3) of The Water Protection Act to ensure that the development and review of monitoring regulations is included under the requirement for public consultation.

Public engagement in the development of monitoring regulations will ensure that we can collectively build a water-monitoring program that is cost effective and collaborative, producing water data that are trusted by all stakeholders and by the public.

Manitoba has a very strong water science community, as well as an engaged and dedicated constituency of cottagers and lake lovers. An inclusive approach to water monitoring leverages collaborative opportunities and additional expertise to strengthen data collection and data sharing with full public engagement and transparency.

Citizens' science data currently being collected by the Lake Winnipeg Community-Based Monitoring Network can make an important contribution to our shared knowledge of freshwater health, as can pooling data across multiple government departments and jurisdictions. Pooled credible data from multiple sources will increase trust in the data from all stakeholders, improve monitoring efficiency and ultimately ensure we can get a bigger bang for our buck in addressing water quality issues in the province.

In closing, LWF congratulates the government of Manitoba and Minister Squires on putting forward a strong bill to improve water management. Our recommended amendments to Bill 7 further strengthen this important legislation and support shared priorities of improved efficiency, value for money and result-focused action.

In previous iterations the substance of this bill has enjoyed support from all three political parties and from numerous stakeholders. Today Bill 7 represents an important opportunity to move beyond

partisanship for the protection of our province's beautiful rivers and lakes.

Thank you very much.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions for the presenter?

Hon. Rochelle Squires (Minister of Sustainable Development): Thank you very much, Ms. Kanu, and, as always, your presentation is very concise and also full of your passionate commitment to protecting and preserving our watershed and, in particular, Lake Winnipeg as one of our most precious resources in Manitoba. So thank you so much for all the work that you do and that your foundation continues to do.

I did want to highlight that you had called for increased transparency and accountability in sharing raw data annually, and I can commit to you tonight that I will do that.

So thank you very much for being here and I don't have any further questions.

Ms. Kanu: Thank you, Minister Squires. We look forward to accessing that data and helping this government improve water quality.

Mr. Rob Altemeyer (Wolseley): Thanks to both of you. That's good news, and perhaps we can find a way to collaboratively include that idea in this legislation, perhaps by a friendly amendment, you know, so that the raw data will be available publicly to all stakeholders and anyone who wants to access it regardless of which government of the day happens to be in power. So thank you for raising your voice on that issue and, as you can see, having a positive impact, so that's very good.

I wanted to, in addition to thanking you and the foundation for your great advocacy over the years, ask one question in particular. The transboundary matters—I raised this previously with a previous member. We had the Lake Friendly Accord which, as you note, I mean, the size of our watershed is just massive. We have to find a way to engage others. Does your organization see value in the Lake Friendly Accord continuing, or do you have suggestions on how that work could be done better?

Ms. Kanu: The Lake Winnipeg Foundation was a signatory to the Lake Friendly Accord when it was put forward. We would definitely recommend

that that work continue under the transboundary management and partnership provisions under Bill 7 and encourage a new mechanism to be put forth that pushes folks beyond what they are already doing to take on new commitments for the lake.

Mr. Altemeyer: Yes. I would agree with that wholeheartedly.

Our challenge with the current version of this bill, and as you properly note, this has gone through a few different iterations over recent years. It doesn't even maintain the existing Lake Friendly Accord, so we're—at the moment we're at risk of losing all the good work that was done previously and not having something stronger to replace it.

Would your organization be in favour of, at the very least, maintaining the Lake Friendly Accord and legislation with the possibility, of course, that something stronger could replace it at a later date?

Ms. Kanu: I think that work will be ongoing under the transboundary management sections of this act whether it holds that name or not.

Mr. Altemeyer: And does the foundation have any view on the importance of protecting wetlands on our prairie landscape? We've heard previous presenters, of course, highlight that. The foundation would be in favour of the—of including the protection of classes 3, 4 and 5, I assume, in legislation, or would you have a different take on it?

*(20:10)

Ms. Kanu: We absolutely support strong protection for class 3, 4 and 5 regulation and my understanding from previous consultation documents is that will be iterated in forthcoming consultation documents on regulation under this act.

Madam Chairperson: Seeing no further questions, thank you very much for your presentation.

I will now call upon Jim Fisher, Delta Waterfowl.

Mr. Fisher, do you have any written materials for distribution? Please proceed with your presentation.

Mr. Jim Fisher (Delta Waterfowl): Thank you very much Honourable Minister Squires and the rest of the committee. My name is Jim Fisher. I'm the director of conservation policy with Delta Waterfowl. Delta Waterfowl was founded right here in Manitoba and has now spread across North America. We have 48,000 members. We're proudly

duck hunters, is our core. And we—living here in Manitoba, we have plenty of water and waterfowl, so we're—we all should be very proud of what we have here. And the reason that we have this here is the prairie potholes or the wetlands we're talking about with this bill.

Delta is known for its research. We've funded master's and Ph.D. students, probably around 400 of them, dating back to the late 1930s here in Manitoba. Quickly after we started our research on and around the Delta Marsh we realized prairie potholes are where the ducks are all raised on the continent. So Manitoba, southwest Manitoba, is part of what's known as the prairie pothole region that stretches from Alberta down to Iowa, and it has the highest breeding densities of ducks anywhere on the continent. There's places that have over 100 duck pairs per square mile and we have some of those areas in Manitoba. And so that's the wetlands from a duck hunter's perspective.

North and south, this is the most important issue that we have, is the retention of these prairie potholes. So we're really excited about this bill. We're—we want to see, like everybody, a no-net-loss of wetland basins. And we see the protection of types 3, 4, and 5, which are essentially the ones that are maybe a foot and a half deep, up to 3 or 4 feet or more in depth. The types 1 and 2 are the shallower wetlands that are excluded from this protection. We see a need for protection of those through an incentive—voluntary incentive-based programming that will come thereafter.

One of the things that we would like to see in this bill is an amendment to also include preservation as one of the mitigation measures for loss of wetlands. So currently, we see enhancement and restoration and possibly, creation, but we'd also like to see consideration for preservation of our existing type 1 and 2 wetlands and use that, some of that, as a possible outcome, along with the future of GROW and the providing of incentive payments just like we see with ALUS. The beekeeper guy mentioned and KAP and Delta are all very passionate about ALUS-GROW going forward.

And, so that is basically all I have to say. We're—we are very supportive and excited about this new legislation and look forward to working—continuing to work with government to work on—work the final details through.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions?

Ms. Squires: Thank you very much, Mr. Fisher, for coming here this evening and also, specifically, thank you for your time last fall in touring me around the prairie potholes. I would like to note that my Chair—Madam Chair—has just noted that she does not know what a prairie potholes, and so I suggest a road trip is in her future and would like to come back and visit those prairie potholes again very soon with you. So I just want to thank you for your commitment to the land and being a good steward of the land and promoting the preservation of wetlands for the benefit of all Manitobans. Thank you.

Mr. Fisher: It was indeed a pleasure touring. And if anybody here wants to go for a tour, either spring, summer or fall, fall is maybe the best time if you like wild game, but yes, it's great to get people out to see what these wetlands are. And, you know, everything from the small, less-than-an-acre-sized wetland or pothole, not on the roads, all the way to Lake Winnipeg, this is all interconnected and, you know, we really have something in our province to be proud of.

Ms. Judy Klassen (Kewatinook): Am I allowed to bring my gun?

Mr. Fisher: Yes, absolutely. We're very passionate about hunting.

We have worked with Aboriginal communities and we're working with Manitoba Wildlife Federation and the Province to do mentored hunts, and we're working with Manitoba—Food Matters. They are very—working very closely with Aboriginal communities, and we want to see all of us re-embrace hunting. We've kind of lost our hunters and now they're coming back the last 10 years or so across Canada. We've seen an uptick and we want to get back up to a much more robust number of waterfowl hunters and other types of hunting.

Mr. Altemeyer: I'll give you a sneak peek that the prairie pothole's not a comment on the Infrastructure Minister's work—unless he's draining them to build a road. But thank you, sir, for coming to—*[interjection]*. We like prairie potholes, those are good. But thank you very much for coming down here.

You commented on the ALUS program and, of course, there was, you know, some work done on that. How many new ALUS-funded projects are you aware of that have happened, like, in the last year or two? Have there been any new ones launched?

Mr. Fisher: Yes, I worked on ALUS from 2009 to 2016 exclusively, and so I helped get it in the prairie provinces. So it's now in Alberta. It's in about 12 counties. It's in two watersheds in Saskatchewan and one here in Manitoba, the Little Saskatchewan River Conservation District. It's also very common in many counties in Ontario. There's one county—I think they're called counties in Quebec, I could be wrong—and it's a provincial program in Prince Edward Island. And so it's its own entity. Delta branched it off and it's become its own non-profit entity, and so we are very encouraged to see it continue to grow.

Mr. Altemeyer: Let me thank you for your work on that front, too. I thought your name was associated with that very fine effort, so good for you.

Have there been any new ALUS-funded programs in Manitoba since the change in government? There was some very exciting promises and—on a fairly broad vision articulated by the new government heading—like, during the election. We've been waiting to see announcements about ALUS actually taking place on the ground. Do you know of any new projects that have launched since spring of 2016?

Mr. Fisher: Yes, I think there's a strong commitment from the current government to do so, and I think there's many steps along the way to get that organized. And this—to me, this—actually, this bill ties into it. So we're going to see protection of deeper wetlands through this bill, and then the ones and twos that are going to be kind of registered to be drained, we want to start putting some carrots out on the landscape.

So this will be kind of a stick under regulations, thou shalt not drain, and if you do here's the mitigation procedures. And then for the types 1s and 2s, we'd like to see this feed into it, but also a commitment from the province to do more with the incentive program working with the new watershed districts, or whatever the current name will be with—changing from conservation districts.

Madam Chairperson: The time for questions has expired. Thank you very much for your presentation.

I will now call upon Dimple Roy, IISD, International Institute for Sustainable Development. Ms. Roy, do you have written materials for distribution?

Ms. Dimple Roy (International Institute for Sustainable Development): I do.

Madam Chairperson: Please proceed with your presentation.

Ms. Roy: Good evening, and thank you very much for this opportunity to present to this committee this—today. My name is Dimple Roy, I'm the director of the water program at the International Institute for Sustainable Development.

So why do watersheds matter? Watersheds are essentially the area of land that contribute water flows into a single water body. What we do in the watershed directly affects the health of our lakes, rivers and streams. Managing these watersheds means managing land, water and people collectively to ensure that our development is truly sustainable and that the current and future needs of ecosystems, people and economies are met.

* (20:20)

As Manitobans, we rely on our watersheds for many essential benefits. They provide us with clean water, obviously. They also provide us with food, fishing, cottaging, recreation, energy and industry. They directly support billions of dollars of economic activity such as commercial fisheries, recreation and hydro generation. We are not just a land of 100,000 lakes. Our watersheds are an essential part of who we are as Manitobans and why we thrive.

The International Institute for Sustainable Development is one of the world's leading centres of research and innovation. We promote sustainable development, balancing social, environmental and economic issues, to provide practical responses to growing challenges and opportunities that face our societies today.

Even though we work all around the world, we are proud to call Winnipeg home. It's where we are headquartered and where much of our work is focused. IISD has helped lead Manitoba on the path to a more sustainable future for almost three decades, providing technical and policy insight on provincial issues, including climate change mitigation and adaptation, sustainable agriculture, watershed management and Lake Winnipeg.

IISD Experimental Lakes Area, the world's freshwater laboratory, has undertaken world-class research on real lakes for the past 50 years to inform and impact policy decisions on air and water pollution globally.

Bill 7 is a positive step forward to ensure that our watersheds receive the systematic planning and

management critical for them to be able to flourish and provide Manitobans with their full spectrum of benefits. IISD support Bill 7 in that it recognizes that watersheds are the appropriate landscape unit of management and provides some necessary protections and enables mechanisms for strong action on our waters and the lands that they encompass. To strengthen the watershed management in Manitoba, we provide some recommendations on Bill 7 and the acts that it amends.

Part 3 of Bill 7 proposes nutrient targets at specified locations in Manitoba. We commend the government on—in reinforcing this important principle of management and to—by ensuring that nutrient targets are set to provide a means for water quality and watershed management.

IISD recommends, however, enabling the development of nutrient targets across all of Manitoba's waters and not just at specified locations. Developing evidence-based nutrient targets on our larger basins, such as the Lake Winnipeg basin, the Red River basin, the Assiniboine River basin and the Winnipeg River basin, can inform the development of targets for the smaller watersheds that lie within them. Targets for specific regions or watersheds can then be prioritized based on available information and resources, the need for action or other criteria.

IISD also commends the government on amendments that enable the reporting requirements from these actions. IISD has always believed that the best possible monitoring systems should inform our decision making. Modern monitoring systems can utilize satellite imagery and remote sensing, traditional monitoring stations, community-based monitoring and other innovative forms of monitoring to tell us about the state and health of our land and water.

We recommend that monitoring programs are developed for regular and consistent monitoring efforts and these acknowledge current and emerging data sources, knowledge, innovative measurement mechanisms. In light of this, IISD recommends that the inclusion of the new clause in Bill 7, respecting the manner in which nutrients are measured, the timing of these measurements and the persons making these measurements, be added in a way that they benefit from the inputs of a public consultation process.

We ask that the proposed progress reports under section 4.0.2(3) are freely available and include

plain-language messaging so that those not familiar with the signs are also able to track these important trends and actions.

We also support the government of Manitoba on including clauses that acknowledge and address the transboundary nature of much of Manitoba's waters. Being the recipient of waters from other jurisdictions, we are well aware of the power of collaboration and of working closely with other governments to inspire responsible stewardship of upstream waters.

We recommend the inclusion of other large river basins, such as the Nelson-Churchill basins in our North and the Winnipeg River basin, for future efforts on transboundary management and in the spirit of demonstrating good upstream stewardship.

Part 4 of the proposed Bill 7 amends The Water Rights Act by enabling sustainable drainage and wetlands management. We commend the government of Manitoba on highlighting the need for no net loss of wetland benefits.

Wetland benefits have been articulated and measured by many local, national and international agencies, and the significant loss of wetlands that has been linked to declining water quality and biodiversity, higher flood and drought damage and other serious problems on the Prairies. Evidence has shown that wetlands are critical natural assets that provide us with free services that would cost millions of dollars to recreate through infrastructure efforts.

We recommend that Bill 7 be strengthened through the inclusion of these wetland-related outcomes or benefits in the reporting clause 5.2(2) such that it reads that an annual report that sets out the local amounts—the total amounts received from licence applicants and details of all wetland restoration and enhancement work performed includes wetland benefits conserved, restored or enhanced.

IISD has identified one other opportunity to enhance watershed management in Manitoba. In the spirit of effectiveness, efficiency and equity, we propose the following: we recommend that sections 4.2(2), 2 and 4.2(2), 3 of The Water Protection Act be revisited. These clauses prescribe how the North End Water Pollution Control Centre must be upgraded to meet nutrient targets defined by the government of Manitoba.

The longest standing experiment at IISD Experimental Lakes Area has shown that phosphorus

is the prime culprit for algal blooms in our prairie lakes and Lake Winnipeg. Focusing on phosphorus removal will be the most effective and cost-efficient means of waste-water treatment. Reducing nitrogen, while a costly endeavour, may achieve no–little or no additional benefits for managing algal blooms on Lake Winnipeg and other Manitoba lakes.

While upgrades have long been required to this waste-water treatment plant, prescribing how to make these upgrades as opposed to what targets these upgrades should meet has, in fact, delayed these much-required upgrades beyond reasonable timelines.

We also recommend allowing the City of Winnipeg to 'offseed'–offset downstream phosphorus loading to maintain net emissions while planning the upgrades. Enabling these changes will ensure that the City of Winnipeg can prioritize its North End waste-water plant upgrade to meet regulatory requirements.

In closing, IISD congratulates the government of Manitoba on this new bill demonstrating leadership on watershed management that will have long-term implications for ecosystems, communities and our economy. IISD hopes that some of our suggested recommendations are considered in the spirit of sustainable development and ensuring that we continue to benefit from our vibrant and resilient landscapes not just today, but for decades to come.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions for the presenter?

Ms. Squires: Thank you very much, Ms. Roy, for coming here tonight and providing us with your thoughts in regard to Bill 7, and thank you for the work that you and everyone at the institute for sustainable development undertake on behalf of our province and our world at large. So I really appreciate all of your suggestions and your contributions here tonight. You've given me a lot to think about and to review.

I am–I'm curious on your assertion on the question of phosphorus that–you know, we know that nitrogen adds–nitrogen removal would add significantly to the cost of any water pollution control centre upgrade. And I want to ask you a little bit more about how you've come to the conclusion that reducing nitrogen would achieve little or no additional benefits on managing algae blooms.

Madam Chairperson: Ms. Roy.

Ms. Roy: Sorry.

This is based on experimentation that has been ongoing at the IISD Experimental Lakes Area. So the work is not specific to Manitoba, but what they have shown through their experimentation over 50 years is that algal blooms are primarily caused by phosphorus and not by nitrogen.

Mr. Altemeyer: Yes, thank you very much, Ms. Roy, for coming down here. I want to thank the IISD for the leadership role they played in helping us save the ELA and the decades of the scientific research that had gone on there when it was facing federal cuts. Our province and especially the Ontario government and your agency, together we managed to find a real win situation there. So that's a very positive legacy, and thanks to you personally for your time spent with me on the Manitoba round table for sustainable development. I think we're technically still on that body, but when Bill 16 passes we'll be wiped out, so we'll find other ways to contribute good ideas–and you've certainly done that. I agree with the minister; I think you've given all of us some very good potential amendments to think about tonight.

As I've asked with some previous presenters, I want to touch on the transboundary issue with you, if I may. We face a serious threat from North Dakota with a number of very large water-diversion schemes with over two dozen foreign species that could end up in our waterways. If those proceed and if those species end up here–never mind other challenges–do you have any further advice on how this government could strengthen its work in that area or how this legislation could be strengthened so that we can do the best job possible to protect Manitoba's waters from that type of threat outside our borders?

* (20:30)

Ms. Roy: Thank you, Mr. Altemeyer. I don't have any specific guidance on the North Dakota issue. I do believe that between the IJC, Red River Board and the Red River Basin Commission, we do have the institutions that we need to kind of look at those specific transboundary issues.

And I'm supportive of similar transboundary institutions being developed, for example, on the Winnipeg River system where we're missing one. But those are ongoing issues and I know that quite a bit of work is being done on, kind of, looking at

those issues through some of those existing mechanisms.

Mr. Altemeyer: On the Winnipeg River suggestion, which is interesting, the transboundary dynamic there would be primarily Ontario-Manitoba, correct?

Ms. Roy: Primarily. I believe there's a section of that larger basin that goes into the US as well, yes.

Madam Chairperson: Okay. Thank you for your presentation.

I will now call upon Tim Sobuck, Manitoba Habitat Heritage Corporation.

Mr. Sobuck, do you have any written materials for distribution?

Mr. Tim Sopuck (Manitoba Habitat Heritage Corporation): Yes, I do.

Madam Chairperson: Please proceed with your presentation.

Mr. Sopuck: Thank you, Madam Chairperson, Minister Squires and committee members. I am Tim Sobuck, chief executive officer of the Manitoba Habitat Heritage Corporation. I'm here to speak to the amendments in the act in section 2 that are specific to my organization.

And before I get into those details, I would like to say we are very excited to be a small part of a very big effort to advance watershed conservation and enhancement in this province.

The Manitoba Habitat Heritage Corporation is a provincial Crown corporation that was established by the Manitoba Habitat Heritage Act a little over three decades ago. The intent of the act was to provide the provincial government with additional means to carry out fish and wildlife habitat conservation, restoration, and enhancement.

MHHC has focused its efforts with private landowners in the agricultural landscape where many conservation experts recognize that habitat conservation needs are greatest.

To date, MHHC has influenced over 350,000 acres of land through conservation activities, and of that, over 200,000 acres have been permanently protected, and of those 200,000, the majority are wetland habitats and other watershed lands that are important to watershed management and enhancement.

When added up, MHHC's 800 parcels of permanently protected lands are almost twice the size

of the city of Winnipeg and the ecological goods and services, in the form of clean water, reduced flooding, stored carbon and wildlife habitat, have an estimated value to Manitobans—an estimated annual value of \$60 million.

Included in that total is over 65,000 acres of land and conservation interest that have been donated to the corporation by citizens and groups. This is by far the largest pool of donations received by any organization in Manitoba.

The corporation's slogan is home-grown conservation, and I am pleased that many of Manitoba's citizens seem to have bought into the idea and the approach.

Another important benefit to the citizens of Manitoba is that this conservation success story has resulted largely from other people's money. Currently, about 75 per cent of the corporation's operating and capital expenditures come from sources other than the provincial government.

To work effectively in the conservation-funding world, MHHC must compete with land trust organizations for grants primarily from Canadian federal and US sources. Land trust organizations have a code of standards and practices that includes a demonstrated capacity to manage their conservation habitats for the long term.

The generally accepted practice is to set up a reserve or trust fund for that purpose and that would be separate from operating funds. In addition to simply being good business, funders increasingly expect this kind of best practice to be in place before a conservation organization will be eligible to seek grants.

