

**Fifth Session – Forty-Second Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Justice**

*Chairperson*  
*Mr. Dennis Smook*  
*Constituency of La Vérendrye*

**Vol. LXXVII No. 2 - 6 p.m., Wednesday, April 26, 2023**

ISSN 1708-6671

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Forty-Second Legislature**

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

**Wednesday, April 26, 2023**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Dennis Smook  
(La Vérendrye)**

**VICE-CHAIRPERSON – Mr. Shannon Martin  
(McPhillips)**

**ATTENDANCE – 6 QUORUM – 4**

*Members of the committee present:*

*Hon. Mr. Goertzen, Hon. Ms. Gordon*

*MLA Marcelino, Messrs. Martin, Smook, Wiebe*

**PUBLIC PRESENTERS:**

*Bill 34–The Police Services Amendment Act*

*Mike Sutherland, Manitoba Nurses Union*

*Michael Anderson, Manitoba Keewatinowi  
Okimakanak Inc.*

**WRITTEN SUBMISSIONS:**

*Bill 17–The Regulated Health Professions  
Amendment Act (2)*

*Pamela Gregoire, Remedial Massage Therapists  
Society of Manitoba*

*Bill 34–The Police Services Amendment Act*

*Kam Blight, Association of Manitoba Muni-  
cipalities*

*Cathy Merrick, Assembly of Manitoba Chiefs  
Crystal Brown, Southern Chiefs' Organization  
Inc.*

**MATTERS UNDER CONSIDERATION:**

*Bill 11 – The Reducing Red Tape and Improving  
Services Act, 2023*

*Bill 17 – The Regulated Health Professions  
Amendment Act (2)*

*Bill 26 – The Limitations Amendment and Public  
Officers Amendment Act*

*Bill 34 – The Police Services Amendment Act*

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**Clerk Assistant (Ms. Katerina Tefft):** Good evening. Will the Standing Committee on Justice please come to order.

Before the committee can proceed with the business before it, it must elect a Chairperson.

Are there any nominations?

**Hon. Kelvin Goertzen (Minister of Justice and Attorney General):** I would like to nominate the individual who I refer to as the most honest person in politics, the MLA for La Vérendrye, Mr. Smook.

**Clerk Assistant:** Mr. Smook has been nominated.

Are there any other nominations?

Hearing no other nominations, Mr. Smook, will you please take the Chair.

**Mr. Chairperson:** Our next item of business is the election of a Vice-Chairperson.

Are there any nominations?

**Mr. Goertzen:** The most earnest man in politics, the MLA for McPhillips, Mr. Martin.

**Mr. Chairperson:** Mr. Martin has been nominated.

Are there any other nominations?

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

This meeting has been called to consider the following bills: Bill 11, The Reducing Red Tape and Improving Services Act, 2023; Bill 17, The Regulated Health Professionals Amendment Act (2); Bill 26, The Limitations Amendment and Public Officers Amendment Act; Bill 34, The Police Services Amendment Act.

I would like to inform all in attendance of the provisions in our rules regarding the hour of adjournment. A standing committee meeting to consider a bill must not sit past midnight to hear public presentations or to consider clause by clause of a bill, except by unanimous consent of the committee.

Written submissions from the following persons have been received and distributed to committee members: Pamela Gregoire, Remedial Massage Therapists Society of Manitoba, on Bill 17; Kam Blight, Association of Manitoba Municipalities, on Bill 34; Cathy Merrick, Assembly of Manitoba Chiefs, on Bill 34; Crystal Brown, Southern Chiefs' Organization, on Bill 34.

Does the committee agree to have these documents appear in the Hansard transcript of this meeting? *[Agreed]*

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in a committee.

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.

Questions shall not exceed 30 seconds in length, with no time limit for answers. Questions may be addressed to presenters in the following rotation: first, the minister sponsoring the bill; second, a member of the official opposition; and third, an independent member.

If a presenter is not present—is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

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.

**Mr. Chairperson:** We will now proceed with public presentations.

#### **Bill 34—The Police Services Amendment Act**

**Mr. Chairperson:** On Bill 34, Mr. Mike Sutherland, Manitoba Nurses Union. And I believe Mr. Sutherland is online.

Mr. Sutherland, are you there?

**Mike Sutherland (Manitoba Nurses Union):** Yes, Mr. Chair, I am.

**Mr. Chairperson:** You may proceed with your presentation when you are ready to do so.

**M. Sutherland:** Good evening and thank you, committee members, for the opportunity to present our thoughts on The Police Services Amendment Act.

I'm here on behalf of the Manitoba Nurses Union, which represents over 12,000 nurses in our province. Among its many functions, the MNU is dedicated to advocating for the improvement of the safety in health-care facilities that both patients and our members find themselves in.

Unfortunately, violence has become an ever-increasing and pressing issue in health care, as it has in so many other public sector services and spaces. When violence in provincially owned liquor stores became an issue, this government rolled out extensive security infrastructure and identification requirements for entry. When safety at the Millennium Library became a major concern following a tragic homicide committed on its premises, the City of Winnipeg rolled out security screening measures intended to intercept any weapons that patrons may be trying to bring into the library. And now, following many highly publicized instances of violence on Winnipeg public transit, this government is introducing amendments contained in this bill to facilitate the enhancement of community safety officers' powers so that municipalities may use them to address, among other things, the security issues in public transit.

While I'm not here to question the need for, or the value of, the additional security measures, I am here to question why a similar concern for the safety and security at health-care facilities is not evident in this bill. I'm also here to express concern about the fact that some 'enhancement' of—some of the enhancements made to the language around powers of the community safety officers and First Nation officers were not similarly made to the part of the act, specifically part 7.3, that deals with institutional safety officers, or ISOs.

It is my hope that the committee will indulge me for a few minutes as I discuss the issue of ISOs. While I recognize that this bill does not make changes to that part of the act, I feel that some discussions of ISOs is justified, given the fact that the honourable Minister of Justice (Mr. Goertzen) has repeatedly raised and endorsed this bill in the Chamber when asked about the issue of the lack of ISOs in health-care facilities. I believe that his insistence on conflating, or at the very least, tying together, the issues of ISOs and enhancements to the role and powers of CSOs, as contained in this bill, opens the door for this discussion.

On March 11th, 2019, we were invited to a technical briefing about amendments that were being introduced into The Police Services Act, that would allow for the creation of institutional safety officers. Our president and two other representatives from MNU, along with top leadership of HSC at the time, were pitched by department staff that this would be the answer to the violence that was occurring in health-care facilities.

The amendments creating ISOs were passed in May of 2019, and later not proclaimed until October of 2021. And we know, as of quite recently, that there have been virtually no ISOs trained and deployed, as such, in health-care facilities in the province. Apparently, one singular security staff member from the Health Sciences Centre recently completed the necessary training, though the facility does not yet have an ISO program in place.

Clearly, when four years have passed, following the passage of necessary amendments, there is no other way to categorize the situation around ISOs as other than an unfulfilled promise. In fact, at this point, MNU has lost much faith that this government cares about patient or nurse safety or intends to do anything to improve the security in health-care facilities via ISOs or otherwise.

When asked about the lack of ISOs by another member of the Legislature, the minister recently responded, quote: Institutional safety officers are available to those groups who choose to use them. There are also community safety officers whose powers are being expanded by legislation that is currently before the Legislature. Unquote. He went on to say, "I look forward to the member opposite, if he's actually concerned about these issues, to quickly passing that piece of legislation."

