

First Session – Forty-Third Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Justice

Chairperson
Tyler Blashko
Constituency of Lagimodière

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-Third Legislature

Member	Constituency	Political Affiliation
ALTOMARE, Nello, Hon.	Transcona	NDP
ASAGWARA, Uzoma, Hon.	Union Station	NDP
BALCAEN, Wayne	Brandon West	PC
BEREZA, Jeff	Portage la Prairie	PC
BLASHKO, Tyler	Lagimodière	NDP
BRAR, Diljeet	Burrows	NDP
BUSHIE, Ian, Hon.	Keewatinook	NDP
BYRAM, Jodie	Agassiz	PC
CABLE, Renée, Hon.	Southdale	NDP
CHEN, Jennifer	Fort Richmond	NDP
COMPTON, Carla	Tuxedo	NDP
COOK, Kathleen	Roblin	PC
CROSS, Billie	Seine River	NDP
DELA CRUZ, Jelynn	Radisson	NDP
DEVGAN, JD	McPhillips	NDP
EWASKO, Wayne	Lac du Bonnet	PC
FONTAINE, Nahanni, Hon.	St. Johns	NDP
GOERTZEN, Kelvin	Steinbach	PC
GUENTER, Josh	Borderland	PC
HIEBERT, Carrie	Morden-Winkler	PC
JACKSON, Grant	Spruce Woods	PC
JOHNSON, Derek	Interlake-Gimli	PC
KENNEDY, Nellie	Assiniboia	NDP
KHAN, Obby	Fort Whyte	PC
KINEW, Wab, Hon.	Fort Rouge	NDP
KING, Trevor	Lakeside	PC
KOSTYSHYN, Ron, Hon.	Dauphin	NDP
LAGASSÉ, Bob	Dawson Trail	PC
LAMOUREUX, Cindy	Tyndall Park	Lib.
LATHLIN, Amanda	The Pas-Kameesak	NDP
LINDSEY, Tom, Hon.	Flin Flon	NDP
LOISELLE, Robert	St. Boniface	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Malaya, Hon.	Notre Dame	NDP
MOROZ, Mike	River Heights	NDP
MOSES, Jamie, Hon.	St. Vital	NDP
MOYES, Mike	Riel	NDP
NARTH, Konrad	La Vérendrye	PC
NAYLOR, Lisa, Hon.	Wolseley	NDP
NESBITT, Greg	Riding Mountain	PC
OXENHAM, Logan	Kirkfield Park	NDP
PANKRATZ, David	Waverley	NDP
PERCHOTTE, Richard	Selkirk	PC
PIWNIUK, Doyle	Turtle Mountain	PC
REDHEAD, Eric	Thompson	NDP
SALA, Adrien, Hon.	St. James	NDP
SANDHU, Mintu	The Maples	NDP
SCHMIDT, Tracy, Hon.	Rossmere	NDP
SCHOTT, Rachelle	Kildonan-River East	NDP
SCHULER, Ron	Springfield-Ritchot	PC
SIMARD, Glen, Hon.	Brandon East	NDP
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STONE, Lauren	Midland	PC
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WHARTON, Jeff	Red River North	PC
WIEBE, Matt, Hon.	Concordia	NDP
WOWCHUK, Rick	Swan River	PC

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

Thursday, October 10, 2024

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Tyler Blashko (Lagimodière)

**VICE-CHAIRPERSON – MLA Carla Compton
(Tuxedo)**

ATTENDANCE – 6 QUORUM – 4

Members of the committee present:

Hon. Min. Cable, Hon. Min. Wiebe

*Messrs. Balcaen, Blashko, MLA Compton,
Mrs. Hiebert*

Substitutions:

Hon. Min. Cable for MLA Pankratz

APPEARING:

*Kelvin Goertzen, MLA for Steinbach
Cindy Lamoureux, MLA for Tyndall Park*

PUBLIC PRESENTERS:

*Bill 16 – The Regulatory Accountability Reporting
Act and Amendments to The Statutes and Regulations
Act*

*David Grant, private citizen
Keyli Loepky, Canadian Federation of Independent
Business*

*Bill 209 – The Provincial Court Amendment Act
(Expanded Training for Judges and Judicial
Justices of the Peace)*

*Kayla Harder, private citizen
Kimlee Morrisseau, Family court hurts
Mikayla Hunter, private citizen
Stéphanie Plante, private citizen
Susan Dawes, Provincial Judges Association of
Manitoba*

*David Grant, private citizen
Amy Danielson, private citizen
Sarah Mitchell, private citizen
Jennifer Kagan, private citizen
Esther Mordechai, private citizen
Stacey Soldier, Manitoba Bar Association
Fernanda Vallejo, Latinas Manitoba*

WRITTEN SUBMISSIONS:

*Bill 209 – The Provincial Court Amendment Act
(Expanded Training for Judges and Judicial
Justices of the Peace)*

*Kate Rowswell, private citizen
Jennifer Chan, private citizen
Ann Loewen, private citizen*

MATTERS UNDER CONSIDERATION:

*Bill 16 – The Regulatory Accountability Reporting
Act and Amendments to The Statutes and Regulations
Act*

*Bill 209 – The Provincial Court Amendment Act
(Expanded Training for Judges and Judicial
Justices of the Peace)*

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Clerk Assistant (Ms. Melanie Ching): 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?

An Honourable Member: I nominate—oh. I'd like to nominate MLA Blashko.

Clerk Assistant: Sorry. Honourable Minister Cable.

Hon. Renée Cable (Minister of Advanced Education and Training): I'd like to nominate MLA Blashko.

Clerk Assistant: MLA Blashko has been nominated.

Are there any other nominations?

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

The Chairperson: Our next item of business is the election of a Vice-Chairperson. Are there any nominations?

MLA Cable: I'd like to nominate MLA Compton.

The Chairperson: MLA Compton has been nominated.

Are there any other nominations?

Hearing no other nominations, MLA Compton is elected Vice-Chairperson.

Before proceeding with the business before the committee, I want to make everyone aware that this evening, that we have staff collecting footage for the Assembly's educational video series, Inside the Legislative Assembly of Manitoba.

Our camera operator has permission from the Speaker to collect a variety of angles and so will be moving around the room. As a reminder to all those here this evening, no other photography or video is allowed in the committee room. Thank you for your co-operation.

Committee Substitution

The Chairperson: I would like to inform the committee that under rule 85(2), the following membership substitution has been made for this committee effective immediately: Honourable Minister Cable for MLA Pankratz.

* * *

The Chairperson: This meeting has been called to consider the following bills: Bill 16, The Regulatory Accountability Reporting Act and Amendments to The Statutes and Regulations Act; and Bill 209, The Provincial Court Amendment Act (Expanded Training for Judges and Judicial Justices of the Peace).

I'd 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 presentation 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 the committee members: Kate Rowswell on private-private citizen, on Bill 209; Jennifer Chan, private citizen, on Bill 209; and Erin [*phonetic*] Loewen, private citizen, on Bill 209. Does the committee—oh, sorry. Ann Loewen, private citizen, on Bill 209.

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

So here are the public presentation guidelines: Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in the committee.

In accordance with our rules, a time limit of 10 minutes has been allocated for presentations with another five minutes allowed for questions from committee members. Questions shall not exceed 30 seconds in length, with no limit—no time limit for answers.

For government bills, questions may be addressed to presenters in the following rotation: first, the minister sponsoring the bill; second, the member of the official opposition; and third, an independent member. For private members' bills, questions may be addressed to presenters in the following rotation: first, the member sponsoring the bill; second, a member of the official opposition; and third, an independent member.

If a presenter 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.

I will note for members that we have on our presenters list seven presenters who reside outside of the province of Manitoba who wish to present virtually. In accordance with the Sessional Order passed in the House on November 9, 2023, and subsequently amended on June 3, 2024, except by unanimous consent of the committee, only the first two members of the public to register to present to a bill who reside outside of the province of Manitoba may present virtually to a standing committee considering legislation.

Therefore, I ask if there is leave for the additional five virtual out-of-province presenters to present to the committee. [*Agreed*]

On the topic of determining the order of public presentations, I will also note that we have other out-of-town presenters in attendance, marked with an asterisk on the list. We also have one presenter, Ms. Stéphanie Plante, who has indicated that she wishes to make her presentation in French. Interpretation staff are on hand to provide simultaneous French to English interpretation.

