

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

Chairperson
Jelynn Dela Cruz
Constituency of Radisson

Vol. LXXVIII No. 4 - 10 a.m., Friday, April 26, 2024

ISSN 1708-668X

MANITOBA LEGISLATIVE ASSEMBLY
Forty-Third Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Friday, April 26, 2024

TIME – 10 a.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – MLA Jelynn Dela Cruz (Radisson)

VICE-CHAIRPERSON – Mr. Tyler Blashko (Lagimodière)

ATTENDANCE – 6 QUORUM – 4

Members of the committee present:

Hon. Min. Fontaine

*Mr. Blashko, MLA Dela Cruz, Mrs. Hiebert,
Ms. Lathlin, Mrs. Stone*

Substitutions:

Mr. Blashko for MLA Kennedy

APPEARING:

Cindy Lamoureux, MLA for Tyndall Park

Kathleen Cook, MLA for Roblin

Sherry Gott, Manitoba Advocate for Children and Youth

*Alison Carrey Bilous, Senior Policy Analyst,
MACY*

MATTERS UNDER CONSIDERATION:

The Advocate for Children and Youth Act (Review)

* * *

The Chairperson: Good morning, everybody. Thank you for joining us here today.

Will the Standing Committee on Legislative Affairs please come to order.

Committee Substitution

The Chairperson: I would like to inform the committee that under rule 85, subsection 2, the following membership substitution has been made for this committee effective immediately: Mr. Blashko for MLA Kennedy.

* * *

The Chairperson: And our first item of business is the election of a Vice-Chairperson.

Are there any nominations?

Hon. Nahanni Fontaine (Minister of Families): I would like to nominate MLA Blashko as our Vice-Chair.

The Chairperson: MLA Blashko has been nominated.

Are there any other nominations?

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

This meeting has been called to continue consideration of the five-year review of The Advocate for Children and Youth Act. It's an unprecedented meeting. This is the first time in Manitoba's history that we are undergoing a five-year review of legislation.

As a reminder, on March 4, 2024, the Standing Committee on Legislative Affairs agreed to the following motion:

THAT, as per section 40 of The Advocate for Children and Youth Act, the Standing Committee on Legislative Affairs conduct a comprehensive review of the act as follows:

- (a) the committee will firstly call on the Manitoba Advocate for Children and Youth as a witness to provide her recommendations and answer questions;
- (b) the committee will secondly hear public presentations on the act. Any member of the public may register, and registrations will be accepted for 10 days after the committee report of this meeting is presented to the House. Public presentations will be up to 10 minutes long followed by up to five minutes for questions and answers with MLAs;
- (c) written submissions to the committee from members of the public will be accepted under the committee—until the committee has completed hearing public presentations; and
- (d) after the standing committee has completed steps (a) through (c), a committee report will be presented to the House that contains all recommendations from the Manitoba Advocate for Children and Youth, a list of all public presenters and all written submissions received.

Accordingly, this meeting has been called to hear the recommendations of the Manitoba Advocate for Children and Youth. Following a presentation from the Advocate, there will be an opportunity for discussion and questions. The written recommendations of the Advocate, which will be included in the final committee report of this review, have been distributed to members.

Are there any suggestions from the committee as to how long we should sit this morning?

Mrs. Lauren Stone (Midland): I recommend two hours.

The Chairperson: Okay, it has been suggested that the committee sits for two hours.

Is that agreed? *[Agreed]*

Is there leave for Advocate Sherry Gott, the Manitoba Advocate for Children and Youth, and Alison Carrey Bilous, senior policy analyst with the Office of the Advocate to be seated at the table? *[Agreed]*

Leave has been granted.

Advocate Gott and Ms. Carrey Bilous, you may be seated at the table, and your staff are welcome to join you in the seats behind.

Thank you and welcome, Advocate Gott and Ms. Carrey Bilous. You may proceed with your presentation.

Ms. Sherry Gott (Manitoba Advocate for Children and Youth): My name is Sherry Gott. I am the Manitoba Advocate for Children and Youth, known as MACY.

Wapiski Asineesis Eskwe' nit-isinihkason. *[Translation: My spirit name is White Little Stones Woman who carries an Arrow.]*

Wapistan Tootem. Akas Takonow kiskentum Sapotaweyak ne-na -oche. *[Translation: I am from the Marten Clan, knowing Sapotaweyak Cree Nation.]*

I'd like to acknowledge that the mandate of MACY extends across the province of Manitoba. Our primary office is located on Treaty 1 territory, and our water is sourced from Shoal Lake First Nation.

We live and work on the original lands of the Anishinaabeg, Anishinewuk, Dakota Oyate, Denesuline, Nehethowuk and on the homeland of the Red River Métis.

We are here today to discuss the five-year review of The Advocate for Children and Youth Act. Before

we dive in, I would like to introduce our team members who are seated with me today: Alison Carrey, senior policy analyst; Elder Louise Lavallee is right behind me.

In addition, team members seated in the gallery include Kelly Gossfeld, the Indigenous deputy advocate, responsible for advocacy services, finance, youth engagement, knowledge keeper and elders council; Dr. Karlee Sapoznik Evans, the deputy Manitoba advocate responsible for research, quality assurance, investigation and public education; Tanis Hudson, manager of child death reviews and investigations; and Dr. Matt Maher, manager of research and quality assurance.

MACY has been operating under The Advocate for Children and Youth Act since March 15, 2018. A Provincial Advocate for Children and Youth has existed in Manitoba since 1993. Until 2018, the mandate of the Advocate was held within The Child and Family Services Act. This limited the scope of work to services within the child-welfare system.

In 2014, nine years after the tragic death of Phoenix Sinclair, the final report of the Phoenix Sinclair inquiry was released. This report issued 62 recommendations, one of which recommended the development of a stand-alone legislation for the Advocate and to extend the mandate beyond child welfare system to advocate for all children and youth receiving or entitled to receive public services in Manitoba.

Based on this recommendation, the ACYA was developed and proclaimed in 2018, resulting in an expanded and strengthened mandate for MACY.

For the past six years, we have been advocating in the following eight domain areas: child welfare, adoptions, disabilities, youth mental health, youth addictions, youth education, youth justice and the victim support services, which includes domestic violence and sexual exploitation.

MACY has embraced its mandate and—as provided in the ACYA, recognizing its significance for ensuring young people in Manitoba have their voices heard and rights represented in the services that affect them.

* (10:10)

Under the ACYA, we have served more of Manitoba's children, youth and young adults than ever before. The work of our office is guided by the United Nations Convention on the Rights of the Child, or

UNCRC. Children's rights are at the forefront of everything that we do. The mandate of ACYA has served as a catalyst in the expansion of our office, allowing for the growth of our advocacy, investigations and quality assurance teams, and spawning the development of our research, system-systemic advocacy, youth engagement and serious injury teams.

In addition, MACY has expanded to include an office in Thompson, and has been fortunate to seek guidance through knowledge keepers, elders and MACY's youth ambassador advisory squad.

Our internal preparation for this legislative review process has been guided by the importance of upholding the rights of young people. MACY staff have come together to support the process with the aim of reducing barriers to serving young people in our province. Our internal committee conducted extensive jurisdictional scans and legal research of similar legislation in other provinces. Our executive team has held meetings with various provincial child advocates and representatives to better understand their experiences with legislative reviews.

Our consultations, internal discussions and general lessons learned over last six years had led us to the development of 13 recommendations for the proposed amendment to ACYA. Our proposed amendment has focused on addressing the following three general areas: narrowing services gaps for children, youth and young adults by expanding the definitions of our designated and reviewable services; advancing human rights and reconciliation; and the importance of reviewing the ACYA at regular intervals.

It is the reality of working with vulnerable people, young people each day that upholds each of these proposed amendments as needed. These amendments were developed out of the real gaps witnessed by dedicated staff of my office and the concerns of those that seek support from MACY.

The goal is to ensure common concerns presented to our office fit within the mandate of the ACYA. In addition, we are seeking to address early lessons learned from the establishment of our senior injury-serious injury program. The responsibility we have as a central hub of information about serious injuries occurring to children is increasingly important.

With a commitment to social justice, our goal is to strengthen the weaving of the UNCRC and other important guiding documents into our daily practice. By doing so, we can amplify the voices of children who have been historically silenced and marginalized

to foster tangible improvements in the lives and experiences of children, youth, young adults and their families.

The following is an outline of the recommendations I am proposing as amended-amendments to the ACYA. The recommendations are presented according to the part of the act or regulation that proposed amendments fits into. The ACYA currently contains seven parts and has an additional two official regulations.

I will briefly walk through these recommendations; however, I invite you to review and consult the more detailed document my office submitted. It provides more context and information about the rationale for the recommendations, including how the amendments proposed today will better enable MACY to realize the—its mandate to ensure the rights of young people in Manitoba are honoured, respected, protected and fulfilled.