Knowing this, MHHC has built its land management and legal liability fund a few years ago using only funds from private contributions and other non-government revenue sources. At the end of the last fiscal year, the land management fund stood at about \$862,000. Revenues—revenue sources for the land management fund currently include about \$205,000 which has been received from private donations that were part of bigger land contributions from individuals, about \$467,000 from agricultural land use agreements and about \$190,000 for habitat conservation payments—sorry habitat compensation payments from petroleum companies due to development impacts.

Under the current act, MHHC may establish a fund which has historically been simply used to

manage current operations and which is ultimately under the authority of the Department of Finance. Today, given the way the organization has evolved, this fund includes significant gifts of money associated with donated habitat lands and other non-government revenues that MHHC has used to build the land management fund.

The mixing of operating funds with funds intended for longer term uses creates confusion. The amendment that MHHC originally requested in the current bill was designed to provide the needed financial management capacity for MHHC conservation assets now and into the future. It would also show that MHHC is indeed adhering to best practices when it seeks funding from external groups.

Since December's introduction of the bill, it has come to our attention that MHHC might not be able to designate funds from private and non-government sources it already has in the land management fund to a reserve fund status. Therefore, a new 'amendent'—amendment is being requested to specify that the current land management fund be designated in such a manner.

I also wish to segue way a bit and briefly discuss the announcement of the conservation trust by the Province of Manitoba in the 'reshent'—recent budget speech and its relationship to this amendment. The conservation trust is a truly unique funding arrangement that will see a contribution of \$102 million from Manitoba flow to a new endowment fund at The Winnipeg Foundation. Annual revenues of about \$5 million from that fund will flow to MHHC, which in turn will grant those funds to community-based and not-for-profit conservation groups. Their projects will deliver important ecological outcomes including water quality enhancement, flood water reduction, wildlife and biological diversity, carbon sequestration and soil enhancement through nature-based conservation projects.

Revenues from the conservation trust will flow to MHHC through its normal operating account. So the changes requested in Bill 7, which focuses on long-term management of MHHC's current conservation assets, are not required for the management of conservation trust revenues.

In closing, I wish to thank you all for your time and consideration of our material.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions for our presenter?

Ms. Squires: Thank you very much, Mr. Sobuck, for coming down tonight and for your contributions for preserving habitat in Manitoba. And I appreciate all the work that the corporation does and continues to do on behalf of the Manitoba government and all Manitobans, past, present and future.

So, in regards to your friendly amendment, if I'm clear, it's—you're saying that the land management and legal liability fund, which is the stream that manages your private donations, would be outside the scope of The Financial Administration Act. But all the government monies that the Habitat Heritage Corporation received would still be included in The Financial Administration Act. And if I have that clear, I just wonder if you could explain for the committee, for the purposes—for the committee's benefit, what would the negative, unintended consequence be if the amendment did not go through and all monies were subject to The Financial Administration Act?

Mr. Sopuck: The main consequence is that we could simply lose that funding through other requests or draws on that fund because there just seem to be as part of our normal operations. The other issue we have is, when we approach funders—and this is increasingly a question we receive, you know, do you have a separate fund that you can dedicate to long-term land management purposes? We really can't say yes to that question at this time.

* (20:40)

Ms. Squires: So I support the amendment in that we're ultimately thanked tonight here, that the private money should not be sort of subjected to the same rigours as the public money and you need to have the flexibility so that you can, you know, do some of the work on the long-term projects and receive these endowment gifts without having to have them under the scrutiny of public accountability.

And so I certainly do appreciate you bringing forward this amendment.

Mr. Sopuck: Thank you very much.

Mr. Altemeyer: Sir, thank you very much for coming down. Good to see you again, and congratulations on the really great work that your Crown agency continues to do.

Just two quick questions. Would Manitoba Habitat Heritage Corporation have any objection to adding wetlands to this bill as just a specific part of the work that you do that has been—it's—it was a change from the legislation that I had proposed under section 3 of your act, under objects. Was that something your agency requested, or would there be any problem with including it in your official work, as it were?

Mr. Sopuck: We have no problem whatsoever with that inclusion.

My understanding is part of the reason why the specific reference is there to wetlands because—is because MHHC's identified at another point in the act as being a possible agent for wetland compensation under the licensing program. So I think there was some desire to see clarity in our act around wetlands.

Mr. Altemeyer: Thank you for that. Hopefully, the minister and I can work together to resolve that one, same as we can hopefully resolve the other amendment request you've brought forward tonight, which I would certainly be in favour of finding a solution to. So thank you for highlighting that.

Lastly, does your agency have in its—either in this bill or other mandates, any direction to do climate change work?

Mr. Sopuck: We have just written a strategic plan. And so, from my board of directors, we have—I have received very explicit instructions to ensure that climate change is a fundamental consideration in all of our conservation activities.

Mr. Altemeyer: I ask that because, of course, there is the new conservation trust fund that's been set up under the climate change and green act, but I noted there was nothing that I could see in your existing or proposed mandate which would explicitly include work on climate change. So perhaps that's another piece of language that we should add.

And I want to thank you for your clarification on the anticipated amount of annual revenue that'll be available from that. I asked that question of my good friend the Finance Minister, and I believe the Infrastructure Minister and I had some chats about that too, and you're the first one to give a straight answer. So I appreciate that. Finance Minister even went so far as to point out that it won't be \$102 million that goes to The Winnipeg Foundation; the first \$2 million is actually being used, apparently,

for grants to be issued this fiscal year and it'll be the remaining \$100 million that is invested, which I also didn't know. So, you know, it's why you come out to these meetings; you learn this stuff.

But if you have any comments on any of that, around climate change and your mandate, would be happy to hear it.

Madam Chairperson: So the time for questions has expired, but I will allow a brief answer.

Mr. Sopuck: With respect to the 100 versus 102 million dollars, that was actually my bad. I kind of lumped the two pieces in there. But it is my understanding that \$2 million is going to be available sooner for granting purposes.

Madam Chairperson: Thank you for your presentation.

**Bill 9—The Community Child Care Standards
Amendment Act (Enhanced Powers
Respecting Governance and Accountability)
(Continued)**

Madam Chairperson: We will now move on to Bill 9, The Community Child Care Standards Amendment Act (Enhanced Powers Respecting Governance and Accountability).

And I will call upon Gisele Roch, Child Care Coalition of Manitoba.

Ms. Roch, do you have any written material for distribution?

Ms. Gisele Roch (Child Care Coalition of Manitoba): Yes, I do.

Madam Chairperson: Please proceed with your presentation.

Ms. Roch: Bonsoir, tansi, boozhoo, boozhoo and good evening.

I feel—it's an honour to be here. Thank you very much.

So, basically, this is a short kind of overview of the context, I guess. So I will proceed to read, and then if we can have some discussion afterwards I'd be glad to stay.

So basically my name is Gisele Roch and I am a social worker by profession, a community worker most of that time in Child and Family Services, but I did begin my career being a child daycare director for about a year, and I've been on boards starting daycare centres. And I have been a mother. I have

four children, and I am currently a grandmother. So anyway, just for myself, and I'm a member of the Child Care Coalition along with many other representatives of organizations. So here we go.

The Child Care Coalition of Manitoba is a public education and advocacy organization established in 1993, incorporated in 2007. Our goal is a fully accessible, publicly funded non-profit system of comprehensive and high-quality child care with worthy wages and good working conditions for child-care staff.

Manitoba's child-care policy architecture is delicately balanced. It seeks to provide a quality learning experience for children while at the same time protecting their health and safety, to promote parent access and fee affordability and to assist the financial viability of small, mainly volunteer-led not-for-profit services and their poorly paid female workforce.

Any policy change must consider this complex balance in which a change to fees, regulations or funding can easily have negative effects on other policy goals. It is virtually impossible to say whether (a) increasing the number of spaces, (b) improving parent access and affordability or (c) tackling recruitment and retention of trained early childhood educators through better wages is more important. Each of these three goals is essential for the child-care sector.

The Child Care Coalition of Manitoba had recommended that the subsidy system be revised and indexed while maintaining the provincial flat-fee structure in its recommendations shared with Minister Fielding on March 8th, 2017. We shared our concerns at the consultation meeting on August 30th, 2017, regarding the recovery of subsidy payments especially as it includes cases where an error may have occurred.

Families depending on subsidies are already heavily burdened. Most families with small children go-struggle through a time wherein they're just, you know, barely surviving poverty. Some have limited understanding of how subsidies are allocated and might not realize that a change in their situation would impact their admissibility. So we feel this clause will further penalize families who are likely struggling and vulnerable to punitive measures such as the ones proposed. We also question how this will be operationalized and how this information will be provided. Are we going to ask centre directors or

child-care providers to inform against families whose children are in their care?

We feel this government should instead focus its intentions and investments on improving access to quality early learning and child-care services especially for those families who must benefit the most—who benefit the most from their role in lifting them out of poverty into training and employment opportunities.

So we thank you for your consideration and hope you will keep our concerns in mind going forward.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions?

Mrs. Bernadette Smith (Point Douglas): I want to thank you for your presentation and all of the work that you're doing with our children in this province and have done throughout your career.

We, too, have concerns with parents being taken to court that are already struggling. Where are parents going to find, you know, the money to go to court to defend against possibly an error, you know, in the reporting that was an honest mistake?

* (20:50)

As a parent, I know I fell behind in my payments, often, you know, wasn't able to pay my daycare fees every two weeks and would fall behind. So I'm concerned, and I'm wondering about your opinion on this, whether you think that these families will be impacted, you know, by falling behind in their daycare fees, being taken to court by this government that—for families that are already struggling. *[interjection]*

Madam Chairperson: Ms. Roch.

Ms. Roch: If I may, I think that, you know, just the—early childhood education services, the child care is such an important vehicle by which, you know, we can improve people's socio-economic situations. We need to consider how, you know, we've got a diverse community in Manitoba, and so, like, sometimes people are newcomers who might not have any mastery at all, or just the bare rudiments, to—little phrases to manage in any of the two official languages. So imagine the literacy issues. You know, can they even read the directions? Do they understand? And, like, just people coming in from

out of town. Like, you know, I can imagine Aboriginal people coming from reserves or something, coming into the city, just having to deal with the challenges there.

So I would hope that there's graphic ways to express it and that it's not a policing thing but more of a matter of reminders and, like, not being punitive is really important.

And, you know, having been a director for a few years, like, I think that what we need are supports, that the staff need supports, the directors need supports and that the parents need supports. You know, this is a really good way to integrate the families who might be coming from such very different areas of the world, you know, and how to get them to understand our values, the way we do things, how we parent, correct children; that whole system is a wonderful resource to do that, eh? But we don't—but some of them might be feeling that the, you know, they come from a place where authorities, the government is an authority figure that's really punitive and exploitive or persecuting, even. So it takes a while for some of these families to build trust. And so I just really believe that we need to provide as many ways to facilitate the inclusion of these families in our community so that then they can become productive and effective parents, productive citizens which, then, of course, will turn into economic boons for the province and the country.

Yes, that's—I just also think it's very important to respect the workers and that they have—because it turns out that we need the less change possible in the setting where the children are. I recall, as a director, there was someone retiring at the time I started, and I was really excited to introduce a new young worker full of energy and creativity, and I was astounded by how the children were quite distressed with the leaving of this loved staff, even it was an energetic, keen new worker coming on board. So there's plenty of loss and grieving happening just with people coming and going, with just going on parental leave or sick leave or whatever, that the less trauma and changes and shakeups that happen, the better.

I think the board members could use, maybe extra training and orientation so they know what they're getting into, but that was a revolving door in my day too, that, you know, by the time a parent feels comfortable enough to get on the board, it's, you know, they're into the second or third year of the—of their daycare experience and by the time they know what they're doing and getting confident in

what they're doing, their child has graduated to the school system.

So it would be—I express again caution about, you know, just moving in and disrupting a whole board and changing it quickly, you know. So I just really think it's important to provide as much supports in the most supportive ways possible on all levels.

Madam Chairperson: Thank you, Ms. Roch. The time for questioning has ended. Thank you for your presentation.

**Bill 14—The Traffic and Transportation
Modernization Act**
(Continued)

Madam Chairperson: We will now move on to Bill 14, The Traffic and Transportation Modernization Act. And I will call upon Jonathan Alward, Canadian Federation of Independent Business.

Mr. Jonathan Alward shall be moved to the bottom of the list.

I will now call upon Chris Lorenc, president, Manitoba Heavy Construction Association.

Mr. Lorenc, do you have any written material for distribution?

Mr. Chris Lorenc (Manitoba Heavy Construction Association): Yes, I do.

Madam Chairperson: Please proceed with your presentation.

Mr. Lorenc: Thank you very much, Madam Chairman—Madam Chairperson, ministers, members of the committee. My name is Chris Lorenc, and it's a pleasure, as president of the association, to make a presentation this evening.

Just by way of a very, very quick introduction, ours is the industry that has built all of Manitoba's core infrastructure, virtually from day one, in every of its aspects, and so we have an interest in these matters and in many others.

Bill 14, TTMA, as you know, amends and replaces a number of pieces of legislation, and we would like to address two specific areas tonight, and those are the duty to tender and, secondly, municipal responsibility for maintenance.

Section 9(1) of the TTMA addresses the provincial duty to tender public infrastructure projects. Our reading of the proposed legislation

suggests significant changes, allowing the minister or Cabinet greater latitude in setting aside the open, competitive tendering process, enabling sole-source contract awards which, with the exception of pressing emergencies, this association and industry oppose.

This brief reproduces, at page 1, the current language in section 22 of The Highways and Transportation Act as it relates to the existing duty to invite tenders. And I invite you to look in the brief on the before-and-after languages.

With respect to the existing language, it requires the minister to invite tenders by public advertisement except in cases of pressing emergency where delay will be injurious to the public interest or, in the opinion of the minister, can be done more expeditiously and economically by other arrangement. The existing language supports a public duty to procure through transparent and best-value-for-dollar practices by harnessing the competitiveness of the marketplace except, again, in clear, pressing emergency circumstances where there is risk to public interest. And that is the language we strongly prefer and endorse.

The proposed transportation infrastructure act reads that the minister must invite tenders unless, in his opinion, is too urgent or can be performed more efficiently or a committee of Cabinet approves abandoning invitation to tenders.

We regard section 9(1)(b) as the proverbial Mack truck clause, allowing the set-aside of open, competitive tendering and the use of different arrangements if the minister is of the opinion that the work is too urgent or can be done more efficiently.

The standard, then, changes from pressing emergency associated with injury to public interest to too urgent, and from expeditiously and economically to efficiently. These are significant and qualitative changes to the thresholds that must now be met.

Further, and worse in our view, the proposed new act gives a committee of Cabinet effectively unrestrained authority and power to set aside the tender process. While we've been assured that the revised language reflects the intent and spirit of the original language, our questions, then, are: Why the change? Why loosen the restrictions? Why enable greater latitude to step away from competitive bidding which supports best value for the public purse?

If there is no intent to change, then we would ask for a clear and unequivocal commitment from the minister that the duty to tender through an open, competitive process, but for pressing emergencies, will continue to be the requirement across the provincial government and associated entities.

* (21:00)

Alternatively, you have the opportunity and should suspend proclamation of section 9(1), not unlike the notice publication provisions have been suspended from proclamation under the planning act, Bill 19.

The second area we 'address' is a—address is a legislated municipal responsibility to properly maintain transportation assets funded with provincial dollars. Section 26(2) of the TIA speaks to the need for good, ongoing maintenance of public roads and highways, specifically those that are repaired or constructed through joint funding arrangements between the provincial government and a municipality. It says that, unless the agreement states otherwise, the municipality is responsible for maintaining the highway and must keep it properly maintained.

We can support legislative obligation to properly maintain these public assets, which are vital not just to the safety of Manitobans but to the ongoing growth of our provincial economy. However, we note the absence of any similar such legislative obligation upon the provincial government. And so we ask the minister and government to assure that it shares the commitment to maintaining its highways and infrastructure assets, which we believe is best done through maintaining a sustainable, predictable and incremental level of investment—not spending—through the highways capital program, beginning with at least a minimum of a return to the \$500 million annually, and not reducing it by the 40 per cent we've seen since 2016. You should know that every dollar invested in strategic infrastructure can yield up to \$1.60 of economic output in return. Infrastructure investments are part of our economy's health-care strategy.

Secondly, producing and publishing annual, five-year highway capital programs no less than what is demanded by provincial legislation of municipalities, which roll forward to enable fiscally prudent, results-driven management of the highways program.

Release the infrastructure deficit report affecting your transportation assets, allowing that information to come to the surface. We understand that the deficit facing the province to be in the range plus/minus \$6 billion. Making public that report allows for an informed public discussion on the level of investment required in our highway system. The City of Winnipeg did so in 1998, 2000, 2009, and most recently in 2018. Such a report is not only a duty of the provincial government, in our opinion, but clearly within the scope of its ability.

We recognize that the government generally does not legislate itself, but clearly such legislation exists: balanced budget legislation, procurement, red-tape-reduction obligations, workplace practices, codes of conduct, to name only a few. Nor is what we are suggesting related to any notion of day-to-day operations. Clearly, if Manitoba deems it prudent to protect provincial funds by requiring in law that municipalities must keep roads properly maintained, surely it should not be able to exempt itself from similar such standards.

Prescriptive micromanaging is not what is being asked for. Identifying a standard and holding the government to it, following the practices noted earlier, allows for transparent public policy development and budgeting. Such a direction reflected in legislation and/or practices would also clearly support this government's objective to be the most improved jurisdiction in Canada.

I thank you for this opportunity of presenting and would be pleased to take any questions.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions for the presenter?

Hon. Ron Schuler (Minister of Infrastructure): Thank you very much, and welcome again to committee, Mr. Lorenc. You're no stranger to committee at this Legislature; so great to have you back.

Mr. Lorenc, in April 18th of this year, we did send you a letter and we addressed both of the issues that you raise again. I'd like to point out to you the legislation is 128 pages. Because it touches a lot of different pieces of legislation, we had to impact a lot of different parts of those legislation and—simply because of the kinds of things that we're affecting, whether it's speed limits, deregulating the bus industry, what we're doing with the railway industry

and such. So it is a comprehensive piece of legislation.

The two specific points that you raise are in legislation and weren't changed. They were not the focus of this legislation. This legislation was dealing with something that AMM had been asking for, for many years. They have been asking for a lot more autonomy. We've listened to them. We listened to them during the campaign and said that we were going to have fair say. And we believe this is a very modern and progressive piece of legislation.

But the two pieces that you referenced are in legislation. They've always been there. We did not change them. That was not the focus of the legislation; focus of the legislation was that—some of the points that I just mentioned.

And I don't know if you received the letter, but we laid that out very clearly that that was not what the intent of the legislation was. It didn't go into legislation to change everything. It was to deal with the kinds of commitments we had made to AMM. And, frankly, this legislation gets rid of two and a half thousand regulations and then some, and we believe that that was very important.

So, again, that does not impact anything that's been done in the past. Those are parts of legislation that existed before and they just still exist in the legislation.

Mr. Lorenc: Thank you, Minister. Briefly, I'm not aware that AMM has been petitioning the provincial government to change the duty-of-tender legislation requirements.

Number 2, this is amending legislation. It is changing on the books what exists to something that, if proclaimed, becomes the new and replacement law in Manitoba, and our suggestion is that in the case of the duty to tender, what is being proposed to replace the existing leaves an incredibly wide open door to abuse. And that is not a position that our association or industry support.

We support open, unfettered, competitive tendering as the best instrument to provide best value on any and every project and best return to public purse, and that, from our perspective, is a duty and responsibility of procurement legislation, and the duty to tender dilutes that responsibility.

With respect to the balance of the legislation, you're right, it is far-reaching, it is comprehensive and it covers a variety of areas, but it is, as

well, parcelled into sections, and I've chosen—our association has chosen as a matter of interest to deal with a number of sections within those subsections of the global bill.

And, as far as the letter is concerned, yes, we did receive it. And, you know, we could go back and forth with letters exchanging opinions. The purpose of these hearings, as I understand it, is to allow us an opportunity to comment. And, respectfully, there are pieces of that communication to which you refer with which we agree and others that we don't, and that's normal.

Mr. Jim Maloway (Elmwood): Mr. Lorenc, I'd like to ask you, regarding sole-source contracts, whether you've been able to obtain any assurances from the government that it will stop this practice and when will it stop it. I have heard—they have said that they're going to simply provide these two sole-source contracts, one to Hartman and one for Sigfusson, totalling around \$11 million, but I've heard other stories that they're going to continue on with the next 20 or 30 million dollars worth of construction up there as sole sourcing.

Have you had any assurances from them that this will stop now?

Mr. Lorenc: Well, you know, I'm not the minister, so I can't give you any assurance. I can tell you that we have had very full and very frank and very many meetings with this minister, and we respect the fact that he has come to those discussions. I'm not going to pretend to speak for the minister other than to acknowledge that he has told us on more than one occasion that on the issue of sole sourcing the government has listened and it has heard and it will make decisions. We're optimistic as to the direction that the government will take, but I'm not going to presume to be speaking on behalf of or for the minister.

Madam Chairperson: The time for questioning has expired. Thank you very much for your presentation.

Bill 17—The Drivers and Vehicles Amendment and Highway Traffic Amendment Act

Madam Chairperson: We will now move on to Bill 17, The Drivers and Vehicles Amendment and Highway Traffic Amendment Act.

I will now call upon Mr. Timothy Scott, CAA Manitoba. Mr. Timothy Scott will be moved to the bottom of the list.

I will now call upon Len Eastoe, Traffic Ticket Experts.

Mr. Eastoe, do you have any written materials for distribution for the committee?