* (18:10)

With these considerations in mind, then, in what order does the committee wish to hear the presentations?

Hon. Matt Wiebe (Minister of Justice and Attorney General): If I can make a suggestion that the committee considers the presenters for Bill 16 first, then moving to Bill 209, the presenter who has indicated that they wish to present in French first. Then out-of-town presenters who are present in the room as the next batch of presenters, followed by everyone else on the list, in numerical order.

The Chairperson: Is there agreement with that suggestion? [*Agreed*]

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

Bill 16—The Regulatory Accountability Reporting Act and Amendments to The Statutes and Regulations Act

The Chairperson: So starting with Bill 16, I will now call on David Grant.

Do you have any materials you wish to distribute with—for the committee?

David Grant (Private Citizen): I do not.

The Chairperson: You do not. That's fair.

Mr. Grant, please proceed with your presentation

D. Grant: Not much of a comment; I'm here for another one. But the term regulatory seems a bit ambiguous. Obviously, people who know the legislation and so on, know very well what it means. I initially was confused, thinking it might mean the private clubs that regulate professionals that I've talked to the minister about before. I'm pretty sure it's not that one.

And it actually means the issuance of written rules and regulations, and I'm in favour of anything that improves the process, because it's entirely possible that some innocent person who used to—understood what the law was, with a regulation that they don't know about, is now breaking the law. And I think that's an important thing, that we be updated. And if there was a way of it popping up on our phones if it affected us, that would be nice, but it doesn't.

But that's about it. And also, I guess the other comment is: The explanatory notes in the—on the website that describe the legislation—I think there's room for improvement and not having ambiguity in them. And if it means we're going to delete this—revoke this act and it means this to these people, that would be nice, rather than just saying we're going to

revoke the act because that doesn't tell us a lot, if it affects us.

So that's all. I just thought I'd make those comments and thank you very much. As I say, I'm hoping that this legislation will make it—people—enable people to know more about what's been done regulation-wise for them. So that's about it.

Thank you very much for the time.

The Chairperson: Thank you for the presentation.

Are there any questions from—for the presenter?

Hon. Matt Wiebe (Minister of Justice and Attorney General): Well, I wanted to thank you, Mr. Grant, for your time once again. I know you're very, very engaged in the community and in the proceedings of the Legislature, and I know I've seen you at committee and also out in the community. So I appreciate the effort that you put in.

I also appreciate your perspective on making the bill easier to read for the average person, because I appreciate that, you know, it can be difficult even for us legislators sometimes. But, you know, that guidance to be as clear as possible is definitely appreciated.

So thanks for your time tonight. [*interjection*]

The Chairperson: Sorry. Mr. Grant. I just have to recognize you for the answer.

D. Grant: One of the classic examples of that is the City has a bunch of people that enforce bylaws. And none of those people—there's six or seven hundred bylaws that we could be breaking right now—and the bylaw enforcers are not trained in what all of them are. So even the professionals and the experts are at a loss because there's so much out there.

So thank you very much, Mr. Wiebe.

The Chairperson: Thank you.

Are there any other questions for the presenter?

Mr. Wayne Balcaen (Brandon West): I appreciate the opportunity to speak very quickly. I, as well, would like to thank you, Mr. Grant, for your presentation today, and I've been at a number of committees and note that you're an active participant in democracy, and that's what government is all about.

So thank you very much for your participation, your words and your thoughts representing Manitobans.

D. Grant: I consider it sort of a retirement hobby and public service because I think even the city councillors that have comments directed to them, I think

they appreciate that. One councillor said I should be made an honorary councillor because of the work I do for them.

So, anyway, thank you, sir.

The Chairperson: And are there any further questions?

Thank you, Mr. Grant.

Our next presenter is virtual. We have Keyli Loeppky from the Canadian Federation of Independent Business.

Keyli Loeppky (Canadian Federation of Independent Business): Good evening, all, and thank you for the opportunity to speak today. My name is Keyli Loeppky and I'm the director of interprovincial affairs for the Canadian Federation of Independent Business.

CFIB is a non-profit, non-partisan association representing the interests of over 97,000 small- and medium-sized businesses across the country, including more than 4,000 in Manitoba. CFIB's policy positions are based on our members' views which we gather through regular surveys on a variety of topics. Excessive regulatory burden and red tape have consistently been identified by our members across the country as one of the top challenges they face in running their business.

As the backbone of the economy, small businesses create jobs, support families and contribute to vibrant communities. It is from this critical perspective that I speak in opposition to Bill 16 which proposes to effectively remove regulatory accountability in the province.

Before I continue, I want to distinguish between regulation that is necessary and that is—that of which is red tape. Justified regulations provide social benefit that outweigh their costs. These rules include those that support efficient markets, protect businesses and consumers, establish health and safety standards and preserve the environment. Red tape, on the other hand, refers to excessive regulation, unnecessary delays and poor government customer service. It includes rules that are unfair, costly, poorly designed or contradictory. Red tape can create confusion and frustration for both businesses and citizens, undermines productivity, lowers wages and stifles the entrepreneurial spirit.

In 2020, CFIB estimated that the total cost of regulations to Canadian businesses at \$38.8 billion. Of this, approximately \$11 billion of which is to be considered excessive regulatory burden or red tape. Smaller businesses are disproportionately impacted by red tape and face significantly higher per-employee

regulatory cost compared to their larger counterparts. Larger businesses are able to spread the regulatory burden across a greater number of employees and often have in-house resources devoted solely to regulatory monitoring and compliance. In smaller businesses, the responsibility of dealing with regulation often falls directly on the shoulders of the business owner.

In addition to being costly, red tape is also time-consuming. CFIB estimated the total hours spent on regulatory compliance by businesses to be 731 million hours, the equivalent of nearly 375,000 full-time jobs.

* (18:20)

Beyond the burden of time and money, excessive regulation creates frustration for small-business owners and everyday citizens. While it is impossible to put a price tag on frustration and stress, we all understand it can be costly. In Canada, nine–10 small-business owners indicated that excessive regulations add significant stress to their lives.

The stress of dealing with regulation today could undermine entrepreneurship in the future. About two thirds of small-business owners would not advise their children to start a business given the current burden of government regulation.

For all these reasons, CFIB has been a vocal champion of red tape reduction and a leader in red tape research in Canada. For 15 years, through our very own Red Tape Awareness Week, CFIB has shed light on the confusing rules and regulation, administrative obstacles, excessive paper burden that Canadians face every day.

Our goal is simple: to raise awareness about these challenges with government and advocate for solutions that make life easier.

Manitoba has previously distinguished itself as a leader in red tape reduction and has been recognized by CFIB for its efforts, including receiving an A grade on CFIB's report card since 2018, the highest grade in the country.

This high grade can be attributed to the mechanism set out in the Province's Regulatory Accountability Act. This includes keeping a comprehensive measure of the regulatory burden, publicly reporting on this burden on an annual basis and maintaining regulatory constraints like the two-for-one and the one-for-one rule.

Not only was this work applauded by CFIB, but Manitoba's regulatory accountability framework has

been acknowledged in the Harvard Law Review, underscoring its importance and its impact.

For these reasons, CFIB was deeply disappointed to learn about Bill 16. Bill 16 effectively dismantles the province's regulatory accountability framework, eliminating the ongoing count of regulatory requirements and scrapping the one-for-one rule, all a significant step backwards.

CFIB understands the pressure placed on Manitoba's public service when the regulatory count was first introduced. Cataloguing all regulatory requirements across government departments was a massive task that required considerable effort and resources, especially on a tight timeline.

However, the most challenging part is now behind us. The baseline count has been established. Going forward, maintaining the count is much simpler. It only requires tracking changes to regulations and legislation as they happen. Since ministries and departments are already involved in the legislative process, keeping a record of whether requirements increase or decrease should not be too much to ask of the public service.

The one-for-one rule is also crucial. It acts as a check against regulatory creep, ensuring that new regulations don't pile up on top of outdated or unnecessary ones. This rule doesn't prevent governments from regulating, it simply ensures that any new regulations are balanced by the removal of those that no longer serve a purpose, preventing the buildup of red tape.

