



April 3, 2020

Premier Brian Pallister
204 Legislative Building
450 Broadway
Winnipeg, MB R3C 0V8

Dear Premier Pallister:

RE: Bill 34 - Indigenous Children and Children's Special Allowance

We jointly write this letter to you to communicate, in the strongest possible way, our disagreement with The Budget Implementation and Tax Statutes Amendment Act, 2020 ("Bill 34") and, specifically, the so called "Funding For Child and Family Services" division that is hidden at the end of Bill 34. This lack of transparency and attempt to obfuscate accountability is extremely disappointing and much less than the conduct expected by Manitobans.

The Children's Special Allowance ("CSA") Act requires that Government of Canada Special Allowance payments to a Child and Family Services Agency must be applied exclusively toward the care, maintenance, education, training or advancement of the specific child in respect of whom it is paid.

Beginning 10 years ago, the Province of Manitoba began a process of clawing back these federal dollars, whose exclusive purpose is the care, maintenance and advancement of children in care, instead placing these funds into provincial general revenue.

Your own former Minister of Education and Training, speaking on behalf of your party at the time, described these actions of the then Provincial government as "illegal", "immoral" and as "steal(ing) the future of these most vulnerable children". He called the general revenue account where Manitoba was placing these stolen funds as "the black hole".

Clearly, you and your party understood that the policy of taking CSA funds away from First Nations and Metis CFS Agencies and the children in their care was illegal and wrong. But when you came to power, you and your government not only allowed this illegal and immoral practice to continue, you expanded and entrenched it further despite the detrimental impacts on Indigenous children in Manitoba.

Two court actions were finally launched to force Manitoba to comply with the CSA Act, to stop the illegal and immoral claw-back policy from continuing, and to hold Manitoba accountable to our children who have had their rights ignored for far too long.

Of the approximately 11,000 children in care in Manitoba, an estimated 90% of them are First Nation and Metis children. These children are among the most vulnerable members of our society. It is up to all of us, including you and your government, to act in their best interests and to protect their legal and human rights.

Instead, what we see in Bill 34 is an attempt by your government to trounce the rights of Indigenous children in Manitoba. The Bill legislatively discontinues the two CSA legal actions brought against Manitoba, it removes the right to sue Manitoba for their illegal claw back of over \$250,000,000 of CSA from Indigenous children, and it removes accountability of Manitoba's illegal actions including removing judicial oversight and judgement.

First, Manitoba "steals" CSA money belonging to Indigenous children. And now, by Bill 34, you are attempting to take away their legal right to sue for the theft. Tell us, how is this acting in the best interests of these vulnerable children? Is there anyone ready to stand up and put an end to this disastrous policy and right the wrongs committed on our children?

Your attempt to put this unethical piece of legislation through at a time when nearly all of society's focus is on responding to the COVID-19 pandemic is nothing less than shameful.

We noticed and we care.

We are still here on behalf of our children who find themselves in the provincial child welfare system. If necessary, we will fight Bill 34 in the courts to maintain the legal and human rights of our children to receive federal benefits owed to them, and to maintain their rights to access justice when they are wronged.


Reconciliation is more than words. Reconciliation requires positive action, morality and justice, none of which exists here.

We look forward to an immediate confirmation that your government will move to amend Bill 34 by removing Division 8 in its entirety.


Yours Truly,



President David Chartrand,
MMF



Grand Chief Garrison Settee,
MKO



Grand Chief Jerry Daniels,
SCO