

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

*Chairperson*  
*Mrs. Sarah Guillemard*  
*Constituency of Fort Richmond*

**Vol. LXIX No. 4 - 6 p.m., Tuesday, October 25, 2016**

ISSN 1708-668X

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Forty-First Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
CHIEF, Kevin	Point Douglas	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
CURRY, Nic	Kildonan	PC
DRIEDGER, Myrna, Hon.	Charleswood	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FLETCHER, Steven, Hon.	Assiniboia	PC
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GRAYDON, Clifford	Emerson	PC
GUILLEMARD, Sarah	Fort Richmond	PC
HELWER, Reg	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek	Interlake	PC
JOHNSTON, Scott	St. James	PC
KINEW, Wab	Fort Rouge	NDP
KLASSEN, Judy	Kewatinook	Lib.
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMOUREUX, Cindy	Burrows	Lib.
LATHLIN, Amanda	The Pas	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MARTIN, Shannon	Morris	PC
MAYER, Colleen	St. Vital	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew, Hon.	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Arthur-Virden	PC
REYES, Jon	St. Norbert	PC
SARAN, Mohinder	The Maples	NDP
SCHULER, Ron, Hon.	St. Paul	PC
SELINGER, Greg	St. Boniface	NDP
SMITH, Andrew	Southdale	PC
SMOOK, Dennis	La Verendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
SWAN, Andrew	Minto	NDP
TEITSMA, James	Radisson	PC
WHARTON, Jeff	Gimli	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian, Hon.	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC
YAKIMOSKI, Blair	Transcona	PC

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS**

**Tuesday, October 25, 2016**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mrs. Sarah Guillemard  
(Fort Richmond)**

**VICE-CHAIRPERSON – Mr. Derek Johnson  
(Interlake)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Messrs. Fielding, Gerrard*

*Mr. Altemeyer, Ms. Fontaine, Mrs. Guillemard,  
Messrs. Johnson, Lagassé, Lagimodiere,  
Michaleski, Swan, Wowchuk*

**PUBLIC PRESENTERS:**

*Mr. Sheldon Kennedy, Sheldon Kennedy Child  
Advocacy Centre*

*Mr. Wayne McNeil, Respect Group*

**MATTERS UNDER CONSIDERATION:**

*Bill 8–The Protecting Children (Information  
Sharing) Act*

\* \* \*

**Madam Chairperson:** Good evening. Will the Standing Committee on Legislative Affairs please come to order.

Our first item of business is the election of a Vice-Chairperson.

Are there any nominations?

**Mr. Bob Lagassé (Dawson Trail):** I nominate Mr. Johnson.

**Madam Chairperson:** Mr. Johnson has been nominated.

Are there any other nominations?

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

This meeting has been called to consider Bill 8, The Protecting Children (Information Sharing) Act.

How long does the committee wish to sit this evening?

**Mr. Andrew Swan (Minto):** Until the work of the committee is completed with this bill.

**Madam Chairperson:** Is that the wish of the committee? *[Agreed]*

Please note that we have two presenters registered to speak tonight, as noted on the list of presenters before you.

Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with staff at the entrance of the room. Also, for the information of all those wishing to present, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from committee members.

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the Hansard recorder to turn the mics on and off.

Thank you for your patience. We will now proceed with the public presentations.

**Bill 8–The Protecting Children  
(Information Sharing) Act**

**Madam Chairperson:** I will now call on Mr. Sheldon Kennedy.

Mr. Kennedy, do you have any written materials for distribution to the committee?

**Mr. Sheldon Kennedy (Sheldon Kennedy Child Advocacy Centre):** No.

**Madam Chairperson:** Okay, please proceed with your presentation.

**Mr. Kennedy:** Well, first of all, I just want to thank you all for the opportunity to be here today. We've had five years of experience with children's first act in Alberta, which is—gives permission for front-line workers—*[interjection]* thank you, that's great—to share information in the best interests of the child.

At the Sheldon Kennedy Child Advocacy Centre, we do every child abuse investigation in southern Alberta. That's in a collaborative model. We have the whole Calgary police Child Abuse Unit—30 investigators. We have 30 social workers. We have two RCMP. We have four pediatricians, social pediatrics. We have 25 psychologists. We have 120 people that work there. We triage every case every morning, at 9 o'clock, that comes in our doors in the city. And the cases would come in either children's hospital, child and family, the police or the RCMP. And we prepare front sheets, and we put these cases together for discussion with all the parties.

I look at it like this. So, before we were allowed to share information and work with one another, it'd be like treating a broken leg. You break your leg and you have to go to the police station and tell your story that I broke my leg. And then they send you across town to go talk to the social worker, right, and they'll set your leg. That might take two weeks. And then they'll send you to the hospital to actually get your cast put on. That might take three months. And then you've got to wait probably two years before you get any type of therapy on that leg. So that's the way we deal with child abuse cases outside of the Sheldon Kennedy Child Advocacy Centre in this country. And, to me, that's not good enough.

We do 150 investigations a month. We deal with the 15 per cent of the most serious-natured crimes: 68 per cent are sexual abuse cases on children; the remainder are severe neglect cases and severe physical abuse cases; 98 per cent of the kids know their abuser—47 per cent are abused by a parent or caregiver.

To me, what I learned in school was stranger danger. And the reality is, is that's the farthest thing from the truth. And what we heard from our front-line workers was that they spent 80 per cent of their time navigating their own system trying to do the work to help their clients and their children.

We did a Social Return on Investment Study, with KPMG, which we can and will provide at a later date. The study shows that one of our units of 66 workers—33 social workers, 33 police officers—just by giving them permission to work together, we're saving \$550,000 a year on hard costs alone, let alone the impact on the child and the family. So we're doing in a day what would take weeks, months and sometimes up to a year to do.

This is what we know: 72 per cent of individuals in detox centres have disclosed early childhood abuse. Kids that have been abused are 26 times more likely to experience youth homelessness and 30 per cent higher dropout rates of high school. Boys that have been perpetrated in their home are 45 times more likely to perpetrate dating violence.

So, to us, if we look at mental health issues in this country and this world, over 80 per cent of mental health issues stem from adverse childhood experiences such as this—sample size of mental illness is seven out of 1,000. So, to me, if we're not willing to work together and to connect the dots and understand and get to the core issue, we'll never slow down the revolving door. When we look at poverty reduction, poverty reduction doesn't start at letter K, when people are on the street. Knowing what we know, it starts at letter A. And the only way that we're going to get there is if we're working together. And that is what we know.

And, when we look at the gift that it gives us, the gaps that have been identified, I mean, we've cut our length of time for therapy. We had two-year wait times. We're down to two months. We cut our length of time for doctor visits in half by 50 per cent. With a child life specialist, spending a little bit upfront time, and, if you look at the way that we allowed our front-line people to work before, it was like, you can't share any information. You can't talk to each other. Well, I can tell you who suffers with that, and that's our children and our families.

\* (18:10)

And they—one of the identify—like, the identifiers, by working together, talk about the gaps that we're able to fill. We had 500 cases of kids under 12 acting out with sexualized behaviour cases and there was nothing in all of our systems that have the legislative mandate to do this work to handle any of those cases—500 kids under 12 acting out with sexualized—acting out, abusing one-year-olds.

What do you do with that? We created a whole program to address these kids. We have less than 2 per cent of these kids returning to the program. That only happened because we allow conversation in the best interests of the child and teaching how to do so.

And to me, when we look at these cases, it's not just when we look in our cities, well, we deal with addiction and we deal with suicide and we deal with mental health and we deal with—they're all connected. The science is clear. On the impact and the developing brain of children. It's clear that we have to have systemic change in the way we do this work. End of story. And to us, that's what we're doing.

So, to us, it's about a provincial model of practice in Alberta. It is about shifting the way we do this work. Under the FOIP legislation, we are allowed to share information in the best interests of the child. That already exists, and what we did with the legislation was highlight it and give permission and teach on it, because forever, what happens is that our front-line people were told, well, you can't share anything. So what happens? You get this. They don't even talk to each other, and especially in remote communities, and especially when we're dealing with such sensitivity that includes family and includes close friends, and we're not talking to each other.

What we found is that individuals dealing with these types of tragedies in their life, they can handle the outcome. What they can't handle is the runaround. That's what they can't handle, and that's what we're giving them, is the runaround, because they can't get answers anywhere. So, for us, we spend a ton of time on training our front-line people how to share information, how do you work together and what does that look like and really create wellness and taking care of our front-line people to allow them to do this type of work and training.