CFIB surveyed our members in—following the announcement of Bill 16, and their reaction was unified: 96 per cent of Manitoba's small-business owners believe that regulatory accountability is key for open and transparent government, and 93 per cent believe that the provincial government should make red tape reduction a priority.

The absence of regulatory accountability measures will undoubtedly 'exasperbate' the burden of regulation in posing a significant concern for many entrepreneurs.

It's important to emphasize that regulatory accountability isn't—is an—is not a partisan issue, but it is a cornerstone of good governance, supported by governments of all political stripes across the country. Prime example of this is the federal Red Tape Reduction Act, which received near-unanimous backing in Parliament in 2015, showcasing a bipartisan

commitment to simplifying regulations for the benefit of both businesses and citizens.

Similarly, despite the change in leadership from the BC Liberals to the BC NDP in 2017, British Columbia has maintained its robust 'regulatory' accountability system that was originally set up in 20—or, sorry, 2002.

These examples highlight that regulatory transparency and accountability transcend politics, serving as an essential tool for building public trust and confidence in government.

This government has demonstrated its commitment to red tape reduction, particularly through the support of the Joint Task Force to Reduce Administrative Burdens on Physicians. In 2023, CFIB found that Manitoba's physicians were spending over 591,000 hours on unnecessary administrative tasks, the equivalent of 1.8 million patient visits. This paperwork overload not only contributed to physician burnout, but placed a strain on the health-care system.

Following the release of our report, the previous Manitoba government established a task force to tackle this issue and, as a result, Manitoba physicians are now saving more than 75,000 hours per year. This same thoughtful approach to reducing regulatory burden must continue to be applied for the benefit of businesses and all everyday citizens.

When it comes to taxes and spending on programs and services, government reports to the public through budgets and economic updates. Similarly, regulatory accountability is achieved through frameworks like the one-for-one rule, and the measures like counting, annual reports and transparency. These mechanisms are crucial for building public trust in how the government creates rules and enforces laws and regulations that everyone must follow.

In closing, CFIB understands that regulating is a key part of the role of government. We also understand and know that reducing unnecessary red tape is critical for a thriving economy. However, Bill 16's approach—which would effectively eliminate all forms of regulatory accountability in the province—is not the solution.

We strongly urge the government to reconsider this bill and instead pursue a path that preserves the accountability mechanisms Manitoba's businesses and citizens rely on, while continuing to streamline unnecessary regulations.

The Chairperson: Thank you for your presentation.

Are there questions from the committee?

Mr. Wiebe: Thank you very much, Keyli, for taking the time, and great to see you again, great to meet with you again; I appreciate your comments.

I think we're very much on the same page in many ways. I know we both have the same goal, and that is reducing red tape, making government more efficient and really just being responsive to the public.

I think you mentioned there, you know, the importance of what you call good regulations, you know, and mentioned that it is a non-partisan issue, so we're eager to work with you on that.

I guess, I—

The Chairperson: Unfortunately, the minister's time has expired. That was 30 seconds.

Mr. Wiebe: Thank you is all I wanted to say. Thank you.

The Chairperson: You're welcome to respond, Ms. Loeppky, if you like.

K. Loeppky: Thank you, Minister, I appreciate that response.

As CFIB is leading up to Red Tape Awareness Week at the end of January, we are starting to grade provinces on their regulatory work over the past year and the frameworks that they have in place.

If Manitoba is to continue and pass Bill 16, Manitoba's grade on the Red Tape Report Card will decrease dramatically from a grade of an A to an F. CFIB would love to meet with your office to discuss this as well as everything in the presentation today.

Thanks.

The Chairperson: Are there other questions?

Mr. Balcaen: I also want to take this opportunity to thank Keyli for being here presenting and bringing the concerns of the CFIB forward.

My question would be the transfer of responsibilities that your folks will see because of this regulation. If you could speak to that a little bit regarding what cost—whether it be financial or human resources—you feel—

The Chairperson: And the member's time is expired.

Ms. Loeppky?

K. Loeppky: Yes, so there are groups outside of government that try to maintain a count on the number of regulations, but government certainly is the best one

to know the order of what's happening in its house. And so, you know, external groups often report on government finances, but governments know what's in their books.

So governments would be the best ones to take care of this work.

The Chairperson: Are there any other questions? I see Mr. Goertzen online may have a question.

Mr. Kelvin Goertzen (Steinbach): Keyli, I want to thank you. Having been the minister responsible for this particular bill and regulatory accountability, your organization was critical in helping us—not just keeping us accountable, but ensuring that there was good suggestions.

* (18:30)

So I appreciate you being here today, and I would encourage the minister to meet with you and listen to the organization. Because I know you're there to work with government for the betterment of all residents and citizens.

So thank you very much.

The Chairperson: Ms. Loeppky, you're welcome to respond.

K. Loeppky: Certainly, there are ways to look for, you know, little tidbits of red tape that government can work to reduce without doing a regulatory account.

But the practice of going through government regulation and reviewing it on an annual basis brings the attention of the public service to that regulation and forces them to consider if things are still necessary or if they are simply dated and have turned into red tape.

So this practice on an annual basis is extremely important.

Mr. Wiebe: Yes. And I'll try and keep this within 30 seconds. I apologize. I got cut off.

One more thanks to you, Keyli. I know that you had some—your counterparts at the retail summit on Friday. We had a chance to chat. I know there's good news coming from your members about the work we're doing on the retail task force, and I just wanted to say we continue to work with you guys and the business council, the retail council and others to make sure that we're looking after your members in any way we can.

So thank you for the work you're doing on that, as well.

The Chairperson: Ms. Loepky, you're welcome to respond.

K. Loepky: Thank you, Minister. And, yes, we certainly would appreciate a meeting with your team ahead of Red Tape Awareness Week in January.

Thank you.

Mrs. Carrie Hiebert (Morden-Winkler): Yes. Just a quick question. And thank you, Keyli, for the work that you do.

I was once a small-business owner, and I had a lot of visits from your representative coming to CFIB, so that's kind of nice.

So my part—my question for you, really quick, is: What can the retailers do now that this is happening? What would you like to see happen now to try to help change what's happening and getting that to be—F grade back up?

The Chairperson: The five-minute question period has expired.

Is there leave for Ms. Loepky to respond? *[Agreed]*

K. Loepky: Thank you for the question.

With regards to small-business owners raising their concerns through government, you know, of course, they can write to MLAs. They can use groups like CFIB to try and bring their concerns forward.

But like I said, an annual review of the Manitoba government's legislation, regulation, policies and forms is where the most time will be spent and the best time would be spent to identify those things that are irritants for businesses and citizens alike.

The Chairperson: Thank you for that presentation.

**Bill 209—The Provincial Court Amendment Act
(Expanded Training for Judges
and Judicial Justices of the Peace)**

The Chairperson: Having completed the presenters for Bill 16, we will move on to Bill 209.

We'll give the independent member a moment to join us up here.

And while we're doing that, I'll just make one correction in terms of question rotation. The question rotation for a private member's bill from an independent member is opportunity for the independent mem-

ber, followed by a question from a recognized party and then followed by the other party.

And so—yes. So either party could start. Yes, but in rotation. Yes. Yes.

So with that, we agreed to start with the French presenter. So if Mrs. Stéphanie Plante—*[interjection]*

She is not online right now, so she will be moved to the bottom of the list, and then we will move to the out-of-town presenters.

And the first out-of-town presenter is Kayla Harder.

Is Kayla—thank you, Ms. Harder. Do you have any materials you wish to distribute with the committee?

Kayla Harder (Private Citizen): Not this evening, no.

The Chairperson: Okay. Then, Ms. Harder, please start your presentation.

K. Harder: Certainly.

I want to thank you for the opportunity, first of all, to speak. It brings me great joy to bring this bill forward with Cindy, and I appreciate the welcome response.

To start off, ladies and gentlemen of the committee, tonight we stand at a pivotal moment where the very future of our society hinges on the decisions that are made here and now.

The violence perpetrated behind closed doors in quiet—in the quiet of homes affects not just individuals, but generations. We must address the critical need for judicial training in cases where interpersonal violence is at play, especially when children are involved, because when we fail to understand that dynamics of abuse, we endanger the lives and futures of the most vulnerable among us.