Part 1: the definitions. To coincide with the concerns most commonly reported and observed in the education system, I recommend that the definition of educational programming under designated service refer to all educational programming as provided under The Public Schools Act. To ensure the mandate of the Advocate is addressing issues and concerns for gender-diverse youth, an especially vulnerable group that requires additional protection and support, I recommend the addition for services for gender-diverse youth as a designated service for children.

To address the growing concerns regarding the unique needs of young adults, I recommend two amendments: first, the removal of the requirement that young adults must have been in care or receiving services under the CFSA in order to be eligible for disability service or educational programming support; secondly, I recommend the addition of youth justice as a designated service for young adults, specifically for young adults still serving a youth sentence provided under the Youth Criminal Justice Act.

To improve services for children, youth and young adults who may not currently be in scope for a review or investigation, I recommend the addition of disability services for children as a reviewable service and the expansion of the current wording of reviewable services for young adults to ensure that those age 18 who are the subject of a serious injury or child death review—child death notification would be within jurisdiction for review if they were in receipt of any child-welfare services when—within the year prior to their serious injury or death.

To clarify the types of injuries and incidents recorded by public services to MACY new serious injury program, I recommend further definitions or clarification of the contents of the serious injury definition. Specific consideration should be paid to the terms life-threatening and requires admission to a hospital or other health-care facility.

I also recommend consideration by the committee of whether the intent and purpose of the serious injury legislation is better served by defining serious incidents rather than injuries. This could help remove the ambiguity of whether the most serious concerns affecting young people are meeting the definition of an injury.

Examples of ambiguity currently include the—death by suicide attempts and acts of violence.

Part 3, powers and responsibilities: To strengthen and further empower the Advocate to uphold the rights of children under united nations convention on the rights of child, I recommend amending section 12 of the ACYA, which references the power to raise awareness and understanding of the UNCRC to include the ability to advocate for children's rights as outlined in the UNCRC.

To recognize the importance of internal human rights laws in our Manitoba content—context and the implications of the rights of Manitoba's children and youth founded in United Nations Declaration on the Rights of Indigenous Peoples.

The Chairperson: Time is expired.

Is there leave for Advocate Gott to continue?
[Agreed]

Leave is granted.

Floor Comment: Yes, another five, 10 minutes.

The Chairperson: Five minutes?

An Honourable Member: At least five or 10.

The Chairperson: Ten minutes.

Ms. Gott: Thank you for that.

Found in the United Nations Declarations on the Rights of Indigenous People, UNDRIP, and the United Nations Convention on the Rights of Persons with Disabilities, the UNCRPD, I recommend amending section 12 to include both UNDRIP and the UNCRPD.

Alternatively, I suggest the addition of a new section and the recognition of these international instruments to be considered.

To strengthen the Advocate's commitment to collaborating with community and to reach the collaborative goal of providing essential support to Manitoba's Indigenous communities when requested, I recommend the addition of a section in part 3 where the Advocate may enter into agreements with any public body, including Indigenous governing bodies, to allow MACY to carry out responsibilities or exercise powers under the act.

To ensure continual commitment to the recognition of the rights of Manitoba's children, youth and young adults, I recommend the Advocate for Children and Youth Act to be reviewed at regular intervals. Consideration should be given to similar acts in both British Columbia and Prince Edward Island, which includes a provision for review every five years.

Serious injury reporting regulation: To ensure consistent language between serious injury reporting regulation and formal definitions within the ACYA, I recommend amending the serious injury reporting regulation to replace the wording government departments and health authority with public body and health-care facility.

In conclusion, I want to thank you for the opportunity to present our recommended amendments to the ACYA today. As this is the first time the ACYA is under review, there is much to be learned about the process. It is my hope that it moves forward in a clear, transparent and collaborative way.

We would welcome the opportunity to review the oral and written submissions submitted for this review so we may increase our opportunities for learning and improvement. Additionally, we hope that we may have more time to speak with stakeholders in the eight domains under ACYA to ensure any amendments to the legislation are captured to the best of our ability.

We look forward to the opportunity to engage with committee to continue to seek feedback from the public and community on the work of MACY, and any opportunities for improvements that are suitable to be addressed through legislative amendments.

We strive for continuous improvement in good faith. As Manitoba Advocate, I look forward to the knowledge to be gained and lessons to be learned through this legislative review process.

Ekosi. Thank you for your time. I now welcome questions.

* (10:20)

The Chairperson: Thank you, Advocate Gott, and to your team as well, for the expertise and the labour and the love that you pour into this work.

As I open the floor to questions, I would like to remind folks that this is unprecedented; so this is the first time that we're doing a five-year review of legislation here in Manitoba. And this is the time that we're going to be asking questions, in particular to The Advocate for Children and Youth Act and the legislation in front of us.

Since it is unprecedented, I will be following the recommendation or the precedent set by the Public Accounts committee, and that is one question and one follow-up for each of the members in attendance at the table today. We'll go in the order of the honourable minister, opposition and independent member.

And with that being said, the floor is now open for discussion and questions.

MLA Fontaine: So first and foremost, I just want to welcome everybody here today at this very important morning of deliberations and discussions and collaborative work together.

I want to say miigwech to our Manitoba Advocate, who since becoming the Manitoba Advocate has done really, really good work, like, extraordinary work, and it's really good to see the Advocate alongside your team in the community, at events.

But also all of the recommendations and the research that you folks are bringing forward, which are so important to the historical record of our province, and how to make things better for children. So I just want to honour and lift up each and every one of your folks.

In respect of—and I appreciate the way everything's been laid out; I think it's really good. I like that everything has been by the sections and all of that. So I am curious in respect of how did you folks go about gathering and coming to an agreement on what recommended changes to the legislation that you wanted to see?

So how did you go about doing all of this? I'm curious about that.

Ms. Gott: I'm going to ask my senior policy analyst to answer that question, because she was the lead in this work, so—and she knows it fully. So I would like to ask her to answer that question.

Ms. Alison Carrey Bilous (Senior Policy Analyst, Manitoba Advocate for Children and Youth): So

our process really became more intensive within the last, I'd say, year and a half to two years. We started by forming an internal committee of staff that had two co-chairs, as well as seven members of our staff.

One of the first things we did was just try to look around at the things we've collected over the last few years about what are the gaps, what are people seeing, where are we 'encounting'—encountering barriers when we're trying to advocate or support and assist children and youth, and started with program discussions with all of our programs. We then conducted an office-wide survey that used the information from those discussions to kind of confirm and seek further feedback on these ideas that we've been generating.

We then developed kind of an engagement strategy, so we reached out to a number of people, different advocate offices, stakeholders, held some meetings by the executive team to discuss the things that we were seeing and where we might be going. We also held a public webinar, we invited community organizations to come and learn more about MACY and also learn about the legislative review process, see what gaps they are experiencing in serving children and youth and young adults.

And then just continued on our internal consultations to see where would these ideas best fit; are they best met through a legislative amendment, or are they best met through our internal operations and improving internal ideas? And then we sat down with Sherry and the rest of the executive team to just finalize and come to these recommendations.

The Chairperson: And before we proceed to a follow-up opportunity, I did want to just remind the committee that questions still need to be directed towards the Chair.

And further to that, I also would like to correct myself; when I mentioned that the first turn goes to the honourable minister, it does go to a government member, though the honourable minister does take precedent.

Is there a follow-up question?

Further questions?

Mrs. Stone: I'm very pleased to be here, and thank you to the Advocate for all the work that you've done over the past, I guess, a year and a half, and preparing to present these recommendations to us in this review.

You had mentioned you had done some, I guess, public consultation and webinars throughout this process. I also heard the Advocate kind of mention some issues on timing or that you would like more time.

So do you feel that there has been enough time to do some of those public consultations before presenting these recommendations to us today?

Ms. Carrey Bilous: It's—so yes, there has been enough time in that sense—sorry—so there has been enough time for us to do this.

However, I think just the logistics of actually co-ordinating these types of engagement sessions with wide numbers of community groups reaching all of the relevant stakeholders that we think would be impacted by any changes we'd be recommending, that just takes time. And I think it goes beyond a year, a year and a half, to try to co-ordinate and do that in a way that feels like you are going forward in good faith and getting all of the information that you need to make it.

So we would welcome more consultation on the amendments that we have proposed and feedback from the community on them, but we do feel like there was time to do enough for us to get to this point.

The Chairperson: My apologies for the interjection earlier. How do you pronounce your last name?

Ms. Carrey Bilous: It's Bilous.

The Chairperson: Bilous. I'm glad I asked in that case. Thank you.

Follow-up question?

Mrs. Stone: So we're having public presentations next week on this, I believe it's next Friday. So seeing as how that public presentation part for this committee hasn't happened yet, but the recommendations are in front of us, are you looking to submit a secondary set of recommendations based on what we hear next week?

It's my understanding that when BC went through this review process, the advocate had asked for that with their committee and then presented a secondary set of recommendations and amendments to their current one.