So, when we look at the impact of early childhood traumas and child abuse to become a young teacher, you get no training. To become a family physician, you get very little. To become a police officer, zero. And yet, we throw these people out there and we expect them to do the right thing, right?

I think it's our job: (a) the legislation, and this legislation will give permission to work together, and then what follows that up and what we've done is we've had to train and educate and teach people how to do that, and the outcomes are significant, and to

me, I think that the Children's First Act in Alberta—I don't think; I know, that that has allowed us to create a provincial model of practice in that province which is changing the whole way that we do this work, and it's focused on early intervention and prevention, and because we know if we don't do a good job here, we're seeing them down here, right? And pretty much what we've done is we've swapped the 80 per cent of the time that our front-line people are spending navigating their own system to spend that 80 per cent of the time on the children and families that they serve and spending the 20 per cent of the time on the administration that they need to do, and to me, that saves our front-line people.

We now have a wait-list to get into work in child abuse, which wasn't the place to be, let me tell you. So it's been a gift for us, actually, and I can tell you once you get over the hump of teaching people of how to do it differently, then they won't go back to work the other way.

So, yes. I'm open to any questions, or—I don't know if Wayne's talking now, or I'm answering—

**Madam Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

**Ms. Nahanni Fontaine (St. Johns):** Well, miigwech for your presentation. I appreciate you coming down and providing us with some additional details on your program.

I'm curious in respect of how you work with First Nations. And, of course, all across Canada, we know that there are isolated fly-in communities, so how does that kind of work in your—*[interjection]*

**Mr. Chairperson:** Sorry, Mr. Kennedy. I need to identify you before you answer the question. Sorry.

**Mr. Kennedy:** Okay. Sorry.

So, we have—so, what we have is, we have agreements between all of our partner agencies that have the legislative mandate to protect kids, so that'd be the RCMP, Alberta Health, Child and Family Services, the Crown prosecutor's office, and we now have an agreement with Treaty 7 and Tsuut'ina Nation and Siksika and Kainai and Piikani and the Bloods, and the chief of Treaty 7 is on our board, Chief Charles Weasel Head.

So, we are—we just put our 120 front-line workers through sensitivity training with Tsuut'ina,

and to us, when we look at a shift in practice, this isn't just a nice to have in Calgary. To me, the agencies that operate under the legislative mandate in the provinces operate in every corner of this province. So, what happens is the information-sharing legislation allows people in every community to work in an integrated model.

I just was in Saskatoon speaking to the Peter Ballantyne—all the social workers from all the Peter Ballantyne communities from Flin Flon over to Prince Albert. We just spoke to 120 of the front-line organizations there. I was just telling them about the work that we're doing and their eyes lit up and said, well, that would be nice if we could actually work together and understand it. And I think, you know, when we look at a lot of this stuff, we're seeing the same people in these communities. And I think that, you know, the way we need to go at this is that, you know, if there's something that's been identified, we need to come around the table, have a conversation and make a decision in the best interest of that family.

If I look at it, when we only look through it through a police's lens, we'll only make a decision through a police view. If we look at it through a social services view, we'll only make a decision in that view. So that is critical. We know it's critical. I think our conversations with Tsuut'ina is, how do we learn from you. Because what we do know is that the old just sitting across from a psychologist isn't the only answer. What are we doing to regulate the impact on the developing brain of children? And that to me is a lot of the conversations that I've had with Mr. Bellegarde, that's been to the centre around regulation and really identifying culture and bringing kids back to understanding what things can they do to—that works for them, that's not always relying on a doctor.

**Hon. Scott Fielding (Minister of Families):** Thank you, Mr. Kennedy, and just a couple of questions for you, and No. 1, I guess, really, what would've been the obstacles? I mean, you talk about, obviously, the processes of the data collection reporting and evaluation. What are some lessons that you've learned in—out of the Alberta model that we can use here, that the legislation does pass? *[interjection]*

**Madam Chairperson:** Sorry, Mr. Kennedy.

**Mr. Kennedy:** Sorry. The—really, what I think what we're talking about is really a shift in culture, right? We've had a culture of not working together, right? We have a piece of legislation that allow us to work

together. We're now teaching on that, so it's a real shift in culture. And it's a shift in really understanding the real impact of what happens here, right? What happens? And so some of the most—some of the difficult things that we had, really, was the initial resistance in fear, if you may, of front line sharing information and talking to each other. So we spent a ton of time upfront teaching. What does that look like? How do you do that? Right? And now we've got to the point where it's—they wouldn't work any other way because they see the benefits.

But I think one of—probably the biggest obstacle, Minister, was the initial fear of doing so, because forever our front line were told that you're not allowed to because you may lose your job. So that was our biggest obstacle.

\* (18:20)

**Hon. Jon Gerrard (River Heights):** Thank you very much for coming and presenting. We have a situation in Manitoba where we have an extraordinary high level of number of kids in care, more than 10,000 in this province alone. And that's about tenfold higher on a per capita basis than most jurisdictions. There is concern that if there's not some care in terms of the information that's shared, that, you know, we could have—well, situations where we could have even more kids brought into care. And I just wondered if you would comment on how people work together so that you can sometimes bring out the strengths not just the weaknesses in families, and help to address what the family needs so that you don't necessarily have to bring a child into care.

**Madam Chairperson:** Sorry. Before I recognize the presenter, the time for questions has expired.

**Mr. Andrew Swan (Minto):** I'd certainly ask for leave to allow Mr. Kennedy to answer Dr. Gerrard's question.

**Madam Chairperson:** Is there leave to allow the presenter to answer Mr. Gerrard's question? *[Agreed]*

Go ahead, Mr. Kennedy.

**Mr. Kennedy:** Well, and I appreciate that, because ultimately what we're trying to do is to not bring kids into care and help families.

We have—it's called Alberta Vulnerable Infant Response Team. It's a collection of public health nurses, social workers, police officers. We work with high risk pregnant persons. We work with young moms, zero to three months. We've been able to—we actually work with the indigenous model, the

next-o'-kin model. We've actually been able to go from 32 per cent of babies being taken into care, down to 12 per cent. And we've been able to do that because we work together.

And I think that—you know, if you look at and you think about it, how do we make the best interest and the best decisions when we don't talk, right? I think, we're not changing the way social workers work, we're not changing the way doctors work, we're not changing the way police work. What we're doing is allowing them to come together and work together and make a decision in a holistic lens instead of an isolated lens. And, when we can look at it through a holistic lens, we get better outcomes for kids and families. And I think, ultimately, what we're trying to do is keep kids out of care. And right now the initial numbers show that it's working.

And so we just keep moving up the ladder, like, the sooner we can reach these children and families, the better chances we have. And that's the way we need to work, and that's the systemic shift that we need to have.

**Madam Chairperson:** Okay, thank you, Mr. Kennedy.

I will now call on Mr. Wayne McNeil.

**Mr. Wayne McNeil (Respect Group):** Good evening, everyone.

**Madam Chairperson:** Okay. Do you have any written materials for distribution to the committee?

**Mr. McNeil:** I do not.

**Madam Chairperson:** You do not? Okay. Please proceed with your presentation, Mr. McNeil.

**Mr. McNeil:** Well, my presentation is very unscripted. And I've had the benefit of working with Sheldon for the last 20 years. He and I discovered this whole Sheldon Kennedy—or the child advocacy model down in Denver, Colorado. And it's really a by-product now—the Sheldon Kennedy Child Advocacy Centre is a by-product of the ability to share information, that Sheldon really did a great job, I think, of explaining the importance of.

What I'd like to do, because you don't have the benefit of having ever been at the Sheldon Kennedy Child Advocacy Centre or may never, is give you a little bit of a view on what happens when a child and family come into the centre.

So, in comes a devastated family, a potentially devastated victim, and we have a position in the centre, 25,000-square-foot centre, where there's a

child life specialist. That child life specialist is the only position of its kind in all of Canada. That child life specialist takes that child under her wing, talks to the child; we have games that are played, we have, actually, computers that can pre-educate the child on what may be expected of a physical exam in a very child-friendly way. So, no, you're not going to have to get a needle, which is one of the biggest fears that these young kids have coming in to the centre—believe it or not. And that child life specialist spends an hour or more with that child playing games, calming them down, getting an even level in terms of their psyche, and preparing them for what's ahead.