Should we, therefore, expect that upon passage of this bill, that CSOs will be responding to incidents of violence at health-care facilities? Are the powers of CSOs being expanded to fill the void that exists due to the lack of institutional safety officers? Will CSOs be posted at or near health-care facilities to provide an immediate response to security issues that arise?

\* (18:10)

Unfortunately, despite these comments from the minister, there's currently no evidence to indicate that municipalities requesting these enhancements to the powers of CSOs actually intend for them to be used to address security issues at health-care facilities. Clarification on this point, whether CSOs can act as a

substitute for ISOs at health-care facilities, ought to be provided when discussing the merits of this bill. Our members cannot accept the government again dangling potential solutions to their security concerns in front of them while having no intention to support the implementation of these solutions or to address the underlying issues and threats that give rise to the need for such solutions. We would appreciate some clarification on this point of whether CSOs will be able to provide the much-needed security that is currently lacking in our health-care facilities due to the absence of ISOs.

Among the amendments being made in this bill to the CSO and First Nation and foster parts of The Police Services Act is the addition of sections that explicitly address the ability of the CSOs and FNOs to detain persons posing a safety threat. These amendments state the following: a community safety officer or First Nations officer may detain a person posing a safety threat whom they encounter in a situation in subsection 2, regarding initial response to situations that pose a safety threat that they encounter while performing their duties, until they are satisfied that the person no longer poses a safety threat to themselves or others; or (b) a member of the local policing authority arrives to deal with the person or advises that the person should no longer be detained.

Unfortunately, no such explicit language around detention is being added to part 7.3 regarding institutional safety officers under this bill. While ISOs can presumably exercise some capacity to detain persons posing a threat, as the regulations allow them to carry handcuffs, mentions taking people into custody and apprehending people in certain instances, it is troubling that the same explicit recognition of this right to detain is not being added to the ISO part of The Police Services Act under this bill.

It seems that, while this bill is intended to enhance the role and facilitate the use of CSOs and FNOs, there is no such concern with making improvements to the part of The Police Services Act relating to ISOs. Codifying in the act the ability of ISOs to detain people posing a safety threat would be an improvement and meaningful clarification. It is not clear to us why this is being done to the CSO and FNO parts of the act, but not the ISO parts.

It would appear that the government is intent on creating a rather scattered approach to security services and security personnel categories. The Police Services Act contains sections allowing for CSOs, FNOs, ISOs and special constables, all in addition to

regular police. Is this really the most practical approach to managing public safety and security issues in Manitoba? Multiplying categories or types of officers that can respond to certain security issues in different settings in many ways creates confusion and downloads responsibility for safety onto various other local-level jurisdictions, organizations and institutions.

Rather than continuing to add categories or change the roles and powers of these additional security personnel, would it not be more clear-cut and practical to create a cadre of provincial sheriffs funded and managed by the Province to address the security issues that cannot be typically or reasonably handled by local police?

While MNU is not opposing the bill, we certainly wish to point out that it does not sufficiently address the lack of action on, or issues associated with, ISOs. Furthermore, it does offer a satisfactory, straightforward approach to dealing with the security issues that now often arise in public health-care spaces. Local police services are no longer able to meet the demand for their services that now exist in all public spaces. We understand this. However, creating a complex array of various types of security personnel, managed by different jurisdictions, organizations or institutions to address this excess demand is not the optimal approach.

We respectfully suggest that, at the very least, the bill should make amendments to the ISO part of The Police Services Act to clearly and explicitly recognize the abilities of ISOs to detain persons posing safety threats. And furthermore, we wish to suggest that perhaps the government could rethink its legislative approach to how it intends to deal with a limited capacity of local police to address the myriad of security issues that now arise.

A simpler approach in the form of a provincial sheriffs program may be warranted and more likely to produce the desired results. Relying upon municipalities and institutions who have limited resources to initiate CSO and ISO programs to address the additional and overwhelming demand that exists simply because the Province has created a category for them under this legislation is not, I submit, a satisfactory response to this issue.

The Province needs to take a greater ownership of the safety of Manitobans than this current approach demonstrates.

Thank you very much.

**Mr. Chairperson:** We thank you for your presentation, Mr. Sutherland.

The floor is now open to questions from the members.

**Hon. Kelvin Goertzen (Minister of Justice and Attorney General):** Just a comment. Thank you, Mike. It's good to see you again in this context. I know we've talked in different contexts in the past.

In terms of ISOs, so certainly, as you mentioned, the City of Winnipeg and part for the transit unit, you'll know that those won't be employees of the Department of Justice, nor with MLCC. The security issues were dealt with by the corporation.

Have you had discussions with Shared Health regarding hiring of ISOs which are already being trained? *[interjection]*

**Mr. Chairperson:** Mr. Sutherland.

**M. Sutherland:** I'm sorry. Sorry, Mr. Chair, I didn't wait to be recognized. My apologies. It's been a while since I've done this.

A number of years ago I did have discussions with Shared Health personnel in relation to the ISOs situation. The challenge of course being that we had expected that there would be some tangible evidence that there would be—they would be moving to some sort of a training program and some measures to meaningfully introduce and get the ball rolling. But those never came to fruition, and so we've sort of been left in limbo in relation to, some four years later now, and probably was about two or three years ago that we entertained the initial discussions and there was, at least initially, some significant optimism in relation to having institutional safety officers in our health-care institutions which are, of course, a provincial responsibility, ultimately.

So, a simple answer is yes. Certainly not recently to our significant disappointment.

**Mr. Matt Wiebe (Concordia):** Well, thank you very much Mr. Sutherland. Very much appreciate your perspective.

And I mean, I can certainly hear your frustration here, that you're bringing to the committee. I think it's important that all committee members hear it. I know that the Minister of Health (Ms. Gordon), I'm sure, is listening very carefully as well.

I—you know, I'm just trying to understand: is there any way under what, you know, the bill that we're seeing here, is there any way that you believe that

CSOs could be helpful in providing some kind of safety or security to your members, or, I mean, do you really feel like the ISOs with some, you know, some enhancements—

**Mr. Chairperson:** The member's time has expired.

**M. Sutherland:** I think, in terms of what is required in health care, given what we are seeing not only in Manitoba, but unfortunately, throughout the country, post-pandemic, with the rise of individuals with significant mental health distress, addictions, et cetera, our health-care facilities are certainly experiencing a much greater occurrence of violence and in many cases, unfortunately, the degree to which that violence is more acute is also often on the rise.

Having a dedicated, capable, well-trained, well-equipped security officer on site at all times, I think best guarantees the safety of health-care staff and patients. Unfortunately, response times or jurisdiction entanglements I think could pose a difficulty in terms of if a CSO, for example, were to have a number of different priorities and health care—the health-care facility under his jurisdiction or her jurisdiction or their jurisdiction being only one of many priorities, I think the risk becomes that without a dedicated security presence where volatility can occur sometimes quite quickly and unexpectedly, I think is not best addressed by having, sort of, a myriad of approaches but having a dedicated and properly funded and resourced approach.

**Mr. Chairperson:** Are there any further questions?

We thank you for your presentation, Mr. Sutherland, and we will now move on to the next presenter.

Mr. Michael Anderson. Is Mr. Anderson here?

\* (18:20)

Thank you, Mr. Anderson. Do you have any written submissions for the committee?