Mr. Len Eastoe (Traffic Ticket Experts): I do not.

* (21:10)

Madam Chairperson: Please proceed with your presentation.

Mr. Eastoe: Good evening, everyone. Thanks for the opportunity to speak here this evening—my first visit here, so I'm happy to see all the smiling faces. Hopefully you'll still be smiling after I'm done.

Just to give you a bit of background about myself so that you know where I'm coming from with this, I was a police officer for approximately 12 years—10 of those years here in Winnipeg. I left in the early '90s to be a traffic court agent. So, since that time, I've been a traffic court agent for approximately 27 years. Probably the—well, I am the original one here in this province, at any rate.

So I have a great deal of perspective, I think, on the police officer's viewpoint on things when it comes to this bill, as well as the traffic court agent's view on it. I deal and speak with people daily that have received tickets for electronic devices, mostly cellphones, almost exclusively cellphones. That's what this bill deals with.

It also deals with careless driving and changing the 'perspection'—or sorry, the perspective of how that's going to be viewed when the charge is originally issued. Careless driving has never been something that is a simple distraction. It is always a charge that is more serious than most under The Highway Traffic Act.

There is a lesser charge, under The Highway Traffic Act, that is used quite often in conjunction with careless driving, and, if it doesn't quite meet the threshold of careless driving, imprudent driving is then the charge that is normally issued and laid. Most often, police officers—god love them—make the correct decisions when it comes to issuing one charge or the other when it comes to careless driving or imprudent driving but not all.

About 40 per cent of the—well, maybe even more. I would suggest probably 50 per cent of the careless driving charges are laid inappropriately. They are not quite meeting that threshold, and so that charge, then, usually gets reduced down to

something less, like imprudent driving, or some other type of charge that fits the circumstances.

This bill, when it talks about careless driving, would now take anyone charged immediately on the street—within five days, they would have to go for show cause hearing. That is not enough time for the charge to be reviewed and determined to be an imprudent driving charge or, actually, a careless driving charge. It doesn't give the courts time to look at that. Therefore, it takes away the right of the accused to have that answered in court—before now he has to go before MPI and possibly suspended as a result of that charge.

At least, with the careless driving that's in this bill, the person gets a hearing, a show cause hearing, before people from MPI. So someone is at least going to look at it and listen to what took place and make a decision, but that person is not someone in the justice system. That person is not legally trained to look at the balances of whether that meets the threshold of careless driving or not.

They have a perspective which is given to them by MPI to look at these things and make a decision of whether that person's going to be suspended or not. That should not be, in my opinion; it should be the courts making that decision. They are the legally trained people who, then, will say whether that's a correct charge or not. And, if it is, the person will be convicted at their hearings. And, then, MPI can look at that suspension. And that's the proper way. We don't want to put the cart before the horse. I think that takes away from the right of the individual.

That moves us on to the cellphone use. This is even worse, in my opinion, to suspend someone at the time they're given the ticket and handed the document; now, you're going to lose your licence for three days, at first, and that's going to happen in the next 24 hours or so, without giving them any recourse to it whatsoever.

They don't get a hearing, so no show cause hearing. There's nothing there. They don't get to talk to anybody about it—well, except the family at home, who's now going to suffer along with them, and that's not even because they're necessarily guilty of it yet; that's just because they've received the ticket.

So this bill creates, for the police officer out on the street, the dilemma of being not only the person issuing the ticket to them—so that's the witness—now they're the judge, and they're the person

administering justice immediately by issuing a suspension, before they've even been found guilty.

In my experience looking at cellphone tickets, since they became illegal, on average the officer gets to view what's taking place for three to four seconds. That's the window he gets to make that decision and in—on that three to four seconds now we're going to suspend that person. Now, what did the officer see? Because there's degrees of cellphone use, and the courts already accept that. In my experience, in day-to-day cellphone trials that I do, we get officers issuing tickets for being held up to the ear and talking while you're driving—dead to rights. No arguments from anybody, I don't think, on that, certainly not me. I'll still represent them. I have a personal opinion.

So then we get the person who's stopped at a red light and reaches up, and you're allowed to touch your phone in that bracket once, as long as it's in that bracket, but if you touch it twice—and whose cellphone really opens up with one touch? We all have codes, so you've got to enter the code because it's gone black. Now you're going to get a cellphone ticket for that. Now, is that something we should be suspending somebody for, just because they wanted to open their phone? The law only gives them one touch, that's it. The officer, if he sees it, now has to make a decision. Do I give that person a cellphone ticket? And now they're going to get a suspension that goes with it. It's just not that simple of saying the person's going to get caught and you're going to give them a three-day suspension. There has to be due-droop—there has to be a process that they're allowed to go through to get there. This takes that all away.

And I've seen a number of cases over the years. Six years ago, in 2012, 74-year-old man, Ukrainian descent, driving along; he's never even owned a VCR in his life, never seen a cellphone, really, never spoke on one; he's never owned one. Yet he gets stopped by a police officer, pulled over, just him and his wife, driving down Portage Avenue, and he's given a cellphone ticket. It was later stayed by the Crown because there was just no evidence of it. The gentleman even offered the officer the opportunity to search the car. The officer didn't take it: doesn't have to, I saw the phone. He made a mistake. Officers are human, I know. We all make mistakes, all of us. You cannot count simply on the officer making the decision correctly every time. We see it in the news every day. It just doesn't happen. When you now suspend the person based on that officer's decision to issue the ticket, you take that ability to fight that

ticket away. And the person may be totally innocent but now already has a penalty. And, yes, it's a privilege to have a driver's licence, but that driver's licence is earned by every one of us who take the tests, go through the processes of having that driver's licence, so we deserve to at least be able to fight for that. It's not a right—not necessarily, anyways, but there is that perspective on it, at any rate.

Now, there have been other cases, a very recent one that I did, just last month, of a transit bus driver, Winnipeg Transit bus driver. Now, most of us know that the cameras are in place in transit buses. And they take pictures, video, of all different angles on the bus. And this particular bus driver gets stopped by a Winnipeg Police Service officer and issued a ticket for a cellphone. And while he's trying to explain to the officer he wasn't on his cellphone—wouldn't listen, the officer went back to his car, and he was standing there—and this is all on the video that was played in court—he went—goes to the people who were standing on the bus, it was fairly full, and asked, would anybody be my witness that I wasn't on my phone? Nobody wanted to participate. And the judicial justice of the peace saw all of this. The charge was dropped. He was—it was dismissed. That person who drives a bus for a living would've—if he was charged after this bill is enforced, he would lose his licence for three days. He's got to explain that to his boss. And what do you think's going to happen? I don't even want to know what he would go through as a result of that.

Madam Chairperson: Mr. Eastoe, your time for presentation has expired. Thank you for your presentation.

And do the members of the committee have questions for our presenter?

* (21:20)

Hon. Ron Schuler (Minister of Infrastructure): Well, and thank you very much, Mr. Eastoe, and with a lot of passion you stand up for the exception, not the rule. I would suggest to you this is really a debate about rights versus responsibility. I would point out to you, in 2016, there were 11,086 accidents due to distracted driving. And actually, nobody stood up for them. Of those, there were 29 deaths, Mr. Eastoe. I would be fine with occasionally a police officer maybe not getting it exactly right if we could eliminate those 29 deaths, because, you know what, Mr. Eastoe? Nobody stood up for them.

I'd also like to point out to you that those 11,000 accidents cost the basic insurance rate for Manitobans in 2016 \$60 million. And just recently, because we're now talking anecdotally, because that was your presentation, there was a motorcyclist decided—he had a green light—decided to take the right to drive through a green light and was hit by a semi-truck. And I could sit here like you and go through case after case after case.

Mr. Eastoe, we have a problem in society, and it's not just Manitoba; it's across the country. Every jurisdiction is going this way. We must deal with the fact that, in the same year, 2016, there were about 146 accidents because of drinking and driving; 11,000 because of distracted driving. And there is nobody in this room who can't tell me today they weren't driving and they noticed somebody looking down between their legs, and they had something there that they were working on.

This has become epidemic. It is absolutely out of control, what's happening, because people are on their phones doing something, and they're driving with their heads down. We have a problem in society, and we have to take it on. There still is due process. You still can go to the courts. You still can make your complaint heard. But I would like to know, who advocates for the 29 deaths in 2016 who had a right to be on the road—no fault of their own—are dead because of distracted driving?

And yes, Mr. Eastoe, we must do something.

Mr. Eastoe: I don't know of a law of distracted driving. There is no such law. I hear MPI using that term all the time, but there is no such law as distracted driving. It's a term; it's not a law. The law is in relation to cellphones.

You mention 11,000 accidents as a related—directly related to that? I haven't seen that stat. I don't know where that comes from. You may have it—*[interjection]*

Let me finish, and then you can ask me your question, no problem.

When you break that down—it's over the last five years, I guess—that's about 400 extra accidents a year, because, as I understand it, that's an increase of that, that the total number is 11,000. Is that not correct? Because I don't know where you're getting 11,000 in—that are directly related to whatever distracted driving is.

If we're talking about cellphone use, and that's what you're referring to, I don't know of a statistic that talks specifically about that. Don't know. So, who's representing those people? We all are, here tonight. That's what we're doing here. We're here to discuss how we can make it safe for everybody. But this isn't the bright bill to do it with. This takes away the rights of everybody sitting here tonight as well. This isn't the way to do it.

That's my answer to your question, sir.

Mr. Schuler: Well, there's this new thing Al Gore invented called the Internet, and you can go and you can find these statistics. They're on a Manitoba Public Insurance Corporation website.

And I'd like to point out to committee, this is distracted driving accidents, not all accidents. One year, 2011, 2,406 accidents because of distracted driving. Five years later, 2016, that escalated. Distracted driving only, Manitoba Public Insurance Corporation statistics—can find it on the website—11,086. Went from 2,400 to over 11,000 to a cost of \$60 million just in 2016 and 29 deaths, which is basically the same as the amount of deaths due to drinking and driving.

We have an epidemic. And by the way, we're taking away nobody's rights. We're actually giving people the right to drive and not be slaughtered on our highways because people are constantly looking at their electronic devices. That's the freedom we're giving. We're giving freedom to people who aren't irresponsible with their driving, looking at devices, watching movies on their devices, live streaming or doing whatever they're doing on their devices.

We have an epidemic. And yes, we have a responsibility as legislators to protect everyone, and that's what we're doing with this legislation.

Madam Chairperson: The time for questioning has expired. I will allow a brief answer from Mr. Eastoe.

Mr. Eastoe: I think we need to do it the right way, and this isn't the right way, as I said before. You've come up with a thought on it, and my thought is that this doesn't work. You can say MPI came up with these—whatever distracted driving is—I'd like to put it in the right term, like I did before. If you're saying that cellphones cause those accidents, that's a different thing than what distracted driving is, because the definition—there's no definition in law of distracted driving when it comes to cellphone use. A cellphone is something totally different; that we have a law about. And that's what I'm talking about.

You don't want to be the person who starts a new job one day, and then a police officer stops you the next—and your new job is driving, and now you're getting a ticket, and you're going to lose your licence as a result of that, and your family is going to be without a payday because of it.

So you can make it bigger by talking about 29 deaths—I don't know where that figure comes from again—because good old MPI likes to say these things, just like they did back in the day. I'm probably going too long here, aren't I? I'll stop. Thank you.

Madam Chairperson: Thank you very much for your presentation.

**Bill 18—The Child and
Family Services Amendment Act
(Taking Care of Our Children)**
(Continued)

Madam Chairperson: We will now move on to Bill 18, The Child and Family Services Amendment Act (Taking Care of our Children).

I'll call upon Sheila North—oh, sorry. Joanne Crate, Manitoba 'keewatiowi'—[interjection] MKO.

Ms. Crate, do you have any written materials for distribution?

Ms. Joanne Crate (Manitoba Keewatinowi Okimakanak): Yes, I do.

Madam Chairperson: Excellent. Please proceed with your presentation.

Ms. Crate: Okay. So maybe I'll just do a little brief synopsis of the situation, here.

The Province of Manitoba and the Department of Families is tabling legislation to amend the CFS act to include an amendment entitled Taking Care of our Children as part of the Manitoba's child welfare reform plan.

They have also established a legislative review committee which is mandated to provide a report of recommendations to further amend the current CFS act. On March 19th, 2018, the Manitoba government introduced initial amendments to The Child and Family Services Act.

Customary care is a key aspect of Manitoba's overall plan to transform the current child welfare system, which will allow a shift to greater extended family and community involvement in the care and

well-being of First Nation children that will preserve their cultural identity and family ties.

The concept of customary care was first introduced as a bill, in the late-in late 2015 but failed to pass. It is the expectation that all court-related decisions will take the new principle into consideration of customary-care arrangements.

Once passed and proclaimed, the bill will be entrenched in an all-care decisions related to First Nations, Metis and Inuit children.

The first reading occurred on March 19th, and second reading occurred on April 17th, at the Manitoba Legislature.

An overall review continues of the two acts that guide the CFS system, which includes the CFS act as well as the authorities act. A review—a legislative review committee has been appointed—was appointed in December and is expected to make further recommendations to the minister in the coming months.

* (21:30)

I thought it would—you know, first of all, I would like to thank everybody here for allowing me to come and speak on behalf of MKO, and this is a very important topic, you know, for our organization, as it will greatly affect most of our First Nation youth, children and families.

So, again, my name is Joanne Crate, and I'm here to represent MKO and Grand Chief Sheila North Wilson, and I am the CFS liaison officer for MKO.

I think what—it's also important to bring a little bit of a brief summary of what MKO is in general to kind of give people that are not familiar with our organization a bit of—a little bit of, you know, a crash kind of course in it. So MKO continues to explore ways to strengthen and promote the interests of our northern First Nation communities by achieving autonomy and self-sufficiency with respect to all areas that affect the lives of northern First Nations. Our view is that the governing powers of the MKO First Nations must be recognized as inherent and that our governing systems must have an administrative branch to address the technical and program aspects of First Nation governments.

The full restoration of First Nations self-government in northern Manitoba is envisioned by MKO in general as a three-part process. First, a repeal or amendment of the Indian Act and the

dismantling of the federal government department of Indian and northern affairs. Secondly, this—the transfer of federal and joint federal-provincial programs, services and related funding allocations directly to Manitoba First Nation communities. And, most importantly, the legal recognition and extension of First Nations jurisdiction and self-governing authority over our traditional lands.

Customary care is the traditional practice that has been—that has evolved since time immemorial among the First Nations of northern Manitoba, whereby the majority of the First Nation families had the capacity to care for and protect their children without the intervention of child-welfare authorities. Some of the core values remain in our communities today, for example, being child first or child focused, that the children are gifts from the Creator and that everyone is responsible for their care, protection and well-being. Grandparents assume the role of parents when needed—I, myself, as one of them.

Therefore, customary care involves everyone working together and sharing this responsibility collectively. For example, take into—taking into consideration the gifting of children to alternative families, or otherwise known as custom adoption, when a parent is unable to care for their child, whether it be mental health, health, death, et cetera.

Throughout life, children learn through observation and need mentoring and role modelling throughout their young lives, first being the involvement, of course, the biological parents and then extends towards the extended family and other community members along the way towards their adulthood.

Ultimately, many of these customs, values and traditions were eroded due to the effects of a more dominant society, specifically pointing out to section 88 of the Indian Act.

Customary-care legislation would recognize some of those traditional practices in caring for our children. Although Bill 18 supports more community control in the care of our children, adequate resources are required for it to be achievable and effective. Basic needs of First Nation families and children, such as housing, food, shelter, water, that we all need in order to survive, have to be met. We're all too familiar with all—with this—with the current status quo.

MKO held a chiefs general assembly on child-welfare reform at Opaskwayak Cree Nation on

March 5th and 6th of this year. A resolution resulted from our assembly that supports the concept of customary care in provincial legislation when it comes to child protection matters, which includes the key principle that parents, guardians, community in general are essential to any customary plans going forward.

In order to—in order for reconciliation to occur, further steps towards implementation of legislation requires the inclusion and advancement of MKO's leadership as equal partners for the sake of our northern children and families as a whole. Therefore, I would like to present some of the following recommendations.

MKO chiefs and assembly support in principle the concept of customary care in provincial legislation as explained by Manitoba and the chiefs and assembly direct grand chief to seek additional resources to have direct input and involvement in all child and family matters that reflect our traditional First Nation family laws.

The proposed legislation supports community control over and self-determination in the care of our children, which supports the political will to have MKO move forward with both levels of government in achieving First Nations jurisdiction over child and family matters. MKO is acknowledged for its long tenure of advocacy work on child-welfare reform, which includes work in advocacy for child-welfare reform—sorry, which includes our MKO family law.

And another recommendation is that Manitoba fill—fulfills its obligations to provide equitable services to First Nations children and families involved in the CFS system through adequate funding formulas.

Lastly, that Manitoba commits to work directly with MKO leadership on a government-to-government basis when drafting any further specific regulations and standards of Bill 18, including the implementation of such.

On behalf of grand chief, again, I thank you for allowing me to present. And I've provided 20 copies of a—of position statement between—that was created between MKO and Northern Authority for your perusal. I think it's a must read in order to grasp everything I said. And it would definitely provide further explanations and details that, you know, some of you may have moving forward.

So thank you again.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions for the presenter?

Mrs. Bernadette Smith (Point Douglas): Thank you for your presentation. As you probably heard while you were sitting in the audience, that we do have concerns with this bill because it doesn't include all indigenous people, and not all indigenous people live in their communities. We have many urban indigenous people that aren't necessarily connected to their communities. And nor would families, you know, feel comfortable sending their children to a community that they don't know anything about, right? Just like communities don't want to send their kids to the city, right? It's the same kind of—the fear of the unknown.

So I'm just wondering what your thoughts are on this bill in supporting non-indigenous families in the same types of ways that this bill goes in supporting families. *[interjection]*

Sorry, I'm not finished, so—it would be non-status, Metis kids that were adopted out. We had a young fellow who we'll probably hear from—I think he's in our audience—that was adopted out at two years old. Didn't have connections to his family for 16 years, came back, you know, and isn't connected to his community. We have many instances of that.

As an educator, I've seen so many kids in my classroom that were now starting to speak the language of the families they were living in, that were non-indigenous, that were ashamed of even identifying themselves as indigenous. So I'm just wondering what's your opinion on supporting, you know, families that aren't connected to their community in the same way that this customary-care bill goes—does.

Ms. Crate: Well, I can relate to that a little bit because I do have family members in that kind of situation as well as I've probably experienced it myself.

I don't think it's fair for—we don't want to re-traumatize any children further in regards to this bill. However, working in the field of front line as a supervisor, I've always encouraged maintaining that family connection regardless of whether they are returning home or not as long—you know, my experience has been that a lot of these children need to know their identity and where they come from, just like any one of us in this room.

* (21:40)

So I would kind of consider maybe having some kind of transitional plan in order to connect this child with their family, their culture, their community in some way without re-traumatizing these children. And, of course, that would involve—and if they do plan to go back once they're 18 or beyond or at any time in their life, I think there needs to be a strong transitional plan to slowly transition them into that—into their community or extended family.

You know, sadly that that's the situation that occurs. In regard to non-registration, non-status children, I think it's the responsibility of that foster parent to ensure that these kids have full treaty status, you know. That's not occurring right now.

They also need to ensure that the family connection is maintained, regardless of how that looks like. That's a case-by-case kind of transition plan that, you know, I think that the agencies would have to consider, but I do understand what your issue is with that. And like I said, maybe, like I said, the circulated document would, you know, provide more detailed information on that as well.

But I'd be certainly more than willing to provide further information. After me, we have Northern Authority, as well as one of our agencies. And I'm sure that they would be able to answer that question, too.

Hon. Scott Fielding (Minister of Families): Well, first of all, Joanne, I want to thank you for all your tireless work on—and I want to thank the Grand Chief as well as MKO for organizing the summit. I think those sessions were really useful, and you do get a lot, coming from, you know, from groups, right? Groups and chiefs and people involved in the system.

I know you, as a group, on the Legislative Review Committee, I think there's upwards of 1,500 people, whether it be the surveys and people that presented, so I want to thank you for all the hard work that you do. And I truly look forward to getting the report back from the Legislative Review Committee so we can make the changes.

This—the customary care is one element, of course, of the legislative changes that we're making. You know, we think it's an important step for autonomy and authority, and it's something that we've heard from indigenous communities. Before—we can debate on different elements of it, but I truly think it's a great step forward.

So just a comment, I just want to thank you for all your help and your support throughout the process, and we look forward to all your hard work from the Legislative Review Committee when it reports back to us, so we can make the legislation, and quite frankly, make the child-welfare system better. So thank you again.

Madam Chairperson: The time has now expired for questions. Thank you very much for your presentation.

I will now call on Dr. Mary LeMaître, private citizen.

Ms. LeMaître, do you have any written materials for distribution?

Please proceed with your presentation.

Ms. Mary LeMaître (Private Citizen): Okay. Tell me when to start.

Madam Chairperson: Go ahead.

Ms. LeMaître: Okay. Tansi. Aaniin. Han. Bonsoir. Good evening. My name is Dr. Mary LeMaître, and I'm a professor in the modern languages department at the University of Manitoba.

I'm also the communications person for KAIROS Cambrian-Agassiz, which is a coalition of the 10 major churches here in Canada whose main focus is on reconciliation and making Canada a more just and equitable place for our indigenous brothers and sisters.