Far too often, judges and justices of the peace miss the complexities of coercive control and the deep, damaging effects it has both on the survivor and the children involved. The impact on interpersonal—of interpersonal violence, pardon me, is not just about physical harm; it's emotional, psychological and generational. It doesn't end when the abuse stops or even when the relationship stops carrying on after the fact. The trauma lingers, and it shapes how children grow, how they view relationships, and even how they navigate the world.

Interpersonal violence is largely a male-perpetrated violence, and statistics support this; yet the courts

continue to mishandle these cases. We have legislation like Bill 209, which takes important steps to addressing this crisis. Too often the judicial system protects abusers, sending children back into their hands where the cycle of violence continues.

We claim to prioritize the family unit, but when abuse is involved we must draw the line. Just because someone has a child does not mean they have the right to raise that child if they're causing harm.

The United Nations conventions of the right of the child, which Canada ratified in 1991, should guide our actions. Children's rights are human rights, but our systems, courts, social services, law enforcement too often fail to protect these rights. Instead they favour the abuser's right to access their children even when it means putting them back in harm's way.

Parental rights seem to trump children's rights despite the overwhelming evidence that, whether physical, emotional or sexual, destroys lives; we are—what we are teaching when we allow abusers to go unpunished. Boys model themselves after their fathers and girls after their mothers. If we continue to let abusers walk free, we are teaching our children that violence, control and manipulation are acceptable. We are perpetrating the very cycles of trauma, violence and mental illness that we seek to end. These children grow up and all too often they become the next generation of abusers, addicts or victims.

Children learn from what they see, not just what they're told. We can talk about the right and wrong to them all we want, but if their father, their role model, is allowed to abuse and terrorize their mother without consequence, what message does that send? It tells us—tells them that abuse is normal, that violence is power and that they are powerless to stop it.

We must stop this cycle. We must stop treating children's voices as secondary. When children speak up about abuse and survivors, as well, come forward with their stories, it's not simply enough to listen. We must act. Their safety, their mental health, their future depend on it. We need judges, police and child service workers who are educated on the dynamics of abuse, who understand these long-term impacts and who will actually take the necessary steps to protect these children.

Too many times, survivors, especially mothers, are not even believed. They are blamed; their concerns are dismissed as exaggerated, while abusers are granted leniency. The courts twist the narrative,

shielding the abuser and leaving the survivor, the children, in greater danger.

How many times I have been told, it's not in the public interest? How many times police, lawyers, children's services brushed aside the evidence, the cries for help, until it's too late, in the case of Keira, who we're honouring here tonight as well.

The systems need to change. It needs to recognize that abusers don't just stop at physical violence. There's legal abuse, financial abuse and emotional abuse that continue long after the relationship has ended. The abuser will manipulate the system, use it to further control and stalk and terrorize their victims. These behaviours embolden them, and the system, in turn, empowers them by allowing it.

We cannot ignore the ripple effects of this violence. Children who endure abuse, who witness abuse, often grow up to become abusers themselves, or they live in a cycle of victimhood, addiction and trauma. This is not living, it's surviving. And even survival becomes harder when the very systems designed to protect you turn their backs.

Children are our future. They are the future of our society. When we fail them, we fail everyone. Inter-generational trauma is real. We talk about it in the context of residential schools and other major societal failures. This is no different.

Children who are forced back into the arms of their abusers will carry that trauma with them for their entire lives, and my children are prime examples of this; and so will their children. The cycle will continue until we actually take divisive action—decisive action.

The truth is, abusers don't change unless they are held accountable in many cases; yet our courts allow them to escape responsibility again and again. Why? Is it because of charm, manipulation, control? We see the patterns over and over. Abusers manipulate not just the victims, but the legal system itself, portraying themselves as loving fathers who just want to see their children, victims of alienation, while continuing to inflict unimaginable harm on their children and their partners. Enough is enough.

* (18:40)

We need to stop protecting abusers and start protecting children, start believing survivors and start holding abusers accountable by starting to recognize the cycles of violence and trauma that we are perpetuating by failing to act. Judges, justices of the peace, even police officers and children's services

workers must all be educated. They must understand what coercive control and interpersonal violence look like, what narcissistic and abusive behaviour looks like and how deeply that affects the children and their safe parent, most often their mother; the two are not separated. When a mother is abused, so is her children; the effect ripples through.

We must vet the people responsible for these decisions carefully, and survivors, and those who have lived through this, must be part of the conversation. It's time we start taking this epidemic seriously. It's time we stop being passive observers to violence and trauma and start being active protectors of children and survivors.

We need a justice system that works for the victims, not against them, a system that investigates thoroughly, that listens without prejudice and that acts decisively to end the cycles of violence and trauma, and that is why Bill 209 is so important. Because we take all of this into context by educating the very people who are in charge of these decisions, we can stop this.

Thank you.

The Chairperson: Thank you for your presentation.

Question from MLA Lamoureux.

MLA Cindy Lamoureux (Tyndall Park): Thank you, Kayla, for your presentation and just all the work that you have done behind the scenes on this legislation. I know you've been in communication with many politicians, provincially and federally, and it's gone a very long way.

I'm hoping you can speak just a little bit to why, in fact, this legislation is so time sensitive.
[interjection]

The Chairperson: Sorry, Ms.—oh, sorry, Ms. Harder.

K. Harder: Certainly, my apologies.

Thank you for the question. This is definitely time sensitive because right now, as I mentioned in my presentation, it's an epidemic. Interpersonal violence, violence, all of these things are things that are living right now. There is a huge uptick in what we see with murders upon families; we've just seen it with Carman, and then there was another town, McCreary, I believe it is, where people are being killed.

This is time sensitive because the longer we let it go on, the less we're protecting the people that need this help and the training as well.

The Chairperson: Thank you.

Hon. Matt Wiebe (Minister of Justice and Attorney General): Yes, thank you very much, Ms. Harder, for being here this evening. I really appreciated your perspective, in particular your perspective on the impact of intergenerational trauma and how that carries through not just for the immediate family, for the children and then going forward through the generations. I think it's an important way to frame this.

And I just wanted to thank you for being here tonight, taking the time of being an activist and a voice on this issue.

The Chairperson: Ms. Harder, you're welcome to respond.

K. Harder: Sure.

Thank you so much. I appreciate it, and I hope with that we can work together to make this bill a reality and continue to take steps in the right direction so that we can help protect children because they are our future, and, you know, it—they're, like I said, there is no separation.

So thank you.

Mrs. Carrie Hiebert (Morden-Winkler): I just want to make a couple of comments to you, Ms. Harder. Like, you are very brave for coming here and speaking; you did such a great job, and we can really feel your heart through your conversation and through talking to us today. So thank you very much for being here and all the work that you've done.

One of my questions would be: What would be your first most urgent education topic that you think is the most important, No. 1 for judges or for people that need more education?

K. Harder: Thank you so much for the question.

First and foremost, I would put the focus on the interpersonal violence and coercive control just because it is such a broad spectrum where a lot of things are missed where we wouldn't consider abuse to be occurring or an issue.

So that's where I would put my focus first and foremost.

The Chairperson: Are there any other questions?

Mr. Wayne Balcaen (Brandon West): Well, thank you very much, Kayla, and I know that your tireless advocacy is making a difference, and thank you for that.

I'm just wondering, besides the judicial justice of the peace, judges, is there further education that can be done within the justice system as a whole?

K. Harder: Yes, thank you so much for the question.

Absolutely. You know, justices and judicial justices of the peace are an important first step. As I mentioned in the presentation, my personal experience, we actually never even made it before a judge. There are so many first points of contact with child and family service workers, lawyers, Crown attorneys and police officers where we can also expand that education to make it more impactful.

But I do believe that having judges and justices of the peace, first and foremost, taking that step is a great first step. But there's always going to be more work to do.

Hon. Renée Cable (Minister of Advanced Education and Training): Hi. I just wanted to thank you, as the others have done, for being here and being so brave.

As I look around the room, here, the pictures on the wall, it's clear that, you know, we haven't been welcomed into spaces like this in many, many years. I—you're incredibly brave person, and I can feel that you have endured a lot, and I just want you to know that you are seen, and we hear you and you are loved. And it is our sacred duty to help.