What's ahead is potentially an interview with a forensic interviewer—again, a novel concept in this country, specialists who know how to interview kids relative to these very sensitive issues. It's a degree program, and we're proud to say that not only do we have those experts there, but we also do training on those types of interview techniques for all the rest of Canadian police, et cetera, to be part of.

So the child then goes through the system. They would go to their interview—and the forensic interview, by the way, are now decreasing—or decreasing conviction rates from about 70 per cent down to 30 per cent of people admitting guilt before it even goes to trial. So do the math on that downstream in the other systems that you serve.

If they go for a medical exam, as Sheldon said, we've cut medical examinations by 50 per cent, so do the math on what it costs to have a doctor in the centre to do an examination that before could take an hour because they spent the first 30 minutes prepping the child for what's to come versus a child life specialist doing it.

So the outcomes and the process and the opportunity for revictimization is completely diminished in this environment and, really, it all stems from the ability to share information. It seems pretty obvious. It seems like a no-brainer that these people that we employ to do the best they possibly can for our kids aren't able to share information as holistically as they should be, and just giving them that opportunity opens all these doors, and I think that's what I've come to realize in the five years I've been involved in our centre is that the opportunities keep emerging because gaps continue to open and are unveiled with this new method of working together.

So that's my observation that I wanted to share, and if there's any questions I am happy to take them.

**Madam Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

**Ms. Fontaine:** Miigwech for your presentation. So I'm curious in respect of your funding and where those funding dollars come from and what the amount is.

**Mr. McNeil:** Well, I don't have the financials in front of me, but I can tell you in very rough ideas. First of all, all of the positions that work at the centre that Mr. Kennedy talked about are funded by their own organization, so this is not new money. They are funded by child and family services, RCMP, Calgary police, the Crown prosecutor.

We have a bill, the child advocacy ourselves, for the physical space, and the rent we pay to the University of Calgary for that space, so there's one cost. The only other cost we have is a child advocacy centre for those incremental positions. So we have somebody that runs our victims assistance unit, which we're close to with Calgary police; we have our child life specialist; we have forensic interviewers, and we have a couple of data collection people that are there trying to gather data to formulate the case for why this is a best practice.

So we have a total budget of about \$2 million outside of positions that are paid for, and about 70 per cent of that is covered by different government ministries and the rest we raise in the community through fundraisers and your typical not-for-profit-type initiatives that we've been very fortunate to have been able to do.

**Mr. Fielding:** First of all, well, thank you—thank you for your presentation. I did have a chance to take a look at the Sheldon Kennedy advocacy centre document you were referring to. You mentioned about education and training. You know how that's kind of paramount to a process going forward.

My question is about the wellness, the wellness of our staff, that really are paramount to the nature of the work that they're involved in, and so how well received are some of the initiatives that you were talking about through training and some of the education component in terms of the agencies and also the partner agencies that are part of it?

**Mr. McNeil:** Okay, I think there's a couple of questions there. One is, how do they accept the training? And one is a little bit of commentary on

wellness. I think, first of all, when it comes to education, when you look at the people we've got working in the child advocacy centre, they are sponges for education, because they got into this business not to be tossing paper back and forth or waiting on the phone to try and organize a meeting. They're there because they care about kids. So any kind of training we can provide them that makes them better at that. Forensic interviewing techniques are an amazing example of that, as is trauma-informed care, which Mr. Kennedy talked about in terms of, believe or not, our front-line workers—police, teachers, et cetera—aren't given the fundamental training of trauma-informed care. Once they have that, they're much more efficient and better to deal with the issues that come through our centre every day.

\*(18:30)

So education is paramount. The people love it, and it's almost a reward for the great work that they have signed up to do, because it's not easy work. Into the wellness response: again, my good friend Mr. Kennedy is a big believer in exercise and is the chairman of our wellness committee at the Sheldon Kennedy Child Advocacy Centre, and I can assure you that the police, the social workers, all of these people working together had never really had the opportunity to be commended for the work they do through taking care of them physically and mentally through exercise.

We have a yoga club. We have a cooking club. We have a boot camp regularly at the child advocacy centre, all done by volunteers outside of the centre and come in and work with these people. So not only is it an acceptance that they're doing tough work, they get a chance to bond, and what that has resulted in is a—believe it or not—a lineup to work child abuse in the city of Calgary.

**Mr. Gerrard:** Thank you for coming to talk about your experience.

Just some clarification. You said that convictions were decreased from 70 per cent to 30 per cent right now. Is that starting with, for example, if you have 100 people who are—come in where there appears to be child abuse that you used to have 70 per cent of those convicted, and now you have 30. What happens to the other 40 per cent, just to—*[interjection]*

**Madam Chairperson:** Sorry, Mr. McNeil.



**Mr. McNeil:** Sorry.

I think my comment, if that wasn't clear, was that the conviction rates from child perpetrators has gone up through guilty pleas, and it's changed from 30 per cent would plead guilty in the past to 70 per cent plead guilty today. And the reason for that is because of the lock-in on the forensic interview, which is recorded—videotape recorded once, not four times. And, oftentimes, it's the only testimony now within Calgary that's allowed, and the judges are supporting that. So it's really a by-product of an unbelievable first and only forensic interview.

And, when the perpetrator, with their lawyer, sees that interview, they're highly encouraged to plead guilty as opposed to taking us through the entire system, and—who knows?—we all know, when a four-year-old child is testifying in court, it might be red, it might be burgundy, it might be pink, and defence lawyers have a heyday on these young kids.

So the whole system in terms of the forensic interview, the allowance of the videotape for their testimony has just changed those outcomes.

**Madam Chairperson:** Okay. The time has expired for questions of the presenter. I'd like to thank Mr. McNeil. Thank you.

That concludes the list of presenters I have before me.

Are there any other persons in attendance who wish to make a presentation?

Seeing none, that concludes public presentations. We will now proceed with the clause-by-clause consideration of this bill.

\* \* \*

**Madam Chairperson:** During the consideration of a bill, the preamble, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

We will now proceed to clause-by-clause consideration of the bill.

Does the minister responsible for Bill 8 have an opening statement?

**Mr. Fielding:** I do. Thank you very much.

Well, first of all, thank you all for being a part of the committee today. I think this is important work that we are doing, and I am absolutely pleased and delighted to introduce this legislation.

It truly is a privilege to introduce Bill 8, the protecting children, information sharing, before the committee. We don't have to look as far as what Mr. Kennedy spoke of in terms what's happened in Alberta to know—I think we're making a difference here if this legislation does go through.

I believe that I spoke to all of us that acknowledges that we have a really collective responsibility, in my opinion, to act, truly what I believe is in the best interest of children.

Across the world, evidence-based practices recognize that collective planning within and across child service—child-serving services is truly critical to supporting positive outcomes for vulnerable children and their families. Bill 8, in my opinion, will facilitate that intersectoral information sharing amongst service providers when planning and providing services and benefits for children.

Bill 8 also lays the groundwork for a significant shift—a significant shift—in how child-focused services are delivered by the Province of Manitoba. The Protecting Children (Information Sharing) Act lays the foundation, in my opinion, for our vision for child-focused services delivered or funded by the provincial government of Manitoba.

As the minister responsible for Child and Family Services, I'm particularly excited about the opportunity to create—to the creation of this through legislation. It's my view that the act lays the groundwork to prevent children from coming into care by fostering a culture of cross-crosses—systematic collaboration and communications amongst departments and agencies and service providers.

The collaborative approach to service delivery is key to early identification of risk factors. It also supports service providers in coming together to identify the supports and services that build upon the strengths as well as resilience of children and their families.

Committee members, I look forward to taking this to the next step in moving eight—Bill 8 to a vote and ratification by the Legislative Assembly.

It truly is an act that exemplifies our collective responsibilities and well being for community as a whole.

I can just say with some closing comments, I was able to go into Calgary and see exactly what Sheldon has been talking about, and see first-hand in terms of casework, when they—when you had people from all different sectors view cases together, and you can truly see it makes a difference. And when you ask these individuals from all different sectors, they said there isn't any going back; sharing this information is something that's extremely positive.

I know the member for Minto (Mr. Swan) was involved in something similar, the Block by Block program, where he was—championed that with the previous government, which I think made a lot of sense at that point.

So I think the information sharing is critical to moving forward, and I think it can work to protect children and provide that early intervention and prevention beforehand.

Thank you, Madam Speaker—or Madam.