I do my research on stereotypes about indigenous Canadians and on the colonial systems that hold these stereotypes in place. These systems include The Indian Act and, yes, the child-care system. These stereotypes, which, by the way, are the same in every colonized country, state falsely that the colonized is intellectually, morally and physically inferior.

These are lies.

Here in Canada, indigenous peoples have the status of a minor through The Indian Act, and the most common stereotypes falsely portray them as being irresponsible, that they need to be monitored more than other Canadians, and that they are bad parents, lazy, drunks, dishonest and stupid.

Again, these are lies.

These various—very stereotypes are part of what has fuelled the CFS system and its relationship with indigenous Canadians for years.

Bill 18: First of all, I would like to commend the Manitoba government for beginning to reform CFS by addressing the first five of the TRC's 94 calls to action to change CFS, as well as working on building a nation- to-nation relationship with our indigenous treaty family members. This is not only honourable of you to be respectful of the treaty relationship, but also in line with the United Nations Declaration on the Rights of Indigenous Peoples, in particular, Article 7.2, which states that: "Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group."

In Bill 18, section 8.16, article 28.17, article 48.17, article 58.24, article 6 and 8.28, article 21 protect, and I'm quoting from section 4: the fundamental need to maintain the culture, identity and connection to the indigenous community for indigenous children going into care and to protect them once they are there.

This is an excellent start. However, it still leaves us with a child-care model whose primary purpose is to remove children from their homes.

Here in Manitoba there are 11,000 children in care, 90 per cent of them being indigenous. Only 13 per cent of these children are taken into care due to alleged abuse. The rest of these are due to poverty-related reasons. For example, mom doesn't have enough money to put sufficient food on the table or is expected to have another bedroom in the house or does not have running water. We are prepared to take children from their homes, an experience that traumatizes a child, and put them into CFS where they are often moved from one home to another and where 40 per cent of them suffer abuse.

What we need to do is to support families instead of removing children from their homes for poverty-related reasons and giving someone else \$1,750 per month and, unfairly, about a third of that if you are a family relative, so that these children can be fed and housed and participate in extra-curricular activities.

It makes more sense and would cost far less to provide the family with the support they need, be that financial or emotional. This way, the children would be able to—would be kept as a—sorry—this way the children would be able to keep a stable base and flourish in their home environment. This strengthens the family unit and thereby strengthens our society

by making it healthier and costs us all less in the long run. Did you know that many children who go through CFS end up in prison and are homeless? Fifty-five per cent of the people who go to Siloam Mission were in CFS at one point.

For both families and children transitioning out of care I would like to see increased access to local addition–addiction programming that does not penalize those who seek help, an increase in safe space for parents and kids, community-based cultural support for indigenous children in non-indigenous homes that can occur in indigenous spaces such as the Thunderbird House, increased affordable housing for families and children transitioning out of care through Manitoba Housing, job and traditional family training, support for new families, healthy relationship training and support for parents whose kids are in CFS.

* (21:50)

Lastly, please consult with a child or children in the child–in child care as well as organizations that represent them such as Fearless R2W, AMC, the grand chiefs of SCO and MKO, the Grand Chief–sorry–Grand Chief cherry–not cherry but Jerry–sorry–Perry Bellegarde of AFN, as they are the ones in the situation and are the ones who will offer you the best solutions when it comes to CFS.

Thank you.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions?

Mr. Fielding: First of all, thank you for your presentation. Very much appreciate it. Well-researched, and it's great when you come to committee.

You did bring up the issue of poverty, and so I just got some questions on that. And, you know, in the CFS act, obviously, it does clearly state that people aren't apprehended for—like, for poverty.

But I think the point that you're making is that if you're low-income, then, you know, it's harder to have food on the shelves or have a proper, you know, place to live and that sort of stuff, so it makes it easier for people to take into care even though, you know, in the legislation, it clearly doesn't suggest that they can apprehend people in poverty. But I understand the point you're making.

The question I have is—and I heard the number earlier on today, the 13—you talked about the 13 per cent of—so, just for clarification, because I did ask our officials—and we don't collect information that way, right, because we don't apprehend based on poverty.

There's a variety of reasons, and if you're probably low income, the incidence of addictions and everything else is more relevant, so I—and that's, you know, abuse and a whole bunch of things, and that would be one of the reasons why you'd take into care.

So I guess the question is, where did you come up—like, where do you—what did you assemble the number from? Because we don't have that number in our system because we don't collect it. So I'm just wondering where you're getting the number from. *[interjection]*

Madam Chairperson: Ms. LeMaître.

Ms. LeMaître: Pardon me?

Madam Chairperson: I need to acknowledge you before you speak, so, Ms. LeMaître.

Ms. LeMaître: Oh, yes. Sorry.

Robert Falcon Ouellette, and also I got a document from Kevin Haywood who used to work with CFS and who put together a report. And so I got some of my statistics from there as well.

Madam Chairperson: The honourable minister, on a follow-up.

Mr. Fielding: Just—like, if we—if I could get—you know, I'm interested in it. And don't get me wrong; I'm not questioning you in a negative way, I'm just—I'm questioning the fact that, you know, our officials, you know, who, you know, through CFS and other means don't have the information.

And so I'm just wondering, you know—you know, people will come to me as well, and they'll ask me, well, is this the case? And I'll say that our officials don't have any information. So if I could get the information, because we don't track that way, so I'm just wondering how you came up with the number.

It could be right, could be—I just don't know but, you know, I've got to somehow have an answer. So I'd—if I could get that information. I don't know where Robert Falcon wet—louette—

Floor Comment: Ouellette.

Mr. Fielding: Thank you. The Member of Parliament, where he would get it from. We don't have it in CFS, because that's our reporting system, so I'm just—is that a—just a general statement, or is that—is there any facts, you know—and don't take that the wrong way. But is there any facts behind it, or is it just—*[interjection]*

Madam Chairperson: Dr. LeMaître.

Ms. LeMaître: Sorry. Yes, I'll wait next time. Yes.

So as far as I'm aware, they are facts. I can send you that information if you like. Yes.

Mrs. Smith: Miigwech for your presentation. You know, this sounds a lot like a bill that we introduced today that basically says that, you know, children can't be apprehended due to poverty.

As someone who's the MLA for the North End, where we see a lot of poverty, I have social workers calling me, school social workers, community members coming in to say that, you know, their children are going to be apprehended because they don't have adequate housing or they don't have adequate food.

So, you know, we look at this customary-care legislation, but we're not protecting the others that don't fall under this legislation. And this bill that we're trying to introduce would essentially support those families that aren't connected to their communities. Do you have an opinion on that?

Ms. LeMaître: I'm—thanks. And I know this government likes to—like, is concerned with money, right? And so, you know, it costs less in the long run, and even in the short term, to be supporting families so that they can stay together, as opposed to taking a child out of its home, paying someone else seven-fifty—seventeen-fifty a month to give them a roof over their head and food and extracurricular activities. If we—it doesn't cost that much to help a mother put food on the table. It doesn't cost that much to, you know, help her to get a little more so that she can have an extra room for her child. Yes.

Mr. Fielding: No, thank you for the comment. And, respectfully, you know, I think that's really what this customary-care bill is about, right? I mean, what I've heard a lot from indigenous communities—and we have done a lot of consultations through our summits and through the Legislative Review Committee and just being, you know, involved in this field for over two years now. I truly hear that, really, communities need to be more involved in the decision making of

when a child needs to be, you know, taken care of and away.

And so, when you have a customary-care provider that's a signatory to the agreement, you have the parent that makes the decision, you've got the CFS agency, but there's also an ability—and there is—to take into consideration that culture, the traditions, all that—all the, you know, important things—culture, to be a part of that. And instead of having it potentially in a foster situation where someone may not have that same connections to culture and traditions, if you have an immediate family member or someone in that family network that understands the community, would you not agree that that's a good, positive trend going forward? *[interjection]*

Madam Chairperson: Dr. LeMaître.

Ms. LeMaître: Oh, sorry. I do think it's a good, positive trend going forth. But the people I know who work or have worked in CFS, the big flaw that they see in the system is that it is designed to take children away. And so I think it's a really good, positive step, but I think we have to go a bit further and that we have to start supporting families so that those kids can stay with their families. It's very traumatic for children to be taken away from their families and put with someone else. Yes.

Madam Chairperson: The time has now expired for questions. Thank you very much for your presentation.

I will now call upon David Monias, First Nations of Northern Manitoba Child and Family Services Authority.

Mr. Monias, do you have any written materials for distribution?

Mr. David Monias (First Nations of Northern Manitoba Child and Family Services Authority): I do.

Madam Chairperson: Please proceed with your presentation.

Mr. Monias: All right. Thank you very much.

Cree spoken. Translation unavailable.

Thank you for everybody for allowing me to speak here, to speak about customary care. I'm a Pimicikamak Cree Nation member, and I'm here to speak on behalf of Northern Authority and also KSMA, Kinosa Sipi Minisowin Agency, on customary care. And thank you, Minister, for the

many meetings in that you have attended to discuss with us.

First of all, thank you for making the important decision to allow us to make a presentation. Thank you for allowing me to be part of this process and to present to you what our people have stated to us when we collected and documented their beliefs and values relating to child and family matters.

Secondly, thank you to Northern Authority and KSMA for allowing me to speak on their behalf. This whole process that is now in motion did not create an opportunity for all First Nations in our communities to participate and provide feedback on legislative changes required. There were no meetings held in our First Nations communities, and many do not have the ability or the capacity to go online and provide feedback and input as the connection to the agency—Internet is faulty, poor or non-existent in some cases.

Over last 20 years or more, I have visited 30 First Nations communities and consulted many community members via workshops, surveys and working with elders in a conference on child and family matters. In other words, I have the—I have consulted with them myself, so my 'analys' of what I say today comes from them.

In 2015, Northern Authority provided funds to each agency to solicit values and beliefs from the membership of the child and family service agencies. This included KSMA, and the agency received input and feedback from the Cree nation and the citizens of Norway House, Manitoba. The messages solicited were very valuable, and they—the people were more than willing and happy to share their teachings, their experiences and their vision of what child rearing was, what it is now, what it should be. In essence, they shared their vision.

* (22:00)

Our First Nations people were and continue to be removed and prevented from getting involved with child and family service matters in their own communities. The First Nation families are told by provincial systems, through the authorities or other agencies that this is not your responsibility. The Province tells us that child welfare's not our business, yet everyone else seems to be treating our First Nation children as business. We agree that our children are not business because they are children in care and vulnerable young people who should have

caring people caring for them thinking, but instead of thinking about money first.

Our children are used as commodities. They are a business to the system and they make money off of our children. This includes the legal system and the real estate world where cases are tried for long periods of time in court without any contact between the lawyer and clients. There are many people out there who have nice homes because of the amount of money they get for having our children in their care, but our families get nothing when they need in-home support services and funding to help them with their children.

The Child and Family Services Act under section 26 allows for the child and family agencies to leave a child at home while seeking court order or pursuing further orders. So, technically, a child could be returned home and still be in care. When this occurs, it is considered nonpaid care the moment they are back in their own home. They do not qualify for financial support to help them like the way a foster home receives additional monies or supports when they run into problems caring for our children. Foster parents have more rights and entitlements than the biological parents, and that has to change. While they do qualify for family services, this is limited to approximately \$2,300 per year, which can quickly be depleted.

Our community people and extended families have been told that we have no business in getting involved in that with our children who come into care. This is where the disagreement lies. The people told us that the provincial system does not recognize the Aboriginal and customary-care systems that were in place, and the Province, with good conscience, allow First Nations to implement their natural systems. This includes the use of kinship systems, the use of language in child rearing where these valuable—these were valuable in learning the relations and the responsible of relatives in child rearing.

I'll give you a little bit of example. If my parents died, I have parents that will look after me because my dad's brothers are my dads, the way I know them as. My mom's sisters are my mothers, and all their children are my mothers—my siblings, and they will look after me. That's customary care. *Cree spoken. Translation unavailable.* That's how it's called. So we need to start recognize those things.

So I commend you on making this bill. We believe that a First Nations possesses inherent rights,

particularly Aboriginal title, Aboriginal rights, treaty rights over traditional territories and land, resources, the member First Nation which transcend all boundaries. The First Nations people have never abandoned their right to sovereignty over these territories, land, resources and member First Nations, including child and family services and the well-being of safety of our children. The statements we make are entrenched in MOUs signed by the MKO, the protocol agreement signed by MKO and The Child and Family Services Act, the child and family services authorities act and it's entrenched and recognized and affirmed by section 35 of the Constitution Act, 1982. It is our right and inherent right to raise our children and govern ourselves in a way how we were raised as children. This is our right, was never given up by our people, and we retain this right and responsibility.

It has been said time and time again that these parent-child bonds and our responsibility as Aboriginal people should not and could not be severed. The federal and provincial government tried this with the residential schools, through Child and Family Services, and we, including you as leaders, cannot go back to letting that happen. We have seen the effects of the residential schools and the '60s scoop where our children were lost. As a result, they lost their sense of self-worth, their identity and were made to despise who they once were, where they came from and lost connections to the things they once loved, their communities, their families and their siblings. The late Judge Kimelman called it cultural genocide. This has to stop, and you can stop the cycle.

When the Aboriginal people took over Child and Family Services, First Nations CFS agencies changed the way they did practice because child—because the standards and the policies for CFS did not fit in the Aboriginal ways and the standards did not reflect the realities that First Nations lived in. The current CFS staff and the people that I work with did and continue to do the best they can with what they had, worked on best practices, encouraged and directed by our First Nation leaders.

We continue to recognize customary care. It exists now, before—even before this bill was, existed before we were born. And you're going to legislate it, yes, that's fine, and we are in agreement with that. The staff worked on promoting health and safety and prevention and preservation and protecting the safety and health of our children and families. But the system keeps coming down on our people, once

again threatening the very fabric of our future, and that is our children.

We entered into this partnership called AJI-CWI to prevent that from happening for our people, especially with the leadership, to continue to be involved, not to interfere but to advocate and speak for the families and to protect our future, our children.

We, as First Nations, want to pave the way to the future and lay strong foundation: the family, minisowin in our language. That's what it's called: minisowin, a place of beauty. In order to protect our future and to have a bright future, we needed and wanted to invest in our children, and we needed to bridge that which was broken: that is the bond between the children and their families, to preserve families and to protect our children.

The system today does not do that for us, as we continue to see an increase in the number of children removed from their parents and communities, and we see the chief and councillor removed from their rightful place in child family matters. The leaders are integral part of our children, our families and our communities. They are our protectors and need a place in our decision-making, as they control the assets and collateral resources of what our families need.

The people we consulted with said it's time to get control of how we protect and preserve our families. It's time we take and shape our future with our own ways, just like our ancestors did. It's time to take back what is rightfully ours, and that is the response of our children, families, and the right to govern our own child family matters.

We need to restore and resurrect our ways to make things right for our future, our children, not to stand in the way the—our people, and the chief and councillors carrying out their roles and response we—with child family matters, the services and the resources.

The legislative changes must recognize the Aboriginal right and responsibilities to care, protect and advocate for the best 'intret' of children within the context of family—and that could be biological, extended, it could be foster care, adopted family, so within those contexts—and the community—whether it be that reserve or in Winnipeg, urban settings or whatever—and our culture and the way they were brought up and the way they were lived. That's a way

of living, right? And that's including their belief systems.

So please take into consideration our recommendations to—for change in your legislation. I am attaching recommendations for your considerations. As part of your attachment, I'm also including a slide presentation on customary care. So it's for your own—for reading later on.

Because right now, there's some things that we want to change. There's some things—all-like, right now, your legislation bill is about agreements. Not everybody is in agreement. I'm not going to stand here and romanticize that First Nations have good harmony all the time.

So the—not just agreements, but we also have to have customary-care orders under section 38(1)(g)—it could be added in there. That way if we have to go to court, then we at least have the means for the judges to make that order if we can't come into an agreement. And we still need to protect ourselves but with the family member.

Madam Chairperson: Mr. Monias, your time for presentation has expired.

Thank you for your presentation, and are there any questions for the committee members?

Mr. Fielding: Well, first of all, thank you very much for your presentation. Well thought out and put together, you know, agree with a lot of the things that you had said. And—you know, as government we really tried working hard to get the Northern Authority out of administration in so many different ways, and so sometimes that's a back-and-forth and mutual trust and—from both sides, right, and I think we worked together to make that happen.

Just a couple points I'll just point out. I think you had mentioned that you can do customary care right now, so why—essentially, you can do that right now. So why do it in legislation? There was some relevant points, so I just want to make a point to that.

So Bill 18, really, it's an important step forward we think at that long-term process, but the legislative role for indigenous communities really needs to be mandated to allow parents to retain their legal parental rights. So without customary care, the act requires agencies to seek court orders—as you had mentioned—in terms of the transfer of guardianship for CFS. Bill 18 introduces significant changes that really recognizes the right of indigenous children

and, really, the role of communities to share in the care and responsibilities of the children.

So, I guess, it's more of a point, but I'm just saying that I think this is a step forward on things. This isn't the only piece of legislation we're doing to reform the system. We clearly identified that we'll be doing this. We've talked with indigenous leadership—Grand Chief North as well as Daniels as well as President Chartrand on the timing of the customary care. But the legislative review that—it was Joanne—is from—north authority is a part of, will dictate the overarching changes to the CFS act and the authorities act, and we anticipate that coming in fall.

* (22:10)

So this is one element of it and we do think that it does go a—further in terms of providing that autonomy and having communities actually having a say in the care of their children.

So I don't know if you want to respond to that.

Mr. Monias: Yes, I appreciate what you say and what you're doing here, and I think that's—it's the right step in the right direction that we're doing. All I'm saying is basically we can make it a little bit stronger. There's three things that all we have to agree. One is by agreement of this is what is the—dealing with, and the other one's recognizing the existing customary arrangements that exist that are not formal. And the other one is actually looking at the court-ordered stuff and allowing for us to enter arrangements in customary-care arrangements for the children that are in permanent care. And we have to go through the court to rescind those orders, so we need—we put something in place here, for your consideration, under section 45(4) and to add number (c) in there that will allow the judges to rescind the orders and actually return the children to maybe a customary-care arrangement by way of agreement or by way of an order.

That's all I'm saying, is that there's certain—just that you guys have not contained the consideration, and you need to add those things in order to make it work.

Ms. Amanda Lathlin (The Pas): First of all, I'd like to thank you and—for all this valuable information for us to use for consideration in debating this bill.

I'm a foster parent myself, looking after three of my nieces. Two of them are under agencies, KSMA and OCN. And I'm their aunt, but most importantly,

their mom. And I truly understand the trauma that apprehension can have.

So, with that, I just want to know, like, under customary care—sorry—should support systems be in place for children and the mothers such as counselling? Are these children receiving counselling at school while they're apprehended? Are we receiving counselling while we're waiting for the kids to come back?

Mr. Monias: Yes, I totally understand what you're saying, and I think that right now the only time we can spend a child—spend money—is when a child's in care. And when a child's returned to their extended family or with family members, there's no monies for that. It's called non-pay care. And that needs to be struck out as well because to allow the capacity building to allow for people like her to be able to care for those children, to receive the counselling and in-home support services the way we would with a foster family, because a foster family has unlimited resources, almost, in a way. There's a lot of billables that we can do. But as soon as they go home or with extended family members, that stops automatically. And we can't continue to capacity build for those families to have that happen if we don't allow—if we do not change the ways. And I think that by, through this bill, we should be able to do that.

Mr. Fielding: Again, thank you. Just want to clarify—and I think it was the question you were asking. So, you're saying, you know, with the changes that are made, if a child is in the existing system, would you have to go back to the courts, and so just for—to get the agreements. So, once the legislation's proclaimed, customary care will be an option for both new and existing cases. So, for example, an agency that has a temporary order on the child, granted by the courts, could then transfer to customary-care arrangements. So does that answer your question?

Mr. Monias: No, it doesn't, because one of these things—the judge has to take into considering what's—what is in there. He takes consideration, but there has to be mechanisms that allows for him to specifically tell someone what his powers are to do that. And by adding that one section in—or section 45(4)(c), it will allow him to do that. Because right now he can only change that order to temporary or to return the child to an actual parent.

Madam Chairperson: The time for questions has expired. Thank you very much for your presentation.

I will now call on Cora Morgan, First Nations Family Advocate Office.

Ms. Morgan, do you have materials for distribution to the committee?

Ms. Cora Morgan (First Nations Family Advocate Office): I do.

Madam Chairperson: Please proceed with your presentation.

Ms. Morgan: Good evening. I appreciate the opportunity to be here on Treaty 1 territory and bringing forward a submission from the Assembly of Manitoba Chiefs. Speaking to Bill 18 on the matter of customary care, the Assembly of Manitoba Chiefs has had a consistent message. The Assembly of Manitoba Chiefs is in full support of First Nations having the right to self-determine who within our communities can provide care and guardianship over our children as per our inherent indigenous rights that are recognized and supported within the treaties, the Canadian Constitution, United Nations Declaration on the Rights of Indigenous Peoples, which Canada has stated its full support in 2017.

The Province of Manitoba's proposed customary-care model is not a First Nations concept, and First Nations do not need the Province to legislate, restrict and control our traditional family systems.

AMC has stated our position repeatedly, including entering our position on the record in the Manitoba Legislative Assembly on March 7th, 2016, when the previous provincial government attempted to pass provincial laws on customary care through bill 15, the child and family services amendment act, the recognition of customary care of indigenous families.