The Chairperson: Ms. Harder, you're welcome to respond.

K. Harder: Yes, thank you so much for that.

A big part of my drive for this is just our own personal experience, like I said. I've watched my children crumble under this. I've seen justice not be sought, and our abuser still continues to this day to exercise his course of control and abuse on us, despite having a protection order that's actually been twice renewed now. And it never ends.

And so it is something that's very near and dear to my heart because I've got to try and turn this pain into power somehow, and not let it destroy me. Even in the event of trying to protect my children, in the initial stages, I actually suffered a stroke from all of the stress that I went through. Because even with an open police investigation, a week later, after my daughter made her disclosure, they wanted to turn around and send my kids back to their father, who had actively threatened to kill them if they had said anything.

So I won't give you all the details of what that incurred, but it's definitely something that I'm trying

to turn into a power somehow, and I've seen so many other families and survivors going through this. And if I can help in any way to try and turn the tides somehow, that's—it's a bonus for me and it's rewarding in that aspect.

So thank you.

The Chairperson: Thank you so much for that presentation. We really appreciate it.

Before we move on to the next presenter, Erika Donald, a registered presenter, is not able to present this evening and has requested that they be able to submit a written submission to the committee by 2 p.m. tomorrow. Should the committee agree to this, the Clerk will ensure that all members of the committee receive a copy of the submission.

Is there leave for Erika Donald to submit a written submission to the committee tomorrow and have it be included in the Hansard transcript of this meeting?
[Agreed]

Our next out-of-town presenter is Ms. Amy Danielson. Is Amy here? Ms. Amy Danielson?

She will be—oh, we may have Amy virtually.

Okay, our next in-person—or next person listed as an out-of-town presenter in person is Mrs. Natasha Dueck. Is there—Mrs. Natasha Dueck?

She will be—our next presenter is Ms. Kimlee Morrissette. Is Ms. Kimlee Morrissette here?

Is there any materials you wish to distribute to the committee?

Floor Comment: No.

* (18:50)

The Chairperson: No? Ms. Morrissette, take it away.

Kimlee Morrissette (Family court hurts): Good evening. Thank you for having me. My name is Kimlee Morrissette. I'm from Sagkeeng First Nation.

And, you know, I grew up in a time when the local hospital in Pine Falls had two waiting rooms: one for brown people, one for white people. And we always went to the back of the line; white people always went first.

There was a lot of—racism was, you know, teachers were racist. Students were racist. It was common those days. And I appreciate that, you know, we've come a ways and we now have a Premier (Mr. Kinew) who's Indigenous. But unfortunately, as

we know, you know, there's people—there are systems out there who stay in this way.

And then we have—and I got to say, anyway, so growing up and having these challenges and facing these types of attitudes, there was a lot of challenges, yes. A lot of—we all know the social issues. There was a lot of different challenges growing up, but nothing compare—nothing prepared me for my experience in family court as a domestic abuse survivor.

You know, I've been overseas, I came back to Manitoba, I was working in my community, I met my partner, who is non-Native, who came to work in Pine Falls. We had two children. I gave birth at home without a midwife, on my own. We homeschooled, I—family slept, you know, I've raised my children the way I saw growing up, what—the beautiful things that I saw and the things that I believed in.

I never considered myself to be in an abusive relationship. I wasn't getting punched every night. But I—having a daughter, I realized I didn't want her to be in a relationship that I was in, that if she had come to me and described the relationship that I had with her father, that I would tell her to leave.

And so I thought, how can I stay in this relationship and raise my children to be good people, to be good relation with others, when what they witness at home is not that? So I left.

And I—and then things really got worse. I never realized that domestic violence increases if you leave. No one ever told me that. No one ever prepared me for that. I was blindsided when this person just went off the rails to the point that they stole my child, my baby, my five-year-old son.

I was allowing visits. I was—I wanted the father to be involved. He hadn't been involved until then. And for me, that was important. And so I was trying to facilitate that, and then he took my son and put him in a car and told me he wasn't going to bring him back to me.

I called the police. Police said without a court order, they're not going to do anything. Thus began the family law journey, which turned into a nightmare, and it made me wish I never left. And I would never tell a woman to leave if she has children, because what comes afterwards can be so much worse.

There was no help for me. I called around to different places, and once they found out that I was out of the home, they said they couldn't help me. Just move on, move on.

I didn't have money. I was a stay-at-home mom. Now I'm on my own. Luckily, some stranger took my kids and I in, because again, we had no place to go. Here we are living at some stranger's spare room, and lawyers are telling me I need \$250 an hour, \$300 an hour, to even consider.

So you go for Legal Aid, and it takes months and it takes months. And I was initially denied because I owned a house with my ex, but he was living in it and getting it; but I couldn't access that money, I couldn't access any kind of resources from that. But I was denied Legal Aid because of it; so then I had to appeal.

And eventually the appeal went through. But by this time—again, I'm not seeing my son. My son is five years old, I had been a stay-at-home mother, extended nursing, homeschooling, and now I'm not seeing my child. Nine months go by.

I'm told: don't go because it will make a scene; don't go and visit my son. Finally I get a Legal Aid lawyer, but she doesn't do anything. She doesn't answer my phone calls, she doesn't reply to my messages. It gets to the point where I have to ride my bike down to her office and sit in her waiting room to get an appointment with her. And after a number of months, she—nothing. It was the other side, I felt bullied at every meeting, I cried after every lawyer's meeting; every time I showed up and told her what was going on, she looked at me like: what do you want me to do about it?

And I kept saying, use the legal system. Like, where's my rights? Like, how can this person be allowed to do all these things? If this was my neighbour, I—there's no way they would be allowed. But because we had children together, nobody wanted to do anything.

Eventually, the Legal Aid lawyer's doing nothing, doing nothing, doing nothing. And then she quits on me, and tells me now you have to go find another legal aid lawyer, but tell them all the money's used up—the ticket or whatever, the most money. So she used all the money, didn't do anything, now I have to go find another Legal Aid lawyer. Again, it takes time. It takes time to do all these things.

And at the end, he did nothing. I kept saying we need to go to court so I can see my son. And he told me no, you need to go do mediation. And again, I would cry in his office and he told me: I'm the officer of the court, and if you're not going to follow my advice, then you need to find another lawyer.

Of course, I didn't want to do that so I followed his advice.

Mediation went—you can't mediate with an abuser; it went nowhere. But the mediator refused—although she told me I needed personal counselling because of the abuse, she refused to write it in a report. And then I'm told we need to go through another thing, and another—anyway.

So I ended up firing that lawyer and I went to court by myself, and it was three years later. And the judge asked me: what took you so long? Insinuating that I didn't care about my son because it was three years. And I followed—I followed the rules, I followed what I was supposed to do, I did everything I was supposed to do, and then the judge blamed me and insinuated that I didn't care about my child. Because the legal system took three years.

My son was five when he was taken. I was forced into an agreement. So the judge refused to give me back my son.

So what does that do to an abusive person, when they learn that they can go and do things like stealing a child, and there's no consequences for them? All family court did was embolden the abuser. Things got so much worse, so much worse. By the time my son was 10, he ran away from me crying, he refused to talk to me, he refused to come to visits with me even though I had a court order.

I called the police, the police refused to do anything, they kept telling me: go back to court. When I talked to a lawyer, they said: well, I'm the lawyer, I go to court to get the court order, and the police are supposed to enforce it. Except the police aren't enforcing it—this is Winnipeg Police and RCMP—because my ex lives out of town.

So I haven't had a visit with my son since he was 10. He's 24. He refuses to speak to me, and I did nothing wrong. The court found nothing wrong with my parenting. How can I lose my child?

* (19:00)

My daughter was—we have a daughter. After my son was taken, it just, like—it just never stops when you have to have custody with an abuser. By the time she was 12, my ex, one of the difficulties in our relationship was he drinks and drives, and I didn't want to be culpable. I thought—I tried talking to him many times, he wouldn't listen. And I thought—

The Chairperson: Ms. Morrisseau, I just want to let you know that 10 minutes has passed.

So maybe I'll let you wrap up your thought then.

K. Morrisseau: Anyway, my daughter was—my ex got custody of my daughter when she was 12. I told the judge I'm giving up this court system. All they did was beat me up. They beat up my kids. I said, they're putting my kids at risk. My—in less than a year, my daughter was in the Health Sciences Centre after a suicide attempt.