**Michael Anderson (Manitoba Keewatinowi Okimakanak Inc.):** I do, Mr. Chair, thank you.

**Mr. Chairperson:** I see they're being—

**M. Anderson:** And if it's necessary, I would ask that the committee receive this submission and publish it in the Hansard.

**Mr. Chairperson:** Just to let you know, Mr. Anderson, you may have a presentation—like, a speech one, or a written one, but not both. Because whatever you say will be recorded in Hansard, and the written one

would—usually is the same as what you're saying. So, you're not allowed both; only one.

**M. Anderson:** I'll proceed with my oral submission then, Mr. Chair. Thank you.

**Mr. Chairperson:** Okay. If you're ready to proceed, you may proceed.

**M. Anderson:** My name is Michael Anderson. I'm the policing and public safety adviser for the Manitoba Keewatinowi Okimakanak.

And we've been working closely with officials from the Department of Justice on a variety of Justice-related initiatives to improve the safety of First Nations communities. Grand Chief Settee has discussed with Minister Goertzen frequently our vision of a whole-of-government response, and Bill 34 fits into that.

MKO supports the proposed amendments to The Police Services Act as set out in Bill 34, which confers the powers and protections of a peace officer on First Nation safety officers. The amendments are an essential tool to enhance the role and authority of First Nation safety officers, who play a critical role as first responders in the often extended absence of police to the epidemic of bootlegging and drug dealing that is plaguing many of our First Nations, and creating states of emergency that have been recently declared by many MKO First Nations.

The present Police Services Act does not clearly and statutorily confer the powers and protections of a peace officer when a First Nation safety officer is necessarily acting as a first responder in the extended absence of police in response to a nearly 40 per cent violent crime rate in First Nations that's largely driven by a virtually uncontrolled epidemic of bootlegging and drug dealing and the complex of personal and community harms arising from addictions.

Bill 34 potentially enhances the role and authority of First Nation safety officers to act as first responders with the powers and protections of a peace officer when acting in the often extended absence of police. At present, Police Services Act does not clearly and statutorily confer the powers and protections of a peace officer when a First Nation safety officer's enforcing First Nation laws, enacted pursuant to the framework agreement on First Nation land management or a bylaw directed to the health and safety of First Nations communities enacted pursuant to section 81(1) or 85.1 of the Indian Act.

The Province is the constitutional authority which confers peace officer status upon persons acting as police and peace officers in the province. There is no federal statute to confer the powers and protections of a peace officer on First Nation safety officers when enforcing First Nation laws and bylaws on the reserves of a First Nation, or any enforcement officer appointed or retained by a First Nation. This is a provincial authority.

Bill 34 has the potential to provide 'important' clarity for the role and authority of First Nation safety officers to act with the powers and protections of a peace officer when enforcing First Nation laws enacted pursuant to the Framework Agreement on First Nation Land Management Act and Indian Act bylaws.

The new ministerial regulation to be enacted by section 77.16(1) as amended by Bill 34, and which would designate as, quote, prescribed enactments, First Nation laws enacted pursuant to the Framework Agreement on First Nation Land Management Act and bylaws enacted pursuant to section 81(1) and 85.1 of the Indian Act, would provide important clarity and certainty regarding the enforcement by First Nation safety officers of First Nation laws and bylaws, and by police, for that matter.

The Manitoba Police Services Act applies as a provincial law of general application to First Nation reserve lands under section 88 of the Indian Act. The constitutional authority of the Province to legislate in respect of the administration of justice in the provinces is established by section 92.14 of the British North America Act, 1867. The amendments set out in Bill 34 will apply to reserve lands and to the role and authority of First Nation safety officers acting on reserve lands.

Section 2 of The Police Services Act says that the minister is responsible for ensuring that adequate and effective policing is provided throughout Manitoba, including on a First Nation reserve. RCMP are the police service in 25 of the 26 MKO First Nations because Manitoba has contracted Canada to provide and maintain a provincial police service within the province pursuant to section 2(1) of the April 1st, 2012 provincial police services agreement.

Through the provincial police services agreement, Canada has designated members and support staff of the RCMP to form and serve as the provincial police. That is, RCMP serves the majority of First Nation communities in Manitoba because MKO has

contracted Canada to provide the RCMP as the provincial police service and not because RCMP are a federal police service that are policing federal lands.

That is, to reiterate, the provincial minister is constitutionally responsible for the administration of justice in the province and is statutorily responsible for ensuring that adequate and effective policing is provided throughout Manitoba, including in First Nation communities.

A bylaw that is properly enacted by a First Nation pursuant to the authority of council under section 81(1) and 85.1 of the Indian Act unquestionably has the force and effect of a federal regulation and is a law of Canada. Pursuant to the federal Interpretation Act, the federal Statutory Instruments Act and the federal Statutory Instruments Regulation, the RCMP have a duty to enforce a First Nation bylaw pursuant to section 18(a) of the RCMP act.

The public prosecution of—service of Canada has jurisdiction to prosecute offences of First Nation bylaws pursuant to the federal Director of Public Prosecutions Act. MKO assesses that First Nation bylaws have not been regularly enforced by RCMP or prosecuted by federal prosecutors for the past 27 years. Bill 34 has the potential to enhance the recognition enforcement of First Nation bylaws and laws by police and First Nations safety officers.

Proposed amendments to The Police Services Act set out in Bill 34 were briefly presented to MKO by the provincial executive director of policing services and public safety, and we thank the minister and his staff for that. It's the recollection of MKO that the proposed amendments were discussed once with the provincial justice working group that includes senior officials of Manitoba Department of Justice, MKO, AMC and SCO.

Although MKO has previously collaborated with Manitoba Justice in drafting of provincial legislation, we did not directly participate in the drafting of Bill 34. One of the things I would say, though, is that at the request of MKO, despite that we didn't work directly on it, the significance of peace officer status designation has been part of our ongoing discussions.

Further to the work that we were doing with the provincial government, the First Nations safety officer operating agreements were amended in 2021, at paragraph 22, to acknowledge that Manitoba acknowledges that First Nations possess the authority to make and enforce bylaws in accordance with section 81(1) and 85.1 of the Indian Act. And that



was tied together with an earlier provision of the operating agreement at 19(2), as provided by subsection 77(16-2) of the Police Services Act—a First Nations safety officer has the powers and the protections of a peace officer while on duty and while enforcing lawful, safety-related First Nation bylaws or authorized to do so by the First Nation.

So, we've been working with Manitoba to connect all these dots to make sure that our First Nations have clear peace officer authority and status when enforcing band bylaws that are designed and targeted to health and safety. And, in particular, section 85.1, intoxicants prohibitions.

One of the reasons that this has become important is that our First Nations, of course, have also been asking the minister and the staff at the Manitoba Department of Justice to work with us in discussions with infrastructure and transportation, for example, to enable searches at airports and at ferries to try to interdict the drug supply and alcohol that's coming into the communities.

We've been working closely with Canada Post who, under the non-mailable matter regulations of the Canada Post Corporation Act, have the authority to search every piece of non-letter mail that enters the system from the moment it's mailed to the moment it's delivered to the recipient. Not even the RCMP have that authority. It's warrantless searches of mail.

So, we're trying to put all the pieces together to create a comprehensive scheme to work with RCMP, Manitoba Justice, Canada Post, the federal government to interdict drugs and alcohol entering our community, but recognizing that wellness programs to address the interdicted supplies to drug and alcohol have to go consistent with our enforcement and prosecution activities.