The current bill as it now appears to perpetuate the status quo with minor changes to a provincially defined and legislated definition and approach to customary care. As a delegated, provincially legislated process, the bill does not recognize First Nations' inherent jurisdiction, recognize a nation-to-nation relationship or acknowledge First Nations traditional laws or allow opting out once a First Nation has developed their own law.

Manitoba First Nations, as rights holders, must be consulted when Manitoba proposes legislations that affect our rights. On January 22nd, 2016, the AMC informed Manitoba that it must ensure

consultation with First Nations did take place. AMC did not receive a response.

Involvement in drafting regulations is not consultation. In any event, engagement of the AMC, other organizations, authorities or agencies whom are not rights holders cannot take the place of meaningful consultation directly with First Nations. It is therefore recommended that the committee not pass bill 15 until has evidence that Manitoba has meaningfully consulted with Manitoba First Nations.

It's critical to note that in 2016, while as the official opposition party, your Progressive Conservative Party opposed Bill 15 in 2016, which did not pass, and now that, in 2018, you're attempting to rapidly pass a recycled version.

Today, in 2018, the provincial Conservative government is attempting to quickly force through Bill 18, The Child and Family Services Amendment Act, without considering our prior stated positions and not even waiting for the wider province-wide consultations to be compiled and presented to Minister Fielding.

The Province's Legislative Review Committee that was announced in December 2017 is comprised of seven non-CFS people, with some of the members receiving funding from the Province for their organization's services.

We ask what the point of the Legislative Review Committee on child welfare if the Province-provincial government is already attempting to enact legislative changes without any consideration of the results of the commission.

All of AMC's resolutions and judicial positions maintain that customary care, in any form, cannot be externally imposed into First Nations or our families. It is contradictory with the English language to impose provincial legislation into First Nations and call it customary care, for it does not come from the customs, traditions, mandates or laws of any First Nation.

At best, it is the Province appropriating First Nation terms for the Province's own agenda without any due consideration to its actual intent, meaning and purpose. It is of the greatest disrespect to First Nations and our true customs.

In examining Bill 18, there is a flagrant oversight of First Nations and First Nations chiefs and councils and communities having any direct say

within customary care in Bill 18. The CFS agency's authority supervises the agencies and determines if a customary-care placement or arrangement is working according to its own standards.

There's no recognition of the need for First Nations leadership and communities to have any say. The section further reduces not only First Nations' communities and leadership's roles in providing care of our children, but it reduces the First Nations' agencies' abilities to determine placements, as well.

It is not the agency that reviews the customary-care arrangement in 12 months, but rather the CFS authority who reviews it to determine whether the supports and services provided under—continue to reflect the best-interest criteria set out in subsection 2(1), 8–31, with the authorities being the provincial CFS structure.

This further imposes the provincial CFS act and CFS system onto First Nations even more than currently. This violates First Nations nation-to-nation relationships that were recognized in the treaties and it furthers attempts to assimilate First Nations within the federal-provincial-municipal structures, as per the 1969 White Paper.

* (22:20)

Sections 8.3 and 8.31 are blatant examples that Bill 18 is not allowing for First Nations customary care and, in fact, is a further instrument of assimilation that continues the stated intentions of the Indian Residential Schools and the white paper.

Section 8.24, section 1 states that, (a) providing customary care through the planning for supports and services including, if applicable, residing in a customary-care home in a way that is sensitive to the needs and the culture—cultural identity of the child. However, sensitive to is completely insufficient. Sensitive to is so ambiguous that there's nothing within the statement that identified the traditional, political, legal or even social rights and responsibilities of First Nations to self-determine the care for children.

Section 8.24, section 1 states that customary-care agreement is to recognize (b) the role of the child's indigenous community in planning and providing customary care. However, in 8.24, the parties that need to be in the agreement do—does not include the First Nation. A representative of the children's indigenous community may be a party, but it does not identify who the child's indigenous

community is, nor does it ensure First Nations representation or decision-making ability.

Section 8.27 does not even require that the copy of a customary-care agreement is to be given to the First Nation, or notification when it ends. Only the CFS-mandated authority is identified to receive a copy.

There are contradictions between 8.24 and 8.28 which states that it is only when parents provide consent that customary care can be provided. However, 8.28 says before participating in planning or providing supports and services under this part, the agency must make arrangements to work with a child's indigenous community. How do these two sections work together? How do they allow for—in any way for First Nations control of how our children are being cared for?

According to 8.28, the agency determines which community members to notify. If it is the agency, then how does the First Nation community and leadership self-determine who should be involved in the custom-care arrangement? Some First Nations agencies work closely with their communities and leadership, and thus, there could be fair representation of the families and leadership. Other First Nation agencies have not developed positive working relationships with their leadership or community members. And section 8.23 further divides this.

Section 8.28 does not resolve issues when children have direct ties to two or more First Nations or when children are entitled to status but do not have it. Who is their First Nations representation? By 'default', it would fall to the child's agency to determine, which again leaves out extended family and First Nation leadership.

And section 8.25, the best interests criteria set out in the subsection 2(1) applies in determining whether to enter into or continue a customary-care arrangement.

Tragically, for First Nations in Manitoba, the ways in which the best interest of the child are being applied under provincial CFS law and practice and are not in accordance with First Nations understandings of the best interests of the child. First Nations understandings of the best interests of the child do not separate the best interests of the child from the best interests of the family. The child can only be understood within the context of the child's family, First Nations lands, languages and identity.

The province's limited interpretation of the best interests of the child that focus solely on the child is self-evident with the ever-increasing numbers of First Nations children who are coming into care of the CFS and placed away from their families and communities. To focus on the child does not consider the rights and needs of the family.

As for section 8.28, before participating in—

Madam Chairperson: Ms. Morgan—Ms. Morgan, your time for presentation has expired, so we are going to move on to questions.

Thank you for those words, and do members of the committee have questions for the presenter?

Mr. Fielding: First of all, thank you, Cora, for your presentation and thank you for your passion in the community. I know you're a very passionate person about all CFS issues. So I appreciate you coming out here.

Just a few, you know, maybe, elements of that. And I guess I could—you could respond to a variety. You know, you put out a large amount of things, but just a bit for background, in terms of the CFS reforms that were introduced in October, this is one element of—the customary care is one element of it. And so, what I decided to do, I figured, well, you know, if we're going to introduce legislation, probably the best way to do this is to call a leadership council meeting to find out about timing, because there's a whole bunch of different things that are going in the CFS system right now with the reforms that are going on.

And so I got endorsement by all the members that attended the legislative council meeting, at that point, to move with the customary-care legislation that's there. So I try to do what's, you know, is legislated. A portion of things, when major change is going to happen, go to the legislative review committee, which I did.

A part of the legislative review team, what I also said, as you probably know, there's three mandated agencies, or mandated leadership groups that are involved in the CFS through the authorities. There's obviously the general authority, but there's MKO, there's SCO and, as well as, the Manitoba Metis Federation.

And so a part of the legislative review committee, we asked Grand Chief Sheila North, we asked Grand Chief Daniels, as well as President

Chartrand for a representative to sit on the Legislative Review Committee.

We also put some community members—a lot of people know Michael Champagne, local activist. We also put on Diane Redsky, who's an important figure in the social service agencies for Ma Mawi.

We put also an MLA. We thought that was appropriate, and we also had another individual, Sherwood Armbruster, who's got some lived experience with it.

A part of the process, we did have summits that were arranged by MKO that we had in The Pas. We had summits from SCO, in Winnipeg—a two-day session, both of them, and then, through MMF, organized two sessions: one in Winnipeg and one in Dauphin.

The legislative review committee has met, and they're close to their recommendations, but they have got consultation from about 1,500 Manitobans' online surveys. They've met with about 26 participants on key stakeholders. They've had 15 written submissions from groups, care providers, and they have had meetings in Thompson, Brandon, Dauphin and Winnipeg.

The final report is going to come back to myself. At that point, we'll be making that public, and we'll be having discussions with—through the leadership council as per the legislation to discuss any changes that are going on.

So, you know, it is a fairly robust process. I appreciate you may not feel that way, but, you know, through this legislation, this is one element of it.

We do think that it is a step forward. Is it perfect? There's nothing in legislation that's ever perfect, but we do think that it does allow for more autonomy for the communities to have a say in terms of the care that we've heard, you know, pretty clearly from indigenous agencies and the communities.

So maybe I'll leave that with you, and, if you want to respond, you know, obviously there's time to do that.

Ms. Morgan: Sure. Well, the Assembly of Manitoba Chiefs engaged—facilitated its own engagement, in 2014, which precipitated the document bringing our children home, which had 10 key recommendations, one being the need for the First Nations Family Advocate Office.

There was also recommendation for the need for jurisdiction over—to the ability to assert jurisdiction over our children and families.

Along the way, there's been lots of, like, the provincial government, the former NDP government, that was presented to them, to this current Conservative government, and, as we're all First Nations, attempts to reform the current child welfare system. So we have those things in place.

We also had the Kee-Way-Win engagement that was concluded in June 30th, 2017, which also heard from our First Nation communities on the types of reform and prevention that they wanted to see when it came to child welfare. Our women's leadership council has completed a strategic plan. We have numerous press releases and chiefs' resolutions around the reform and the types of things that our First Nations wanted to see, predominantly because the majority of the children in the child welfare system are our First Nations children. So there is an expectation that those voices were to be heard.

And so I know that SCO and MKO have been a part of some of these processes, but those same chiefs have also been a part of these Assembly of Manitoba Chiefs Assemblies and these engagement sessions that have taken place.

* (22:30)

And so the aim of all of these recommendations and things that we want to see are coming from our First Nations leadership and our First Nations people. And the idea and the concepts that are being brought forward and the solutions and the revival of these customary ways, inherent ways of doing things, were to be led by our First Nations, not to be imposed in some contorted way by, you know, provincial legislation.

Madam Chairperson: The time for questions has expired. Thank you very much for your presentation.

I will now call upon Mary Burton, private citizen. Mary Burton will now be put to the bottom of the list.

I will call on Amy Komus, private citizen. Ms. Komus, do you have any written materials for distribution?

Ms. Amy Komus (Private Citizen): Yes.

Madam Chairperson: Please proceed with your presentation.

Ms. Komus: Good evening. Thank you for having me today.

My name is Amy Komus, and today I am speaking from my personal experience. And in my personal experience and ideology, the CFS amendment act is a step in the right directions. My positions and experience in child welfare have led me to this opinion.

I am a former youth in care who aged out of the system at 17. I have worked in specialized group homes. I have done respite for foster parents. I am a mother and also a former foster mother of two girls who are now adults. I have shared my story of being in care to the Free Press, on CBC and also on panels for the Youth Speak Out team, who've also spoken to various provincial governments around Canada. I volunteer for Voices: Manitoba's Youth in Care network and co-host for their weekly System Kidz radio show, which is all about issues that matter to youth in and from care. I trained and mentored youth to self-advocate and to share their stories of being in care.

I'm also currently a high school teacher and I facilitate a kids-in-care group at my school as well as a foster parent support group as well. I'm also a member of my school division's committee to improve the educational outcomes for youth in care. I and others are developing a course for high school students to receive a credit for child-welfare-system literacy and advocacy as well. I'm also learning how to represent and advocate for families who are facing CFS with Fearless R2W.

I come to you today not as a representative of any of these groups, but as a representative of myself and my family. My journey starts when me and my siblings were children and we were apprehended suddenly and placed in various foster and adoptive homes all around Manitoba, homes where we were completely removed from our life as we knew it. We lost our sense of family, most of our sibling connections, our home, our playground, our toys, our school, our friends. That day is etched in my memory and has created a longing for home that will never cease for me and for the rest of my siblings, as well. The system, as it were, really thought that they were doing what was best for my family.

From that day on, the consequences for my family were mostly dire. My mother spiralled downward, developed severe mental health issues and died alone with a broken heart, still longing for her children. My brother, feeling the weight and

pressures of the world with no support and no community, succumbed to suicide as a young man. Out of my mom's nine children that were placed in the child welfare system, four have struggled with addictions and still do, five have dealt with youth homelessness, four have struggled with mental health issues ranging from depression to schizophrenia—sorry, all have, six of us have received various forms of abuse from our caregivers after we were placed in care and we all still struggle with our identity today as citizens.

The journey of my family is not uncommon and child-welfare reform is long overdue. I often wonder what it would have taken to save my brother, to help my siblings and to heal my mother. The answers are not rocket science. Every child needs love, a community, support, a home, an identity and a voice. Being ripped out of your home and away from your family is traumatic enough. Shouldn't we prevent the trauma that comes after being misplaced, often transitioning from year to year, from home to home? Customary care somewhat addresses this need and takes a step in the right direction for children to retain a sense of identity and belonging upon coming into care.

From my experience, I propose that when a child comes into care, all measures must be taken to maintain that—a sense of community and identity. All children, regardless of ethnicity or culture, must remain connected to what they already know. That hopefully means the child can stay in their home whenever possible, even if there are situations that mean that the parent should be reformed. The parent should then be removed from the home instead of the child and given adequate supports to help the parent and support the family as a whole. However, if that is not possible—and it doesn't really seem to be on your agenda—then keep the child within their family of choice. Grandparents and birth fathers who are often neglected and overlooked, family friends are all options that need to be considered when placing a child.

When family of choice is not available, place the child within their home community, geographically as well, where they can maintain a sense of familiarity and retain their friends. When this is not possible, ensure that children stay at their school as to not disrupt learning. This may mean allocating a small budget for transportation from the new placement to school but will save provincial tax dollars down the road.

When maintaining school is not possible, then children must be able to maintain ties to their culture and language. Of course, culturally appropriate homes are ideal, and if a home is willing to adopt the views and customs of a child's culture, they should be considered for placement and not disregarded, especially if there is no other opportunity for a stable home environment for that child.

I have a personal example of a—I know a mother who the band actually adopted the mother, the white mother, into their band, and then they were all able to raise the children together. It was quite beautiful.

In regards to indigenous children, I think that non-indigenous foster parents should be willing to at least consult with the child's band and community to make sure that the home maintains that child's indigenous identity. This will ensure that the foster parent is able to, or is accountable to, the child's home community or band and they can both contribute to the child's upbringing.

Of course, understanding where to place the child must include what the child wants so that their voice is to be heard. As a child in care myself I felt powerless, victimized by the system that saved me. I didn't know why I was in care, what a social worker did, how they could help me. I was afraid. I didn't even know I could ask questions. I thought that I had to fall in line because I was being watched, just as my mother was being watched.

Navigating the child-welfare system is no easy task, and I didn't even start learning how to do it until I was an adult. From my experience with my own family and from my professional dealings with kids in care, they are all missing a key aspect: understanding the system that is now going to become their family.

How can a child use their voice if they don't know what to say, if they don't know how the child-welfare system works, if they don't know what their options are or what questions to ask? Teaching children system literacy and their rights upon entering care is vital if you truly respect the voice and views of the child, and if the voice and views of the child—they are useless if there are no supportive adults in their life to listen or to foster the skills necessary to be included in their plan.

Adults must be accountable to the children that they care for. This is not a one-time thing, especially if the child is currently traumatized by the

apprehension. The child's views on their plan must be revisited multiple times and system literacy must be taught continuously.

On the matter of voice, where is the youth voice here today? Where are the children? Is this what they want? Have they been consulted? To add to youth voice I also want to mention, as well, that if children over the age of 12 have a right to be in court to discuss their plan, they should also have a right to have legal representation in court as well and should be funded by—out of the child-welfare budget.

On another note, I also propose that children in stable homes currently should not be disrupted by this new legislation, but that this legislation should be for kids initially coming into care or who are moving into new placements.

The CFS amendment act is indeed taking a step in the right direction. However, when children's futures and lives are literally at stake, we should be taking leaps and bounds, not just steps. I urge you not to stop at this reform, and, Minister, you've already said that you are not, so I'm happy about that, but I also continue to—I urge you to continue to look at how we can make the present and future better for kids in our care. Customary care is just the tip of the iceberg.

This may mean expanding the budget to include prevention strategies and addressing poverty, but will save our province money down the line when our children actually grow up with their needs met and are able to contribute to society in a meaningful way. You spend a dollar to improve child welfare and then save hundreds in the justice and mental health systems.

* (22:40)

Taking care of children is a long-term plan, not a Band-Aid solution. We need to untangle this CFS web to ensure that children and families are given the best opportunities in this province, not just to survive, but to thrive.

Thank you.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions?

Mr. Fielding: I'll try and keep mine brief because I don't want to take up all the time. I know the member from Point Douglas has a question.

First of all, Amy, thank you very much. And I still remember probably the first three—two, three months of my job I came to Voices and listened to some of the stories and I remember you quite well because, you know, I remember you went into the teaching profession. I think that might have been the first year you were going in at that point, and so I thought to myself, this is, you know, what a fantastic story. You know, you've had a lot of struggles in the child welfare system and you're obviously a productive young professional going forward, so I want to thank you for your passion on it.

I do want to say that you're right; this is one of the elements of the child welfare reform. We're not going to stop here and there's kind of—the bigger pieces are coming in fall once we get the legislative review. We have done a lot of consultation that's there.

The one point, and maybe I'll ask your opinion on it, with the customary-care legislation there is an ability—and of course people, like, you know, youth are going to be consulted after the age of 12. That's in the system right now, but children would have an ability to be a signatory onto the customary-care agreement. That's if the community, you know, wants that to happen essentially.

So there is an ability for youth that are in care to have a bit more of a say, so I'm not sure what your opinion—I'm assuming you'd be in favour of that, but we're leaving that out to each community to lay out whether it's the children, grandmother's council, you name it, to be a part of that, you know, decision-making process.

Ms. Komus: Of course I do think, like you just said, that youth should be involved, but it's not that simple. You can't just go up to a child at the age of 12, 17, 16, what have you, and say what do you want.

They have to be taught what their possibilities are. They have to—it has to be revisited multiple times. Like I said, especially in times of trauma when a child has just been removed from their home and they're being consulted about their plan and then they sign off on something, that's something that they need to—that needs to be revisited as well and something that maybe won't be revisited if not legislated.

Mrs. Smith: Thank you, Amy, and I, you know, I've heard your story before. You've shared it when I was an educator in Seven Oaks. You were just coming in

and sharing through Voices, through our work that we were doing on-around CFS and, you know, reunification work with families. You had made a comment about, you know, children that are in stable homes should not be disrupted by this new legislation, but you also alluded to the fact that kids also need to be connected to their culture, language, and traditions, and you know and I know from working in the division that we worked in, that many of those children, probably up to 80 per cent, are living in non-indigenous homes and many are not connected to their families. And if we're to do any work and to change any lives, we need to ensure that these kids are being connected and returned back to their homes.

So I want to hear your thoughts on that—on, you know, having those two kind of contradictory statements.

Ms. Komus: Well, first of all, I think that maintaining ties to a family, a child's culture and community doesn't necessarily mean placing them back in their community. There can be people within the city as well that can fulfill that need as well, and that it is important to maintain connections.

However, high transition rates for children—there is no good outcome for kids when you transition them multiple times. So if—let's say there is a child who's been in a home, a different culture than they are, and they're—they've been there for six, seven, eight years, to them that might be their family and that's where it comes down to the child must be consulted. Is the child curious? Do they want to know more about their family? Do they want to know more about their identity? Are they looking for that opportunity to learn more? Then talk about that.

But, if a child is saying this is my family, please don't take me from my family just to have a culture identity, then I think that that also needs to be considered as well. That's why a child-centered approach is really something that is going to take you far because there's different—it's not black and white. There's different scenarios and different families that need different things.

Ms. Judy Klassen (Kewatinook): Currently, we have in my communities—I represent 16 First Nations. First of all, I always love the way you speak, both your personal history. Right now there is a chief that is beside himself because his—the foster parents took the child to the Philippines without permission and we are struggling to try and get this child back into Canada. And it's all about foster

parents having more rights than actual parents when it comes to foster children, and so, yes, this is a stable home, but if we're going to be—if we're going to start seeing our kids being taken out of the country without permission—you know, there are different circumstances, like you say, and you know, we want this child back in Canada, first of all, closer to our families. So I just wanted to put that out there.

Ms. Komus: I just wanted to say I thought that taking a child out of the province had to be confirmed by the social worker as well because they're the legal guardian, correct? I mean even teachers, we need signatures from social workers before we can do anything, never mind foster parents. We can't take foster parents' signatures.

So, however, I did want to say—sorry, I don't mean stable, I mean like long-term home. So if a child's been in a place for a long time and, you know, they've been there since they were two and now they're 13, I don't know how good it's going to do to disrupt them now, but that's why introducing the legislation could change kids as they are moving in placements, as they're transitioning, but those children who choose to stay and who have been in homes for a long time, that might be a different story because we can't just gradually spring the new legislation on all these kids and retraumatize them.

Yes, but also, yes, I do believe as well that we do need to restore the rights of parents and we do need to add some rights for parents in our legislation because agencies have more rights than parents do, and that's a tragedy.

Madam Chairperson: The time for questioning has expired and gone well over.

Mrs. Smith: Can I ask leave for the member from St. Johns to ask a question?

Madam Chairperson: Is it the will of the committee to grant leave to have another question asked of this presenter? *[Agreed]*

Ms. Nahanni Fontaine (St. Johns): Miigwech—I appreciate that—to everyone.

So I just want to say, and it's not necessarily a question more than just a comment, and I appreciate you coming to the standing committee to present your views, your personal views on this and sharing your story. I was also in care, so I understand how important it is to share that perspective.