Thankfully she survived, but family court almost killed my child. And there's nothing we can do, and I'm so upset, and I—this bill—what the heck are family—what are lawyers and judges doing in a family law system if they don't know these things already? I'm sorry, but this training is not going to help. This is not going to help. These judges have such discretion. There's a judge in Manitoba known as a woman hater. Like, this is not going to change. We need a whole different, like, structure.

We can't have this patriarchy right now, and I feel like Indigenous culture has a relational basis. We have ways of thinking, ways of governing, ways of justice that can be utilized to help instead of having a patriarchal—where the male is seen as the head of the household. Over and over again, all I was heard was: the dad has rights, the dad has rights, the dad has rights. Where's the responsibility not to be abusive?

There was never any talk to hold him accountable for his actions. Everything got swept under the rug. All the focus was on—sorry—me. As a—there was so much victim blaming that went on, that I—like, again, mothers—people shouldn't be telling mothers to leave.

The Chairperson: Thank you, Ms. Morrisseau.

I hate to cut you off. There will be opportunities to share more as questions move forward.

MLA Lamoureux: Your presentation—I am so sorry for the experience that you have had within the legal system here in Manitoba over the years, by the sound of it. It's not fair. It's not okay. There's nothing that we could even come close to doing to help rectify that situation.

I'm so sorry, from the bottom of my heart, that you had to experience that, you and your family. I just want to leave it open and give you some time if you want to continue with your comments now.

The Chairperson: You have—she just wanted to create an opportunity for you to continue, if you wish.

K. Morrisseau: I just, again, I just want to reiterate this training is not enough that we need. We need a

whole rethink on it, and I believe that Indigenous culture has a gift for the rest of the people.

Thank you.

Mrs. Hiebert: Thank you so much for sharing.

I can resonate with your story; I've gone through some of the same things that you have. I've dealt with Legal Aid in my lifetime, and I've had to go through things like that as a single mom. So thank you so much for sharing your story, and I'm so sorry what you've had to go through.

Another question I have is, like you said, that this isn't enough. This isn't enough.

What can we do, what more can we do? You said there was a judge that hated women. What can we do with her—

The Chairperson: The member's time has expired.

K. Morrissette: I believe we need to have a rethink and—like a—relational. Like, right now it's like set up like the patriarchy is seen as the norm or the way to go, like the dad has—but, you know, in Indigenous culture, it's about relationships.

So if you're not in good relationship, it doesn't matter what your—like, you know, like you need to be in good relationship. And so, I think, like, if we had a team of people that interview these separating parents, and then if—and if it's recognized that there's intimate partner—domestic violence, then the perpetrator does not get custody, full stop. Visitation would be decided on a case-by-case basis.

Mr. Wiebe: Well, thank you very much, Ms. Morrissette, for your presentation.

I just wanted to say for the record that we agree with you about the importance of the Indigenous cultural identity and the lessons that we can learn from your experience.

I think there's a lot that we can do to enhance training and make sure that we as a justice system are understanding that the impact that this has specifically Indigenous people, but lessons that we can learn from that.

And so I just want to thank you. Incredibly powerful presentation.

The Chairperson: You're welcome to respond, Ms. Morrissette.

K. Morrissette: I would just say, I was in this room giving at—similar presentation when there was the last

NDP government here, and Andrew Swan was the Justice minister. But he's a family law lawyer. He knew exactly what I was talking about, and he did nothing.

And so, I would really like you guys to be bold. You know, step up. Like, what are you waiting for? Like, this is your time. You guys have the position of power. Like, you can make real change.

Thank you.

Mr. Balcaen: Ms. Morrissette, thank you so much for your presentation and bringing a light to some of the inadequacies and difficulties within the justice system.

I just wanted your comment, if you would. One of the sections of this act asks the chief judge to consider appropriate conversations with Indigenous leaders and Indigenous communities and survivors. Do you believe that's a good start in this bill?

K. Morrissette: Sorry. The experts are the women who have been through family court and are domestic violence survivors. Those are the people you need at the table.

The Chairperson: Thank you so much for your presentation and for sharing so generously.

Our next out-of-town in-person presenter is Mikayla Hunter.

Thank you so much. Do you have any materials to share with the committee?

Mikayla Hunter (Private Citizen): No, I don't.

The Chairperson: No? Okay, then please proceed with your presentation.

M. Hunter: Just maybe wait for the timer to click over because it's still at 27 seconds. Okay.

Thank you.

So, hello, everyone. My name is Mikayla Hunter, as you all well know. And tonight, I am speaking in support of Bill 209.

I am many things. I am a Ph.D. student. I am a cat mom, a friend, a sister, a daughter and a survivor of family violence.

Before I say anything further, I want to issue a content warning and provide other survivors the opportunity to leave the room. For those who've experienced family violence, what I am going to say may be hard to hear. So please take care of yourself and step out of the physical or virtual room if you need to.

There's nothing that I am going to say right now that you don't already know to be true. And I'm going to tell you a little bit of a story.

I grew up in the small town of Anola, Manitoba, with my two younger brothers, my mom, my father, about a half a dozen cows and more chickens than you can count.

From the outside, we looked like a picture-perfect family. My mom worked at the small two-room insurance office in town, and my dad was known to be a reliable person to ask to fix up pretty much any kind of machinery you could think of.

In public, my dad was doting and affectionate, and it was a surprise to absolutely no one that he had pretty much convinced everyone that he was a devoted father and loving husband. Behind closed doors, though, it was a very different story.

I was around 10 years old when I realized that something wasn't quite right with my parents' relationship. There were times where they would fight every night for a whole week. Without fail, my dad would suddenly become extremely doting on my mom, holding her hand in public and bringing her flowers. Then things would be good for a while before the cycle started again. And as the years went on, the cycle became faster, more intense, and the bad times vastly outnumbered the good times, and the fights would become more and more violent. I did my best to shelter my brothers from it; as the older sister, that's just what you do.

I can't possibly count how many nights I stayed awake into the late hours, even on school nights, sitting on the floor in front of the door to my parents' bedroom with a penny in one hand and the phone in the other.

* (19:10)

I had learned a long time ago that the locks on the doors of my house could be unlocked with a penny and a dextrous hand. The phone was a standby to call the police. I unlocked that door with a penny plenty of times, but I only used the phone once to call for help.

Why, you might ask? Because I knew that the police wouldn't believe me. You see, my dad was a very charming man. He was friends with everyone in town, including the police in our area. In hindsight I now see why he was so delighted when I made friends with the daughter of the chief of police in our area at the time.

I knew that whatever I told them would be contrasting so significantly with the person that they believed him to be, that my words wouldn't mean anything. And the one time that I did call the police was one of the biggest mistakes of my life. Despite my dad being the aggressor in that fight, as he always was, he managed to convince the police that my mom was having a mental health crisis. They took her away and she was committed in Selkirk Mental Health Centre for a week against her will. Although there was no actual mental health crisis, my mom was told on no uncertain terms that she either fully complied what she—with what she was being told to do, or she would never see her kids again.

While she was held in that institution my dad continued his systematic campaign to convince everyone that my mom was unwell. He would tell people we knew, everyone we knew, that my mom was sick. He wept and people would tell him what a good dad he was being for taking care of his kids during this time. All the while my mom was being held involuntarily with no choice but to do what she was told.

This successful manipulation of the system that was in place to protect us seemed to awaken something in my dad. He sat in on one of my mom's appointments with the family doctor that she had been with her whole adult life and convinced them, in that one appointment, that she was mentally ill. She was given a diagnosis of bipolar disorder and prescribed lithium.

She didn't actually have bipolar disorder, nor did she need the lithium but the confusion that the lithium caused her to experience made things a lot easier for my dad. Although my mom experienced the brunt of his abuse, she was not the only one. He was verbally abusive to all of his children, especially me and my middle brother. The older we got, the more intense it became; the more physical too.

He grabbed my shoulder so hard one night when I stepped between him and my mom to stop their fighting that I had bruises in the shapes of his hands on my skin. The police would later take pictures of those bruises, but nothing would come from it.