\* (18:30)

We don't see this as a project where we're enforcing our way out of this issue. We don't see this as an initiative to prosecute our way out of this issue. What we see is an integrated program of wellness and integrated prosecution and enforcement—targeted enforcement, we call it—to create a whole-of-government response with a wellness focus.

That is, through targeted enforcement with the appropriate level of potential prosecution streaming through our restorative justice process and program, where we can take individuals, for example, that may have been charged under a section 85.1 intoxicants prohibition and stream them into addictions medicine,

managed alcohol, mental wellness supports or all three, delivered in the community.

So, Bill 34 represents some important tools to help this vision come to life—

**Mr. Chairperson:** Unfortunately, Mr. Anderson, your time has expired. The honourable—

**An Honourable Member:** I got a sense and I know Michael well enough to know, I think he was just wrapping up, but I suspect if we give him another minute he'll be able to conclude.

**Mr. Chairperson:** Oh, sorry. Yes, it's a leave request.

Is there leave to allow Mr. Anderson to complete his statement? *[Agreed]*

Mr. Anderson, you may complete your statement.

**M. Anderson:** Thank you, Mr. Chair, Minister and members of the committee.

So, these tools that are being developed in Bill 34 are critical to our overall vision of a whole-of-government response by strengthening the aspect of targeted enforcement, and keeping in mind that we do not see the vision or the paradigm of enforcement prosecution and incarceration as our model. Our model is wellness focused, but we need to be able to have it.

Our citizens believe that there will be consequences for behaviours that are not acceptable to the community through targeted enforcement and prosecution, and this allows our First Nations safety officers additional authority in that role.

And so, with that additional set of comments, Mr. Chair, I thank you.

**Mr. Chairperson:** We thank you for your presentation, Mr. Anderson.

We will now proceed with questions.

**Mr. Goertzen:** More comment than a question.

Thanks, Michael. Good to see you again. I know you—we just were together at a meeting a few days ago on a similar topic—related topic—and so I—we appreciate the work you and MKO are doing in working with the department and pass along our thanks to the grand chief and others at MKO for their assistance in this.

**Mr. Chairperson:** Mr. Anderson, you—I have to recognize you before you speak, so you may now speak.

**M. Anderson:** For the Hansard, it's Michael Anderson speaking.

And I thank you, Minister, and I will convey your good wishes and words to Grand Chief Settee and the rest of our team.

Thank you for that.

**Mr. Wiebe:** Mr. Anderson, thank you so much for the work that you do. It's incredible to hear your perspective and to understand a little bit more about how we can partner with you.

My question is, though, is there any kind of provincial funding that's coming along with this bill? Have you had any discussions about that? Any other supports that might be made available to MKO, to your First Nations, that might be helpful in achieving the goals that you're so diligently working towards?

**Mr. Chairperson:** Mr. Anderson, you may proceed.

**M. Anderson:** The First Nation Safety Officer Program is funded under the First Nation and Inuit Policing Program, funded 52 per cent by Canada and 48 per cent by Manitoba.

We have, of course, as you would expect, been pursuing increases in that program to provide for additional salary levels, which has recently been in effect for this year. And we're also working on discussing the significance of the safety officer program with our colleagues in Public Safety Canada so that we have proper equipment, supplies and resources.

Many of our safety officers use their personal cellphones. A lot of our counsellors are pulling cash out of their wallets to pay for gas for vehicles. And basically all of the non-salary costs of the safety officer program—all of them—are funded directly by the First Nation. So, it shows you the commitment of First Nations to public safety.

We did approximately two thirds to three quarters of the total cost to public safety in any FNSO-funded First Nation is paid for by the First Nation. In a survey we did in 2012, we calculated 19 of 30 respondent MKO First Nations were spending \$4.3 million on safety, and 1.2 was coming through the program. At that time, it was solicitor general, not this program, but it shows you the variation in cost. Nisichawayasihk Cree Nation uses some of its interest monies for its Hydro settlement to pay for their safety officers, and so forth.

So, it's a high level of commitment. Our First Nations find the money wherever they can to prioritize public safety. And the Province is aware of this, because we were very clear in articulating, as we are tonight, and so is Public Safety Canada.

So, we're encouraging both partners to recognize the significance of our direct efforts of public safety through our safety officers.

**Mr. Chairperson:** Are there any further questions?

Seeing as no further questions, we thank you very much for your presentation, Mr. Anderson, and we will—*[interjection]*

This concludes the list of presenters I have before me.

\* \* \*

**Mr. Chairperson:** In what order does the committee wish to proceed with clause-by-clause consideration of these bills?

**Mr. Goertzen:** Just to prevent a bit of unnecessary shuffling, I wonder if we can do bills 11, 26, 34 and then 17?

**Mr. Chairperson:** Is that agreed to by the committee, that we proceed with bills 11, 26, 34, 17? *[Agreed]*

### **Bill 11—The Reducing Red Tape and Improving Services Act, 2023**

**Mr. Chairperson:** We will now proceed to clause by clause of Bill 11.

Does the minister responsible for Bill 11 have an opening statement?

**Hon. Kelvin Goertzen (Minister of Justice and Attorney General):** Only to repeat a similar statement that I made yesterday, that this is a bit of an omnibus bill but not an ominous bill, in that it has different provisions that come from different departments amending acts that aren't specific to Justice.

But I know there was some discussion about The Amusements Act, in particular, and the changes to the resale of tickets, which have been requested, I think, by Truth North, among others, because the antiquated system that we have now doesn't reflect the reality when it comes to the reselling of tickets, where individuals can go onto online sites that are out of province and buy tickets on the resale market at higher prices but without any protections, necessarily, that are created in Manitoba.

So, I believe that the minister responsible for that bill has—is committed to bringing forward a mechanism for greater consumer protection that exists now.

And then there's an amendment by the City of Winnipeg—it's a charter amendment that they've asked in terms of mailing out documents—emailing them out, sorry—instead of mailing them out, and then allowing paramedics to direct traffic, because they're often the first on scene of an accident.

And then The Teachers' Pension Act, to allow TRAF to have more flexibility, and I know there's members here who have often taken an interest in the TRAF board before and made some changes to it.

So I hope that these relatively small but important changes are agreeable to the committee.

**Mr. Chairperson:** We thank the minister for those comments.

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

**Mr. Matt Wiebe (Concordia):** And I'll make the same comment I made yesterday with regards to the minister's quip about omnibus versus ominous, and the fact that, of course, this bill being titled, you know, reducing red tape, and sort of having all of these different acts thrown together ultimately may not do justice to those—to each individual change that's made.

And I would point out, and I like to remind members of the committee and members of the House at every opportunity that I get, that it wasn't too long ago that this PC government decided to actually make some significant changes that actually impacted, you know, pieces of legislation that had been in place for many years, not least of which was the 50-50 transit funding agreement that was in place, and I tried to include this as part of other ominous and omnibus bills that were brought forward.

This is a concern, and it is a concern because it doesn't allow us to understand, as Manitobans, the larger context in—as to which some of these changes were made.

\* (18:40)

And, you know, I'll point out in this bill, one of the changes that's being made is with regards to ticket sales and second—on the secondary market. This is an issue that is alive to many people. It's certainly an issue that we hear throughout the community, and to hear the minister say well, you know, don't worry; there'll be something else coming; there'll be more

legislation coming. Of course, we don't have that legislation before us and it's not before the House.