However, I have to disabuse what was just said here, and what was just said here was that it was

important to keep kids in a so-called stable environment, and that line of thinking, separate from our communities, is actually the same line of thinking and justification that was used in the residential school system. It is also that same line of thinking and justification that was used to justify the '60s scoop. So I say this respectfully and ever so gently, but that line of thought and that line of ideology is very dangerous for our children. We have had over 150 years where the thought was residential schools, from the ages of four to 16, was a stable environment, and we know that it was not. Residential schools were some of the first sites of the sexual exploitation of our children, my family members included. We know that that line of thinking, of sending children from their communities, outside provinces, across oceans was thought to be stable, and we know that it was not.

So I have to disabuse you of saying that about our children. Our children in 2018 need to be in our communities, wherever that may be. That may be in Winnipeg, that may be in Sagkeeng First Nation, that may be in Nelson House First Nation, but they need to be in our communities with our peoples, surrounded in our culture and our traditions and our language and certainly not kept in what is considered a stable home in a non-indigenous home. Miigwech.

Madam Chairperson: Ms. Komus, do you have a reply?

* (22:50)

Ms. Komus: Not as much, just that I want to say I do—I definitely am an ally to that and I do empathize with especially your family's plight and sharing that as well. I think that it's very—it's a very complicated subject, and, yes, I just want the best for our children, which I know you do too. So thank you.

Madam Chairperson: Thank you very much for your presentation.

I will now call upon Matthew Shorting, private citizen.

Mr. Shorting, do you have any material to distribute to the committee?

Mr. Matthew Shorting (Private Citizen): I don't, no.

Madam Chairperson: Please proceed with your presentation.

Mr. Shorting: So boozhoo, aaniin, hello, bonjour.

I'm Matthew Shorting. Yes, I came today to just give some personal perspective. I heard from previous people who came and spoke that our youth representation was not a part of these conversations. And I did have a chance to stop by the SCO gathering for the youth in care, and I didn't see any youth representation as well. And today as well. I came because I wanted to speak for the youth who have no voice. I don't see no youth sitting here with their foster parents. They don't have the voice as well, right?

So just—so I'm indigenous. I've spoken in the media. And my story is available online. But I just wanted to give some personal experience to just, you know, give some feel to it and how it was. And thank you for having this opportunity.

So, when I tell my story, my grandmother was—I start with my grandmother. My grandmother was a residential school survivor. Her father was—served in a war, I believe. I still have to fact check it. So there was war trauma in my family and there was residential school trauma in my family as well. And they also grew up in an age where culture wasn't available to them. So the opportunity to heal from the traumas that were inflicted on them were not available to them. And they passed it down. And yes, there is intergenerational trauma. There's no doubt about that. I needed to be with my family.

And so I was—my story is that I was—from five months, I was ripped from my family. I was in 11 different homes before I was six. And if we look at the developmental trauma of that and the core beliefs that develop as a result of that, they—you know, as a result of the beliefs that start to develop, my life wasn't going to turn out good as a result of that—being apprehended, being ripped from my mother, from my community, from people actually holding me and touching me and looking me in the eyes and loving me.

That wasn't given to me in those homes. I don't know if there's a law protecting youth from being held by the foster parents, but I went to bed every night, and I didn't have someone telling me, I love you. I didn't have someone talking to me about my day, helping me process that grief and loss of my family every single day. Not just an hour—like, your kids go to school and you pick them up after school. Imagine feeling that longing for them every single day. And then as a result of that, you're feeling restless, you're feeling discontent, you're feeling all over the place, and then being medicated while

you're in the system. And you're being labelled level 5, you're being labelled this problem child. But underneath all of that is trauma, is that restlessness, is anxiety, is longing for your family. And if I was with my family, I wouldn't been experiencing that.

It's unnatural to take a child from their family and from their mother. And it's unnatural when a mother is taken—for—if I was taken from my mother, my mom did not receive any help. My mom is dead today as a result of me being apprehended. She's—she was—I was taken from her. She wasn't given any help for grief or loss. She didn't have coping tools, and as a result her addiction flared up even further than what it would have been. It just flared up even more.

And you know, she also had the adverse childhood experiences as a result of Canadian history and indigenous people. And you know, she didn't really have the opportunity to heal and she needed that help, and she didn't have that. And it says—what I see is that it says Child and Family Services. My family, the only opportunity they had to me was to—was visits, and that's, you know, that wasn't enough.

I just want to ask you today, would you put your own children in the system that you guys are proposing? Would you take your kid and put him through it? And I think you'll have an answer from that. I don't think any one of you would put your own child in that system at all.

But anyways, so I was put in a system that was supposed to protect me from abuse, and I experienced emotional abuse. I was neglected by the foster parents that I was put in—put with, because that's not my natural parents. I experienced sexual abuse being in the foster care system. My boundaries were messed with when I was taken from my own family, and I was taught that strangers are more important than my own family.

Instead of providing supports to my family to help them heal and learn new tools, they were—I was ripped away and I was added grief and trauma to an already traumatized person and I was sexually exploited while—like, I was used. And this is a system that's supposed to protect me.

And it's not a individual case. This is a common thing I hear to people that are going through the system. And to even have the courage to say that to you today is—it's a lot. Like it was very—I had to emotionally disconnect just to tell you that. It's a really hard thing to talk about, and I don't want that

for anybody. No one should ever have to experience that.

And, yes, so I have a big problem with the medication of children in care. You know, I believe that, you know, if you are going to take a child away, that they're not being overly medicated, that they are being healed from the unresolved grief and the grief that is being—that is happening, that the parents are helped and healed, they're not just left out of the process. And that families are—they're always going to return back to their families. I returned back to my mother, and my mother was really hurt and damaged, and—but you know what, I got to see a really beautiful side of her. I got to hear her story, I got to eat her cooking, I got to laugh with her, and all my life, that's all I wanted.

What really helped me was to watch her heal and to grow and contribute to society, and what really helped me heal was connecting to my culture. When I connected to my identity, that's when I became whole, mentally, spiritually, physically, emotionally. That's when I started processing those feelings of grief, and my attachment—I was starting to be able actually connect with my community.

I didn't trust authority at all. I didn't trust anybody as a result of being ripped from my family, as a result of foster parents failing me, as a result of a system that was there to protect me and—yes. I lost my train of thought. Sorry.

Anyways, I just thank you for letting me share, and I really appreciate the reform, as that last system didn't work. And—yes. I really didn't prepare for today. I just came because I wanted to listen and start to collect my thoughts and be able to be more effective in the future. So thank you.

* (23:00)

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions?

Mr. Fielding: Well, first of all, I want to thank you for coming here and sharing, you know, your powerful, powerful story. It really helps to understand things of why systematic change is needed. And, you know, I know all three political parties very much agree. Sometimes we'll disagree on, kind of, the policy aspects, but we truly believe that the system needs to change here in Manitoba. I don't think there's anyone that would suggest not. So I really want to thank you for coming out and sharing

your story of what the system—you know, the experiences that you've had and, you know, that—it's powerful, so thank you very much.

Madam Chairperson: Mr. Shorting, do you have a response?

Mr. Shorting: Thank you.

Mrs. Smith: Miigwech, Matthew, for that and for coming and having the courage to share your story. You touched my heart.

So, you were in care; you turned 18; you were—came to find your mom. Were you provided any supports after 18? Because this bill does not provide any supports to children beyond 18. Can you give your opinion on supports you were given after 18 and if you think that this bill should be amended to, you know, support children that are aging out of care to a certain age?

Mr. Shorting: So, it doesn't—you're saying that it doesn't touch on after 18 and to share a little bit of my experience of what happened after? Okay. Well, when I aged out, I didn't know what a children's advocate was. When I aged out, I didn't know what Salvation Army was. When I aged out, I didn't have the life skills or the coping tools. I also didn't have a voice. And I fell into addiction as a result of trying to cope with the lifelong post-traumatic stress of complex grief, right?

And I also didn't know how to apartment hunt, and I didn't have a signator—signature for that as well, and I didn't know I needed that. It went from couch-surfing to walking the streets. Yes, I've done a lot of couch-surfing. And it took me—I'm still doing that to this day. I'm 27, and I had—I haven't actually owned my own place. I've had people that stepped in and helped me, but I'm still very much struggling with that. But I'm lucky that I have my family of choice, as someone else has spoken here, and now I have my community.

Ms. Klassen: When I first met you at the Asper School of Business, I had no clue of your life story, and I just saw this very strong young man. And I called you my little brother ever since I first met you, and you honour me, and I am so honoured to have met you. And you're one of the reasons why I was fighting for our kids in care, and I really appreciate—I still want you to go—try and go back to the Asper School of Business and will gladly help mentor you. I know you're in a great job position right now at Onashowewin. And, you know, you could have so turned the other way where so many of our aged-out

youth have gone, right to the penitentiary, and you standing here today is an honour and a blessing, and I want to encourage you to continue on your path. You are a wonderful young father as well. And I was so saddened when you posted that your mom passed away and that you didn't have all those years, because I would have loved knowing you then, and I would have been your mom. And I would have taken you under my wing. I love you. Miigwech.

Mr. Shorting: Thank you.

Hon. Ron Schuler (Minister of Infrastructure): Matthew, thank you. I think sometimes it takes someone like you to come by and say, you know, there are some very fundamentals that we need as human beings and—like saying I love you, right? I mean, that's—we forget that, and it's pretty important place with—everything's really cool in here, but it sometimes is that. And I have three kids a little younger than you and, still, they're young adults, and I tell them I love them every time I see them and every time I see them go.

But, so far as the legislation goes, Matthew, we're all trying to do what's best. I don't think any of us are under the illusion that we've hit nirvana or perfection, but we're trying to get to a better place. And, to hear your story and others, I mean, that's—it's really good for us as legislators to sit here, different political parties, we all come with our own story, and, to hear this, it is really good for us. And it's really good that you came forward, like you said, to represent young people. I—it's very important for us to have that human element, and appreciate you bringing up the thing—still very important—to say to your family and your kids, I love you. I appreciate that very much. Thanks for being here.

Mr. Shorting: Thank you. Yes. It's not only important to tell them you love them, give them affirmation, but to hug them. You know, comfort them. And, well, you know, when a child's going through a lot of grief, a simple hug releases oxytocin within the body, which helps someone feel loved, you know, not only through words but through action, right, and consistent action. And so, yes, thank you.

Madam Chairperson: Thank you very much.

The time now for questions has ended. Thank you for your presentation.

I will now call upon Michelle Klyne, private citizen?

Michelle Klyne will now be moved to the end of the list.

I will now call on Rachele Sorin, private citizen?

Rachele Sorin will now be moved to the bottom of the list.

There was one more name that was added earlier tonight. I will now call upon Chantel Henderson, private citizen.

Ms. Henderson, do you have any written materials for distribution tonight?

Ms. Chantel Henderson (Private Citizen): No.

Madam Chairperson: Okay. Please proceed with your presentation.

Ms. Henderson: Just forgive me. I wrote this—a lot of notes and speech, so I might jump all over the place.

So, first of all, my name is Chantel Henderson. I'm Ojibwe. I'm from Sagkeeng, and Fairford, First Nations. I grew up in a two-parent household until the age of nine. And it was around that time when there was a family breakdown, which resulted in the apprehension of me and my three siblings. So, basically, we were thrown into the system. There was a lot of issues around poverty, neglect, abuse, addictions. The fact that there was a family breakdown even emphasized the whole apprehension matter, because my mom was single and dealing with these issues on her own and the loss of her father the same year.

I was—I would consider myself fortunate, because my mom basically did her best to get her life in order. And she worked on her issues, her addictions. She went to rehab, detox, parenting programs. Whatever the worker told her, she did. And we were in the system for about two years. Because there was four of us, we had to be separated, so I was usually with my younger sister, and then my brother and my younger sister were separated into different homes. So not only did I lose my grandpa that same year, I lost my dad, who left us. I lost my mom. And then I lost, you know, my brothers and my sisters.

So you can imagine what kind of effect that can have on a person, especially when you're only nine years old, being thrown into different homes with strangers you don't know, with the hopes that, you know, you're going to go back home.

* (23:10)

I also want to go back to how I came to understand why we were put in this situation. After realizing, you know, the whole impact of how—initially, when I did my history, I found out that there was an Indian residential school in my mom's community of Sagkeeng. I just recently found out that our family was, I guess, spared because our family was Anglican and the school was Catholic. So I thought it had to do with my great grandfather being a chief and all and a community leader, but I think it was—just had to do with religion, and the fact that my grandma died and my grandfather had to raise eight children on his own forced them to relocate to Winnipeg.

So, from that moment on, my aunts and uncles were disconnected and removed from the community. And we—basically, they grew up without the language. They grew up without the culture. They grew up without knowing any members of the community in Sagkeeng. So there's a loss that is still felt to this day. How that has impacted me is that I have experienced the same loss, but through the child welfare system.

As a result of being in the child welfare system—I actually was placed in Aboriginal homes, which was pretty rare, I guess, back then—but it still didn't save us from abuse. So I suffered physical, mental, verbal and sexual abuse while being shifted around to several different homes in those two years we were in care. And it was pretty traumatic. And we were bullied constantly and treated as less than, even by our own people.

Despite that, I ended up becoming a teen parent. And that actually—for some people, it could be, you know, falling off the cliff, take a bad turn, what not. For me, that changed my life. My daughter—who's actually here—she's my inspiration, you know. She's the reason why I turned my life around. Because I was perceptive enough to actually see the cycle I was in, that my mom—and the poverty and the disconnection from our family, and how education seemed to be the focal point that grounded me, that brought me and kept me here to this day. As a result, I stayed in school. I became the first person in my family to graduate high school. And I didn't understand why no one didn't like, you know, to go to school. And once I did my research, it was because the Indian residential school in my mom's community.

And for me, education was a way out. And soon after, I ended up going to college. Wasn't for me. Eventually, I went to university and I also became the first person in my family to get a bachelor's degree from the University of Winnipeg. Soon after, I went to pursue my graduate degree in Montreal, and also became the first to get my graduate degree.

Since then, there has actually been a handful of family members who have actually pursued post-secondary. So for me, I felt like I was that ripple, that positive ripple that is still being felt today because my daughter is the seventh person in my family to be going to post-secondary. So I'm very proud of that, despite the circumstances we were put through. And I fought to make a better life for us, as I wanted to break out of that cycle. But, unfortunately, there's many of my family members who were not able to, you know, be perceptive enough to get out of that and realize education could be their escape.

For me, I experience a lot of vulnerability as an indigenous woman in this city, in this province. I was abducted twice here in Winnipeg. And I was fortunate enough to survive. I've been raped so many times, I don't even know how many times I've been raped. Not once has those perpetrators been brought to justice. And it's like constantly I'm being subjected to these different systems where I'm not seeing any justice, no change, and I'm starting to see that pattern being repeated in the next generation right now. And I'm trying to do my best to stop it, but I'm only one person.

And I'm hoping, you know, speaking today, telling you my story, can give you a picture of what it feels like to go through the system. Some people may say I'm a success. I'm just grateful to be alive.

Unfortunately, I was one of nine from my generation to be the first generation in my family to be put into the child-welfare system. Currently, there's the second generation—actually, there are six of them who have been impacted from the child-welfare system, whose children have been impacted because my family and another family's apprehension into the child-welfare system.

And lastly, there's a third generation that is being impacted right now and who is currently in the system. As a result of these apprehensions, two of them are currently in the justice system. One of them was murdered. Two of them are currently homeless in different provinces, and their children are apprehended and in the system again. And I just

wanted to bring up what I—I asked them what they felt like would be the changes that needs to be done with The Child and Family Services Act.

A big thing I've noticed, because my auntie had to relocate to another province because her son was relocated to another province, so they moved to another province. And because of that, they had—my cousins had kids there, and they got apprehended. So the fact is that there's not interprovincial connection or any strategy or policy that connects families from different provinces with their home communities. There's no policy. And I really feel like there needs to be some sort of work with the provinces across Canada to deal with this, the gaps in services, the reunification of families, and it's not happening right now.

I would love to—

Madam Chairperson: Ms. Henderson, your time for presentation has expired.

Are there any questions from the members of the committee?

Mr. Fielding: You know, I just want to say, first of all, thank you very much for sharing, you know, sharing your story, and it takes a lot of courage, you know, to come up here in front of a bunch of people that you don't know, a bunch of politicians, decision makers, on so many fronts to do it, and so, again, you know, kind of sharing those types of stories really helps us in our journey to create kind of a better child-welfare system, and I think that's what everyone, really, here is all about. So I want to thank you for your heartfelt discussion about your life history with the child-welfare system, and so thank you again.

Mrs. Smith: I just want to uplift you and, you know, say miigwech for sharing your story. Takes a lot of courage to do that.

Today, there was a bill announcement, Bill 223, that would essentially say that children cannot be apprehended due to poverty issues. I'm wondering, what are your thoughts on that, if that would've helped your family with, you know, your father leaving, your mother being, you know, a single mom of four children, if something like that would've helped keep your family together.

* (23:20)

Ms. Henderson: Well, I haven't reviewed it, so I would assume that there would—there should be, like, support for the parents. My mom was dealing with

addictions, being a single parent, you know, low income, trying to raise four kids on welfare rates. And, basically, she was, like, doomed from the beginning, and it was only a matter of time before we were apprehended, and I really feel like there should've been prevention services before taking us out of the home. But, in reality, like, who knows how that would've turned out because I only know my story of what happened after we were taken. But on that positive side, I wouldn't have seen what was outside of the poverty, of the neighbourhood I lived in, if I weren't taken out of it to see the positive and how life could be if I wanted to make a change.

Ms. Klassen: Thank you from the bottom of my heart for your story. I can't believe what you have all gone through, and I really hope that you're—are you seeing—my question is, is there supports for you today? Are you able to talk to somebody to get the emotional support you need to continue, and you're such a bright, young woman with a beautiful daughter and a future ahead of you, and I want to make sure that, you know, that that's the path that you guys stay on and that you have those supports. So do you have something like that?

Ms. Henderson: Well, it was more or less, like, self-motivated, looking for these resources on my own. So, as a result, like, just to keep me sane, I had to seek therapy, you know, to deal with my issues of, you know, rape and abduction. And I'm still dealing with that today in the form of PTSD and depression, and it's a struggle, and it's a daily thing. And I just wish there was more mental health support for, you know, children aging out of care because it's just not there; there's no specific funding stream, resources for that. And I think that needs to be focused on.

Mrs. Smith: Currently, under this bill, the contents of a customary agreement would not include a plan for a child to return home. Do you think that this customary-care agreement should be set out—or should set out a plan for families for family and customary-care caregivers to work towards reuniting families? And I heard that you were talking about reunification. *[interjection]*

Madam Chairperson: Ms. Henderson.

Ms. Henderson: Well, for me, I'm the only person in my family that can actually take on children because my daughter is grown, you know, she's my only child. And that's a result of a sterilization, you know, on me. So I can't have any more children as a result.

But I want to, like, save, you know, the rest of my family from being in care, and the thing that is making it difficult is the fact that the precarious work situation in the province is that they require stable incomes or a stable home. And the fact that I was a student or I had short-term contract work prevented me from becoming a foster parent, which is what I really would love to do, and to get those kids out of care because I know what it's like to go through that, and I don't want to see more generations of us being affected in a negative way and ending up homeless in the justice system or in mental health institutions because that's just going to keep going down the line and we need to put a stop there right now.

Madam Chairperson: The time for questioning has expired. Thank you very much for your presentation.

Bill 22—The Queen's Counsel Act

Madam Chairperson: We will now move to Bill 22, The Queen's Counsel Act, and I will call upon Melissa Beaumont, Manitoba Bar Association.

Ms. Beaumont, do you have any written materials for distribution to the committee?

Ms. Melissa Beaumont (Manitoba Bar Association): No, I do not.

Madam Chairperson: Please proceed with your presentation.

Ms. Beaumont: I'm Melissa Beaumont. I'm the president of the Manitoba Bar Association, a branch of the Canadian Bar Association. The MBA represents just over 1,500 lawyers, judges, academics, articling students and law students in the province of Manitoba.

Before jumping into my remarks today, I wanted to acknowledge that we've heard some very powerful remarks and stories tonight. I've personally benefited from being here and hearing those things and am happy that Manitoba provides this public hearing process to let citizens have their voice on very important issues and be a part of the democratic process.

But I am here to speak to Bill 22 today. And, on behalf of the Manitoba Bar Association, I first wanted to thank the government for introducing this bill. The MBA has been asking the government to consider reinstating the Queen's Counsel designation for a number of years. And I wanted to preface my remarks that—with that—the comment that the MBA's support for reinstating the QC designation is not about which lawyers get to wear silk robes in court,

and it's not about who gets to go first in court. Rather, it's about recognizing the achievements of exceptional lawyers and ensuring that lawyers in Manitoba have similar opportunities for recognition, as their peers in British Columbia, Alberta, Saskatchewan, New Brunswick, Newfoundland, Nova Scotia and PEI where the designation exists.

The MBA sees this as an excellent opportunity to recognize a new group of lawyers that reflects the diversity of the legal profession, ensuring that exceptional women lawyers and lawyers from historically disadvantaged groups are recognized. Moreover, the MBA would also support adding diversity as a formal criterion for QC designation to ensure that the pool of those lawyers who have the QC reflect the diversity of the legal profession and also Manitobans at large. The MBA is also hopeful that awarding QCs is an opportunity to enhance the perception of the legal profession to the public and to make them aware of the great work that lawyers do to help their clients.