**Madam Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**Ms. Fontaine:** Miigwech. So I first want to—as I did many months ago in our first session and our opening session when we were all newly elected, I do want to sincerely congratulate the minister in respect of Bill 8 and attempting to move this forward through the House.

Of course, we support the bill in principle and want to hopefully improve and strengthen some of the privacy protection so that the children who really need the help get the help that they need. But I think that everybody around the table fundamentally understands and from the deepest parts of our heart and spirit want to protect children and want all children in Manitoba to be put first, and want all children in Manitoba to have the life that they're supposed to have, to be loved, to be cared for, to be protected. I know that everybody in this room, that that's what we want.

And so, in the spirit of working together, I just want to congratulate you on this, and then say, of course, officially, that we support the principle of this bill.

Miigwech.

**Madam Chairperson:** We thank the member.

Clause 1—pass.

Shall clause 2 pass? Clause—[interjection] Do you want me to wait? Okay.

**Ms. Fontaine:** I'm so sorry, we're—actually, I just want to go back to clause 1, if that's okay.

**Madam Chairperson:** Shall the committee revert back to clause 1? [Agreed]

**Ms. Fontaine:** Miigwech.

\* (18:40)

So I just want to have a little bit of a discussion in respect of the supported child and what that actually all encompasses. So I know that if we look at the definition here in (c), we're talking about—so, a supported child who has or is eligible to have an individual education plan under The Public Schools Act. I'm just curious in respect of what is the rationale to include students that may not have any interactions with Child and Family Services, and, as many of us know around this table, there are a lot of children that have education plans, and so I want to know and I want to kind of get a better understanding of what the rationale is for letter (c).

**Mr. Fielding:** Sure. Well, part of that, the service provider definition is broad enough we think for all service providers for recipient of government funds. You're talking about the education component, the education piece, the individual education plans?

**Ms. Fontaine:** Yes, I'm talking about under the supported child piece, it is—it notes all the children, right, that can receive—or that information on these particular children can be disseminated and shared. And so I'm specifically asking about letter (c) in respect of children that need education, individual education plans, right, but who may not have any interaction with CFS. And so, I want to understand the rationale for that.

**Mr. Fielding:** Well, No. 1, the education system, it allows, obviously, the information to be shared a part of it. We think that the information is broad enough. It is something that is supported by the Manitoba school trustees association, but broader respect to your saying people with a individual education plan, we think that we put enough information in the document. That information is only going to be shared—a minimum amount of information is only going to be shared that's in the best interests or the best planning for these individuals. So we think that

the amount of information that's being shared, the minimal amount is something that covers it off and provides enough support for it.

But it does allow people within the educational system to talk and really provide supported services, a plan for them going forward, whether it be the education system, whether it be the health system, whether it be the justice system, and we think the education component is a part of it. It is—obviously there is discretion amongst the service providers about the best interest and how they share that information, but we feel that we've built in enough safeguards a part of this in terms of the types of information that can be shared and ensuring that the minimum amount is shared. And the fact that the information is shared is truly just in the nature of providing a benefit and a long-term plan for the child.

**Ms. Fontaine:** I think that we will get into in respect of some of the safeguards once we get to those clauses, but I do want to go back to, again, letter (c), and so a supported child who has or is eligible to have an individual education plan, I'm just again still trying to wrap my head around.

Let's say my son, who has absolutely no interaction with CFS, all of a sudden his teacher decides that he needs an individual education plan, right, which is what happens with our children, lots of children, right? I don't understand then first (a) what information is going to be disseminated about my son, (b) who is going to be disseminating that information to who about my son, and (c) how am I going to know that information is being collected, used and disseminated about my son?

So I just want to be clear that I understand what you're talking—or what the minister is talking about in respect of children who are in CFS. I absolutely get that. I appreciate where that—but if we're talking about my son, who represents a myriad of children in Manitoba, why would my son's education plan and information, and what information, why would that be disseminated and why is that a part of this?

**Mr. Fielding:** Well, again, children with individual education plans are included in the scope of the bill to allow professionals, the professionals that are making this decision, not just—I mean, you're talking about the example of the education system, of course, to share information about these children with service providers who are external to the school system, if you will. This allows educators to work collaboratively with community-based service

providers to connect children with services as they go forward. We think that it's paramount that something that is supported by the school trustees who sent a letter of endorsement in terms of the plan, these elected officials that believe that information is critical to the nature of it. Individual education plans establishes a student-specific outcomes whereas not really not responsible to exceed the people, you know, the person and the needs that are a part of it. So these children may benefit from additional support services within the community and educators as long as other people that are in the system, whether you're educated or whether you're in the justice system, whether you're in the CFS system, share the information with the individual education plans with their parents that are guardians, with service providers through the external systems, only if the disclosure is essential in the best interest of the child.

So the best interest of the child, we think, is important. They're going to share the information if that is a nature. We put issue, we put pieces in the legislation that says a minimum amount of information should be shared, and No. 3 is in terms of the best interest of the child. And this is something that was different from—although the Alberta legislation was good and it was a base point to it, but we limited the amount of information that can be shared and this is directly related to any privacy-related issues in terms of the sharing information, the feedback that we got from Ontario and the privacy folks that had some concerns. So we believe we narrowed it quite effectively with the education system to allow people to get a better plan, in terms of the plan for the children going forward. So it's the same as with the education system as others.

**Madam Chairperson:** Okay, shall clause 2 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Madam Chairperson:** No? I heard a no. Okay.

**Ms. Fontaine:** All right, let me just get organized here.

So I'd like to ask the minister in respect of the information that is collected and used and disseminated, how is this information going to be protected? And what is the time limit in respect of all of the various pieces of information that are collected, what is the time frame in which

that information is retained and then ultimately destroyed?

**Mr. Fielding:** Yes, well, thank you, No. 1. You know, first of all, collection distribution of the information is on PHIA and FIPPA that's already there. So we feel this is—kind of builds upon the current legislation and the ability to share the information that's there. We built in the regulatory power to ensure that there's guidelines and there's standards in terms of how you collect the information, how you distribute the information in terms of the retention of the information. So we feel that regulatory piece is something and we commit to working with stakeholder groups in terms of the regulation of how we're going to do that. So we think that there's always a balancing act between, you know, essentially protecting children, their privacy rights. But we think that we got it right in terms of how you protect the privacy rights and we think the regulatory power, a part of this is something that can dictate of how that information is shared and to make sure it's done in an appropriate fashion.

**Madam Chairperson:** Before I recognize Ms. Fontaine, because we reverted back to clause 1, I would like to just clarify, clause 1—pass.

Thank you.

Now, we are currently speaking about clause 2.

**Ms. Fontaine:** I'm wondering if the minister can just walk me through, in very simple terms, right, in respect of, you know, how is this information protected, in very simple terms. How are, in some cases, very—well, horrendous information and very traumatizing information and information that, in some cases, and probably, I would imagine, most cases, are going to involve a myriad of other players, as well, if the minister would be so kind as just to walk me through how that information is going to be protected and then we'll get on to how it's actually going to be disseminated.

\*(18:50)

**Mr. Fielding:** Sure. I mean, obviously, there's professional standards. We—you know, you take that into account with the service provider that's there.

But, you know, further to kind of the previous comments on that, we think that we built in a lot more privacy elements to this thing, where you're only sharing a minimum amount of information;

the information can only be shared—what we feel is in the best interest. The service provider, obviously, has information that's a part of it. They've got to make some professional judgments, of course, and that's built into that. That's something that you see in PHIA and FIPPA, where the information collection and distribution is a part of the current legislation. That's a part of it.

So you do have some discretion with the service provider, but the three elements, once again, is ensuring that it's in the best interest of the child; we built in, too, ensuring that a minimum amount of information is put forward; and the third element is ensure that it's for the extensive planning of the children.

So that is something that wasn't built into the Alberta model, although, you know, our presenters earlier on spoke of the Alberta model. We try to take some examples of the Alberta model and strengthen it, and some of the criticism was in terms of the privacy element. But there's no question there's a balancing act when you're sharing this sorts of information between protecting children and the privacy rates.

So we think those three elements are key to it, but the regulatory piece, we think, is important, too, because it regulates of how you're going to share and distribute the information, how long you keep it for. These types of items, which we'll work with community groups and stakeholders, will be a part of it before the bill is proclaimed.