So is that something that you'll be looking to do and asking of us as a committee to allow?

The Chairperson: And before I allow Ms. Bilous to respond, questions, again, need to go through the Chair, even when directed to the Advocate's office.

Ms. Carrey Bilous: So we also did extensive consultations with our partners at BC, the representative for children and youth there, and did learn from them that, yes, it was beneficial to present an initial submission on recommendations, because, as I said, you aren't necessarily able to reach and have the full extent of feedback on—in the timelines that we did to know what is going to be the impact of these recommendations on the public and the people that will be impacted by them.

So we did see the idea of learning from the public and submitting something more finalized as a good practice, so it would, kind of, be dependent on the things that we're learning and the ability to seek that feedback and what we learn through the process on whether we would like to submit a second submission.

The Chairperson: Further questions?

MLA Cindy Lamoureux (Tyndall Park): I'd like to thank our Advocate and the entire team for the work that you've been doing. I know you've been working very hard and diligently over the last couple of months on this file and the recommendations that you have brought forward.

I appreciate it seems like a bit of a holistic approach. We have ideas from education to safety, and it's something that we can tackle provincially in all different fields. I really appreciate that approach to it.

My question is in part 3, the general responsibilities and powers, just at the bottom of the page, you talk about entering agreements with any public bodies including Indigenous governing bodies. With—in addition to Indigenous governing bodies, are there any specific public bodies that you have in mind already, or is that more just open-concept language?

Ms. Gott: I'll defer that question to Ms. Bilous.

Ms. Carrey Bilous: So it is just general language to point to public bodies.

Again, using the best practice of other advocate legislations in the country that do have these provisions, they either currently only specifically speak to public bodies, but then, now, in the age of independent child-welfare legislation, they are also trying to include that inclusive language of Indigenous governing bodies in those provisions.

So that's why we chose to go with that language, but just trying to be as broad as possible to who may want to seek services from the Advocate.

The Chairperson: Once again, just a quick reminder, the use of the word you is not putting questions through the Chair, unfortunately. So just a reminder to the whole committee.

But on a follow-up question, MLA Lamoureux.

* (10:30)

MLA Lamoureux: I guess, bear with me here; I'm trying to imagine additional public bodies. Could that be, for example, like child-care centres?

The Chairperson: Mrs. Bilous—or, honourable minister.

MLA Fontaine: Just for clarification, when we talk about Indigenous governing bodies, it's—that language is specific to bill C-92.

So I understand what—or I understand what the member is attempting to convey, but it's actually what we're specifically talking about there is—and a perfect example is Peguis. So Peguis took over the care and control and jurisdiction of child welfare. They are considered an Indigenous governing body. Right now we're on the cusp of finalizing our co-ordination agreement with Manitoba Métis Federation. They will become an Indigenous governing body.

So it's strictly that language is about those that will take over the jurisdiction of child welfare. And so what they're suggesting, which is really important, is very similar to what we're doing provincially with our legislation because that language hasn't existed before, right? Bill C-92 only came into force in 2020. So there's a lot of legislative amendments to be able to support the jurisdiction transferring to First Nations; i.e., Indigenous governing bodies.

But I do appreciate what the member's trying to—I think you're probably talking about, like, SCO or MKO, but this is very specific to bill C-92 language.

The Chairperson: Would the Advocate's office have anything to add?

Ms. Carrey Bilous: So, yes, when—respect to the public bodies and Indigenous governing bodies, the Indigenous governing bodies would be under the purview of what Minister Fontaine has mentioned, and then, again, public bodies is general language. I wouldn't see that a child-care centre would seek services from the Advocate in that way, but we don't necessarily have precedent to speak to what that would look like.

The Chairperson: Since a follow-up question has already been asked, we'll move on to a government question. Okay.

MLA Fontaine: So I do want to explore this discussion of Indigenous governing bodies because it is an important one that the member for Tyndall Park (MLA Lamoureux)—are we allowed to say names? Names—[interjection]

Okay, sorry—that the—or, that MLA Lamoureux. Thank you. Sorry. All these different rules, I apologize.

I am curious about some of the work that you folks have done or explored in respect of bill C-92 and as we move towards decolonizing child welfare here in Manitoba because, as I'm sure everybody and your folks well appreciate, child welfare's going to look incredibly different in Manitoba and across the country in, you know, three, four, five, 10 years from now, child welfare will look incredibly different here in Manitoba.

And so I'm curious about some of those discussions and then how it's impacted on the legislative changes and recommendations that you brought forward.

Ms. Gott: Thank you for that question.

One of the things we've done is I've met with a number of agencies to discuss going into a MOU with them to deliver services on their behalf if a child reaches out to us to file—to, say, file a complaint against the agency.

So we want to look at supporting the transition, of course, to Indigenous governing bodies and Indigenous law to assert their own jurisdiction over children. But we are in support of that fully, of course, but we also want to enter into MOUs, memorandum of understandings, to be able to continue to do that work under our legislation.

MLA Fontaine: I appreciate that, and I recognize that you're reaching out to different agencies because, of course, right now they've got the care and control of their children. But have there been any discussions—and, again, it's probably really difficult because we're at the really early stages of jurisdiction here in Manitoba, because, ultimately, those agencies may or may not exist, right, once jurisdiction happens.

And, like, a really good example would be, again, Peguis. Peguis stood up—Peguis CFS—kind of easy-peasy in some respects, right? Sagkeeng—trying to assert jurisdiction right now; they'll stand up their own CFS agency. But then as you folks know, we've got agencies that service, like, eight or nine communities or, you know, 10, 12 communities.

And so what are some of the discussions that the agencies are having with you in respect of this understanding or this pursuit of MOUs, and have you had any with any—had any discussions with communities per se?

Ms. Gott: I think one of the things we've done is met-like, when I say agencies and communities, I'm talking about meeting with leadership.

So we've actually met with and presented at MKO assembly. We've met with AMC grand chief to discuss possibly going into an MOU. We've met with Cross Lake, is another one. We presented to their elders council on, you know, going into an MOU with them to provide support and services under our regulation legislation.

So those discussions are still ongoing. We haven't entered into an agreement with anybody yet, but, at the same time, MMF has come—also the Métis has come to talk with us about going into an MOU.

So, like I've said before, you know, we are supporting them and trying to engage with those communities and organizations and nations to uphold the rights of children and youth.

The Chairperson: Mrs. Stone, on a new question.

Mrs. Stone: You know, as we're on the topic of C-92 and the changes that we're about to see, I'm trying to put myself in the Advocate's position and there's, you know, a lot of different agencies that the Advocate is going to have to work with and to deal with.

So, you know, just wondering, you know, as we move into this, and the Advocate will be monitoring and overseeing multiple agencies and jurisdictions, you know, do you have the capacity at present to be able to do that from a communication-co-ordination-oversight standpoint?

Or, will you be looking to expand your role, whether that's, you know, staffing, resources in general, because that's a lot, right? We're looking at a huge devolution and many jurisdictions that the Advocate will be having to oversee, and that sounds overwhelming for you, as an Advocate.

So just wondering how that process is going to work and what types of resources you're going to need for that?

Ms. Gott: Thank you for that question.

And, yes, you know, the work is—there is a lot of work to do, right, when it comes to serious injury,

child death reviews, special reports being released, investigations, advocacy, research and all those areas. And I'm certain that, you know, we will monitor that workload, and if there is a need to bring additional staff, we certainly will look at that.

But at this point, we do—our workload is really high, we do know that. And we're hoping that when everybody—all the agencies or communities or nations take in—you know, assert their jurisdiction over child welfare and children, we will certainly monitor and see how that looks and how it impacts our office.

The Chairperson: Thank you, Advocate Gott.

And just a quick reminder again to the committee that the use of the word you is, unfortunately, not putting questions through the Chair, though.

Mrs. Stone, on a follow-up question.

Mrs. Stone: Yes, please. Thank you. Yes, so just a follow-up to that in terms of communication with more jurisdictions and agencies and CFS agencies. So if I kind of—if I look at it from, say, you know, a child, and they're, you know, one parent is from Peguis and then another parent is from MMF or under the general authority, what role does the Advocate have in terms of understanding the custodial arrangements?

You know, where—what agency does that child go into if there is those differences with custody with the parents, you know? And what type of jurisdiction does the Advocate have over that aspect in terms of where—what agency the child ends up in?

* (10:40)

And who, and I guess, who would be responsible for that dispute mechanism, if you will?

Ms. Gott: I'll get Ms. Bilous to answer that question.

Ms. Carrey Bilous: So our lens that which we operate with children and youth is to look through the best interests of the child, and our focus is on the rights of the child.

But in the cases when there is independent jurisdiction and they are not requesting the services of the Advocate, we respect that independent jurisdiction and don't, you know, proceed or enter into those discussions if we are not invited to be a part of them.