Despite all that we suffered at his hands, while everyone around us was none the wiser, my mom did not leave. At the time I couldn't understand why we couldn't just go. Years later my mom told me the truth of it all. Not only was he systematically poisoning the beliefs of people who we knew so that they wouldn't

help her, he was also controlling their finances. She couldn't afford to go.

What was somehow worse though was that she knew that if she left, he could convince a judge that he was a good father and take us away from her. And so she stayed. She waited until both my middle brother and I were over the age of 13 so that we could legally choose which parent we wanted to live with. She thought that if two of the three of her children chose her, a judge would be unlikely to separate my youngest brother from us. Because of her justified fear of not being believed, my mom waited until my middle brother turned 13. She stayed in an abusive relationship for 15 years, just because she thought it was the only way she could get custody of her children. And as it turns out, she made the right choice too.

Initially my dad was granted partial custody with visitation every second weekend. I did not want to see him; neither did my middle brother. But my youngest brother, being the baby of the family and not really knowing much about what was going on, he did. He wanted to see his dad. And so I went with him, every second weekend, not because I wanted to, but because I was afraid of what he might do if they were alone together. And at least if I was there I could protect my brother, and at the end of the day I would rather harm come to me than my baby brother.

My mom told me every time that she dropped us off with him, she hugged us just a little bit tighter because she knew so well that this might be the last time that she saw us. She was so aware of what he was capable of, but also so, so afraid of going against court orders. She didn't have a choice but to comply, lest she be accused of depriving him of his legal rights to his children. She had communicated this to the courts, of course, but no one believed her.

One late night when I was 17 years old, my dad picked me up from a friend's house one town over. Again, this is rural Manitoba. It was a cool summer night and you could hear the coyotes howling in the distance as we drove down the gravel roads with the windows down. I asked my dad if he could help for me to pay for my graduation dress. He wasn't paying child support anyways, and my mom couldn't afford it on her own. He yelled at me. Pulled over to the side of the road, reached across me and opened the passenger side door of the truck. He unbuckled my seat belt and pushed me out of the truck and drove away.

I walked until I had cellphone service and called a friend. And once I was safe, I told my mom what happened.

That was the last weekend I saw my dad. He didn't show up the next weekend for visitation pickup anyways, and my mom was granted full custody after that.

I came to find out later that he didn't actually want custody of us. We were just something to be held over my mom's head to control her, to keep her from seeking the child support that she needed to raise us, to make himself look like a good dad in the eyes of the court system. It was all about control. He even went so far as to threaten that if any of his children under the age of 18 had a medical emergency, he would refuse to sign off on any necessary forms for life-saving care just to spite my mom.

Despite all this, the countless court hearings for custody were some of the most terrifying moments of my life. Every time, I was left shaking in fear that the judge wouldn't believe us, that my dad would be able to charm his way into full custody and that we were going to die. He knew that the best way to hurt my mom was to hurt us, and I fully believe that had he been granted full custody, I wouldn't be here today.

I started this speech by telling you the things that I am. I am also lucky. My family was lucky that we eventually got a judge who saw my dad's manipulation. We were lucky that the judge believed my mom when she said that we were in danger with my dad.

When I heard about what happened to Keira, my heart broke. Of the things that make what happened to her different from what happened to me was luck. Luck has absolutely no place in this. It shouldn't be up to luck if you have a judge who understands the ways that family violence can manifest and what coercive control looks like. People's lives should not be determined by luck, specifically by the institutions that are supposed to protect them.

When I told my mom that I would be speaking here tonight, we both cried. I told her that I was so, so afraid to speak publicly about this, because even though I haven't seen my dad in 13 years, I am still so scared of him. Despite my fear, I am here because the standing committee must approve Bill 209, but they also must not stop there.

As the previous speaker had mentioned, education is not enough. There needs to be consequences when judges allow this sort of thing to happen,

because they have every ounce of control to determine whether someone lives or dies at the hands of their parents.

I think in my speech I've made it abundantly clear that my dad was not a safe person for myself or either of my brothers to be around. And even still, my mom was forced to bring us to him every single weekend not knowing if that would be the last time she would see her children alive or if she'd be identifying our bodies the next time she saw us.

I also asked my mom what she wanted me to tell the committee. Through her tears, she told me that she wanted the committee to think about their children. And if you don't have children, think about your siblings or friends. Think about the terror of dropping off your children with someone that you trust, that's supposed to love them unconditionally, knowing that you may never see them again and knowing that you barely have a choice in the matter.

I ask you to consider those feelings and pass this bill and continue further to make sure there's real systemic change.

The Chairperson: Thank you so much for your presentation.

MLA Lamoureux: I just want to thank you for your presentation and sharing so much of your personal story.

The testimonies are really what committee is all about. We want to hear from people's personal experiences and you really walked us through your personal experience. I want to thank you for that.

Is there anything, in addition to this legislation, that you feel we could be doing? I know you spoke briefly about education that could help survivors of intimate partner violence.

M. Hunter: Yes, so there's a number of different things.

For context, I also work in the space of trying to educate doctors so that they can do better by their patients, and I know that education is only the first step.

There has to be accountability, like I mentioned. When things like this happen, there needs to be accountability for the people who ultimately make this decision. Otherwise the training means absolutely nothing because there's no consequences for not doing right by people.

I think that we also need to have a very serious look at the way that these things are determined. No one has the fundamental right to their children just because they are a biological parent. In the case of my dad, he should have never been a father, but he was. And he wasn't a good person to have children around, regardless of if he's a biological parent or not. If there's more harm to the child than there is good, then that needs to be seriously taken into consideration.

As previous speakers have mentioned, parental rights are not all encompassing. Children have rights too. They have right to safety, they have right to feel like they are loved, and they shouldn't be forced to see someone who they are so completely afraid of that they would rather die themselves. Like, I thought about it from time to time, that I would rather die than see him again. But I knew I had to keep trying, to protect my family.

And no child should ever be put in that situation. There needs to just be consideration of the harm that can come to children.

MLA Cable: Thank you so much for your honesty and bravery, and your mom did real good.

* (19:20)

And if you could please relay back to her my profound sadness and regret for her in having to endure that. And I just want to thank you for being here and for your continued advocacy. It's a tremendous gift and I know it's incredibly painful, so thank you.

M. Hunter: Thank you. I'm sure my mom would have loved to be here, but it's just—it's too hard for her still, so I'm really glad that I was able to come and speak on her behalf and of my brothers both. Because unfortunately, our story isn't unique. It happens all the time. It's happening right now.

While we're in this committee meeting, there are people experiencing that right at this very moment. More than one person, multiple people. And while we're sitting here talking about this, people are being put in harm's way.

So it's—like other speakers have said, we need to do this, like, yesterday, because to wait is to lose more people who could have been saved and who had every right to grow up and become PhD students if they want to, to become a cat mom if they want to, to do whatever it is that they want to do. Their lives should not be forfeit because of the broken legal system we have.

But thank you. I'll make sure to tell her.

Mr. Balcaen: Mikayla thank you. Thank you to your mother, to your family who had to go through this unimaginable pain and suffering.

I spent over three decades with the police service, and to hear this story that police didn't help you, didn't do their due diligence—I know that that is evolving and that training is important. So again, I would ask, besides judges and justices, where else in the legal system could this training go?

M. Hunter: Yes, and I think that's a really good point because, like other speakers have alluded to as well, judges and justices aren't the first point of contact for people. And if there's failures earlier down the stream, you're never going to get to the point where you need to be anyways.

And I think, especially from, like, a rural or a remote perspective, it's only natural that people are going to develop friendships regardless of the positions of power that they hold. That's just going to happen. It's an inevitability. You can't ask police in a small rural town to just don't be friends with anyone because that might, like, tarnish your ability to be able to execute justice.

There needs to be training about, you know—unfortunately, a lot of the times when we see abusers being told—or outed as abusers, so many people are surprised. They're, like, I never could have believed it. He seemed so nice. He volunteered to all the things. He was on the student—or the parent council. He was everything. Like, I don't understand how this could happen.

It can be anyone and if a victim tells you it's happening, you have to investigate that. I don't care if they're your best friend. I don't care if you've known them since you were five years old. If there's any chance that their children are being harmed by them, it is your responsibility as that person's friend to go (1) what the heck are you doing to your children? And (2) your job as a police officer is to protect people, and right now I don't think that's really happening, unfortunately.