**Ms. Fontaine:** Miigwech for that.

I'm sorry. I'm still having a hard time wrapping my head around. You know, it's interesting that our presenter, Mr. Kennedy, spoke about training. And so, when I reviewed this and I went through all of this, one of the things that was glaringly absent from this was the discussion in respect to training, right. So—and, again, I—you know, let me preface that I think that we're all on the same page in respect of everybody coming together in the best interests of the child.

There are a myriad of different players in that one child's life, and our presenters have noted some of them, and we all know there are a myriad of different players. You know, what is to stop these different players from just disseminating information which they perceive as strictly necessary, which is the language that's embedded in this piece of legislation, and another player in this child's file or

case deems it not strictly necessary? What are going to be the standards and the regulations, and, more importantly, what is going to be the training regime for what is really, in Manitoba, going to be thousands of people that will now be an active player in collecting and using and disseminating information?

So I'm sure that the minister can see where I have concerns in respect of, well, Nahanni—or, yes, Nahanni feels that I can disseminate this piece of information, and Andrew feels that he can disseminate this piece of information; well, how do we know which is right? How do we know which is strictly necessary, and that was, actually we went—we crossed a line?

**Mr. Fielding:** Perfect. Well, I—first of all, I think you're absolutely right on the education and training. That's a key component; we heard that from Sheldon Kennedy. And, when drafting this bill, that was something that we heard through stakeholder groups, everyone else, and something that I've insisted before we—you know, before the bill is acted upon, to ensure you have the appropriate training and education so people have that information that's there. So, you know, I think that's key to the information that's there.

There's going to be professional judgments, and there is an ability in the act for someone, let's say, a foster parent, for instance, if they think their—the foster child is experiencing some trauma related to it, and they go to a physician. They can obviously share that information with them. That's in their opinion; they have an opinion that they can share. But, with the information that's provided, and I think we're probably going to have a little bit more clarity in one of the amendments that we bring forward to ensure that the information's being shared in appropriate way, but that's got to be to the utmost element of things, right. We've got to make sure that there's an ability, that the information's being shared.

There is, once again, professional judgments that you do make with people, whether you're a social worker, whether you're educator, whether you're in the medical or whether you're in the judicial piece, to ensure that right information is being shared.

**Ms. Fontaine:** So I—miigwech. I say miigwech to the minister for his answer.

So I do want to go back to specifically what—and in concert with this, what the government plans in respect of a training regime for what, as I said, is literally going to be thousands of people. So,

specifically, what will be the training regime for this?

**Mr. Fielding:** Well, what I can tell you, before this bill is enacted, we want to make sure there's appropriate training and education that's a component of it. Our department has been working extensively at developing not just a communications plan, but an education plan that's a part of that, to ensure that everyone has the right and appropriate information.

I know I spoke to—Sheldon Kennedy identified that earlier. This—what this legislation does, it enables people to give information, to provide that information. But you're absolutely right, there's got to be a 'cohesent' training and education component that's a part of it. There obviously will be dollars that will be spent on this and making sure we have the plans, so we are working with our department. It's something that I, you know, and not only our department and stakeholders brought forward, but I won't let the bill be proclaimed unless we have appropriate education and training that's attached to this to make sure that everyone has the right information, and you are, you know, using it in an appropriate fashion.

**Ms. Fontaine:** Well, I'm pleased to hear—I'm really pleased to hear that you won't let this go any further without appropriate dollars attached to training and, I guess, basically, an education plan in disseminating that, so I'm super pleased about that. Do you—does the minister have any idea in respect of when we can start to see this roll out, and how is that going to be—or how he feels or sees that kind of manifesting itself?

**Mr. Fielding:** Well, you know, I guess, from my point of view, I want to make sure before this is enacted, and, you know, the—we feel that there's an appropriate amount of training and education that goes with this, right, so I think there's a bit of discretion about our—I can tell you, our staff are in the midst of developing not just a communication plan but an education plan that's a part of it. I know there's been some discussions in terms of what that means financially; always, in government, you're talking about money and that sorts. But it's got to be a comprehensive plan.

So I won't let it go forward in terms of the enactment piece of it until you have that education, until I feel comfortable the education and training component is a part of that. That will be something obviously that, you know, will be obviously a

public document. You can have a whole bunch of stakeholders that have information related to the training component of it, and I think also we can steal the things from other provinces. If Alberta has done a decent job of it, you know, I think we can look to other jurisdictions that have done some of this work to make sure that training is appropriate. And also you're going to consult with the people that are going to be using this, right, so the people that we consulted initially, all stakeholder groups, to make sure that the education is something that's there, and you know, I guess what we could do is build in some assurances from these organizations and agencies that they've—this work has been done prior to ensuring—you know, to the change being gained.

**Ms. Fontaine:** Miigwech to the minister. So I want to go back to collecting and retaining information on particular children, or all children. And I actually just want to show—or, I want to share with the minister and everybody in—and why I feel so strongly about this.

Many years ago, or probably—jeez, I'm not even sure anymore. I would say at least 16 years ago, I was working with a First Nation family. They had approached me to look at some advocacy, and it was his nephew. And his nephew was 13, and he had committed suicide. And so the family had approached me to ask—to help navigate through the system, right, which was a lot of what my work was. And a lot of us that worked on that know that the system is—and I think one of our speakers talked about navigating through this—the system. It is a massive system.

And so I was trying to help this family navigate through the system, and the family was absolutely devastated, obviously, and I remember somehow—I'm not even sure, it's been so long, but somehow they had access to this child's files—files, whatever file—there was a myriad of different files. I don't know how they got access to it, but I remember that they gave it to me, and there was everything in there. Absolutely everything that the minister could imagine. And what was happening with this file that started from when this boy was a baby, this file would follow this little boy everywhere he went. He went into CFS system, went into the education system, started, you know, having to go into the health-care system—prescribed and socially constructed with all of these things. So that by the time this young boy, this child died—he committed—he actually hung himself at 13. His file was massive.

\* (19:00)

And so I—in reading this and going through it, I always went back to that, because had that child not taken his life, that file would've still followed him. And what ends up happening within all of these different systems is that everybody has access to this file. And so, instead of seeing this child as, let's start fresh, and here is this child, this young baby, da da da da da, he has all of this stuff with him. And so he immediately comes into these systems, and he is immediately socially constructed with all of this stuff behind him.

So I worry—and, again, I want to understand about, you know, about the collecting and then the retaining. What is going to happen with these files? And are these files going to follow these children around? And I understand that the files and the information that we share is about protecting children, but, in many instances, there are prescriptions and social constructions on these children that are not always accurate. And so that follows these children. And so that's why I'm—I really am trying to wrap my head around in respect of retention. What are the mechanisms that are going to put in place? When are these files no longer going to be necessary, and what are we going to be doing?

**Mr. Fielding:** Well, thank you for the thoughtful comment. And that is an issue that I heard from the Assembly of Manitoba Chiefs' Family Advocate—had raised that issue too, ensuring that it is correct information and it follows you around.

I know when we introduced the bill, we briefed both caucuses, yourselves as well as the Liberals, and I know that's something that Dr.—the member from River Heights had brought up. But, also, I'll take it a bit step further, and I think he'll be more articulate than I am with this respect, but it's also just not the weaknesses of the family you want to talk about. I think it's important to build in the strengths, right. Everyone has, you know, there's obviously reasons why people who would be taken—or children would be taken into protective custody, but there's also some strengths in there.

So I think it's important to build that in. To answer your direct question, we want to make sure that there's guidelines in terms of how we're sharing that information and, you know, we think it's important to have a level playing field that's there.

There's two different things. There's obviously the funding agencies or people that report it

to FIPPA and PHIA, right, the government organizations. What we'd also like to see is there's other service providers that maybe don't fall under FIPPA and PHIA. What—when we constructed this bill, we consulted with the Ombudsman in terms of the privacy element of things. And some of the advice they gave us was things where that maybe aren't specifically people that are related to PHIA and FIPPA but service providers, right—how can we build in some assurances the information being shared is appropriate. And, you know, I think you'll probably see some sort of amendment from us related to that, ensuring that service providers, through their service purchasing agreements, build in protections that are there.

There is also some things—let's say, I'll give you maybe a couple of examples. Let's say, with foster parents. Foster parents, for instance, if the appropriate information—this kind of goes to your point, but it goes to—but I think it's an important point to raise.

We control, obviously, the licensing for foster care; same thing with child care. Child care, you know, we control the licensing that's a part of it. So we think that whether you're a government agency or organization, there's controls for PHIA, FIPPA. If your resource purchasing agreement, or an agent that provides it, there's some strengths that can be built into the service purchasing agreement, based off what the Ombudsman said as well as kind of a regulatory piece where you can provide the information that's there.