But we would be looking at the best interests of the child, and we wouldn't be making decisions or determinations on who is best to make custody decisions or parental decisions in that nature. From the

idea of custody access, those are things that are outside of our mandate currently and that we do not enter into discussions with.

So those situations, we would be looking at, you know, what are the best interests of the child, is there a place for us to advocate for some right to services for this child in this circumstance. But if we are not invited to those discussions by the independent jurisdictions, we would not proceed into them.

The Chairperson: Thank you, Mrs. Bilous.

Further questions?

MLA Fontaine: So I just want to kind of clarify some things. And I get it, like, again, we're just at this new—this precipice of changing child welfare, and it's not well understood what that entirely means.

And so MLA Stone is asking, you know, the question previously was about, you know, the need to be able to have more staff because you're going to be overseeing—it's not the way that it works.

Once a First Nation enters into a co-ordination agreement, and they are an Indigenous governing body and they have the care and control of their children, of their citizens, that's it. Their laws, their Indigenous laws have paramountcy over provincial CFS child welfare legislation, which includes any other law.

That was just upheld at the Supreme Court, and so I know that it's kind of—it's, again, it's just new right now, but it's really important for folks to understand that when we're talking about Indigenous governing bodies, when we're talking about transferring the care and control of child welfare to First Nations, once that's done, that's it. The province has no oversight at all, and MACY has no oversight at all.

It's not like all of a sudden if we have, like, we have 62 First Nations, 63 First Nations in Manitoba, and all of those First Nations stand up a new agency, MACY doesn't—has no role right now. What the Advocate is actually talking about is actually entering into those individual relationship, partnerships, to see if, hey, you know, do you want us to be able to help advocate?

But as soon as there's jurisdiction, there's—that's it. That is—that's what bill C-92 has legislated. That's what the Supreme Court has upheld, and that's what we are doing in respect of government is upholding and decolonizing child welfare.

So, I know that it's complicated legislation and it—a lot of folks are, don't necessarily understand the

nuances or actually the legislation itself, but I think it's important for these discussions to not think that—and I know the Advocate and the team recognize, and I see a lot of head-shaking—that once that is, you know, once there's a co-ordination agreement, that's it. And those relationships will be done on an individual, respectful relationship, and that's what I'm hearing confirmed by the Advocate.

An Honourable Member: On a point of order, Madam Chair.

Point of Order

The Chairperson: Does—yes, Mrs. Cook, on a point of order.

Mrs. Kathleen Cook (Roblin): I didn't hear a question there from the minister, so I'm just wondering about the structure of this committee. We only have two hours with the Advocate and her staff, and we have all the opportunity in the world to ask questions of the minister.

So I'm just wondering, what is the mechanism for the minister to provide comment within this committee? It doesn't seem to fit into the format.

The Chairperson: Thank you, Mrs. Cook.

Every member at the table does receive 10 minutes to ask a question, as I was about to interject just now, as well, to remind the minister to ask a question.

But provided a point of order, I'll allow the honourable minister to respond.

MLA Fontaine: I appreciate that—I certainly can ask a question, so I apologize for that and I appreciate that.

I'm just trying to ensure—I'm trying to ensure that the discussion that we're having at this very, very important meeting is well understood, right? I think that there's some questions that are being asked, they're asked in a context of not necessarily understanding fully or appreciating bill C-92 and the transfer of child welfare. So that's all I was attempting to do.

If folks don't want that, that's fine; they can ask questions that, necessarily, they don't have all the facts to. So that's fine.

I will say this. I do want to, again, just appreciate the work that folks are doing, and it's interesting that we're discussing in the context of, you know, decolonizing child welfare—and I really do appreciate the Manitoba Advocate supporting that.

As agencies are supporting that, as authorities are supporting that, as PTOs are supporting that, what are

you hearing in the communities about the need or the want or the desire to assert jurisdiction over child welfare?

The Chairperson: Thank you, Honourable Minister.

I would like to let the room know there was no point of order, considering the rules of this committee, again, are unprecedented.

* * *

The Chairperson: And so this period really is an opportunity for discussion, as long as there is a question that follows. And following our order of questions, we are at a—sorry.

Does the Advocate wish to respond?

Ms. Gott: So I guess one of the things is that, you know, when I have attended various forums, you know, in discussing bill C-92 and new child-welfare federal legislation that's coming up, it's—you know, there's a lot of concerns with respect to losing the child's voice from—coming from our office and other offices.

So I think that one of the things that needs to occur is that there needs to be an advocate at the federal level to ensure that services are provided to children and youth and families when they're working with their own nations. And I support that, and I endorse that idea, to make sure that child's voice doesn't get lost in the system.

So—and the first step toward my office was working in collaboration with Indigenous government bodies was taken under bill C-32, when we came and presented that concern. It included the ability for the Advocate to enter into agreements with Indigenous governing bodies with respect to the completion of a review or investigation of a serious injury or a child death.

So we committed to a collaboration with communities and to reach a goal of providing essential support to the—Manitoba's Indigenous communities when requested.

The other thing that we did, you know, like I said before, there is some governing bodies that are wanting to enter into agreement with us, but how that looks, we're currently still working on it. And there is a draft in process at this point of an MOU. So—and it's at the legal level right now, so—and we're trying to figure out how we can enter into those agreements with the understanding that First Nations are asserting their own jurisdiction and being respectful in that process.

The Chairperson: Provided we're still at the government's turn, do we have a follow-up response to the Advocate?

Before I proceed to Mrs. Stone, I would like to just appreciate the comments brought up with regards to the, kind of, clarity of the structure of the meeting and the discussion that we're having, as well as refocusing folks on the matter at hand, which is the review of The Advocate for Children and Youth Act.

And provided that, again, it's unprecedented, we'll be ensuring that folks have the opportunity to discuss. Again, each member has up to 10 minutes, though we want to be respectful of the Advocate's time with us here today.

Though we will proceed to Mrs. Stone.

* (10:50)

Mrs. Stone: So kind of going back to my initial questions for clarification, and perhaps the minister has forgotten that there's still the general authority that is under provincial CFS. And so my question to clarify is what happens and what is the Advocate's role if there is a dispute mechanism between the general authority and then an Indigenous governing body?

Ms. Gott: Thank you for that, and think one of the things that I understand is that First Nation is asserting their jurisdiction over children. So when we don't have a dispute mechanism in place in our office, and that—I would defer that question to the minister because she oversees child welfare, so—and those disputes need to be settled at that level, I'm thinking that.

The Chairperson: Honourable Minister, would you like to respond—*[interjection]*—sorry. Apologies for that.

Mrs. Stone, on a follow-up.

Mrs. Stone: Yes, so perhaps you could explain to me, if a child, like I said, has a parent that would not fall under an Indigenous jurisdiction, but then another parent that does, then who is taking responsibility for that child? Who is apprehending that child within a system, a CFS system, whichever way that looks like?

Because there are different—you know, you might have a parent in one and a parent in the other that falls under those different jurisdictions or those different agencies, and so thinking in the best interests of the child, I'm just curious if there is a dispute, like, what happens with that child and who is advocating for that child then?

Ms. Carrey Bilous: The role of the Advocate is to support, assist and advise children, youth and their families on things within a system. We do not take decision-making power over agencies and authorities and we would not in that situation. Those would be, again, within family's jurisdiction to address and not the Advocate's to make a decision on.

Our role is about representing the rights, supporting, assisting and advising children and youth.

MLA Lamoureux: So I just want to make sure I understand. After MACY enters an agreement with a public body, and I'm understanding a public body, specifically an Indigenous governing body or a group that will be an Indigenous governing body—there's no exceptions to that—after MACY enters an agreement with public body, what is the role of the Province?

Ms. Gott: Can I just get clarification on the question?

Can you speak up? I can't hear you, sorry.

MLA Lamoureux: I can definitely do that.

So, I just want to understand that, first, the definition of a public body, if I'm understanding it correctly, and anyone, including the minister, can correct me if I am wrong, is an Indigenous governing body or a group that will ultimately be an Indigenous governing body. There's no exceptions to this as a public body.

If this is the case, I just want to understand once MACY enters an agreement with a public body, what role does the Province, in fact, have?

The Chairperson: Advocate Gott? Mrs. Bilous.

Ms. Carrey Bilous: When we would enter into an agreement with Indigenous governing body, it would be for the purposes of providing the services and pieces of The Advocate for Children and Youth Act. So it would be an agreement in order to say that the members of that Indigenous governing body, that children under that purview, have the rights and the legislative rights that are within The Advocate for Children and Youth Act. It doesn't mean that there's any sort of jurisdiction on our end or it doesn't have a role with the Province in that sense.

The agreement would be for the children and youth under that Indigenous governing body to be in receipt of the services of the Advocate.

The Chairperson: Is there a follow-up?

MLA Fontaine: I was just going to follow up in respect of your question, if that's okay.