You know, the minister's simply asking us to trust him once again, and—well, I've certainly said my piece on how much we trust the members with regards to some of the words that are being spoken in an election year.

So, I do think that that needs to be noted and it needs to be pointed out, but as a sort of a larger comment with regards to some of those changes. I do think that there's a lot of room that we can improve that market, so I'm certainly looking forward to that.

We will, of course, be moving forward on Bill 11 here at committee, but I do—I just wanted to put those words on the record and make sure that we were clear, that when these kinds of bills are brought forward, we do take them very seriously. We do take the time to read through them and to ensure that there isn't anything in them that, you know, that can be harmful or make major changes that aren't, sort of, as up front as possible.

So, with that I'll close my comments.

**Mr. Chairperson:** We thank the member for those comments.

During the consideration of a bill, the enacting clause and title are postponed until all other clauses have been considered in their proper order.

Clause 1—pass; clause 2—pass; clause 3—pass; clause 4—pass; clause 5—pass; clause 6—pass; schedule—pass; enacting clause—pass; title—pass. Bill be reported.

#### **Bill 26—The Limitations Amendment and Public Officers Amendment Act**

**Mr. Chairperson:** We will now move on to clause by clause of Bill 26.

Does the minister responsible for Bill 26 have an opening statement?

**Hon. Kelvin Goertzen (Minister of Justice and Attorney General):** My friend from Concordia asked a question during the second reading portion of this bill regarding whether or not this related to The Environment Act, I believe it was.

I think I asked him to provide a specific example; he didn't at the time. He thought—he said he might bring one to committee; I'm not sure if he did.

But, just in general, the changes to The Limitations Act are there to standardize that the limitations

is for a two-year period beginning when an individual becomes aware of the issue on which they might wish to act, not when the actual situation occurred.

But there might be, in different acts, different specific limitations, and I'm advised that this is not a catch-all, but a backstop, so that if there are acts that don't specifically put in a different limitation, then this act would apply. If there was some sort of an action under an act that had a different limitation period, then that would be the governing limitation period.

So, I'm not sure that exactly answers the question for the member, but I wasn't able to get a specific example, so I've done my best, as I promised him I would.

**Mr. Chairperson:** We thank the minister for those comments.

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

**Mr. Matt Wiebe (Concordia):** I do appreciate the opportunity to say a few—put a few more words on the record with regards to Bill 26.

Bill 26 addresses issues with The Limitations Act, which came into force this past September, to replace an outdated act. Specifically, it would allow claimants to start an action two years after discovery, rather than two years after the occurrence of the events it was previously. It also repeals a section of The Public Officers Act, which requires a claim against a public officer be brought forward within two years after the event.

The limitation periods create a maximum length of time that a claim can be brought against someone since the event occurred. It is important that enough time is allowed for a claim that—to be brought forward, especially when the effects may not be noticed for some time. It's also critical that the consultation is done and there is an opportunity to ensure that limitation periods are not preventing legitimate claims from being brought forward.

All Manitobans deserve full access to justice, and we'll always stand up to defend this right and we look forward to seeing Bill 26 move forward.

**Mr. Chairperson:** We thank the member for those comments.

During the consideration of a bill, 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*]

Clause 1 and 2—pass; clauses 3 and 4—pass; clauses 5 through 7—pass; clause 8—pass; enacting clause—pass; title—pass. Bill be reported.

### **Bill 34—The Police Services Amendment Act** (*Continued*)

**Mr. Chairperson:** We will now move on to Bill 34, clause by clause.

Does the minister responsible for Bill 34 have an opening statement?

**Hon. Kelvin Goertzen (Minister of Justice and Attorney General):** So, I want to—I gave pretty detailed comments at second reading, so I won't repeat all of those, but just to address a couple of things.

First of all, I want to thank City of Winnipeg Mayor Scott Gillingham for the discussions that we had related to this important bill, and his support for it in the development, as he campaigned on—of a bus transit safety unit, or whatever name they decide to land on, because it really is their name because, ultimately, they'll be employing the CSOs.

The Department of Justice is responsible for essentially enabling CSOs through training and the powers that are provided, and then the employer would be the City of Winnipeg.

So, this wasn't established simply for the City of Winnipeg's request. There had been lots of requests from AMM and they're very supportive of the legislation. And I know that there's a number of municipalities who will take advantage of the enhanced roles of CSOs. And so we're grateful for that support.

I also don't want to suggest that this is—and I don't think we ever have—that this is a panacea or some sort of a magic solution for the challenges of crime that exist in Manitoba but it's been identified as important. We heard that today from representatives of MKO that the additional enhanced powers are part of the solution, not necessarily the entire solution.

I do want to thank Mike Sutherland regarding his comments. I dealt with Mr. Sutherland in the past, when he was involved with WPA and I know he has a heart for safety and issues around that.

The issue around ISOs though, and he was right to acknowledge that there are 24 or so ISOs that have been trained, the majority working in—at the U of M but at least one has been trained through the health system and, you know, we have reason to hope that there'll be more and that they'll be employed by the health system.

But, as he acknowledged, the transit safety officers are trained by Justice but employed by the City of Winnipeg. The MLCC issue regarding security was ultimately taken on by MLCC.

And when it comes to ISOs, the Department of Justice committed to and has delivered an ISO training program and we're certainly hopeful that health authorities, not just the WRHA but others, you know, will take advantage of that program. But the Department of Justice is not employing people in the health system or employing people in the Winnipeg Transit system, as an example. So, this—I wanted to make that point.

\* (18:50)

The legislation is a continuation, though, of changes to The Police Services Act that were begun under my predecessor, Cameron Friesen, with changes to the IIU. And then we brought in further changes last year regarding police training standards and now this is a continuation when it comes to layered policing, among other issues that are involved as well.

So, glad to see the good support that it's received from a variety of different places in Manitoba, not just Winnipeg, not just rural, but in a number of different areas. We're grateful for that support; look forward to it passing and being a piece of the broader puzzle in terms of providing greater community safety in Manitoba.

**Mr. Chairperson:** We thank the minister for those comments.

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

**Mr. Matt Wiebe (Concordia):** I appreciate the opportunity to speak to Bill 34.

And first of all, I just wanted to also thank Mr. Anderson for his time here this evening and I do appreciate his perspective, and I appreciate that he takes his role very seriously and is doing everything that he can to keep his communities safe that he's responsible for. So I very much appreciate that he takes the time to come to committee to put some words on the record.

Public safety is certainly a top priority for many communities around the province and they're looking for answers, they're looking for solutions. It's no question that they've seen an increase in crime and feelings of being unsafe in their communities because of the actions of this PC government. This has happened completely under their watch, and it's no wonder why it did: you know, cuts to health care, cuts to education services, cuts to addictions services, cuts to housing, cuts to poverty-reduction programs—I mean the list goes on and on.

Cuts have consequences, Mr. Chair, and there really are long-lasting impacts to our communities. We hear this certainly in the city of Winnipeg, but we hear it across the province. And again, it's important to hear from our First Nations partners as well because they're saying the same things. They're looking for solutions. And, you know, they're looking for solutions for problems that have been caused by this current PC government. I think it's important that we support those communities.