To answer your further question in terms of providing the right information, there is different venues. Obviously, if the information—you can go to the Ombudsman, you can go to the Children's Advocate if you don't think the information is correct. You can go to the agency if it's the CFS, and probably, more importantly, even the authorities would be the appropriate place to put that.

So that's a long answer, but I think it does address some of the concerns that—I hope it addresses some of the concerns that you may have in terms of it. We think the regulatory piece is important, though, too, to make sure there's guidelines, where it's not just willy-nilly. It's—there's regulatory pieces and there's kind of a guidelines of how you share that information. They're standards.

**Ms. Fontaine:** So, you, the minister has mentioned a couple of times, now, some amendments. So I'm just curious in respect of when we're going to see some

of those amendments. Are they going to be tabled tonight or at a future—tonight?

**Mr. Fielding:** Yes.

**Madam Chairperson:** Clause 2—pass.

Shall clause 3 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Madam Chairperson:** Okay.

**Ms. Fontaine:** So, I just want to ask the minister, in respect of the information that is disseminated and, in the legislation, it is noted that—I have to find it—that information on a child's parents or guardians may also be a part of this. So I'm trying to understand in what circumstances and conditions and what information would be shared and disseminated in respect of parents or grandparents or aunties and uncles in respect of this child's particular case review or case plan.

**Mr. Fielding:** A part—part of that does fall under the regulation piece, right, where there's going to be some guidelines, so there's set standards of how we communicated, for instance, right? So you know whether it's contacting the parents. I mean part of this, of course, is to provide the information is a—is obviously a piece where we're informing them and we think before, and we've heard, quite frankly, from a lot of families, if you talk to, you know I visit with people from Voices. I'm sure you probably have as well and you know where they haven't felt before that they're a part of that information piece, right? It's information's being shared so we think the fact that they're notified, there's a bit of openness and transparency that's a part of it. We think it's important to have kind of a standards, I guess, a guidelines in the regulatory piece of how you do that so it's one organization agency does it one way or the other. There's got to be certain guidelines and standards and so the regulatory piece, I think, will address kind of how we inform parents. But, clearly, this is to inform them of the means. There might be some cases where you may not—some issues with reporting whether there's sexual abuse or something that's a part of that, that may be in not in the best interests of the child. But we think it's important that the parents know that this information is being shared about the youth.

**Ms. Fontaine:** So, I apologize. I probably didn't explain my question properly.

So, if we look at 3(1)(2), a service provider may disclose personal information or personal health information about a parent or guardian of a supported child to another service provider.

So I'm going to give you an example. Let's say we'll use my son again. Let's say my son comes into care and, as most people know, I've shared it in the House that I was sexually abused as a child. Most people around the table know that my mom was sexually abused. My mom was sexually exploited on these streets; that's how I grew up. How is that information protected? It seems to me that in this case, in this 3(1)(2), it seems that all information is up for dissemination. So, if Nahanni doesn't want it disclosed that she was sexually abused at 5, and then sexually abused at 12, what are my protections? Or if Nahanni doesn't want it disseminated to everybody—I obviously don't care, but I'm just saying, hypothetically—or if Nahanni doesn't want it disseminated that her mom was raped as a child and was sexually exploited all across Canada, what are the protections for individuals that—what are the protections in disseminating that type of information? And, moreover, how will individuals know that that information has actually been disseminated about them?

\* (19:10)

**Mr. Fielding:** Well, once again, there is the disclosure clause, obviously, that tells the information is being provided, but I think that is important, the regulatory piece, right? So you've got to have standards and guidelines. You can't have one organization doing different than others. I think the education, the information and sharing piece that we talked about prior to the legislation coming into fruition, you know, obviously, is important with this. But that's why it's important to have kind of a standard of practice as opposed to—and the regulatory piece we think is something that's important in terms of the way you relay the information.

**Ms. Fontaine:** So I know that the minister has spoken several times now about standards and regulations. Do we have those? Are they in the—*[interjection]* They're being drafted?

**Mr. Fielding:** Yes, the regulation piece is something that's being drafted. But, you know, before—what we committed to was obviously—before the, you know, the implementation of the bill, obviously, the regulatory piece would be there. We'll be, you know, consulting broadly with a lot of the stakeholders'

group to make sure that there's, you know, kind of some general standards that are in place.

So, once again, you're not having, you know—people know exactly how they're going to disseminate the information and how they're going to be sharing the information. But the consent of the bill isn't to get consent; it's to provide the information that's there. And the nature of this, you know, it's—you know, it's to provide a care plan, right? I mean, it's to get all the relevant information that's there, and you're developing this care plan based off the information that's there.

And, I mean, too many times we've seen, you know, silos, right? Silos that are happening from all these different sectors that are involved in it where they can't share the information. And if you're able to provide that information in an effective way, it's going to lead for a better care plan, and we truly think that, you know, it's going to lead for earlier intervention, it's going to lead for prevention and, you know, and better care for the child.

**Ms. Fontaine:** So the standards and regulations, as I understand it, are being drafted. I mean, because the bottom line is that there are going to be many parents that don't want the information disseminated about them, themselves. Or—so, in those standards and regulations, there will be pieces that address this 3(1) 2.

**Mr. Fielding:** The regulatory piece is there. I want to kind of revert back to—and I'm not trying to—you know, I want to be honest with you. The only reason, you know, the disclosure of information is required—it's only going to be disclosed if it's in the best interest of the child, right? A minimal amount of information that's needed is going to be provided. We built those in in the third item, which talked a bit further on, is in terms of making sure we got the best plan for the child going forward.

So we think that the information—you know, I mean, broadly speaking, there's clearly a balancing act we're trying to hit between protecting the child and providing, you know, appropriate information. So that's what we feel we did a little better of a job than the Alberta model, where we really narrowed it down and we worked in those three parameters in terms of the sharing of the information to make sure it's, once again, in the best interest of the child and make sure it's a minimal amount of information that's shared and, also, that the information that's shared is really for the long-term plan of the child.



So, you know, it's tough. It's a tough one, right? But we truly think that we got it right in terms of the balancing act, but there's no question there's—you know, when you share information, there's privacy, but we think that the regulatory, in ensuring there's guidelines in place, is something that will allow for greater information to be shared and the children will be protected a little bit better.

**Ms. Fontaine:** So let's just—*[interjection]* I'm still on 2. So would the minister—and I get that the minimal information—I get that, right? So—but in practice, would the minister provide me with an example of when a service provider would disclose personal information or personal health information about a parent and guardian of a supported child? Can the minister provide me an example of when it would be appropriate and strictly necessary to provide information in respect of a parent? Like, what would that look like?

**Mr. Fielding:** Well, again, you know, we are drafting the regulations. That's going to be part of it, right? And so I think that's why you have guidelines. I mean, at some point there is a professional social worker that's involved, a health-care professional, the person in the justice. You know, there is some discretion which they're going to be using in terms of the best interest, right?

You know, we think that we built in, you know—once again, these three parameters were a minimal amount of information, that it's only in the best interest of the child, you know, best planning, the best interests of the child and for the long-term planning is there. We also think kind of later on down the line to protect the privacy rights, you know, I mean, you are able to share information through PHIA and FIPPA right now, right. That's the cornerstone of these legislations where you're able to share information. So we think that the protection children act just builds upon, you know, ability to, you know, to collect and assemble information that's a part of it.

So, there is powers already with it. We just think this is kind of augmentation of it and if you have, and once again, standards and guidelines that are in place that kind of guide service providers of how they're going to share this sort of information, then there's a standard, right, so you can't just have people doing one thing in one area and other things in other areas that aren't done. So I'm not sure if that answers your question, but it truly is the answer, right, and I think it is—it does make a lot of sense if you have

standards and you're sharing a minimum amount of information for the best interest. You know, I can't give you a specific example because we haven't established kind of the regulation of how you're going to do that in that process, but that process will happen but the education piece is going to be crucial. It's going to be crucial. There's no doubt about it. Training and education is going to be paramount to this legislation.

**Ms. Fontaine:** So this will be my last question in respect to this section. So, I do just want to kind of go back and just reiterate some of my concerns in respect of. I get that the minister is saying that there's going to be standards and regulations. That's great. That's beautiful, obviously, very much needed to protect people's privacy, to ensure that the right information is being disseminated and not information that's not necessary.

