



Assembly of Manitoba Chiefs  
EMPOWERING OUR NATIONS

**FOR IMMEDIATE RELEASE**

October 26, 2021

## **The Assembly of Manitoba Chiefs in Court Hearing to Challenge the Budget Implementation and Tax Statutes Amendment Act**

**Treaty One Territory, Manitoba** – The Assembly of Manitoba Chiefs, as represented by the Public Interest Law Centre (“PILC”), will attend the Manitoba Court of Queen’s Bench from October 26 to 29, 2021, to legally challenge the Province of Manitoba on Section 231 of the *Budget Implementation and Tax Statutes Amendment Act* (“BITSA”).

BITSA, among other things, seeks to retroactively legalize the theft of First Nations Children’s Special Allowance (CSA), which is inconsistent with the purpose of the *Children’s Special Allowance Act*; infringes rights protected under the *Constitution Act, 1867* and the *Charter of Rights and Freedoms*; and ultimately violates the honour of the Crown while breaching its fiduciary duty owed to vulnerable First Nations children in care of child welfare authorities.

“The AMC Chiefs-in-Assembly has been quite clear: we must defend our children from the province’s unlawful actions against them. By going through this process, First Nations in Manitoba challenge the current Conservative government of Manitoba for its wrongdoing. First Nations leadership through the AMC must do something to end the ongoing injustice that continues to be inflicted on our children and our families. This is so that healing and opportunity for growth can occur for these children,” stated AMC Grand Chief Arlen Dumas.

BITSA denies First Nations children the right to challenge the unlawful claw-backs and remittances of the CSA in court, exacerbating the long-standing exclusion of First Nations children and youth in care from access to justice and social and economic opportunity. Ultimately, through section 231 of BITSA, the province of Manitoba has two objectives: to enable Manitoba to retain for general revenue the CSA funds intended for the care and maintenance of First Nations children and youth in care; and to prevent legal recourse for the detrimental effects on the well-being of First Nations children as a result of Manitoba’s actions from 2005-2019.

“Capturing CSA from First Nations children in care is irresponsible and woefully short-sighted. The province mercilessly implemented claw-backs without regard for the most vulnerable and marginalized First Nations children and youth in care. Notwithstanding more than 150 years of stolen children through Residential Schools, Indian Day Schools, the Sixties Scoop, and the gross overrepresentation of First Nations children and youth in the Child Welfare system, the province continues to apprehend First Nation newborn babies, and children and youth at alarming rates. Section 231 of BITSA severely impacts First Nations children in care for whom the province is the guardian. Despite the ongoing calls for truth and accountability, the province of Manitoba through section 231 of BITSA, continues to deny First Nations children in care the right to substantive equality, and equal benefit of the law,” concluded Grand Chief Dumas.

To coincide with the hearing, the First Nations Family Advocate Office will be hosting a *Telling Our Truth* event starting October 26<sup>th</sup> to 28<sup>th</sup>, outside the legislative building to offer a safe space for First Nations to share their experiences with the Child Welfare system. The AMC-FNFAO would like to invite First Nations youth, parents, grandparents, former youth in care and foster parents to come and sit with us to share their truths.

**For more information, please contact:**

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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 / Inineu (Cree), Anishinew (Ojibwe-Cree), Denesuline (Dene) and Dakota Oyate (Dakota) people.