Once an Indigenous body—an Indigenous governing body exists and takes over care and control of child welfare, the role of the Province is done. And I know it's hard to kind of wrap our heads around because we've had a child-welfare system that the state is so involved, but once there is an Indigenous governing body, there's a co-ordination agreement, that's it. This is about exercising the full care and control of children by a particular First Nation.

So, for example, I'll give you a really good example. Since I've been minister, every week, I, in fact, at noon or 12:30 or something, I have a meeting with Long Plain First Nation. Every single week that I've been minister I meet with different First Nations and different PTOs and stuff about child welfare. Not once have I met with Peguis because they're an Indigenous governing body. They can, if they want, but there's no need to meet with me anymore as the minister. We have that agreement. They have full control.

So I would imagine that if MACY enters into some type of MOU with, let's say, Peguis, for instance, or MMF, that's a relationship between them. So having said that, certainly that's a relationship between them.

You know, the Province will still, you know, like to hear or whatever, but—the recommendations. Whereas right now MACY's recommendations come to myself as minister or to government, those recommendations would go—let's say there was an MOU to MMF or to Peguis, those recommendations now go to Peguis. Those recommendations now go to MMF; those recommendations now go to Sagkeeng or any other. And I know it's—because I had to—I was like, oh, well, what's our role? No, we don't have a role anymore.

So that's why MACY is in an interesting position right now just as we are, as well, trying to navigate this. And I want to just share, if I can, just for clarity, in respect of MLA Stone's concern about two parents. Absolutely right. My son is from Peguis and he's from Sagkeeng, so you're absolutely right; we all have those.

Those are agreements and decisions that are made in the co-ordination agreements and between nations. The general authority would have—unless the child is—yes, but those are all agreements that everybody is going to work out. But it's certainly something that we're discussing because, again, this is new; we're all trying to—but what you raise is absolutely a concern—or not a concern; it's an issue that we have to work through.

The Chairperson: Thank you, Honourable Minister. As—that was invited upon by MLA Lamoureux.

The—there's still the floor for a government question. Is there a government question?

Ms. Amanda Lathlin (The Pas-Kameesak): As an Indigenous woman and a former Indigenous chief and council member, I can say this. I'm really worried about the First Nations handling this authority because I'm currently a foster parent whose nieces were taken away since—in 2017 because I was in Des Moines, Iowa. This OCN-CFS organization has been fighting hard in keeping us separated rather than reuniting us. I went through AMC, that reunification process. I was called down by the receptionist, and I ended my fight because it tore a lot into me. I even called MACY. Nothing.

So I can say this as an Indigenous woman and as a former band councillor about band politics. I'm worried about the nepotism that's currently going on in every office, I can say. I'm worried about the unqualified workers that are currently there, such as the ones that have not returned my phone call for two months asking for a visit.

And I'm also worried about who, as a foster parent with OCN-CFS, because I know we're working toward our own authority; who do we, like a foster parent like me, who do we go to and say, hey, that worker's not returning my call?

* (11:00)

I missed spring break, I missed Easter break. I haven't seen my niece since March. And since my sister had passed away from an opiate overdose—those are her children—August 13, she passed away, and I found out September 4.

Now, I have four daughters; one daughter and three nieces. They're all sisters, they were all my late sister's daughters. Since she died, now they give back one of the girls, who's HIV positive. Nobody wanted her because OCN-CFS did not even think about creating an education pamphlet on handling HIV.

So the only reason why I got my niece, the third one back—the second one back, I meant, because her mother's dead and she's HIV. So because of all this chaos, I am seriously worried about this transition coming up, when I am not even being heard as the MLA for The Pas-Kameesak. That's bullshit, excuse my language in committee.

So I'm still trying to fight to get my niece back—

The Chairperson: I'll just interject on the use of the unparliamentary language. Though the language is unparliamentary—though I'll allow the member, Ms. Lathlin, to ask the question one more time.

Ms. Lathlin: Who do we report to in such situations like that?

The Chairperson: Is there a response?

Ms. Gott: Thank you for that comment.

And I think I, too, I am concerned about where, once the jurisdiction is asserted with child welfare, and I said this before, the children need a voice in the system, the new system.

So I am saying that we do need a federal advocate for the children in First Nation. Also I welcome you to contact my office again, and I would like you to ask for Ms. Kelly Gossfeld to look into your case. That's my recommendation to you at this point. It's concerning, you know, when the child's voice is lost, so that's what I'm asking you to do.

Thank you.

The Chairperson: And as a reminder to the committee again, though this is a committee of the House, you know, rules around parliamentary language still apply, and it's really important that we are keeping this space respectful; though I do sincerely appreciate the personal experience that has been put on the record today.

Mrs. Stone, unless there is a follow-up question?

Ms. Lathlin: I apologize for my language, and I retract that word.

The Chairperson: Thank you, Ms. Lathlin.

Mrs. Stone: I just want to thank the member from The Pas for sharing that experience and that story, and, you know, it exactly leads into what my question was. I've heard the minister today essentially say that, unless an Indigenous agency asks for oversight, then the Province—there's no involvement, and so who is going to be advocating for children if an Indigenous agency does not ask for that oversight?

I am certainly concerned about children falling through the cracks, and, you know, from the experience of the member for The Pas, like, these are exactly the concerns that we have as we go through this process, and, you know, very concerned about that lack of oversight if it's not asked for, and essentially just washing our hands and, you know, what's that going to mean for the welfare of children who are in care.

The Chairperson: And before I allow the Advocate to reply, I want to acknowledge that, you know, our time today is incredibly valuable, and we're here to discuss the recommendations put forward by the Advocate and her office, though I'll allow a response from the Advocate.

Ms. Gott: I think I've said what I needed to say about that, and my recommendation still stands, that there needs to be a voice for those children under the new federal legislation of child welfare.

The Chairperson: Is there a follow-up question?

On to the independent member.

MLA Lamoureux: I think that the minister said it well in the sense that it's very hard to wrap our heads around this. It feels a little bit like—MLA Stone said this too, washing our hands of it provincially.

And I think it's important and ethically, I think we have a responsibility as well, but of course we don't want to be overstepping jurisdiction. We want to be empowering others and creating more opportunities for those working relationships, especially with the public bodies as well.

And I was just—I was wondering if the Advocate could provide any insight as to whether they have done any preliminary reviews to ensure that governing bodies that MACY may enter into agreements with have sufficient oversight mechanisms for children within their jurisdictions.

Ms. Gott: Thank you for that.

And I have said before that—and I will continue to say it—you know, the children's voice needs to be heard in that process. And I think, you know, it's not just us that has the concern. There is concerns from other professionals in the community, because the children's voice is lost.

So we haven't ironed out that process yet of how that's going to look, so we haven't had a chance to completely do our—review our MOUs with communities and nations under the Indigenous governing bodies. So we're still working out that process and we hope that in the end that it will meet the best interests of children and their voice will be heard.

The Chairperson: Is there a follow-up question?

Okay, on to Mr. Blashko.

Mr. Tyler Blashko (Lagimodière): I just want to start off by thanking you for all of the work you did preparing for this committee, but also just the ongoing work you're doing in support of youth in the province.

I wanted to ask about the broadening of the definition for services for gender-diverse youth. And our understanding and appreciation of gender diversity is always growing and expanding, and so I'm curious how the work at MACY has—or, their appreciation for gender-diverse youth and their experiences—has evolved since the act was implemented, and also what an expansion to include services for gender-diverse youth could potentially mean in terms of the services youth could access through MACY.

Ms. Gott: So as we all know, these youth are at risk for a variety of adverse outcomes and repercussions when they are not met. While our act currently allows us to advocate for all children and youth in Manitoba, we had identified this population of youth's human rights need further protection and affirmation.

Systems are largely and predominantly structured for cisgender binary youth. So gender binary is inherently colonial, and this recommendation fits with our commitment to decolonization. Across all programs, we have seen a growth in the representation of gender-diverse youth. We are becoming increasingly concerned with the unique systemic issues and barriers that affect them. As such, we are applying a children's rights lens.

The Chairperson: Thank you, Advocate Gott.

Is there a follow-up?

Mr. Blashko: I don't think so.

Mrs. Stone: You know, so as, kind of, this discussion, clearly there's some gaps that need to be considered in terms of oversight and for the best interests and protection of children and youth in care.

So just wondering if, you know, based on everything that we've talked about, if you have any additional recommendations for keeping in mind children—the protection of children and youth in care, and any advocacy recommendations that might help in order to kind of close some of those gaps that currently exist that, you know, I've brought up and the member from The Pas has as well.

The Chairperson: Advocate Gott? Mrs. Bilous.

Ms. Carrey Bilous: Our mandate already includes for—services for children and youth who are in care. We aren't seeking to expand our mandate in that sense, as it already is included in the ACYA. And then also focusing on the idea that we do have a mandate on a number of other provincial services. We look at children from a whole-of-child approach, looking at all of the services to which they are entitled.