The problem, as I see it, and you, the minister has said it a couple of times is that at the end of the day, all of these service providers, all of these different players, have their discretion. And it's even the word that you've used. So, despite there being standards and regulations, there are still opportunities for whoever to have the discretion on what they perceive and what they understand as strictly necessary or minimal amounts of information, right. If we were to all go around the table, we'd all have different definitions of what is strictly necessary, what is minimal. So I just want to, you know, again just reiterate that my concerns is that there is—that it is at the discretion of people that have varying different experiences and views and trainings and that's my final comment on that.

**Mr. Fielding:** In terms of the amendment process, kind of related to this, but I can tell you that service providers and trustees, they must take, I think that they must take kind of even stronger, responsible steps to ensure the information is accurately given out, right. So I think that that's paramount to it. I mean, section 4 that goes on later on talks about service providers and trustees may only disclose personal, personal health information that is necessary and limited, as mentioned, to the nature of the best practices in terms of how we're doing it.

So I don't know if that answers your question, or maybe it doesn't, but, you know, I truly think that, you know, we've truly narrowed the gap in terms of, you know, we've got a test case in the Alberta model, right. And, so we tried to take from the information sharing piece the best parts of the Alberta model,

which I think there is some great information that's there, but also strengthen it by, you know, narrowing the scope in terms of how that information is being shared, and if we are able to kind of, you know, have that standards or regulation we think is good. And so, I will be, you know, I'm going to be honest with you, I'm going to be introducing an amendment kind of related to that later on, similar to the language I just used in terms of it, because it is important. But, again, it's a balancing act, right, it's a balancing act between making sure you're protecting the children and, you know, the privacy rights. And, you know, quite frankly, we think we've got it right here. We truly do. You know, we built more strongly upon what Alberta was doing, we learned from their experience, we narrowed the scope with it and where there's some regulatory capacity so everyone's on the same playing field, right, everyone's going to be sharing their information the same type of way because there's guidelines and parameters that we've built into the legislation.

\* (19:20)

**Madam Chairperson:** Clause 3—pass.

Shall clause 4 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Madam Chairperson:** I heard a no. Oh, Mr. Gerrard.

**Mr. Gerrard:** I move

*THAT* Clause 4 of the Bill be amended by adding the following after clause (b):

(b.1) includes relevant information about the strengths of the child and his or her parents or guardians where available;

*Motion presented.*

**Madam Chairperson:** The amendment is in order.

The floor is open for questions.

**Mr. Fielding:** I'm not sure if it's questions or comments, but I will phrase it in a question so I can make a comment.

You know, first of all, I want to thank the member for adding this, and when we did do the prebudget consultation this is something that he

raised, and I think it's important piece because all families have strengths and weaknesses. And, you know, this is a very—you know, when you're apprehending—you know, when you're apprehending children or you're trying to share information on issues, I think it's important to not just deal with the problems that are in the family. But all families have strengths that we can build upon.

So I want to thank him for the amendment to it. I think it does make a lot of sense, and I know I'll be very much supportive of it.

**Mr. Gerrard:** I'll just say in reply—and thank the minister—that this is consistent with a lot of modern practice in terms of looking after families and, in particular, the Signs of Safety approach which grew out of developments in Perth, Australia and is now being used worldwide, emphasizes the strengths of the family and building on the strengths. So, you know, I think this is an important addition.

**Ms. Fontaine:** I just want to thank Mr. Gerrard. I absolutely support the amendment, and I think that it just further enhances the bill. And I absolutely agree with the member that, you know, we have to do more to lift up our children and to lift up our families.

And, you know, the narrative is always about everything that's wrong with families and everything that's wrong with the way that they raise children and the—and absolutely, I think that it's time that we shift that narrative and shift that discourse. So I absolutely support that amendment.

**Madam Chairperson:** Is the committee ready for a question? [*interjection*]

We need to finish the first amendment.

The question before the committee is as follows:  
Amendment—pass.

**Mr. Fielding:** I'd like to move another amendment to it. I guess that'd be subclause 4(2). And similar to what I think I said in our discussion earlier on and—under the duty to ensure accurate information, I'd like to move that the—[*interjection*] Oh. I move that clause 4(2)—just on a process basis—so I move that clause 4(2) be amended—or be—[*interjection*] Oh, okay. Sorry, it's a process thing.

I move that clause 4 of bill—be amended by renumbering—sorry, the clause 4(1) adding the following clause to 4(2). So renumbering and adding to 4(2)—[*interjection*] Okay.

I move

THAT the Clause 4 of the Bill be amended by renumbering it as Clause 4(1) and adding the following as Clause 4(2):

**Duty to ensure accuracy of information**

**4(2)** The service provider or trustee must take reasonable steps to ensure that the information is accurate and not misleading.

**Madam Chairperson:** It has been moved by Minister Fielding

*THAT Clause 4 of the Bill be amended by renumbering it as Clause 4(1) and adding the following as Clause 4(2):*

**Duty to ensure accuracy of information**

**4(2)** The service provider or trustee must take reasonable steps to ensure that the information is accurate and not misleading.

The amendment is in order.

The floor is now open for questions or comments.

**Mr. Fielding:** Sure, I'll just make some comments. Under section 4, service providers and trustees must only disclose personal or personal health information that is necessary and limited to the minimum amount of information required to plan and provide services. Also, disclosure must be prohibited by another law.

In addition to these safeguards, stakeholders wanted to ensure that service providers are obligated to verify the information disclosed is accurate and not misleading. So, adding the duty to ensure accurate-accuracy of information is in direct response to the valuable input that we received from a lot of stakeholders that we consulted.

**Ms. Fontaine:** Of course, I would support this amendment-or this addition amendment. Again, I just want to put it on the record here that in respect of accurate information and non-misleading information, that key, obviously-and the-it is the training and the education, right? Because, again, everybody is going to have different perspectives and experiences and their-in many cases, you know, a lot of-and anyway, everybody's going to have different experiences and narratives in how they interpret a particular file or a particular situation, so the importance of the training and education plan cannot be stressed enough in respect of this particular piece as well.

**Madam Chairperson:** Mr. Fielding. Oh, no? Sorry, Mr. Gerrard.

**Mr. Gerrard:** I just want to thank the minister for bringing this up. This was one of the concerns that I'd raised at second reading, and I'm pleased to see that that's addressed.

**Madam Chairperson:** Is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** Amendment-pass; clause 4 as amended-pass; clauses 5 and 6-pass;

Shall clause 7 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Madam Chairperson:** Oh, I hear a no. Okay. Minister Fielding? *[interjection]*

**Mr. Fielding:** What would we do without our important staff from our departments as well as from our Clerk's division? Thank you very much.

Okay, so I'd like to move

THAT Clause 7 of Bill be amended by adding the following after clause:

(b.1) respecting funding agreements between the government and a government agency and service provider, including terms and conditions of disclosure information that must be included;

So should I just repeat this?

**Madam Chairperson:** Now it's my turn.

**An Honourable Member:** Dispense.

**Madam Chairperson:** Right, but it has been moved by Minister Fielding,

*THAT*-dispense.

The amendment is in order. The floor is now open for discussion or questions.

**An Honourable Member:** Can I make a comment?

**Madam Chairperson:** Yes, Minister Fielding.

**Mr. Fielding:** Well, thank you, colleagues.

And with-through the inclusion of additional regulatory powers, we have the ability to ensure the funding contracts with agencies reflect the expectations of government regarding disclosure of information, the protecting children act.

The amendment reflects the recommendations made by the Ombudsman when they reviewed the draft bill. Notably, oversight of disclosures under the act that are not subject to FIPPA or PHIA is best achieved through requirements set up by funding contracts for service purchase agreements between the government and the service providers.

This is a practical way to ensure that additional safeguards—once again, additional safeguards regarding information disclosure is particularly for service providers who are not subject to Manitoba's privacy legislation.

So this is based off what the Ombudsman had recommended to us in terms of an additional safeguard in terms of making sure the information is shared in an appropriate way.