I think Bill 34 would be a step in the right direction, but what—of course what we're hearing, not just from members who have come here to speak to this committee tonight, but in the written submissions that have been submitted as well, that there are major concerns about supports and funding for these programs going forward. It's one thing to put in legislation, it's another thing to support those communities that wish to implement these tools in their communities.

For instance, Mr. Blight from the Association of Manitoba Municipalities, you know, is very clear to say, quote: Implementing a CSO program is cost prohibitive for many of our members, particularly smaller municipalities. He goes on to say there needs to be, from the Province of Manitoba, some financial assistance to help offset costs, should a municipality choose to implement the CSO.

The written submission from the Assembly of Manitoba Chiefs likewise says: As alluded to by—quote, as alluded to by Minister Goertzen in—yes, I can say that, right? As alluded to by Minister Goertzen at the second reading of Bill 34, it is apparent there are insufficient resources for First Nations safety officers to carry out their current role, let alone an expanded role.

Likewise, the Southern Chiefs Organization talks about how the First Nations safety officers are—must be supported not only financially but also holistically.

So, we're seeing this across the board. Municipalities, First Nations are saying this is a step in the right direction, this gives us the—some of the tools that we need. But, ultimately, what they're looking for is a partner at the table, a provincial government that actually wants to fix the problems, wants to start coming up with solutions rather than simply talking—you know, using words in an election year. And that's what we're seeing from this government once again.

So, I do think that this is one element that we look forward to supporting, but we also want to see support for those communities in a larger sense, financially and in other ways.

So, once again, we remain skeptical that this will be implemented in the way that it needs to, but we will, you know, look forward to seeing this bill pass and move forward.

**Mr. Chairperson:** We thank the member for those comments.

During the consideration of a bill, 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*]

Clauses 1 and 2—pass; clause 3—pass; clause 4—pass; clause 5—pass; clauses 6 through 8—pass; clauses 9 through 13—pass; clauses 14 through 16—pass; clauses 17 and 18—pass; clauses 19 and 20—pass; clauses 21 and 22—pass; clauses 23 through 25—pass; enacting clause—pass; title—pass. Bill be reported.

### **Bill 17—The Regulated Health Professions Amendment Act (2)**

**Mr. Chairperson:** We will now proceed to clause by clause of Bill 17.

Does the minister responsible for Bill 17 have an opening statement?

**Hon. Audrey Gordon (Minister of Health):** Bill 17 is The Regulated Health Professions Amendment Act (2).

The amendments to the regulated professions act, or RHPA—RHPA as we refer to it—presented in this bill will enable the minister to take action in the public interest to address issues relating to the administration and operation of a health profession regulatory college

that has not yet transitioned to the RHPA or the state of practice of the profession. This will ensure that there are the right tools in the toolkit if they are needed.

These amendments do not mean that the department will not continue to work to accelerate the process of bringing health professions under the RHPA. Resources including a workbook and a guidance document have been developed to help the colleges complete the work they need to do to transition to the RHPA, and the department will also be considering other options to accelerate the RHPA transition process.

Thank you, Mr. Chair.

**Mr. Chairperson:** We thank the minister for those comments.

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

**MLA Malaya Marcelino (Notre Dame):** Bill 17 amends The Regulated Health Professions Act to extend the minister's powers relating to inquiries, directives and orders to the regulatory colleges and associations of health professionals not yet governed under the act.

\* (19:00)

We support the measures in Bill 17, as it expands the list of professions and regulatory colleges that fall under the purview of The Regulated Health Professions Act. My understanding is that many of these professions have been waiting to be included, and it is good that they finally have this opportunity now.

At this time, this being an election year, it is clear that the PCs have been making a lot of announcements about fixing health care and fixing the problems they themselves have created over the past seven years.

In general, the file of accreditation of internationally educated professionals and, most pronouncedly, with the accreditation of internationally educated nurses, IENs, and international medical graduates, INGs—this file is not well understood by the PCs and they are only beginning to play catch-up now.

The recent February nurse recruitment trip to the Philippines has apparently been very poorly managed and the Province will be seeing significant delays before we'll see any of these nurses that were promised to come here.

And there is a lot more that this government needs to do to make our province a place where IENs and INGs can work towards being an integral part of the

health human resources strategy for our province. There are many ways that the Province can undo 'unfairer' barriers to accreditation that these IENs and INGs currently facing—are facing.

Everything from student loans or a student loan program similar to the current student loans that we have for internationally educated professionals would go a long way to deal with the unfair barriers to accreditation, as it relates to finances.

Right now, the Province has the power to review and amend regulations made by the colleges. And again, this is another way that the Province can work to undo unfair barriers to accreditation. It's right here in The Regulated Health Professions Act. It's section 22 that outlines the Province's powers for that.

And again, and I've mentioned this before, setting up a non-profit similar to CARE, C-A-R-E, in Ontario, which is like a support program for—it's a non-profit that helps IENs help navigate this process to accreditation.

All these things would be very, very helpful to increase the number of registrations. Right now we're seeing only about 32 to 36 per cent of all folks that are trying to get—go through this accreditation process and that number really, really needs to be higher in order for our province to be able to reap the rewards of having more staffing for our health and human resource strategy here in the province.

It's unfortunate that PCs are only taking action during an election year, after years and years of cuts, closures, consolidations, frozen wages and disrespect to our front-line workers and to internationally educated professionals.

Thank you.

**Mr. Chairperson:** We thank the member for those comments.

During the consideration of a bill, the enacting clause and title are postponed until all other clauses have been considered in their proper order.

Clause 1—pass; clause 2—pass; clause 3—pass; clause 4—pass; clause 5—pass; clause 6—pass; clause 7—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 7:04, what is the will of the committee?

**Some Honourable Members:** Committee rise.

**Mr. Chairperson:** Committee rise.

**COMMITTEE ROSE AT: 7:04 p.m.**

## WRITTEN SUBMISSIONS

Re: Bill 17

To: Standing Committee on Justice

My Name is Pamela Gregoire, and I represent the Remedial Massage Therapists Society of Manitoba Association and its members.

We are a young association. So young, that in the 8 years we have been established, there has been little to no movement from the government on regulating our profession (see timeline below)

Apparently, it has also been so long that Massage Therapists have completely disappeared from the list that the Minister confirmed on April 11, this year at the fifth Session of the 42nd legislature debates and proceedings.

"Ms. Gordon: Madam Speaker, the regulated professions waiting to transition to the RHPA, I can provide a list of that: Psychological Association of Manitoba, College of Licensed Practical Nurses of Manitoba, College of Physiotherapists of Manitoba, College of Medical Laboratory Technologists of Manitoba, Manitoba Chiropractors' Association, College of Dental Hygienists of Manitoba, Manitoba Dental Association, Denturist Association of Manitoba, College of Dieticians of Manitoba, College of Midwives of Manitoba, Manitoba Naturopathic Association, College of Occupational Therapists of Manitoba, Opticians of Manitoba, Manitoba Association of Optometrists, College of Pharmacists of Manitoba,"

Thank you to Mr. Gerrard for confirming our profession and mentioning us in this debate.

There is some recent confusion as Bill 17 states that it is inclusive to regulated bodies as well as those who are currently in transition and those yet to be regulated. Ms. Gordon has maybe misspoken to this as only affecting regulated professions. I will side with the actual Bill itself in reference to the remainder of this written presentation.

