

TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF MANITOBA

Your Standing Committee on Legislative Affairs presents the following as its Fifth Report.

Meetings

Your Committee met on the following occasions in the Legislative Building:

- March 4, 2024 at 1:00 p.m.
- April 26, 2024 at 10:00 a.m.
- May 3, 2024 at 8:00 a.m.

Matters under Consideration

- *The Advocate for Children and Youth Act*

Committee Membership

Committee Membership for the March 4, 2024 meeting:

- MLA DELA CRUZ (*Chairperson*)
- Hon. Min. FONTAINE
- Mrs. HIEBERT
- MLA KENNEDY (*Vice-Chairperson*)
- Ms. LATHLIN
- Mrs. STONE

Substitutions received during Committee proceedings at the March 4, 2024 meeting:

- Mr. BLASHKO for Ms. LATHLIN
- Ms. LATHLIN for Mr. BLASHKO

Committee Membership for the April 26, 2024 meeting:

- MLA DELA CRUZ (*Chairperson*)
- Hon. Min. FONTAINE
- Mrs. HIEBERT
- MLA KENNEDY (*Vice-Chairperson*)
- Ms. LATHLIN
- Mrs. STONE

Your Committee elected Mr. BLASHKO as the Vice-Chairperson at the April 26, 2024 meeting.

Substitutions received during Committee proceedings at the April 26, 2024 meeting:

- Mr. BLASHKO for MLA KENNEDY

Committee Membership for the May 3, 2024 meeting:

- Mr. BLASHKO
- Hon. Min. FONTAINE
- Mrs. HIEBERT
- MLA KENNEDY
- Mr. OXENHAM
- Mrs. STONE

Your Committee elected Mr. BLASHKO as the Chairperson at the May 3, 2024 meeting.

Your Committee elected Mr. OXENHAM as the Vice-Chairperson at the May 3, 2024 meeting.

Non-Committee Members Speaking on Record

Non-Committee Members Speaking on Record at the March 4, 2024 meeting:

- MLA LAMOUREUX
- Mrs. COOK

Non-Committee Members Speaking on Record at the April 26, 2024 meeting:

- MLA LAMOUREUX

- Mrs. COOK

Non-Committee Members Speaking on Record at the May 3, 2024 meeting:

- MLA LAMOUREUX

Officials Speaking on Record

Officials Speaking on Record at the April 26, 2024 meeting:

- Sherry Gott, Manitoba Advocate for Children and Youth
- Alison Carrey Bilous, Senior Policy Analyst, Manitoba Advocate for Children and Youth

Motions

Your Committee agreed to the following motion at the March 4, 2024 meeting:

- *THAT, as per Section 40 of The Advocate for Children and Youth Act, the Standing Committee on Legislative Affairs conduct a comprehensive review of the Act as follows:*
 - (a) the Committee will firstly call the Manitoba Advocate for Children and Youth as a witness to provide her recommendations and answer questions.*
 - (b) the Committee will secondly hear public presentations on the Act. Any member of the public may register, and registrations will be accepted for 10 days after the Committee Report of this meeting is presented to the House. Public presentations will be up to 10 minutes long, followed by up to five minutes for questions and answers with MLAs.*
 - (c) written submissions to the Committee from members of the public will be accepted until the Committee has completed hearing public presentations.*
 - (d) after the Standing Committee has completed steps (a) through (c), a Committee Report will be presented to the House that contains all recommendations from the Manitoba Advocate for Children and Youth, a list of all public presenters, and all written submissions received.*

Your Committee agreed to the following motion as amended at the April 26, 2024 meeting:

- *THAT the deadline for written submissions to the Standing Committee on Legislative Affairs review of The Advocate for Children and Youth Act from members of the public be extended to 4:30 p.m. on May 24, 2024, with the understanding that this would delay the presentation of the Committee's final report to the House.*

Your Committee agreed to the following motion at the May 3, 2024 meeting:

- *THAT, despite the motion passed on March 4, 2024, written submissions to the Standing Committee on Legislative Affairs review of The Advocate for Children and Youth Act from members of the public be included in the Hansard transcript of this meeting instead of the Committee Report, with the understanding that both the Hansard transcript and the Committee Report will be available after the May 24, 2024 deadline for written submissions.*

Recommendations of the Manitoba Advocate for Children and Youth

Part 1: Definitions – Narrowing Service Gaps for Manitoban Children, Youth, and Young Adults

To coincide with the concerns most commonly observed in the education system, the Advocate recommends:

- *For the definition of Educational Programming under Designated Services to refer to all educational programming as provided under The Public Schools Act.*

To ensure the mandate of the Advocate is addressing issues and concerns for gender diverse youth, an especially vulnerable group that requires additional protection and support, the Advocate recommends:

- *The addition of “services for gender diverse youth” as a designated service for children.*

To address the growing concerns regarding the unique needs of young adults, and the resource concerns for those transitioning to young adulthood, the Advocate recommends:

- The expansion of designated services for young adults as related to their transition to adulthood; specifically removing the requirement that disability services or educational programming are a designated service for only those young adults who received services under or were in care under, The Child and Family Services Act (CFSA) prior to their 18th birthday.
- The addition of youth justice services as a designated service for young adults.
 - This would require an amendment of the definition of “youth justice services” to include services under The Correctional Services Act for young adults in custody or under supervision pursuant to an order under the Youth Criminal Justice Act.