* (11:10)

Child-welfare services are not the only service that a child may be in receipt of, so that's how we view that.

So again, for addressing systemic issues, we do welcome invitation to speak with our office at another time, or contacting our office. But yes, we already do hold the mandate within child welfare and wouldn't be looking to expand that beyond the idea of entering into agreements, should they be sought.

The Chairperson: Thank you, Mrs. Bilous.

And I'll let the committee know that we have just about 50 minutes left of our meeting, and to keep questions really focused on what we're here to talk about, which is, of course, the recommendations of the Advocate when it comes to our review here of the ACYA.

So that leaves, I suppose, Mrs. Stone.

Mrs. Stone: Yes, thank you for that response.

So kind of—so going back to the recommendations and then some gaps that do exist, and then my earlier comment about a second submission. So, will you commit to submitting another set or amendments to these recommendations based on what we have talked about today, to address these challenges?

Ms. Gott: We will—I will go back to—with my staff, and we will review fully again what we've submitted, and if we feel that was sufficient enough, we will then make that decision at that point.

Thank you.

The Chairperson: Is there a question from the independent member?

MLA Lamoureux: So capacity building within communities is extremely important, just to ensure that governing bodies can respond adequately to any recommendations that MACY may enter into agreements with.

Can the Advocate provide any insights as to whether this capacity is there to begin with, and is the province fulfilling its role to ensure that it is helping these communities build capacity to respond to MACY's recommendations?

Ms. Gott: I'm sorry, but I'm really having a hard time hearing you because your voice is very low.

But I would suggest that, like before, you and I have a meeting to discuss some of these recommendations that you're talking about. But at this point, I am wanting to concentrate on our legislative review and questions.

Thank you.

The Chairperson: Is there a follow-up?

Okay, so we are at a government question.

MLA Fontaine: Miigwech for the recommendation on the legislative changes in respect of gender-neutral language and recognizing—I wouldn't mind hearing a little bit more in respect of, for your recommendation on legislative changes here. I know you did say a little bit, but—and you're absolutely right, and I'd love the language that you're using about that, you know, gender binaries are a colonial instrument, right? Our people never thought in those terms, right?

And Advocate Gott would know that even in our language, so many of our languages didn't even have words for, like, he or she or him or her and, really, Indigenous folks had such equity in respect of our—the language that we used and the way that we saw folks.

So I'm curious—so I really appreciate that. And we've gone through an exercise here, legislatively, actually as a result of the election of MLA Uzoma Asagwara, because, in fact, the rules and procedures here never had any of that in respect of the language that we used, right? It's very binary. So we in the last, like, four years have gone through this exercise.

So I love to see and know that you folks are going through that, as well, and I appreciate my colleague's question in respect of that.

Can you explain some of the—what you're seeing now, because you were talking about an increase of awareness and acceptance and, you know, we saw in the last election this really harmful language in respect of being, you know, being utilized about parental rights, which really it's just, you know, an attack on trans kids.

So what are you seeing in your office in respect of the youth that are coming forward looking for help?

The Chairperson: Before I recognize the Advocate's office, I would request the honourable minister to apologize—

An Honourable Member: I apologize.

The Chairperson: —honourable minister apologizes for the use of the first name of a member. Unfortunately, in a committee, there's never a case where we can use the first name of a member.

An Honourable Member: Sorry. Holy cow. So many rules. I apologize.

The Chairperson: It's a Friday.

And I'll recognize Advocate Gott.

Ms. Gott: Thank you for that question.

What we do know through our advocacy program is children are reaching out, particularly, you know, seeking services that are equitable across the province. And there's many gaps in the system or in communities or—where that service is not provided.

And places need to be—there needs to be a safe, open space for gender-diverse youth to access and—any type of service that they require. And I think that facing discrimination because of who that person chooses to be, you know, is very prevalent. And you know, as a mother of a child that's two-spirited, there's places that he has gone that he doesn't feel safe, and it really saddens me. And it saddens me when children come to us and say that.

So I really wish that, you know, there was—just a moment; ready to cry here—but I really hope—it's 2024, and I hope that our children that experience this type of discrimination, that they can reach out to any type of service and—that would meet their needs and that those spaces are provided for them.

So I want to thank you for that question.

The Chairperson: Thank you, Advocate Gott.

Is there a follow-up?

MLA Fontaine: Just miigwech for sharing that, and I think it is so important.

And you're absolutely right, like, it's 2024. Like, how some folks can still have that mindset that somehow you're not valued or you're less than or you don't deserve all the opportunities that everybody else gets is mind-boggling.

And so I say miigwech for that, and I—miigwech for your work and to your own family, and we appreciate that.

The Chairperson: Before I recognize the next question, again, just a reminder to the room, it's important to put the questions through the Chair. Been a few reminders now, and so I hope that for this next half—or, the last half of our meeting we can, you know, run smoothly.

Mrs. Stone—or, Mrs. Hiebert.

Mrs. Carrie Hiebert (Morden-Winkler): I appreciate being able to have the opportunity to speak here today. I just want to thank you—or sorry, thank the Advocate for being here today, for sharing and for her staff.

I mean, you guys have a big job. Like, they have a big job, and we just want to let you know that we appreciate the work that you do, that we're all here to learn and to support children and youth. That's all of our goal here. And I just want to bring that back to the table, that it's not just one group of people that care, that we all care. And it's important to note that.

And I appreciate you—the MLA Lamoureux for sharing her story and for you for sharing your—or for the Advocate for sharing her story as well. Because we all have a story to share, and I think that makes us very qualified just to be here and to support you and support the kids and the children in our province. So just wanted to share that.

My question is, the report mentions suicide attempts as a current major gap in the scope of reviewable injury. This likely should be spelled out directly in the legislation clearly and concisely as a reviewable injury, as should overdoses, presenting to an emergency room while intoxicated or the administration of naloxone. Further review of these serious incidents would protect children and youth from further injury or worse.

So—sorry—just last week, the Advocate held a press conference calling on the government to create a plan surrounding youth addiction services. Would the Advocate support a direct amendment to specific—to specify the instance of suicide and addictions-related issues within the legislation?

Ms. Carrey Bilous: In general, our mandate does include addictions and mental health services for children and youth right now, under our mandate.

* (11:20)

And our proposed amendments in here where we spoke about the issue of suicide attempts was in reference to our serious injury pieces of our legislation and the definition. There are certain words within that definition, such as life-threatening and requires admission to hospital or health-care facility, that create some ambiguity and difficulty in terms of when to report certain types of injuries.

One experience of the program has been when a child has attempted to die by suicide but that attempt was their intent, but not necessarily serious enough of a method in order for that to be considered a serious injury by our definition, which we consider to be concerning in terms of what would be reported to us. We would like to be able to review the services and the availability of services for those children and youth who are susceptible to those types of injuries.

So that's kind of where we're referencing those changes and those concerns. We do have the general mandate right now over addictions and mental health and those are also—are reviewable services, but we just want to be able to ensure that serious injury definition is capturing all of those serious injuries and incidents that happen to children and youth and young adults.

The Chairperson: Thank you, Mrs. Bilous.

Is there a follow-up?

Mrs. Hiebert: Another question. Just, you mentioned—she mentioned services, and I'm just, like, just curious, like, what is the time limits of when you've come in and they're—you know that they're—or, sorry, the Advocate's office knows there's been a serious injury report or something's happened? What is the timeline for services to be implemented with those situations? What's the waiting time for those youth to get help with services?

Ms. Gott: As far as I know, once—when we receive a serious injury notification or a referral, we immediately respond. We either refer that—we send that referral to an advocacy officer and they follow up immediately as soon as, you know, there's—if there's mental health services required, a referral to a therapist. There's resources given to that youth or that family immediately. So there is no set timeline. We respond as soon as possible.

The Chairperson: Thank you, Advocate Gott.

Is there a question from the independent member?

Is there a government question?

Question from the opposition?

Mrs. Hiebert: Just following up with that question. Just—again, if there's rural areas or any Advocate requests for support in the rural areas also, what kind of procedure is that and how much is the wait time for those as well?

The Chairperson: And I'll offer a reminder once more that questions will be central to the legislation, though Advocate Gott, would you like to respond?

Ms. Gott: That response time is immediate. As soon as the referral comes in through our advocacy program, an officer is assigned immediately and—so as we all know that there are wait-lists in the communities and there is, you know, certain communities don't have enough resources to provide an immediate response, but if we get the referral in our office it's responded to and assigned to an advocacy officer immediately.

The Chairperson: Is there a follow-up question?

Mrs. Stone: A really terrible situation happened to one of my constituents in Carman in February that really, really hurt the community and my family neighbours and constituents, and that was the unfortunate death of Myah-Lee Gratton.

So, I'm wondering if the internal investigation that has been conducted and the recommendations that have come from that have been included in the recommendations that you put forward today?