The introduction of the RHPA process began in 2003 and was approved for use in 2009. Massage Therapy was supposed to begin the process that year, but the Minister at the time made no announcement about when that would happen and how. Since 2009 (14 years), only 5 professions have made it on the list, and its order picked seems to change without rhyme or reason. Some are still in the dual role of Association and Regulators (chiropractors).

It should not take Massage Therapy almost eight years from the time it was approved for Regulation in 2015 to begin the process. That is unacceptable. Massage Therapists were told the new Regulations for Massage Therapists could take 2 - 3 years to complete. Even if we were to start today, we would be looking at 23 years – that is not a realistic timeline for processes, even for government – that's more realistic for mortgage amortization.

This handbook that the Minister speaks of to help with the regulation transition is to be or has been handed out, has not come to us, but what has come to us as a profession is Regulation Workbook, which policy makers will use as a base to determine how regulation will function under the RHPA. This was completed and returned by fellow Massage Therapy associations back in 2020. Since then, crickets. (Insert sound effect here)

Ah yes, the pandemic, a time of transition. Also, quite the scapegoat for things that didn't get completed. OR you could be like Saskatchewan who has gone through processing levels and are on their way to completing the development of their college for the end of 2023. All over the duration of COVID. One provinces' excuse is another province's opportunity to be productive.

Pre pandemic there were well over 1 million massage therapy treatments given in Manitoba. That number exploded during covid. We were able to treat the people who suffered both the physical and mental side effects during this time and the number of treatments continues to grow. This was possible because we were considered under the RHPA, which we as an association, hold our standards to, as much as we possibly can in our current unregulated state.

We do not support nor believe that proposed Bill 17 is worthy of much, as it just confirms the intent to delay the process of regulation for the unregulated and to allow uneducated micromanagement of the already regulated bodies which are already governed by the RHPA. Both of which are counterproductive professionally, not to mention annoying.

I would recommend reset and an evaluation of the risk vs reward when it comes to the time, money and resources for the overhaul that is needed for the regulation process of healthcare professions in Manitoba. I would also recommend Bill 17 be placed in the trash bin.

In summary:

We as Massage Therapist, have been and are still ready to begin the transition to regulation. We are even hoping to be cost effective in the process as we have allied provinces, who have successfully completed the regulatory process and have the models to replicate both the process and college models.

You can add us back to the list of waiting professions—preferably at the top.

Bill 17 is making a mountain of a molehill – our current system cannot take this on and frankly it is unnecessary and like any government chess move, costly. A parallel example of this would be me coming in and telling the Minister of Health how to run Provincial Health – I could do a better or worse job, but like there is the RHPA – there is governance to the health Ministers job that must be followed which would be like professions following the RHPA – which would be in place if we were regulated.

Concentrate efforts and what little resources needed to move the regulatory applications forward. This proposed blanketed approach to control (or "assist" was the word used by Ms. Gordon) regulated and unregulated professions is not welcomed – you cannot have your cake and eat it too while your guests are starving. It is bad taste and bad government. Not to mention unrealistic with the lack of staff and resources to allocate to this.

Associations are in place to protect its membership. Regulatory Colleges are in place to protect the public. There is a great disservice to public health when there is no balance to the force.

Thank you for your time and consideration of this written presentation.

Pamela Gregoire, RMT Executive Director/Registrar  
Remedial Massage Therapists Society of Manitoba

Re: Bill 34

To Whom It May Concern,

On behalf of the Association of Manitoba Municipalities (AMM), I am writing to provide some comments regarding Bill 34: The Police Services Amendment Act.



Firstly, the AMM appreciates the opportunity to deliver remarks alongside the Hon. Kelvin Goertzen, Minister of Justice and Attorney General, at the upcoming May 3rd provincial announcement regarding Community Safety Officers (CSOs). Policing and public safety are among the fastest-growing expenses for municipalities and now exceed 20 per cent of spending. Therefore, the proposed amendments to The Police Services Amendment Act will provide some municipalities with additional options to enhance and improve safety in their communities in a manner that better aligns with their local needs.

As the AMM makes it a priority to tour the province and meet one-on-one with all municipal Councils, it is evident that public safety and crime prevention are major priorities. For example, we continue to hear municipal concerns regarding reduced visibility of RCMP officers throughout their communities. This is primarily due to increased administrative-type work and having to spend hours in a courtroom due to repeat offenders. In order to properly address local public safety priorities and help local governments manage increasing public safety costs, the AMM has long called on the Manitoba government to provide greater flexibility to move some enforcement and social functions from police forces to other authorities with appropriate funding support.

Additionally, the AMM has been urging the provincial government for more than ten years to grant local Councils enabling authority to enforce specific sections of The Highway Traffic Act, with the aim of safeguarding municipal infrastructure. During certain periods of the year, weight restrictions are in place on provincial highways leading to heavy trucks being diverted onto municipal roads which causes significant damage and costly municipal infrastructure repairs. The proposed amendments will now enable municipalities and provide an option to enforce road weight restrictions. Thus, the AMM wishes to thank the Manitoba government for listening to the concerns raised by our organization and municipalities.

While we recognize that not all municipalities have a CSO or can afford a CSO, having additional tools in the enforcement toolbox is valuable in addressing public safety challenges. Expanding enforcement options and offering new voluntary programs will enable municipalities to determine whether such initiatives can effectively address the unique needs of their communities. However, the cost of implementing a CSO program is cost prohibitive for many

of our members, particularly smaller municipalities. Therefore, it is vital that the Province of Manitoba expand CSO training opportunities and provide financial assistance to help offset costs should a municipality choose to participate in this program. For municipalities that have already joined the CSO program, it is crucial that the Province invest in regional training opportunities. By offering training closer to local communities, more municipalities will have the chance to participate and send their staff for CSO training. This approach will also help reduce expenses associated with staff travel, lodging and training costs overall. Finally, the AMM urges the Province to review the training program and ensure that program content aligns with the requirements of municipalities.

Moving forward, the AMM stands ready to continue our discussions with Manitoba Justice and further work in partnership with the Province of Manitoba. While we acknowledge that progress has been made with this positive first step, we firmly believe that additional measures are necessary to prevent any potential downloading of responsibilities from the Province to municipalities. As local Councils wish to see innovative solutions to better protect their communities, it is essential to reinforce the provincial-municipal partnership, so that all 137 municipalities can have access to a range of enforcement options beyond the CSO program.

With a significant number of newly elected officials taking office after the October general election, we see an opportune moment to provide municipalities with a clear and concise handbook that can guide their decision-making around enforcement approaches. The development of this handbook will not only promote a consistent approach throughout Manitoba but also ensure that every corner of Manitoba receives the same high-quality information. Thus, the AMM recommends that Manitoba Justice and Manitoba Municipal Relations work together to develop a standardized handbook for enforcement in partnership with our organization. In addition, the AMM would encourage more dialogue with our members around the CSO program and related issues, such as training, equipment, and overall responsibilities. We recommend that a dedicated webinar be organized to enhance clarity and provide an opportunity for municipal feedback and discussion.

Finally, there have been concerns raised regarding gaining access to license plate reading technology through Manitoba Public Insurance (MPI). To address

this issue, it is vital to provide municipalities with a designated point of contact within the provincial government who can offer assistance with this matter.

Thank you for the opportunity to provide these brief comments.