The MBA is pleased to see that the bill—the MBA is pleased to see from the bill that the selection process will be based on merit. There was a general concern among the legal profession that the manner in which the QCs were awarded in the past was perceived to be political. And I say perceived to be political, because, obviously, there are talented lawyers who currently have QC designations from the old regime who are extremely deserving of them, but this bill seems to address that and prevent that type of perception from going forward with the criteria listed in section 3.

To further enhance a merit-based selection process, the MBA would like to see community service and positive contributions to the justice system be added as criteria. Specifically, we feel that those criteria will bring out the best in the legal profession and may encourage lawyers to contribute their time to worthy causes such as access to justice issues.

The MBA is very pleased to be included as part of the advisory council mentioned in subsection 2(2) of the bill. Assuming that the process for obtaining a QC will be an application-based process, the MBA would be pleased to assist in establishing the application process and selection criteria.

The MBA would also ideally like to see that in the first five years that the QCs are awarded that double the number of QCs be awarded to make up for the fact that they have not been awarded for the

past 16 years. We anticipate, again, assuming an application-based process, that there would be a high number of applicants in those first few years.

On a final note, I know you have heard passionate stories tonight touching on some very important and societal issues. We do not want passing legislation regarding granting of QCs to take away from any of those other critical issues or other issues facing the justice system, for example, improving access to justice or implementing the Truth and Reconciliation Commission recommendations.

I'll just end by saying that many lawyers are actively involved in this type of work, and this is an opportunity to recognize that and encourage others to do the same. Thanks.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions for our presenter?

* (23:30)

Hon. Heather Stefanson (Minister of Justice and Attorney General): Thank you very much, Melissa, for coming tonight and presenting. And, you know, we, certainly, have a tremendous amount of respect for the Manitoba Bar Association and everything that you do on behalf of lawyers in our province. And I know that you will be—or your organization will be a part of that advisory council. We have had discussions about community service and the importance of that. I certainly recognize that, and those are—we think that that is—it is a part of the bill. I've—see it as a part of the bill now under various criteria. And so we do certainly see that.

In terms of diversity, I know our government has looked across the board in terms of our agencies and boards and commissions and increased and have among the highest percentage of women now on our agencies, boards and commissions and are looking for other areas along those lines to do that. So that is, of course, very important to our government, as well.

So thank you for bringing that up tonight and really appreciate your and the Manitoba Bar Association's contribution to everything that you do for our province, because it's way beyond being a lawyer as a profession—you are great contributors to our community. So I just want to thank you for that this evening.

Ms. Beaumont: Thank you for those remarks.

The criteria listed in the bill are broad and we feel could encompass those points, but wanted to ensure that it was known that we felt that community service and diversity—and the things I mentioned tonight—were important factors.

Ms. Nahanni Fontaine (St. Johns): Miigwech for your presentation.

I am curious if you could maybe spend just a little bit—a couple of sentences in respect of your diversity—recommending diversity as a formal criteria. Can you just elaborate a little bit on that and how that—how you see that kind of manifesting in the selection of new QCs.

Ms. Beaumont: It's having some kind of safeguards in place to ensure, again, that the diversity of those who may be awarded a QC designation reflect the diversity of the profession, and also of the citizens in our province.

So, having some type of formal safeguards to ensure that women lawyers are acknowledged, lawyers from historically disadvantaged groups are acknowledged, again, to reflect the diversity of the citizens we represent and our clients.

Mrs. Stefanson: Sorry, just one other thing tonight. I just want to thank you, and Stacy [*phonetic*], I know, is here as well, and just wanted to thank you so much for—it's been a long night. We've listened to so much pretty compelling presentations tonight, but you also gave a very good presentation. So thank you for your patience and for being here.

Ms. Beaumont: Our pleasure. Thank you very much.

Madam Chairperson: Thank you for your presentation.

I will now call on Jonathan Alward. Jonathan Alward [*phonetic*] will be removed from the list.

I will now call on Timothy Scott. Timothy Scott will now be removed from the list.

I will now call on Mary Burton. Mary Burton will now be removed from the list.

I will now call on Michelle Klyne. Michelle Klyne will be removed from the list.

I will now call upon Rachelle Sorin. Rachelle Sorin will be removed from the list.

That concludes the list of presenters I have before me. Are there any other persons in attendance

who wish to make a presentation? Seeing none, that concludes public presentations.

Madam Chairperson: We will now consider clause by clause of the bills in numerical order. During the consideration of a bill, 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 with the understanding that we will stop at any particular clause or clauses where members may have comments, questions, or amendments to propose. Is that agreed? [*Agreed*]

**Bill 7—The Sustainable Watersheds Act
(Various Acts Amended)
(Continued)**

Madam Chairperson: We will now proceed with clause by clause of Bill 7.

Does the minister responsible for Bill 7 have an opening statement?

Hon. Rochelle Squires (Minister of Sustainable Development): I do, thank you. It's been a long night, so I'll keep my statement very brief, but—

The Sustainable Watersheds Act will make amendments to the four acts: The Conservation Districts Act, The Manitoba heritage act, The Water Protection Act and The Water Rights Act. This bill strengthens current legislation to provide a comprehensive watershed-based framework that will streamline and co-ordinate provincial programs and policies in the context of watersheds and protect water in Manitoba.

This bill will address a range of activities that negatively impact our lakes, rivers and wetlands. The bill also supports our commitments to implement a watershed-based planning for drainage and water resource management and provides a foundation to implement a province-wide program based on the Alternative Land Use Services model calling GRowing Outcomes in Watersheds. It also includes stronger enforcement powers for illegal drainage, provisions to enable offset requirements for loss of significant wetlands and changes to The Conservation Districts Act to shift to the watershed-based boundaries, enable more meaningful engagement with indigenous communities and add administrative flexibility.

And I was very pleased with the number of presenters tonight and the support that this bill has received from the community.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Rob Altemeyer (Wolseley): As I think everyone on the committee is probably aware, this is a similar piece of legislation to one that could have been passed two years ago. That didn't happen. This legislation is similar, though not as strong, I would argue, as one that was available to be passed last year, and that didn't happen. But, hopefully, now something will be passed, and it will go forward and, hopefully, achieve some good.

I don't think it's possible, though, to have listened to the presenters tonight and walk away with a sense that this legislation is as good as it could be or as good as it should be. There were a number of concerns that I and my caucus colleagues had identified and discussed in advance, ways that, we think, in a collaborative way, we can strengthen the bill, and so we have some amendments lined up for tonight.

I also would really like to thank all of the presenters tonight for the time and thought and careful consideration that they put into their presentations tonight. These are people who have been working on these issues, in most instances, for a considerable number of years. They have a lot of expertise to offer, and they pointed out a number of really important improvements that could and should be made to this legislation.

I very much hope that the minister was listening carefully to those offers, to that good advice that came forward here tonight and that she will bring forward some friendly amendments of her own to reflect that good advice from stakeholders. There will be some areas, for instance the issue that the Manitoba Habitat Heritage Corporation raised, I'm not sure that I, as an opposition MLA, can even introduce an amendment like that, because it's—pertains to money, right. It would be a money bill. So that's going to have to fall on the minister to do, but we might try. You never know. Never hurts to try.

So I will close out my opening remarks there. As I said, I do have some amendments that I'd prepared in advance of tonight for consideration, and I hope the minister receives these suggestions with the same spirit and intent that they are offered, namely, ways

that we can make this legislation perform better for Manitobans current and future generations. And I'll close out there, so thank you.

Madam Chairperson: We thank the member.

Clauses 1 through 3—pass; clause 4—pass; clauses 5 through 8—pass; clause 9—pass; clause 10—pass; clauses 11 through 15—pass.

Shall clause 16 pass?

* (23:40)

Some Honourable Members: Pass.

An Honourable Member: No.

Madam Chairperson: I heard a no.

Mr. Altemeyer: Just a quick procedural question, Madam Chair. Do I need a seconder for this amendment? Okay. Didn't think so, but just making sure.

Yes, with regards to clause 16, I have the following amendment to propose. I'll wait 'til it's been distributed. It's all good.

So, I move

THAT Clause 16 of the Bill be amended by replacing the proposed subsection 21(4) with the following:

Priority

21(4) In implementing its scheme, a board must give priority to works, projects and programs that have a scientifically demonstrable ability to absorb nutrients and retain water.

Considerations

21(5) In determining whether works will benefit its watershed district, a board must have regard for the applicable watershed management plan approved under *The Water Protection Act*.

Madam Chairperson: It has been moved by Mr. Altemeyer

THAT clause 16 of—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

The amendment is in order. The floor is open for questions.

Mr. Altemeyer: Yes, just to provide a bit of background to this, as we heard tonight time and time again, wetlands provide numerous benefits on our landscapes, and we are losing more and more

wetlands every day. And one of the things that I am hoping to accomplish with this amendment is to place a particular emphasis on a wetland's ability to, as the amendment says, absorb nutrients and retain water.

Some—many of the other benefits, ecological benefits, as they're often called, that can come from wetlands, such as absorbing carbon and helping in their own way to address climate change, are very important. There are, however, other ways to reduce our carbon emissions. There are not very many other ways to retain water on the land and to filter nutrients and, indeed, pesticides as well out of wastewater—or out of water on—surface water on the lands.

So I would suggest it is prudent for us to use science and to place a priority on supporting those ideas and projects when they come forward that will help our efforts to preserve wetlands achieve more in this really important topic area. So I would ask that the committee endorse the amendment that I've proposed.

Madam Chairperson: Are there any other questions on the amendment?

Is the committee ready for the question?

Some Honourable Members: Question.

Madam Chairperson: The question before the committee is as follows:

THAT Clause 16 of the Bill be amended by replacing the proposed subsection 21(4) with the following—

An Honourable Member: Dispense.

Madam Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Madam Chairperson: I heard a no. The amendment is—I heard a no.

Voice Vote

Madam Chairperson: All those in favour, please say aye.

Some Honourable Members: Aye.

Madam Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Nays have it.

The amendment is accordingly defeated.

* * *

Madam Chairperson: Clause 16—pass; clauses 17 through 20—pass; clause 21—pass; clause 22—pass; clauses 23 through 26—pass; clauses 27 through 31—pass; clauses 32 and 33—pass; clauses 34 through 36—pass; clause 37—pass; clauses 38 through 41—pass; clauses 42 through 45—pass; clauses 46 and 47—pass; clauses 48 through 52—pass.

Shall clauses 53 through 55 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Madam Chairperson: I heard a no.

Clauses 53 and 54—pass.

The honourable minister.

Ms. Squires: I move

THAT Clause 55 of the Bill be amended in the proposed section 19(4) by striking out "each fund is" and substituting "each fund (other than the fund known as the Land Management and Legal Liability Fund) is".

Madam Chairperson: It has been moved by Minister Squires

THAT Clause 55 of the Bill be amended in the proposed subsection 19(4)—

An Honourable Member: Dispense.

Madam Chairperson: The amendment is in order.

The floor is open for questions.

Is the committee ready for the question?

An Honourable Member: Question. *[interjection]*

Madam Chairperson: Okay. Start again. It has been moved—*[interjection]*

It has been moved by Minister Squires

THAT—

Some Honourable Members: Dispense.

Madam Chairperson: The amendment is in order.

The floor is open for questions.

Is the committee ready for question?

Some Honourable Members: Question.

Madam Chairperson: The question before the committee is as follows:

THAT Clause—

An Honourable Member: Dispense.

Madam Chairperson: Amendment—pass.

Clause 55 as amended—pass.

Shall clauses 56 through 58 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Madam Chairperson: I heard a no.

Mr. Altemeyer?

Mr. Altemeyer: The one and only.

Madam Chairperson: Clauses 56 and 57—pass.

Mr. Altemeyer.

Mr. Altemeyer: Thank you, Madam Chair. As several presenters here tonight had indicated, the availability of the nutrient reports and the data associated with it could be made available every year. This would presumably cost government next to nothing to provide since the data is already collected by government's own officials every year. It's just a matter of publicly making that information available. So I move

THAT Clause 58 of the Bill be amended

(a) *in the proposed subsection 4.0.2(1),*

(i) *by striking out "and every fourth year after 2019" and substituting "and every year after 2019", and*

(ii) *by adding "and includes the raw data on which the reported levels are based" at the end; and*

(b) *also proposing that in the proposed subsection 4.0.2(4), by striking out "December 31st" and substituting "September 30th"; and*

(c) *by adding the following as section 4.0.3:*

Measures to promote water protection

4.0.3 The minister may take measures to promote the protection and stewardship of Manitoba's water resources and aquatic ecosystems, such as

encouraging jurisdictions and organizations to sign the Lake Friendly Accord.

Madam Chairperson: Is there agreement by the committee to accept the motion as printed? [*Agreed*]

THAT Clause 58 of the Bill be amended

(a) *in the proposed subsection 4.0.2(1),*

(i) *by striking out "and every fourth year after 2019" and substituting "and every year after 2019", and*

(ii) *by adding "and includes the raw data on which the reported levels are based" at the end;*

(b) *in the proposed subsection 4.0.2(4), by striking out "December 31" and substituting "September 30"; and*

(c) *by adding the following as section 4.0.3:*

Measures to promote water protection

4.0.3 The minister may take measures to promote the protection and stewardship of Manitoba's water resources and aquatic ecosystems, such as encouraging jurisdictions and organizations to sign the Lake Friendly Accord.

* (23:50)

It has been moved by Mr. Altemeyer

THAT—

An Honourable Member: Dispense.

Madam Chairperson: The amendment is in order. The floor is open for questions.

Ms. Squires: So, as I said, I certainly am committed to including the raw data and making that available and transparent in a manner that, in keeping with what Ms. Kanu had said earlier this evening, a format that really makes sense to the undiscernible eye and/or non-scientific mind. Basically, we want the data to be available to people who come to the website and are seeking information about the nutrient quality and the nutrient loading in our waters.

And so my department has issued me the cautionary warning that they need to find out how, exactly, this data should be reported, and so I have committed to putting it in a policy right now and wouldn't be in a position to support this amendment as presented by the member for Wolseley (Mr. Altemeyer) right now based on that advice.

Mr. Altemeyer: If I heard the minister correctly, she's not opposed to providing the data on an annual basis. It's more the question of how best to do that.

I would just merely point out that the amendment doesn't specify how the data would be provided every year, so is this something she is able to support tonight?

Madam Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Altemeyer: And a further point, we also heard from several of the stakeholders here tonight that the Lake Friendly Accord was, and still is, quite a useful document, and it would be a shame to lose that amongst the changes that the government is bringing to this particular piece of legislation.

It is no small feat, I can assure you, to have another Canadian province or to have a United States—a state government sign on to a document initiated by our own provincial government. That took a lot of work, and the government is going to need all the tools at its disposal to navigate water issues with the remaining years that it has in office, however many years that may be. This is an important document that you should want to retain. It will help you do your work in service of Manitobans.

And I also want to point out the other change in the timing of the reports. This would ensure that all future governments aren't just simply providing the annual reports in a timely manner and that the public will have access to them in a timely manner. I mean, it requires that the report for the previous year be made available by September 30th. That's nine full months to be able to provide data that is already collected, compiled, analyzed and provided throughout the civil service and up to the minister whenever the minister desires to see it. It's not an onerous amount of work. It's important to have this type of accountability, which was a word we heard many times tonight and which the minister herself spoke in favour of.

So it will be a very interesting contrast if the minister is saying one thing while presenters are here and then doing something different when she has the opportunity to actually improve her own legislation in reflection of something she agreed to. So we'll see how the vote goes in a few moments.

Madam Chairperson: Pursuant to our rules, the standing committee meeting to consider a bill must not sit past midnight to consider clause by clause of a bill, except by unanimous consent of the committee.

Therefore, does the committee agree to sit past midnight to conclude public—[interjection]—oh—to conclude clause by clause of the bills?

Hon. Ron Schuler (Minister of Infrastructure): Yes, we've basically gone through all the presentations. Let's go clause by clause with all the bills listed and finish the work of the committee tonight.

Mr. Jim Maloway (Elmwood): Does anyone know how many hours this is going to take?

Madam Chairperson: At this point, is it the will of the committee to consider—keep considering the clause by clause of these bills? [Agreed]

Mr. Schuler: That was going to be my issue.

Madam Chairperson: To speak to the amendment, that was your issue? Okay.

If there's no further—or comments on this amendment, is the committee ready for the question?

An Honourable Member: Question.

Madam Chairperson: The question before the committee is as follows

THAT Clause 58 of the Bill be amended

(a)–

An Honourable Member: Dispense.

Madam Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Madam Chairperson: I heard a no.

Voice Vote

Madam Chairperson: All those in favour, please say aye.

Some Honourable Members: Aye.

Madam Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Nays have it.

The amendment is accordingly defeated.

Madam Chairperson: Clause 58–pass; clauses 59 and 60–pass.

Shall clauses 61 and 62 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Madam Chairperson: I heard a no.

Clause 61–pass.

Mr. Maloway–Mr. Altemeyer.

Mr. Altemeyer: Yes, want to empower our minister here to–*[interjection]* No, we got lots of treats.

Yes, would like to–*[interjection]* No, no, unfortunately, my memory is still very much intact. This will be an evening I'll never get back again.

So I would like to empower our minister to do a better job and have more capacity to address transboundary issues. The motion that I have before us reads as follows:

THAT Clause 62 of the Bill be amended by adding the following after the proposed section 13.2:

Declaration of significant transboundary threat

13.3(1) The minister may declare a significant transboundary threat if the minister considers that conditions or events in a transboundary river basin pose any of the following threats to water resources or aquatic ecosystems in Manitoba:

- (a) flood;
- (b) drought;
- (c) presence of a species that meets the requirements to be designated as an aquatic invasive species under section 29.2;
- (d) any other threat that meets the requirements prescribed by regulation.

Next item:

Actions by minister to address threat

13.3(2) If a significant transboundary threat is declared, the minister may take any action that in the minister's opinion is necessary to protect the water resources and aquatic ecosystems from the threat.

Persons notified of declaration

13.3(3) Immediately after declaring a significant transboundary threat under this section, the minister must ensure that details of the declaration are communicated by the most appropriate means to

- (a) the persons affected by the declaration;

(b) an appropriate department or agency of the Government of Canada; and

(c) an appropriate department or agency of each neighbouring jurisdiction that may have contributed to creating the threat.

Next item:

International Joint Commission

13.3(4) With the approval of the Lieutenant Governor in Council, the minister may communicate the details of a declaration made under this section to the International Joint Commission if the threat originates in whole or in part in the United States.

* (00:00)

Next item:

Declaration that threat has ended

13.3(5) The minister may declare that a significant 'transbary' threat–transboundary threat has ended.

Final item:

Statutes and Regulations Act does not apply

13.3(6) *The Statutes and Regulations Act* does not apply to a declaration of a significant transboundary threat made under subsection (1) or declaration that a significant transboundary threat has ended made under subsection (5).

Madam Chairperson: The amendment, moved by Mr. Altemeyer, is out of order, because it goes beyond the scope of the bill. As O'Brien and Bosc note, on page 766: an amendment to a bill is out of order if it is beyond the scope and principle of the bill. Therefore, this amendment cannot be considered by the committee.

Clause 62–pass; clauses 63 and 64–pass; clause 65–pass; clauses 66 and 67–pass; clauses 68 through 71–pass; clauses 72 and 73–pass; clauses 74 and 75–pass; clause 76–pass; clauses 77 through 79–pass; clause 80–pass; clause 81–pass; clauses 82 and 83–pass; clauses 84 through 86–pass; clause 87–pass; enacting clause–pass; title–pass. Bill as amended be reported.

Bill 9–The Community Child Care Standards Amendment Act (Enhanced Powers Respecting Governance and Accountability)
(Continued)

Madam Chairperson: Does the minister responsible for Bill 9 have an opening statement?

Hon. Scott Fielding (Minister of Families): I've got a very brief opening statement. This course-bill talks about streamlining child care. We think it's important step forward. It is phase 1 out of a phase 2 process.

It includes things like expanding length of time, licences to operate for child-care centres; reducing duplication, in term of codes and conducts; providing authority for director of early learning and child care to collect overpayment with subsidies; allowing the director to refuse, suspend and revoke licences as it pertains to risk; and also making some minor amendment changes to some of the language.

So, with that being said, there has been a lot of discussion tonight. Those are my opening comments.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mrs. Bernadette Smith (Point Douglas): No, I do not.

Madam Chairperson: We thank the member.

An Honourable Member: You said that on the record.

Madam Chairperson: It's on the script.

Clauses 1 and 2-pass; clauses 3 through 5-pass; clauses 6 through 8-pass; clauses 9 through 11-pass; clauses 12 through 14-pass; clauses 15 and 16-pass; clause 17-pass; clauses 18 through 20-pass; clauses 21 through 23-pass; clauses 24 and 25-pass; schedule-pass; enacting clause-pass; title-pass. Bill be reported.

**Bill 14—The Traffic and Transportation
Modernization Act**
(Continued)

Madam Chairperson: Does the minister responsible for Bill 14 have an opening statement?

Hon. Ron Schuler (Minister of Infrastructure): Very briefly.

Thank you very much. This is a very modern and progressive bill that gets Manitoba out of the dark ages, if you will. There's pieces of legislation that, still, were regulating vehicles that no longer exist.

This is a very good bill that has been asked for by communities across this province, and I'm very pleased that the bill is at committee tonight and, hopefully, will go through and become law.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Jim Maloway (Elmwood): Yes, I do.