Ms. Gott: Sorry. One of the domain areas that we review is victim support services, which includes domestic violence. And so we are currently reviewing the child deaths, if this is the case that you're referring to. I'm not sure which case you're referring to, but I think a discussion needs to happen between you and I to talk about that. So I think you should call my office, and we'll have a discussion and see where that's at, at this point.

The Chairperson: Follow-up from Mrs. Hiebert—Mrs. Stone.

Though I will remind committee once more if the question is not central to the matter at hand, which is the recommendations of the Advocate regarding, you know, the five-year review that we have here, then they won't be eligible for a response from this point forward. There have been a number of reminders to the committee at this point.

So, Mrs. Stone.

Mrs. Stone: So, further to that, you know, it's been a very public case within the media where Myah-Lee's mother had said that she had left a voice mail for her CFS worker that did go unanswered.

And so, just kind of going back to that situation, there is an internal investigation going on, and with these recommendations for how the CFS system and the Advocate's legislation mandate is being reviewed currently, has that been reflected within these recommendations, the specific situation of Myah-Lee from Carman that we're all very well aware of. *[interjection]*

The Chairperson: Sorry; Ms. Bilous.

Ms. Carrey Bilous: Recommendations that come from individual reviews and investigations about child deaths or serious injuries are either released through our internal investigative process or through our special report process, and those are recommendations to improve the services that are already under our mandate.

So if there were concerns with the child-welfare system in that specific case, those would be reflected in the review and potential investigation that the office would conduct, whereas the recommendations of our legislative amendments are focused on where do we think we not—we do not have the mandate or where we seeing the gaps of things that are not already under our purview, and those influenced the recommendations that came today. When we're reviewing services from individual cases, those come through reviews and investigations and discussions with the public bodies or services who we're providing those services in that time.

The Chairperson: Are there any further questions central to the recommendations put forward by the Advocate's office today?

Mrs. Cook: Thank you to the Advocate and their staff. I haven't had an opportunity to say that yet, but thank you for the work you've put in to be here today.

You mentioned in your opening comments that you had done a bit of a jurisdictional scan and Manitoba is unique. And I don't want this to be misconstrued as a comment that Manitoba needs to line up with other jurisdictions in any way, but I just wondered how your recommendations position Manitoba compared to, you know, this role in other provinces.

Ms. Gott: I want to defer that to Ms. Bilous, because she was lead in this review.

Ms. Carrey Bilous: So, yes, we did conduct jurisdictional scans and we have close relationships with all of the other advocate offices across the country.

And so, when looking at the legislation that govern their representatives or advocates, we try to take into consideration things that their acts may not have or—ones that ours may not have but they do have and see if those are suitable for the Manitoba context. At the forefront was looking at those—the different legislation and understanding, is that suitable for Manitoba? Does it apply to the Manitoba context?

And then also using, you know, what we consider to be the most progressive or influential child advocate legislations and utilizing what is contained in theirs to seek if there is something that would be beneficial to Manitoba's children, youth and young adults.

The Chairperson: Is there a follow-up question?

Mrs. Cook: So is there any specific, you know, lessons learned from other provinces that you're applying

here in your recommendations or anything that's wildly different from other jurisdictions that you're recommending?

Ms. Carrey Bilous: Nothing that is wildly different, no. Manitoba, along with a few other provinces, has more progressive legislation in terms of child advocates across the country. We have a pretty expansive mandate in comparison to some other advocate offices in the country as well.

* (11:30)

You know, specifically we looked a lot to the idea of PEI and British Columbia having some provisions regarding the UNCRC that we do not yet have in our legislation, and trying to really strengthen and confirm our commitment to the UNCRC as a guiding principle in documents for our office.

The Chairperson: Are there any further questions from the committee to the Advocate's office on this legislation?

Mrs. Stone: On—which part is it? I guess part 1, and you're talking about reporting of suicide attempts. If the Advocate could just walk me through how that co-ordination would work with hospital centres, clinics, you know, are—will there—would that be a duty for the health-care centres to report an attempt to the Advocate, or how does that—if the Advocate could just walk me through how that might look.

Ms. Gott: I'm going to defer that question to Ms. Bilous.

Ms. Carrey Bilous: So those recommendations were based on the existing serious injury legislation and reporting regulations that already exist. So there is already a reporting regulation that says that those who become aware of a serious injury of a child who is receiving reviewable services must report that to our office.

So that is a wide range of service providers. It could be people in CFS, it could be people in the health-care or hospital setting, it could be mental health workers; all kinds of people who become aware of a serious injury—in the justice system as well—have to report that to our office. It is the definition of what constitutes a serious injury that is creating the barrier.

Some of the ambiguity in the language of life-threatening or requires admission to hospital or health-care facility, that we are seeing as a potential barrier because it is not clear to all service providers and those in the public about what is a serious injury and when they should report it to the office.

The Chairperson: Is there a follow-up question?

Any further questions? Okay.

Mrs. Stone: I just have an—in one of your recommendations, the Advocate had recommended doing this review every five years, so that would be 2028, give or take. Just wondering if this, with the changes that the system—significant changes that the system is about to undergo, if five years is too long for a review to take place. You know, I think today we've already identified that there are some gaps that need to be addressed.

And, you know, would the Advocate consider perhaps doing a review every two to three years to reflect the significant changes and ongoing changes that we're about to experience over the next little while?

Ms. Gott: I—that is a recommendation we just made because of—currently we're under that review, right? So we figured that, you know, we've had five years to work under this legislation and there was a lot of gaps in services, and so we wanted to further recommend that the act be reviewed every five years after this.

So there's no specific timeline. If there's a recommendation for two, three years, we're certainly open it—open to it, you know, but five years, I think, is good.

Thank you.

The Chairperson: Are there any further questions?

Mrs. Stone: What kind of—so just kind of on the theme of timelines, what timelines would the Advocate recommend for the implementation of each of these recommendations?

Ms. Gott: Well, I'm hoping that—you know, the review was to have occurred, as you know, last year. You had a year to review from May 18, 2022, to 2023. So I'm hoping that this—with this review happening and the recommendations for changes into the legislation happens within an appropriate time frame. And I think under a year would be good, if that can possibly happen.

The Chairperson: Is there a follow-up question?

Further questions?

Mrs. Hiebert: I just would like to just to ask the Advocate another—one more question about—regarding the significant jump in the number of youth addiction cases over the last four years.

Is there anything that could be included in the legislation specifically to bridge that gap, to broaden the mandated associate with—to a better response that you could—like, to let the Advocate have a better

response to the cases. Do the changes made to the serious injury definition cover this, or is there a suggestion of more legislation that could be added to this review?

Ms. Gott: I'll ask—

The Chairperson: Mrs. Bilous—sorry to interject. Just—okay, you may proceed.

Ms. Carrey Bilous: So yes, it does already include the mandate within addictions for all children and youth in the province, and that requires any publicly funded service in the addictions realm that we are able to have advocacy for is also a reviewable service for the serious injuries and child death notifications that we receive.

And again, the serious injury amendments were focussed on, you know, trying to close those gaps of injuries that we see occurring, but are not yet meeting the definition of serious injury. But I do think we already have a broad and, you know, well-utilized mandate within addictions to advocate for children and youth and support them in that system.

The Chairperson: Thank you, Mrs. Bilous.

Are there any further questions?

Mrs. Stone: In the Advocate's report—I don't recall which page—it mentions that of 100 in-scope child deaths that were reported, 73 were reviewed.

So I'm just wondering what occurred with the other 27, and if expanding the Advocate's mandate would have helped in or assisted in addressing those as well.

Ms. Carrey Bilous: When we report in the annual report the difference between what is reviewable versus what we conduct reviews on, everything that is reviewable eventually gets reviewed. We just aren't able to always complete all reviews within the same fiscal year with which they are reported.

So we completed 73; the rest of them will still be reviewed. They are just not reviewed in that fiscal, and it is likely that they were reviews from previous fiscals. But again—

The Chairperson: Further questions?

Mrs. Cook: Just wanted to pick up on something one of my colleagues raised earlier. One of the recommendations is to change some of the language to better define serious incidents versus injuries, and I take it that, you know, given that that's what you've recommended, that—am I correct in assuming that that would then encompass the range of incidents you would like

to have the ability to review; or would there be a benefit to specifically naming things like suicide attempts, regardless of the severity of the—you know, just specifically any suicide attempt, for example.

The Chairperson: Advocate Gott? Mrs. Bilous—yes.

Ms. Carrey Bilous: I think in terms of what we have come to and the kind of new timelines of the serious injury program that, as exists, we've only had it for the last nine months. That kind of understanding is not yet known, and that's why we've recommended as a consideration to do further consultation and research and understanding of whether incidences better suited than injuries to encompass these things that we are missing, or what would be the most suitable amendments to take in order to ensure that the intent and purpose of the serious injury legislation is being met to the best of its ability.