Kam Blight  
Association of Manitoba Municipalities

Re: Bill 34

Dear Members of the Standing Committee,

The Assembly of Manitoba Chiefs (AMC) acknowledges the Manitoba legislature's efforts to enhance safety for First Nations in Manitoba, however, the AMC writes to express its concerns that proposed amendments are insufficient to meaningfully assist First Nations in Manitoba in protecting their citizens.

Bill 34 expands the role of the First Nation safety officers appointed under The Police Services Act. Section 18(2) of the Bill would allow First Nation safety officers to:

Provide an initial response to situations that pose a safety and threat that they encounter while performing their duties until members of the local policing authority are able to respond.

Detain persons they encounter while carrying out their duties that pose a safety threat until either they are satisfied that the person no longer poses a threat to the safety of themselves or others, or until member of the local policing authority arrives.

The Bill further stipulates that the exercise of such powers under this section is subject to prescribed conditions or restrictions. With the proposed amendments, First Nation safety officers may provide "administrative and logistical support" to the local policing authority for criminal matters that do not involve a criminal investigation nor the detainment of any person in relation to a criminal activity.

While the amendments under Bill 34 provide incremental progress, the AMC echoes the concerns raised by the Manitoba Keewatinowi Okimakanak. Given the practical realities faced by First Nations in Manitoba, especially those in northern and remote Nations, the amendments offer little meaningful

solutions for these Nations. These new powers to respond to safety threats offloads responsibilities onto First Nation safety officers who are already overburdened acting as first responders in the absence of police. The AMC is concerned that First Nation safety officers will be relied on to perform functions of the police in order to justify ongoing police absence, without granting the First Nation safety officers the full spectrum of policing authorities.

Further, as alluded to by Minister Goertzen at the second reading of Bill 34, it is apparent there are insufficient resources for First Nation safety officers to carry out their current role, let alone an expanded role. Minister Goertzen also acknowledged that the creation of more enhanced First Nation safety officers will relieve police of certain functions, again, suggesting that First Nation safety officers will have greater responsibility offloaded on them without receiving any additional resources. Without sustained and additional resources, the proposed amendments cannot meaningfully assist First Nations seeking to keep their Nations safe. The Bill stands to merely place more responsibilities on already overburdened and under-resourced First Nation safety officers.

The AMC notes that there is ongoing discussion about proposed federal legislation to make First Nation policing as an essential service. The AMC has not formal position yet on this legislative initiative, other than whatever the province does with this bill or other areas, it finds provincial funding to implement its own legislative initiatives, and leaves funding for federal policing as a essential service to be proceed directly to First Nations in Manitoba.

Finally, the AMC recognizes the importance of responding to policing for First Nations on and off reserve, and the current provincial conservative government, and all provincial parties should commit to reconciliation in the area of policing for First Nations, and consider an amendment to link with the Path to Reconciliation Act.

The AMC Chiefs-in-Assembly have long advocated for the development of a First Nations policing service under the jurisdiction of First Nations in Manitoba that recognizes First Nations self-governance and self-determination in policing to address the needs of First Nations in Manitoba. The solutions under Bill 34 fall short of the transformative changes that AMC hopes to see in policing, including the recognition of

First Nations jurisdiction in creating provincial and regional First Nation-led policing solutions.

Further, recommendations of both the AJI and the MMIWG Calls for Justice include key components of justice reform include working with First Nations concepts of law, self-government, and social cohesion with the overarching goal of strategically developing a First Nations justice system that recognizes the unique relationship between First Nations and Canadian society.

Since the AJI final report's release and the MMIWG calls for justice, longstanding issues in policing remain, specifically in the area of: First Nations deaths by police encounters; harassment (violation of Charter Rights); inadequate police complaints process; and inadequate investigations.

The MMIWG Calls for Justice call upon all levels of government to immediately implement the recommendations of the AJI, as well as:

1. Call upon all governments to immediately and dramatically transform Indigenous policing from its current state as a mere delegation to an exercise in self-governance and self-determination over policing.
  - a. Indigenous police services must be funded to a level that is equitable with all other non-Indigenous police services in this country.
2. There must be civilian oversight bodies with jurisdiction to audit Indigenous police services and to investigate claims of police misconduct, including incidents of rape and other sexual assaults, within those services.

Regarding consultation, The PSA Review Report examined the extent to which the Police Services Act supports the professional, transparent, and effective police services delivery in Manitoba and included "stakeholder consultations." When Manitoba requested to meet to discuss the PSA Review Report with AMC, they were advised at that time that they must directly engage and involve First Nations. The Report does not identify any engagement with any First Nation, only:

Dakota Ojibway Tribal Council  
 Manitoba First Nations Police Commission  
 Manitoba First Nations Police Service  
 Manitoba Keewatinowi Okimakanak Inc. (MKO)  
 Southern Chiefs Organization (SCO)

As a recommendation, the AMC strongly urges direct engagement with rights-holders (First Nations).

Sincerely,

Grand Chief Cathy Merrick  
 Assembly of Manitoba Chiefs

Re: Bill 34

The Southern Chiefs' Organization acknowledges Bill 34, the Police Services Amendment Act, and the legislative additions related to First Nation Safety Officers (FNSO) such as the power to respond to safety threats, detaining persons who pose a safety threat, additional powers added to assisting the local policing authority and providing FNSOs with peace officer status.

While the amendments are a step in the right direction, the amendments are not without its criticisms.

#### Stable and Appropriate Funding

The First Nation Safety Officer program in Manitoba must be funded appropriately in order to support First Nation policing in SCO member First Nation communities. Can the Province of Manitoba guarantee a stable and appropriate funding model that will support training, recruitment and retention ensuring the legislation will provide our First Nation communities with public safety as enjoyed by other surrounding municipalities? This funding must be guaranteed. SCO will be observing carefully that the legislative amendments will allow First Nations to have an effective and appropriately funded FNSO program as that of the Community Safety Officer program. SCO recommends the Province of Manitoba to commit to providing a stable and appropriately funded FNSO program.

#### Safety and Protection

SCO must ensure the safety and protection of our FNSOs through a best practice training model that is not only effective but also culturally appropriate and must occur annually or bi-annually. In order for FNSOs to act effectively as First Responders, training must be prioritized and held to the highest standards as the local police often do not respond in a timely manner thus potentially putting FNSOs in harm's way leaving them vulnerable and unprotected. SCO must guarantee the FNSOs protecting our First Nation communities are supported not only financially but

also holistically (physical, mental, spiritual and emotional) in order to provide effective safety to our citizens. Will the added peace officer status leave FNSOs with an added responsibility they are unprepared for? SCO recommends the Province of Manitoba commit to effective and culturally appropriate training for the FNSO program.

#### Accountability

SCO has been consistent in its messaging to the Province of Manitoba on the principle of accountability. SCO must ensure the Minister of Justice is committed to the elements of accountability when the safety and protection of our citizens are at stake. SCO will always prioritize and advocate for the safety and protection of our citizens. As we move

forward on this new path to transform policing and public safety in our First Nation communities, Bill 34, the Police Services Amendment Act, must fulfill its goals and finally allow First Nations to create an effective community safety model that has been lacking in our communities for far too long. SCO recommends the Province of Manitoba to commit to prioritizing public safety within our First Nation communities.

SCO will support Bill 34 subject to the considerations of SCO's recommendations. SCO will also be required to sit on working groups and committees discussing regulations and policies regarding Bill 34.

Crystal Brown  
Southern Chiefs' Organization

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

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