**Madam Chairperson:** Just for clarification, is the committee in agreement to accepting the amendment as written? *[Agreed]*

*THAT Clause 7 of the Bill be amended by adding the following after clause (b):*

*(b.1) respecting funding agreements between the government or a government agency and service providers, including terms and conditions about the disclosure of information that must be included;*

\* (19:30)

**Mr. Swan:** I'll foreshadow some of my other comments on section 7. It makes sense that as these funding agreements come up for renewal that all of the additional language and requirements being cleared—I just do want to make the comment based on some of the questions that Ms. Fontaine has asked. We know this is going to put more onus on various agencies to comply now with this legislation, including safeguarding the information, preserving the information and then destroying the information. I hope the minister could just agree that it's not just adding into the funding agreements; more onus is on the agencies, but those funding agreements will also take into account the additional requirements this is going to put on a lot of different agencies in Manitoba.

**Mr. Fielding:** I think—first of all, I think that to ensure that the information is shared appropriate way—you know, you're making sure you've got the balance of protecting the children and the information's shared appropriately. This is, I think, a good step in the right direction for it, so I agree as much on that point.

**Madam Chairperson:** Is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** The question before the committee is as follow: Amendment—pass.

Shall clause 7 pass?—*[interjection]* Oh, as amended.

**An Honourable Member:** No.

**Madam Speaker:** Oh, I hear a no. Mr. Swan.

**Mr. Swan:** I just want a picture of—expand on the last question I asked. I mean, the regulations that—the minister tells us that those regulations are still being drafted and there's still more work to do. And I think we can all agree it's reasonable that this law will not be proclaimed into force until those regulations are done. There are a lot of additional requirements that are going to be placed on agencies, and I look, for example, at subsection (d) which is regarding the retention periods, destruction policies and security safeguards; (e) provides that service providers have to keep records for perhaps a long amount of time of disclosures made under section 3.

I think we can see that if it's a CFS agency or if it's a health authority or a school district, that's not going to be that onerous because they already have those systems in place. I'm thinking more about some of the smaller agencies that may be contracted as service providers by an agency or by a school division or by a health authority. There is going to be a fair amount of work that has to be done to make sure that those employees familiarize themselves with the responsibilities.

I know earlier on the minister talked about professional responsibilities for social workers, for nurses, for teachers. That is true. In a lot of small agencies, you may have an executive director, people out in the field doing the work and maybe a receptionist or a secretary who may be the one responsible for doing all this. So I can't stress enough the hope that to make sure that this bill works the way I think everybody wants it to work that when drafting regulations, when gathering that information, the minister and the department will also make sure that there's provision in place to allow all those agencies, large and small, to truly be able to take on all these responsibilities for the benefits of children.

And I do believe it's going to require some additional investment by the government. I think the

minister will find that if that's the case in future, there will not be argument on behalf of the opposition parties to making those investments.

**Mr. Fielding:** Well, first of all, thank you for the comment. And, you know, I think we've got to also look to Alberta for the modelling to see—you know, obviously there's some changes that were made there—to see what sort of implications are there. You know, there is—you know, and there is going to be, obviously, money through training and education that's a part of it, so I think that's key. And, you know, from our point of view—and, you know, our government obviously talks a lot of the time about, you know, financial—you probably heard us a few times—say in the House a few times about fixing the finances, and you guys might have the message track better than I.

But my point is, we need—you know, we need to ensure that the training in—we want this to be successful, and unless you ensure the education and training is there, you know, it's not going to be successful unless people know what they're doing and it's not—to—implemented right. So we'll take those into consideration, obviously, with the, you know, the SPAs when they come up.

**Madam Chairperson:** Clause 7 as amended—pass.

Shall clauses 8 through 11 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Madam Chairperson:** No? Can I ask Ms. Fontaine which specific clause she would like to ask questions on?

**Ms. Fontaine:** Probably just 8.

**Madam Chairperson:** Just 8? Okay.

**Ms. Fontaine:** So, I just—so, again, you know I—moving forward in respect of, you know, the spirit of this—this bill, again, I do worry that there will be dissemination and disclosures of information that are really potentially are breaches of people's privacy.

And so my question to the minister is: As part of your standards and regulations, or as a separate part, will there be a review of all disclosures and all dissemination of information by either the Ombudsman or the Children's Advocate office, and if there is going to be a review, in what time frame would that take place?

**Mr. Fielding:** Well, I would say that if there's a concern by someone who's concerned that information is being shared inappropriately or wrong, there is those avenues we talked about, through the Ombudsman as well as through the Children's Advocate. I wouldn't say that the, you know, those governing bodies would be proactively looking at every disclosure, but there is an ability to go to those, you know, with the Ombudsman or the Children's Advocate if they've got concerns with it.

In terms of ensuring that the right information is being provided, or whether it should be, I know that the clause in this legislation says damages—that it talks a little bit about damages related to the service information. I think that's the one you're talking about, is it not what you're referring, No. 8? The liability piece?

**Ms. Fontaine:** Yes.

**Mr. Fielding:** You know, this is consistent. The legislation is consistent with PHIA and FIPPA right now, so these elements are well within PHIA and FIPPA, as I understand it. So that is what's the current regulation in terms of PHIA and FIPPA right now, so this is very consistent with that.

I think you've also got a, you know, have some—if you're penalizing people for sharing information, I think it's going to defeat the purpose of the legislation in itself, where it's breaking down the silos to provide it, so there is some professional standards, obviously, that are in place, but this is entirely consistent with what's already in the books for PHIA and FIPPA in terms of the liability piece.

**Ms. Fontaine:** Just to be clear, because I don't want people to think that I said anything in respect of penalizing people. In no way, shape, or form am I saying that, but what I'm asking the government, or what I'm asking the minister is that, surely, to have the best system for, you know, what is in the best interests of children, surely, the government would want to know every, you know, two years or five years, whether or not there were breaches in privacy, whether or not the bill, as it is being proposed, as it is envisioned to do what it is meant to do, surely, the government would want to know if it's actually working properly and that it is doing what it is meant to do and that it is not doing something else.

And so that's why I'm asking whether or not there will be a review undertaken by either—and again, it could be the Ombudsman; it could be the children of the advocate's office, but I would

imagine, if it was my bill, I would want to know that the way that we're proposing it and the vision that we had, that it's not in—in contravention of that.

**Mr. Fielding:** Well, once again, I think it is consistent with PHIA and FIPPA right now, so this is entirely consistent with what is on the books in terms of privacy. I mean, you are obviously able to, you know, collect and assemble information apart of those regimen—those are kind of the cornerstones, right, of PHIA and FIPPA.

I hear what you're saying, making sure that there isn't breaches, but, to be fair, you know, if there are breaches and there's appropriate avenues for people to go to report these, whether it be the Children's Advocate or Ombudsman, those things are going to be reported through the system anyways, right, so those things are going to be coming forward.

Are you suggesting that we would do some sort of five-year review to—

**Madam Chairperson:** Ms. Fontaine.

**Ms. Fontaine:** I'm saying that it can't hurt. It can't hurt for the government to undertake a review every five years, and I understand what the minister is talking about in respect of individuals being able to, you know, Nahanni feels that this information was wrongly disseminated, but not every individual has the means or the capacity of going through what is a very arduous system sometimes—right? And so, you know, whether or not we're going to engage different CFS agencies or different social service agencies, or however we could envision it, you know, I think it's incumbent on the government to make sure that this bill is doing what it's doing.

**Mr. Fielding:** Well, last comment—you know, there is nothing in the bill right now that would stop a review. Government could request a review at any time.

You brought this to me at the last minute, I mean, let me—I think there still is an ability at the next stage, if we did want to make some changes, where we could review it at that point. It's not a bad idea. So let me think about it and see how that would work. I'd like to see in other jurisdictions, whether it be Alberta—if they use some sort of model like this. I do think that there is an ability that, once again, if they're going to the Children's Advocate or going to the Ombudsman, you know, you're going to hear about it anyways. But you're saying, overall, you want to make sure that there's not, you know, hundreds of these things going on, right—so, okay.

**Ms. Fontaine:** I appreciate you looking into it. And either way—either there are hundreds of breaches or there's not—either way, I think that it's a win-win for this government to be able to kind of coalesce all of that information and provide it to the—so I appreciate that.

Miigwech.

**Madam Chairperson:** Clauses 8 through 11—pass; clauses 12 and 13—pass; clauses 14 through 16—pass; clauses 17 and 18—pass; preamble—pass; enacting clause—pass; title—pass. Bill as amended be reported.

The hour being 7:43, committee—oh, what is the will of the committee?

**An Honourable Member:** Committee rise.

**Madam Chairperson:** Committee rise. Thank you.

**COMMITTEE ROSE AT:** 7:43 p.m.

The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

**<http://www.gov.mb.ca/legislature/hansard/hansard.html>**