



Assembly of Manitoba Chiefs  
EMPOWERING OUR NATIONS

**FOR IMMEDIATE RELEASE**

August 21, 2020

**The AMC supports Chief Deborah Smith and the Brokenhead Ojibway Nation in an application for Judicial Review of provincial health orders on reserve lands**

**Treaty One Territory, Manitoba** – The Assembly of Manitoba Chiefs (AMC) is offering this statement of support for Chief Deborah Smith and the Brokenhead Ojibway Nation in their legal challenge against the Province of Manitoba and Manitoba Liquor and Lotteries. The Judicial Review, which was filed in the Court of Queen’s Bench today, seeks to clarify and interpret the legality and/or application of provincial health orders as they apply to First Nations in the context of section 91 (24) provisions of the Canadian Constitution Act 1867. The AMC position is that Manitoba is illegally overstepping its jurisdiction, and acting unilaterally by attempting to ban smoking in casinos and VLT areas on First Nations reserve lands in Manitoba indefinitely.

AMC Grand Chief Arlen Dumas said, “While AMC member First Nations have passed several bylaws to implement COVID-19 emergency measures and reduce smoking amongst the people, and we have worked with the Province’s Chief Medical officer to keep COVID-19 out of our Nations, the government of Brian Pallister has been authoritarian in using state of emergency legislation to grab more power and to infringe on the Constitutionally protected rights of First Nations. I, along with Treaty 1 First Nations, have made multiple attempts, including news conferences and letters summarizing legal opinions, to make the Province of Manitoba aware of legal precedents and the previous unsuccessful attempts of the Province to encroach on First Nation jurisdiction with respect to smoking bylaws, which have been ignored., Manitoba has left us with no further alternative other than to turn to the courts for a resolution. It continues to be unacceptable that the Pallister government and Province of Manitoba use the current COVID-19 pandemic to unilaterally usurp First Nation’ autonomy under the guise of a public health order.”

“This remains an ongoing issue of the systemic racism that has historically underpinned the relationship between First Nations and the Province of Manitoba. We have consistently made constructive efforts to discuss the jurisdictional conflicts with the Province of Manitoba and offer solutions; however, the Premier continues to ignore our correspondence, refuse our attempts to resolve these issues, and appears content to treat First Nations as a fourth level of government and as a municipality and do as he pleases with complete disregard for First Nations’ inherent rights and autonomy. This is the behavior of an autocrat.”

On June 11, 2020, Premier Pallister presented the Province of Manitoba’s “Restoring Safe Services: Manitoba’s Pandemic and Economic Roadmap for Recovery.” Subsequently, on June 18, 2020, the Chief Provincial Public Health Officer issued COVID-19 Prevention Order 17, which allowed for the re-opening of businesses with VLTs only where smoking is prohibited. First Nations that allow smoking in their facilities will be prohibited from re-opening unless they agree, in writing, to the newly imposed smoking prohibition. If First Nations do not enforce the smoking prohibition, Manitoba Liquor and Lotteries Corporation has stated that they will immediately terminate those First Nation’s VLT site-holder agreements.

On July 6, 2020, AMC Grand Chief Arlen Dumas held a press conference in collaboration with Chief Dennis Meeches of Long Plains, Chief Deborah Smith of Brokenhead Ojibway Nation, and Chief Glenn Hudson of the Peguis First Nation to articulate the very real consequences of a lack of VLT revenue on social services within their Nations, the legal

precedents that could arise, and to further express their frustration at the government's lack of deference to First Nation jurisdiction.

"We stood together and spoke in a unified voice calling on the Provincial Government to rescind their orders in relation to First Nations. It has been more than three weeks and there has been no communication, no discussion and no resolution. It's time to move forward and take action," added Chief Deborah Smith, Brokenhead Ojibway Nation. "First Nations have Treaties and a fiduciary relationship with the federal Crown; therefore, this attempt to subvert First Nations' autonomy is illegitimate and unconstitutional and we are left with no further alternative than to waste more time and money into court action against the Province."

Grand Chief Dumas concluded: "While AMC stands behind Chief Smith and her application for judicial review on this issue, this is not only simply about smoking bans. Unfortunately, this is a major issue of provincial bureaucracies and their attempts to control and limit the constitutionally recognized and protected rights of First Nations. "First Nations will not tolerate draconian actions under the pretense of emergency measures that limit economic development and that prevent revenue flow that supports numerous social service agencies on reserve. AMC and its members will continue to bring jurisdictional challenges through our court systems and fight as long as it takes for First Nations to receive the autonomy and respect we deserve. We will not back down, nor will we let up. We will bring collective action to right these wrongs and set future precedence of autonomy for all First Nations in Manitoba."

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**About the Assembly of Manitoba Chiefs**

**The AMC was formed in 1988 by the Chiefs in Manitoba to advocate on issues that commonly affect First Nations in Manitoba. AMC is an authorized representative of 62 of the 63 First Nations in Manitoba with a total of more than 151,000 First Nation citizens in the province, accounting for approximately 12 percent of the provincial population. AMC represents a diversity of Anishinaabe (Ojibway), Nehetho / Ininew (Cree), Anishinew (Ojibwe-Cree), Denesuline (Dene) and Dakota Oyate (Dakota) people.**