



Assembly of Manitoba Chiefs
EMPOWERING OUR NATIONS

FOR IMMEDIATE RELEASE

September 8, 2021

The Assembly of Manitoba Chiefs files submissions challenging the Budget Implementation and Tax Statutes Amendment Act

Treaty One Territory, Manitoba – Yesterday, the Assembly of Manitoba Chiefs (AMC) filed its written submissions in its challenge of the provincial *Budget Implementation and Tax Statutes Amendment Act (BITSA)* that former Manitoba premier Brian Pallister championed during his tenure. Passed as an omnibus bill by the Manitoba Legislative Assembly on November 6, 2020, the Pallister government strategically hid section 231 that denies First Nations children involved in the Child and Family Service (CFS) system access to justice and shields the province from any legal actions in its ongoing theft of their Children’s Special Allowance.

AMC Grand Chief Arlen Dumas said, “Former premier Brian Pallister has left a legacy for the province of Manitoba of the deliberate and intentional discrimination against First Nations children in care by treating them as commodities instead of protecting and caring for their well-being and safety. As part of the Aboriginal Justice Inquiry - Child Welfare Initiative (AJI-CWI) in 2005, First Nations were to take back the responsibility to care and provide supports and services to First Nations families and children in need. However, the province of Manitoba never met the true spirit and intent of the AJI-CWI. The province usurped the devolution process so that it could continue to control funding meant for First Nations children. In doing so, and now through s. 231 of BITSA, the province legitimized the capturing of Children’s Special Allowance.”

The submissions of the AMC argue that through the BITSA, Manitoba:

- infringes the core jurisdiction of the superior courts and breaches section 96 of the *Constitution Act, 1867* by having the province of Manitoba absolving itself from any liability and denying First Nations children in care the right to access the courts;
- denies First Nations children substantive equality and equal benefit of the law on the grounds of age, race, aboriginality-residence and family status, in which the BITSA is contrary to section 15 of the *Canadian Charter of Rights and Freedoms*;
- denies First Nations the rights, benefits and opportunities promised to First Nations children in care by Canada pursuant to s. 91(24) of the *Constitution Act, 1867* and is therefore beyond the province’s constitutional authority; and
- violates the honour of the Crown and breaches its fiduciary duty owed to First Nations children in care.

“First Nations children are disproportionately separated from their families, culture and Nations. The quality of care provided under the CFS system, and the lack of supports for life skills after leaving the system, leads many former First Nations youth to the justice system, becoming homeless, and/or becoming vulnerable to being missing or murdered. In 2017/18, for children in care aged 11-17 years old, the province provided \$10,902.55 annually for Child Maintenance, whereas Canada provided \$16,302.55 for Child Maintenance and for Children’s Special Allowance. Instead of taking the CSA from First Nations children, the funding could have been used to ensure better outcomes for First Nations children leaving care,” stated Grand Chief Dumas.

The hearing dates for the BITSA challenge are scheduled for October 25 through 29, 2021.

-30-

For more information, please contact:

Stacia Franz

Assembly of Manitoba Chiefs

Email: sfranz@manitobachiefs.com

Phone: 204-292-1504

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.