I'll try to keep my comments as brief as possible, too, given the time. But this is—Bill 14, The Traffic and Transportation Modernization Act, it's a 128-page omnibus bill. You know, Harper government used to do those pretty regularly, but I'm just hoping this government doesn't subscribe to this in the future.

But it's a—substantial changes to—included the five acts, substantive overhaul of many pieces of legislation. We do support efforts that might improve road safety on our highways, but we do have some concerns that we hope the government will address.

The minister will now serve as a point of appeal with regard to concerns on speed limits on provincial highways while his own department directs requests for changes. There may be some conflict here, but—see that over time.

The minister also intends to open up regulations with regard to the charter bus industry. In some areas of the province, charter service levels are low. The minister has not yet explained how these changes may impact service levels.

And, also, we'll be voting against clause 9(1), because the heavy construction industry 'representative', Mr. Lorenc, made a compelling presentation tonight about the inadvisability of—and the weakness of this section—No. 9(1). So we will proceed to support the—all the clauses of the bill with the exception of 9.1.

Madam Chairperson: We thank the member.

Due to the size and structure of this bill, the Chair would like to propose the following order of consideration for the committee's consideration, with the understanding that we may stop and—at any point where members have questions or which to propose amendments: therefore, I propose we call the bill in the blocks conforming to the schedules as follows: schedule A, pages 6 through 43; schedule B, pages 44 through 106; schedule C, pages 107 through 111; schedule D, pages 112 through 114; schedule E, pages 115 through 128; the enacting clause as pages 1 and 2; the main enacting clause, page 1; the bill title.

Is that agreed as an appropriate order of the consideration for Bill 14? *[Agreed]*

* (00:10)

We will begin, then, with the schedule A, which consists of six parts, pages 6 through 43.

Clauses 1 to 8—pass.

Shall clause 9 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Maloway: Once again, I think the heavy construction industry made it very clear tonight in their presentation why 9—section 9(1) in its entirety should not pass, and, on that basis, I will just vote against it.

Madam Chairperson: Any other comments or questions on clause 9?

Seeing none, is the—oh, shall clause 9 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Madam Chairperson: I hear a no.

Voice Vote

Madam Chairperson: Mr.—oh, all those in favour, say aye.

Some Honourable Members: Aye.

Madam Chairperson: All those—I'm going to repeat that question: All those in favour of clause 9, say aye.

Some Honourable Members: Aye.

Madam Chairperson: All those opposed to clause 9, say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Ayes have it.

Clause 9 is accordingly passed.

* * *

Madam Chairperson: Clauses 10 through 64—pass.

We will now consider schedule B, pages 44 through 106.

Clauses 1 through 133 of schedule B—pass.

We will now consider schedule C, pages 107 through 111.

Clauses 1 through 20 of schedule C—pass.

We will now consider schedule D, pages 112 through 114.

Clauses 1 through 9 of schedule D—pass.

We will now consider schedule E, pages 115 to—and 128. We will now consider schedule E, pages 115 through 128.

Clauses 1 through 42 of schedule E—pass.

We will now consider the enacting clauses, pages 1 and 2.

Clauses 1 through 4—pass; clauses 5 and 6—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 17—The Drivers and Vehicles Amendment and Highway Traffic Amendment Act *(Continued)*

Madam Chairperson: Does the minister responsible for Bill 17 have an opening statement?

Hon. Ron Schuler (Minister of Infrastructure): I want to keep this very short, but I do want to express to committee that when Manitoba Public Insurance Corporation—and yes, they are a trusted organization in society—and the RCMP compiled data and it was brought to our department, that it was very obvious something had to be done. And I'm going to just read these statistics and then we'll move on to the legislation.

In the five years of 2011 to 2016, the amount of accidents because of distracted driving went from 2,400 to 11,000. So that means, in 2016, there were 11,000-plus accidents. And, in 2016, the deaths due to distracted driving equalled drinking and driving. In that same time frame, accidents due to drinking and driving fell from slightly over 200 to approximately 160.

There is a clear issue we had to deal with, and this legislation is probably going to be one of the—one of potentially more steps that we'll have to undertake, but it takes it serious. And I would suggest to committee the problem with distracted driving and with having a hand-operated electronic device. Is society—most people still don't view it as a problem. It is killing people. It's a \$60-million hit to our insurance company, and yet most people don't view this as a problem.

And we hope that this is going to start shaking people up, because, truly, this will not become important to you until it affects your family. And then, all of a sudden, this becomes a big issue. So let's take it on; pass this legislation. I thank the committee.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Jim Maloway (Elmwood): Thank you, Madam Chair.

Regarding Bill 17, some jurisdictions across Canada have changed their highway traffic laws to reflect changes in use of personal communication devices. Bill 17 does this by introducing temporary licences followed by temporary licence suspensions for the offence for the period of three to seven days.

In our discussions on these matters, the minister has made it clear that he was in uncharted waters on this issue and that he wasn't sure whether these were the right measures to deal with the challenge. There are a multitude of approaches across the country. What has received less attention within this bill is that offences under The Highway Traffic Act will now be reported to the Registrar of Motor Vehicles.

My understanding is that travelling with a dog that is not in a crate would warrant more serious repercussions as a result of this act. I would encourage the minister to plainly communicate these changes to the public, to better educate the public about these more substantive—substantial changes. I'm certain that many, many Manitobans are currently not aware that they could face a charge for transporting an animal outside of a restraint and will, certainly, be surprised when they will face fairly serious consequences for doing so when this bill passes. It would be patently unfair to make such changes without the public being fully aware.

With that said, we understand just how important these issues are, and we are committed to improving road safety. Thank you.

Madam Chairperson: We thank the member.

Clauses 1 through 3—pass; clauses 4 through 7—pass; clause 8—pass; clause 9—pass; clause 10—pass; clauses 11 and 12—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 18—The Child and
Family Services Amendment Act
(Taking Care of Our Children)**
(Continued)

Madam Chairperson: Does the minister responsible for Bill 18 have an opening statement?

Hon. Scott Fielding (Minister of Families): Yes. I have—

Madam Chairperson: Honourable minister.

Mr. Fielding: Thank you. I've got very brief comments. First of all, I want to thank my staff who have been here all night helping me out. So they've done a fantastic job. Good morning. Good morning to you.

Just—it—this is one piece, the CFS reform act, I think it is something that's been called for by 'diginous' communities for a long period of time. We're honoured to have the support of MKO, SCO and MMF. A part of the legislation went through a whole bunch of consultations to get it right.

As part of legislation, there's always elements that probably could always be improved, but I think, for the most part, we're heading in the right direction in terms of providing a bit more autonomy and having communities have a say in terms of the care and well-being of children.

We heard a lot of passionate speakers here today. I want to thank them all for coming out and sharing their stories. And, again, it's one of the first parts of our reform plan that we're excited about to really improve the child-welfare system in Manitoba.

Thank you.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mrs. Bernadette Smith (Point Douglas): I do. Very brief.

Madam Chairperson: Ms. Smith.

Mrs. Smith: I just want to thank all of the speakers that came out that were courageous enough to share their stories. Many of them, you know, experienced the system that has failed many of our children. And I think I can say, you know, everyone in this room wants to ensure that, you know, kids are at home with their families where they belong and that we, as a government, need to provide those supports and

ensure that kids are staying in their homes with their families. Miigwech.

* (00:20)

Madam Chairperson: We thank the member. Is it the will—does the committee agree to have Ms. Klassen also speak? *[Agreed]*

Ms. Judy Klassen (Kewatinook): Thank you, everyone, and I thank the department for the wonderful work. It is a very great step in a beautiful direction. When the minister mentioned the 11,000 accidents on the—or that number, 11,000, you know, it struck a chord in my heart. There is 11,000 kids in care, and we need to do our best to ensure that they're returned to their families and that they're acknowledged and that they know they're loved. This is a small step. What we really want is jurisdiction of our own children. We birth them, they're ours, and so I just wanted to put that on the record. Miigwech.

Madam Chairperson: We thank the member.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clauses 5 through 9—pass; clause 10—pass; clauses 11 and 12—pass; clause 13 through 16—pass; clauses 17 and 18—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 22—The Queen's Counsel Act
(Continued)

Madam Chairperson: Does the minister responsible for Bill 22 have an opening statement?

Hon. Heather Stefanson (Minister of Justice and Attorney General): Just very briefly, I just want to thank Melissa Beaumont and Stacy Nagle for coming out tonight from the Manitoba Bar Association and expressing their support for this bill, and in recognition of all the work that some tremendous lawyers and—many tremendous lawyers do in our community.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement? We thank the member.

Clauses 1 and 2—pass; clauses 3 through 5—pass; clauses 6 through 9—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being passed midnight, what is the will of the committee?

Some Honourable Members: Committee rise.

Madam Chairperson: Committee rise.

COMMITTEE ROSE AT: 12:23 p.m.

WRITTEN SUBMISSIONS

Re: Bill 7

To Whom It May Concern,

On behalf of the Association of Manitoba Municipalities (AMM), which represents Manitoba's 137 municipalities, I am writing to provide some comments regarding Bill 7: The Sustainable Watersheds Act.

As water management affects all municipalities, AMM members overwhelmingly support improvements to water management and water quality in Manitoba's lakes and waterways. That is why the AMM has been calling for a comprehensive provincial water management strategy to be developed in consultation with municipalities and Conservation Districts (Watershed Districts). Moreover, the AMM has long advocated for a made-in-Manitoba Ecological Goods and Services policy based on the Alternative Land Use Services (ALUS) model since municipalities are front line stewards of the environment that have invested considerably in flood mitigation infrastructure.

In Manitoba, effective water management and watershed programming demand financial support and incentives from the Province of Manitoba so that any new processes can be properly implemented and fully observed in practice. For instance, if Conservation Districts (Watershed Districts) are expected to fulfill any new role or additional responsibilities to help deliver GROW, increased operating funding for Conservation Districts must be provided by the provincial government. Therefore, more consultation is needed about integrating provincial funding from multiple sources as costs and responsibilities must not be downloaded to municipalities. We also encourage the Manitoba Heritage Habitat Corporation (MHHC) to partner with municipalities and Watershed Districts when coordinating investments to support the effectiveness of watershed projects.

In regards to drainage issues, the AMM welcomes the provincial government's recognition of existing red tape in the current drainage application process and corresponding reporting requirements while our

organization is committed to identifying red tape barriers and sharing practical ideas to streamline provincial government processes to benefit Manitoba municipalities.

Reducing time delays caused by provincial process inefficiencies should also help prevent added financial or staff resources when municipalities deal with provincial Acts, regulations, license requirements, and permit applications. Municipal frustrations with the current drainage licensing process are well-documented, particularly since cumbersome surveying and engineering requirements as well as inconsistent enforcement and information sharing by local Water Resource Officers featured prominently in our comprehensive submission to the Red Tape Reduction Task Force in March 2017. Thus, the AMM appreciates participating on the Drainage Regulation Steering Committee and looks forward to continuing to provide input on establishing an efficient drainage registration and licensing process.

Lastly, the AMM welcomes the commitment to transboundary water management and working with other provincial jurisdictions to improve water quality and reduce flooding. Several municipalities situated along the Manitoba-Saskatchewan border have faced significant financial hardship and substantial infrastructure damage due to drainage practices upstream in Saskatchewan. Greater coordination is urgently needed to mitigate damages to municipal infrastructure.

Thank you for the opportunity to provide these brief comments.

Sincerely,

Joe Masi
Executive Director

Re: Bill 7

On behalf of FortWhyte Alive, I am writing to wholeheartedly support and encourage the government to pass Bill 7—the Sustainable Watersheds Act, as it strongly aligns with our long held public education themes of habitat and water conservation, and enhanced biodiversity. We are pleased the Province recognizes the negative effects of on-going wetland loss on the landscape and the need to entrench wetland protection in this Bill. Improvements to the Water Protection Act and organization of conservation districts to watershed districts will

also enhance environmental conservation in Manitoba.

Here at FWA we spend much time informing and educating our members and visitors on the amazing biodiversity and value of wetlands and ponds and their essential ecological and social functions. With our long-term engagement in this enterprise we see the current Bill 7 in part, as fruit of our labour, and an indication that there is wide-spread support for the conservation measures of the Sustainable Watersheds Act.

We look forward to passage of the Bill and will continue our programs that lead to support of this conservation legislation.

Sincerely,

Bill Elliott
President & CEO
FortWhyte Alive

Re: Bill 7

On behalf of the membership of The Wildlife Society, Manitoba Chapter (TWSMB), Manitoba's oldest science-based wildlife management organization comprised of professional biologists, ecologists and natural resource professionals throughout the province of Manitoba, we wanted to provide comments to the Standing Committee on Legislative Affairs with respect to Bill 7—The Sustainable Watershed Act.

In Manitoba, some of the most important and threatened wildlife habitat is located in landscapes dominated by agricultural use. As a result, it is important for natural resource managers to work with agricultural producers to develop and promote management practices that maintain habitats important to wildlife and biodiversity while still producing agricultural commodities. As the latest science has confirmed, and as outlined in our organizations position statement (attached), while wetland ecosystems are critically important to biodiversity across Manitoba, they are also critically important to healthy and sustainable watersheds, human health, communities and the economy.

The government deserves credit for introducing this important legislation to protect wetlands which is long overdue. The TWSMB has been engaged on this topic with the Minister of Sustainable Development prior to introduction of Bill 7 and it

was one of our key recommendations to the Minister when we met with her last year. As a result, we are pleased how quickly this important policy has been developed and the corresponding legislation introduced. Bill 7 and Bill 16, the Climate and Green Plan Implementation Act, are key legislative components that provide important benefits for all Manitobans.

While supportive of Bill 7 overall, TWSMB's comments focus primarily on Part 4—the Water Rights Act. The Bill has several clauses that are important to wetland conservation and protection and that TWSMB supports including:

Sec 4.1(1)—The authority to create regulations to facilitate projects with small impacts to be in a registration process instead of full license process. We feel that a critical part of this clause is that Class III–V wetlands would be protected by a no-net loss clause for all potentially eligible projects.

Sec 4.1(2)—The creation of "prescribed classes of wetland" that are afforded protection and subject to mitigation requirements in the event of loss or alteration. TWSMB is pleased to see the prescribed classes of wetlands that will receive strengthened protection will include Class III (Seasonal) as well as Classes IV and V wetlands using the Steward and Kantrud classification system. This is a scientifically based and well supported classification system for wetlands.

Sec 5.1(2)—Wetland restoration for any loss of a prescribed class of wetland that includes either payment of an in-lieu fee or actual restoration in a location approved by the Minister. Either option precedes the issuance of a license that would allow a wetland impact.

Sec. 5.1(1)—"No net loss of wetland benefits". This is a fundamental concept to recognize and the application of it will curtail the on-going loss of wetlands across Manitoba. The inclusion of this clause is important and shows leadership in ensuring valuable ecological services and benefits from wetlands will continue into the future.

Sec 5.2(2)—Reporting on funds received for wetland mitigation and acres of wetland restoration completed is an important component to demonstrate to all Manitobans that no-net loss of wetlands is being achieved. Details on the number, acres, location and class of wetlands permitted for drainage and the number, acres, location and class of wetlands

restored to meet mitigation requirements will ensure transparency and accountability.

Sec 23(1.2)—Enforcement and penalties are key components of any regulation to ensure functional protection of the intended resources; wetlands in this case. Careful consideration should be given to minimum fines to ensure there is a strong incentive to adhere to the regulations.

We are encouraged to see a greater recognition of the importance of seasonal wetlands (Class III). Research has shown that these wetlands represent biodiversity hotspots and deliver a significant number of ecological services like nutrient removal, carbon storage and holding excess water during flooding events.

It is important to note that Bill 7 is an important complementary piece to achieving reduction in greenhouse gases outlined in the Climate Change and Green Plan. Without strengthened protection of wetlands, large amounts of carbon stored in the hydric soils of wetlands will be released and will negate other reduction measures.

In closing, TWSMB commends the government for showing leadership with this important legislation. Wetlands are key biodiversity hotspots to a wide diversity of plant, insects, amphibians, birds and mammals across Manitoba and provide a host of environmental services to all Manitobans. We believe Bill 7 and its associated regulations are an important step to a more sustainable and prosperous future for Manitoba.

Sincerely,

Michel Leclaire
President

The Wildlife Society, Manitoba Chapter

Re: Bill 9

Introduction

The Manitoba Child Care Association (MCCA) is a not for profit, registered charity, established in 1974. We are entirely self-funded, and have a member base of 4000 which includes licensed child care centres, family child care homes, Early Childhood Educators and Child Care Assistants. We are the largest provincial child care organization in Canada and an affiliate member of the Canadian Child Care Federation.

MCCA exists to advocate, promote and support an exceptional early learning and child care system. As Early Childhood Educators that are qualified in the study of child development, we are committed to maintaining the quality of a system that Manitobans have relied on for many years.

Position

MCCA would like to commend the Government of Manitoba for its focus on Early Learning & Child Care (ELCC) in this province.

The Community Child Care Standards Act, which became legislated in 1983, has been the foundation on which the ELCC sector has grown in Manitoba. The proposed amendments of reduction of red tape, addressing gaps and enhancing governance and accountability would allow for a modernization of the Act. MCCA agrees that Bill 9 is timely and acknowledges that the Act is complicated and in need of an update.

MCCA understands this is the first phase of the review process and would like to address the five key priority areas (November 29, 2017, News Release)—multi-year licensing, duplication, subsidy overpayment, provisional administrator and language. These are logical areas to assess and we support the Government of Manitoba's goals.

Fundamentally, MCCA is in agreement with Bill 9 and concurs with the need for clear, concise language and the objective to strengthen the Community Child Care Standards Act. As the self-proclaimed "gatekeepers" of quality child care, MCCA is committed to ensure that any changes will not compromise the quality of the current Act.

A thorough review of Bill 9 has been completed by MCCA's Public Policy & Professionalism Committee. Clarification from the licensing authority has been sought. We would like to thank Michelle Stephen-Wiens, Acting Director of the Early Learning and Child Care Program for her response to our letter, dated March 9, 2018. We appreciate this opportunity to reiterate our inquiries and share our recommendations.

Recommendations & Comments

Language Modernization

MCCA recommends that the Act be renamed to reflect current day terminology and proposes—The

Community Early Learning and Child Care Standards Act.

Section 1—Definition

2(c) Addition of definition "'license holder' means a person who holds a valid license"—Child care licenses as are issued in the name of the incorporation. In numerous clauses [27(4), 27(5), 27(6), 27(7)], the term board of directors is referenced as the license holder.

Since it is the intention of Bill 9 to simplify and make the Act more concise, MCCA recommends the clarification of "license holder" be clear and consistent. If the term "person" includes the corporation, which is governed by the board of directors, then this should be included in the definition.

Section 2—Exemptions

2(1) "The Act does not apply to care and supervision of children"—the proposed amendment repeals clauses (c), (d), (e) and (f).

MCCA recommends that the repealed clauses be included, verbatim, in regulation and there be a clear definition of which programs are considered licensed. Further, for programs that do not require a license, MCCA recommends that they not be permitted to use language that is consistent and reflective of those that are licensed. [en. B.C. Reg. 178/2016, Sch. 1, s.4.] Examples could include, but are not limited to: Early Learning & Child Care Program, Child Care Program, Preschool or Family Child Care.

Section 10—Issue and Term of License

10(2) Term of license—to increase the renewal period from one year to three years if "the provincial director is satisfied that the applicant and the applicable facility meets the requirements and standards set out in the regulation."

MCCA supports this amendment, in principle, for child care facilities that have been in operation for three years, have no conditions noted on their license, and are without licensing orders. This would be an excellent incentive for facilities and would ultimately allow department staff to prioritize their support of the early learning and child care system. However, to ensure the consistency of quality, it is essential that Child Care Coordinators, who are skilled ECEs, maintain a regular connection to all licensed facilities.

Section 15.1—Code of Conduct and Safety Plans

Clauses 15.1 and 15.3 are repealed (content of both the Code of Conduct and Safety Plan).

MCCA agrees that the removal of these clauses will assist in the streamlining of the Act. However, the details of the content are important for licensed child care facilities to be aware of and to implement. These details must remain the same and must be included in the regulation for centres and homes.

Section 33—Further Assistance

Under clause 33.1 (Recovery of Payments), MCCA agrees that if a parent or guardian has made a false statement or misrepresentation or an error in their application for subsidy, that the money owing is rightfully due and such debt be paid to the government. MCCA recommends that within the corresponding regulation it is clearly defined that licensed child care facilities will work in partnership with the Government of Manitoba, however, will not be responsible for subsidy overpayments.

Enhanced Governance

MCCA has developed an online board orientation resource for Early Learning & Child Care Centres entitled The Basics of Effective Board Governance. We are grateful for the opportunity to work in partnership with the Government of Manitoba to strengthen the governance and administration of non-profit ELCC centres. MCCA recommends that this resource be considered mandatory for all licenced ELCC centres operating under the governance of a board of directors.

Conclusion

The Manitoba Child Care Association is in support of Bill 9, and has made recommendations to further reinforce the proposed amendments made by government. The suggested revisions offer gender neutral language, reduce repetition, while clarifying and modernizing the Act.

MCCA is thankful for the opportunity to present our written submission and recommendations. We would like to thank Minister Fielding for his initiative and leadership on Bill 9.

Jodie Kehl
Manitoba Child Care Association Inc.

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/hansard.html>