The Chairperson: Any further questions?

Mrs. Stone: You know, as this has been a new process for all of us and an unprecedented in Manitoba, I'm just curious if you think that the—or the Advocate thinks that the process followed to date has been the right process or, you know, when we go through this again, if there are any recommendations or changes to how we can do it better, or different recommendations that can come from that.

You know, I know we have looked at jurisdictional scans in BC. They had a subcommittee making some recommendations with independent experts consultants, et cetera. You know, just hoping the Advocate can, you know, we can use this as a learning experience, and is there anything that you think that we can do next time, or that's different or better?

* (11:40)

Ms. Gott: Thank you for that.

I think one of the things I recommended is that there be open communication and transparency and collaboration, all those things. And I think that, you know, one of the things we found is that there were submissions that were to be made, and then on the website there was a form to fill out and all that kind of stuff, and we've talked to some stakeholders that have said, like, when is this happening. And I think there needs to be a notice to—community-wide notice—about inviting submissions.

And as recently as Wednesday, I think it was, we talked to a—one of the First Nation governing bodies and they asked us—I talked about our legislative review that's coming up, and they said—I said submissions are

being taken on—in a couple weeks from now on a Friday next week, next Friday, and she said, oh, I've got to ask, where do I find that? How do I access that?

So we told them that we would send them a link as soon as it's up so they can provide a submission. So, yes.

The Chairperson: Thank you, Advocate Gott.

Any further questions?

Mrs. Stone: Yes. Just further to kind of the rushed nature that this stakeholder—public stakeholder consultation is occurring: we're meeting with stakeholders next week in a single day, and I certainly think that we needed more time, you know. To close the ability to sign up for public presentations two months ago really limited individuals and getting their voices heard around this table, you know.

So would the committee be open to allowing written submissions after next Friday?

The Chairperson: Would anyone like to respond? It wasn't a question that was directed directly to the Advocate.

An Honourable Member: Sorry, will the Advocate accept written submissions?

The Chairperson: Mrs. Stone—okay, Mrs. Stone, would you be able to clarify whether you're requesting leave to accept written submissions past the proposed deadline or the current deadline?

Mrs. Stone: I ask for leave to accept written submissions past the deadline.

The Chairperson: Mrs. Stone, what would the proposed new deadline be for written submissions?

Mrs. Stone: Four weeks.

The Chairperson: It's been requested by Mrs. Stone that the deadline for written submissions be extended by four weeks. Is there leave from the committee?

So this kind of decision is not able to be requested through leave; it would have to be requested through a motion.

Is there a motion?

MLA Fontaine: I am moving—[interjection] Miigwech.

I move that the—this was really fast—I move that the deadline for written submissions to the Standing Committee on Legislative Affairs review of The Advocate for Children and Youth Act from members of the public be extended to 4:30 p.m. on May 15, 2024, with the understanding that this would delay the

presentation of the committee's final report to the House.

Motion presented.

The Chairperson: I will open—the motion is in order, and I will open the floor to questions.

Are there any questions?

Is the—oh, Mrs. Stone?

Mrs. Stone: Can I make an amendment?

* (11:50)

Yes, so I'd like to just make a recommendation to the motion to allow for four weeks, so that would be May 26–May 24, sorry—by 4:30 p.m. May 14 is only two and a half weeks away, and four weeks would give more time for individuals to be consulted and to allow them for—to present their written submissions.

The Chairperson: Are there any further comments?

MLA Fontaine: I do want to say that I think that the five-year review was also kind of pushed because of the election. I think the Advocate and I had chatted just prior to the election when I was Opposition House Leader, after a discussion with the government House leader at the time. We'd had this discussion—and the Speaker at the time—because we knew that the review was supposed to take place prior to the election.

But I think there was a discussion and an agreement on everybody to just—because there was an election, we didn't know what was going to happen. So the review is already beyond the five years.

And so pushing further the presentations does delay the final report, although it's not a hill to die on. If folks at the committee don't think that two and a half weeks is enough time, that's fine. It's not a hill to die on. We can agree to the amendment.

Mrs. Stone: I move

THAT the motion be amended by deleting "May 15, 2024" and replacing it with "May 24, 2024".

The Chairperson: It has been moved by Mrs. Stone

THAT the motion be amended by deleting "May 15, 2024" and replacing it with "May 24, 2024".

The Chairperson: The amendment is in order, and the floor is now open to questions.

Are there any questions?

Is the committee ready for the question?

So the question is to the amendment, and shall the amendment pass? *[Agreed]*

Shall the motion as amended pass? *[Agreed]*

The motion is accordingly passed as amended.

Are there any more questions or points of discussion on the matter in front of us, The Advocate for Children and Youth Act and the recommendations by the Advocate?

Seeing—oh, Advocate Gott?

Ms. Gott: Thank you for agreeing to extend that submission.

I have a question with regards to the committee structure and wanting to know, you know, what the terms of reference are for this committee and also, how is it determined when recommendations are supported for amendment? Is there a letter that comes from—either from us or from the—like, is there a letter that goes to the public?

So is there something—like, how do we know when all this—amendments are passed?

MLA Fontaine: And, again, this is a unique committee, right? Like, we're all kind of learning as we go and working together to do the best process.

So as I understand it, if there are recommendations that come to me, I will review all of those recommendations. Certainly the recommendations that have been brought forward today by yourself include substantial legislative work, right, with our legal counsel, our SRRB structure, and then the legislative calendar.

So that work we will be engaged in. We will work with MACY in respect of those legislative changes that we are moving forward on, based on your recommendations, based on public presentations, based on the written submissions.

Also, I'm not sure if folks are aware, also on the submissions that we have in government internally, right? So it's not just this one process, or not just the process on Friday; there's multiple processes that we will capture and engage on and review, and then certainly from there, work on a legislative framework, or any changes that we need to look at.

But certainly we will keep you abreast of what is going on. And we have a commitment to work together in respect of—I also want to say that folks around the table, I think that MLA Lamoureux will remember this, because I think both MLA Lamoureux and I had been elected at the same time. Actually, MLA Lathlin will remember this as well.

The last legislative changes to MACY, we worked collectively, right? There was that, because there—we worked, because the government at the time put forward their legislation, but actually I, as the critic for Families at that time, had put forward legislation and we were trying to work together with MACY.

So previously, any of those legislative changes, everybody kind of worked together. I know that we were, on our end, trying to ensure that you folks were good with the bill that we were presenting as a private member's bill. So, of course, when the government came in, they had the ability to make those legislative changes.

All of that to say we will work together and, as my colleague said, at the end of the day we all want what is the—in the best interest for our children. And I would be remiss if I didn't say—and I say this every opportunity that I have when I'm speaking about, you know, children in care, or child welfare or whatever it is—you know, the Premier (Mr. Kinew), during the election campaign, made a commitment, made a solemn commitment to ensure that more children reach their 18th birthday.

And that is a basic tenet and principle of our government. And so we will—we honour that. We work together towards that, and all of us can work together on that.

So that, in a nutshell, is some of the pieces, but we've gone through it before and we'll go through it again, and in five years we'll go through it again.

The Chairperson: Thank you, Honourable Minister.

Is there a follow-up question?

Ms. Carrey Bilous: Just in terms of clarifying from our knowledge of what had occurred for other advocate offices who had their legislation reviewed, is there a process of determining, from what is submitted from the public, from government, from us, of which recommendations are supported for amendment?

What if there is a recommendation for amendment that would contradict, or that would be against, or that would amend our legislation in a way that we weren't expecting? How is it determined when an amendment would be supported? Like, what is that process?

The Chairperson: I would like to remind the committee that we have three minutes left.

MLA Fontaine: Again, like I just finished saying, when we put forward our private member's bill, there was a lot of back and forth between your office and our Leg. Counsel that were working on it.

Certainly as the minister responsible, now, if there were recommendations that I'm going to be reviewing, and I'm like, eh, maybe this is good, certainly I'm going to be working directly with you, or our department is going to be working directly with you.

We would never make legislative changes that didn't support the work that you were doing in a good way, and that you weren't on board with, right? In respect of the care of making sure that children are taken care of.

* (12:00)

So, we will work together. I cannot stress that enough. We will work together. My department, your MACY, the good people that do this work, you have my commitment on that.

The Chairperson: There being two more minutes left of committee, are there any further questions or comments?

Mrs. Stone: What would be the timeline for the minister once the final report has been submitted to this committee?

MLA Fontaine: I'm not—the timeline on what? I don't—what's your question? I don't understand.

Mrs. Stone: The report becoming public.

MLA Fontaine: So I'll have to figure that out now, because now the timeline has changed. So we'll have to figure that out, yes.

The Chairperson: Any further questions?

Seeing no further questions, the hour being 12:01 p.m., what is the will of the committee?

An Honourable Member: Committee rise.

The Chairperson: Committee rise.

COMMITTEE ROSE AT: 12:01 p.m.

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