To improve the effectiveness and responsiveness of services to children, youth, and young adults who may not currently be in scope for a review or investigation, the Advocate recommends:

- The addition of “disability services for children” as a reviewable service.
- The expansion of the current wording of reviewable services for young adults, to ensure that those aged 18, who are the subject of a serious injury or child death notification, would be within jurisdiction to review if they were in receipt of any child welfare services within the year prior to their serious injury or death.
 - This would require amendment to the definition of reviewable service, and subsequent amendments in Part 4 and the jurisdiction to review in subsections 20(2) and 20(3)(b).

To clarify the types of injuries and incidents reported by public services to the serious injury program, the Advocate recommends:

- The further definition or clarification of the contents of the Serious Injury definition as contained in Part 1 of ACYA. Specific consideration should be paid to the terms “life-threatening” and “requires admission to a hospital or other health care facility.”
- The consideration by the committee of whether the intent and purpose of the serious injury legislation is better served by defining serious “incidents” rather than “injuries,” in order to remove the ambiguity of whether the most serious concerns affecting children, youth, and young adults (e.g., suicide attempts or acts of violence) are meeting the definition of an injury.

Part 3: General Responsibilities and Powers – Advancing Human Rights and Reconciliation

To strengthen and further empower the Advocate to uphold the rights of children under the United Nations Convention on the Rights of the Child, the Advocate recommends:

- Amending section 12 of the ACYA, which references the power to raise awareness and understanding of the UNCRC, to include the ability to advocate for children’s rights as outlined in the UNCRC.
 - “The Advocate may take steps to raise awareness and understanding of, or advocate for, the rights of children as articulated in the United Nations Convention on the Rights of the Child.”

To recognize the importance of international human rights law in a Manitoba context, and the implications on the rights of Manitoba’s children and youth found in the United Nations Declaration on the Rights of Indigenous People (UNDRIP) and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), the Advocate recommends:

- The amendment of section 12 to include UNDRIP and UNCRPD. In alternative, the addition of a new section in recognition of these international instruments may be considered.
 - “The Advocate may take steps to raise awareness and understanding of, or advocate for, the rights of children as articulated in the United Nations Convention on the Rights of the Child, United Nations Declaration on the Rights of Indigenous Peoples, and the United Nations Convention on the Rights of Persons with Disabilities.”

To strengthen the Advocate’s commitment to collaborating with community, and to reach the collaborative goal of providing essential support to Manitoba’s Indigenous communities when requested, the Advocate recommends:

- The addition of a section in Part 3, where the Advocate may enter into agreements with any public body, including Indigenous governing bodies, to allow the Advocate to carry out responsibilities or exercise powers under the act.

Part 6: General Provisions – The Importance of Reviewing the ACYA at Regular Intervals

To ensure the continual commitment to and recognition of the rights of Manitoba’s children, youth, and young adults, the Advocate recommends:

- For The Advocate for Children and Youth Act to be reviewed at regular intervals, utilizing the proclamation date of March 15, 2018, as the starting point. Consideration should be given to similar acts in both British Columbia and Prince Edward Island, which include the provision for review every five years.

Serious Injury Reporting Regulation

To ensure the consistent language between the Serious Injury Reporting Regulation, and the formal definitions within the ACYA, the Advocate recommends:

- *Amending the Serious Injury Reporting Regulation to replace the wording “government department” and “health authority” to “public body” and “health care facility” to remove the inconsistency between legislation and regulation.*
 - *For example: Upon becoming aware of a serious injury, “a person, organization or entity that provides a reviewable service on behalf of a public body or health care facility must promptly report it to the appropriate department or health authority.”*

Public Presentations

Your Committee heard the following 10 presentations on *The Advocate for Children and Youth Act*:

May 3, 2024 meeting

Nettie Lambert	Private citizen
Tamara Thomson	Private citizen
Ray Lambert	Private citizen
Sariviea Ellsworth	Private citizen
Jennifer Friesen	Private citizen
Jamie Pfau	Private citizen
Kevin Pfau	Private citizen
Brittany Bannerman	Private citizen
Julie-Ann Rich	Private citizen
Pat Yakielashek	Private citizen

Written Submissions

Your Committee received the following 10 written submissions on *The Advocate for Children and Youth Act*:

Mackenzie Winiasz	Private citizen
Deborah Flynn	Private citizen
Bodi Milljour	Private citizen
Phoenix Bishop	Private citizen
Tara Summerfield	Private citizen
Marina Twoheart	Private citizen
Shanlee Scott	Ndinawemaaganag Endaawaad Inc.
Barbara Parke	Private citizen
Michelle Ans	Private citizen
Mary Jane McCallum	Private citizen

Submitted by,

Mr. Tyler BLASHKO, Chairperson
May 24, 2024