Again, there are other—there are multiple instances of what happened to my family in Anola, Manitoba, within the time frame that I happened there—I happened to live there. In one such case, there was a murder-suicide where the husband killed his wife and then himself, and left his two children to cry over the body of their mother until the police

eventually showed up. And that could have been prevented too.

Again, because people have those friendships, they need to be able to put that aside and execute justice and protect people. So police officers, one hundred per cent.

Sorry to rant, but we also need to make sure that we as a society are implementing people who are trained mental health emergency responders. Because police are not always the answer.

When my mom was having that alleged mental health crisis, if we had had someone trained in dealing with mental health crises, they would have been able to come assess that situation and realize what was really going on. It is not the police's job to do that because that is often not what people feel safe with anyway. But it's also not what they're trained to do.

This is not even just the case in family violence, this is also in terms of substance use. When people are having a mental health crisis, we need to have people who are trained to do that, dealing with those situations, not the police. So that's my thing.

The Chairperson: Thank you so much for that presentation. We really appreciate it.

For the information of the committee, the public presenter who requested to present in French is online now. They have been called once and are currently at the bottom of the list. What is the will of the committee?

MLA Lamoureux: To allow them to present.

The Chairperson: Agreed? [*Agreed*]

We'll have the French presenter present next, and we'll have interpretation available to folks.

So, Ms. Stéphanie Plante, we're just distributing interpretation devices. It'll just take us one minute.

I believe we are ready to get started. For those with interpretation devices, it is channel E that you want—E as in elephant. [*interjection*] As in English.

And so with that, Ms. Stéphanie Plante, vous avez 10 minutes [*you have 10 minutes*].

Stéphanie Plante (Private Citizen): Merci, est-ce que vous m'entendez? Oui? OK, c'est beau.

Bonsoir tout le monde. J'espère que vous allez bien, j'espère que tout le monde est en santé. Mon nom c'est—je m'appelle Stéphanie Plante, je suis la conseillère municipale du quartier 12 à Ottawa.

Le quartier 12 s'appelle Rideau-Vanier. Si vous avez déjà été à Ottawa, vous avez probablement passé du temps dans mon quartier. Mon quartier inclut le Byward Market, l'Université d'Ottawa et beaucoup d'autres marques où beaucoup de touristes prennent du temps pour vraiment profiter de la capitale nationale, et je suis très, très fière d'être la conseillère de ce quartier.

J'ai jamais été au Manitoba, mais j'aimerais y aller dans un avenir proche, parce que je sais qu'il y a vraiment une bonne énergie au Manitoba, et surtout où vous vous rassemblez ce soir à Winnipeg.

Attends, je veux juste chercher mes notes; donne-moi deux secondes, OK.

Membres du comité, les témoins ainsi que le greffier, merci beaucoup d'être les nôtres ce soir. Je veux – je suis ici pour vous parler et appuyer le Projet de loi 209, dont on discute ce soir.

J'ose penser – vous êtes peut-être – vous pensez peut-être que c'est un peu weird qu'une conseillère municipale est en train de vous parler d'un projet de loi provincial. Ce n'est pas quelque chose qui relève normalement de la province, mais je peux vous dire que, quotidiennement, j'ai des messages ou je rencontre des gens qui sont victimes, que – du contrôle coercitif de – qui sont victimes aussi d'abus, ou qui sont dans des situations où ils se trouvent aux tribunaux pour les raisons qu'on discute ce soir. Et, c'est des fins que je veux tellement les aider, je veux tellement leur appuyer, mais ils manquent d'outils au niveau du judiciaire – et vous êtes la solution. C'est vous ce soir qui vont voter pour un projet de loi qui va être une solution, qui va aider les femmes non seulement ici au Manitoba, mais ailleurs dans le pays aussi.

Et je veux vous donner un exemple d'une femme que j'ai rencontrée il y a deux semaines. Elle est venue dans les heures de bureau ici à Ottawa parce qu'elle voulait un laisser-passer pour notre système récréatif, elle voulait que son fils utilise la piscine et elle pouvait pas se permettre non plus des passes pour le transport en commun qu'on a ici à Ottawa.

* (19:30)

Alors, on a commencé une discussion, et elle me disait que pendant qu'elle était aux tribunaux pour sa situation de droit familial, qu'elle avait mentionnée au juge – et je veux que prenez ça en note : c'est un juge quand même qui a été éduqué, formé ici dans la capitale nationale, capitale d'un pays du G7 – et quand elle avait mentionné le contrôle coercitif, le juge avait

mentionné qu'elle pense que la femme passe trop de temps sur les médias sociaux, qu'elle avait appris au sujet du contrôle coercitif sur les médias sociaux, et que ça n'existe pas.

J'étais vraiment choquée, mais pas surprise, quand elle m'a raconté ça. Finalement, elle avait la garde partagée et les abus dont elle a témoigné pendant son mariage continuent encore aujourd'hui, parce qu'effectivement, c'est ça que le système – c'est la promotion que fait le système quand une femme est dans ces situations-là.

Mais, tu sais, les gens pensent souvent, quand je leur dis que je suis conseillère municipale à Ottawa : « oh my god, c'est tellement beau à Ottawa, c'est tellement une capitale nationale qui est belle ». Mais on a beaucoup de cheminement à faire sur ce sujet et, pour être honnête, vous êtes à l'avance, vous êtes les groundbreakers, disons, au Canada.

La deuxième chose que je veux vous dire aussi, c'est que dans mon quartier de Rideau-Vanier, j'ai trois centres d'injection, j'ai trois refuges. Alors quotidiennement, je parle avec des personnes qui ont beaucoup de traumatismes, qui ont beaucoup recours à des services à cause des choses qu'ils ont vécues dans le passé. Et je peux vous dire que la majorité – la majorité – c'est à cause de la maltraitance quand ils étaient des enfants. Et maintenant, elles sont vraiment mal pris dans un genre de roue de hamster, où ils ont pas eu la chance d'avoir les recours qu'ils avaient besoin quand ils étaient jeunes. Maintenant ils sont adultes et ils sont dans une situation où les traumatismes, ça ressort d'une façon vraiment viscérale. Et, comme conseillère municipale, je peux vous dire que, si on aurait les outils dont vous avez maintenant entre vos mains – vous allez voter aujourd'hui – qu'on peut faire un avenir qui est meilleur non seulement pour les gens au Manitoba, mais les gens ici, évidemment, dans la capitale nationale.

Alors, je veux vous encourager non seulement d'appuyer le projet de loi, mais aussi penser un peu plus loin. Peut-être qu'on devrait penser à la formation des enseignants, de la police, des intervenants, des infirmières, des garderies. Vraiment, c'est genre « sky's the limit » quand on y pense. Mais maintenant, c'est – aujourd'hui, c'est un bon début, et j'aimerais aussi vous remercier de toutes les questions que vous avez posées aux témoins. Vous êtes vraiment des gens qui – je l'entends dans vos voix que vous voulez prendre soin des gens qui sont là ce soir, qui ont des

vécus qui sont très difficiles, et je vous encourage, et je vous remercie d'être là ce soir.

Translation

Thank you, can you hear me? Yes? Okay, beautiful.

Good evening, everyone. I hope you are doing well, I hope everyone is in good health. My name is Stéphanie Plante, and I am a city councillor for Ward 12 in Ottawa. Ward 12 is called Rideau-Vanier. If you have ever been to Ottawa, you have probably spent some time in my ward. My ward includes the Byward Market, the University of Ottawa and a lot of other landmarks where a lot of tourists take time to really enjoy the nation's capital, and I am very, very proud to be the councillor for that ward.

I have never been to Manitoba, but I would like to go there in the near future, because I know there is a really good energy in Manitoba—particularly where you are gathering tonight in Winnipeg.

One moment, I just want to get my notes. Give me two seconds, okay.

Members of the committee, witnesses and clerk, thank you very much for gathering evening. I am here to talk to you about Bill 209, which we are discussing this evening, and to support it.

You may think it is a bit weird that a municipal councillor is talking to you about a provincial bill. It is not something that normally comes under provincial jurisdiction, but I can tell you that, on a daily basis, I get messages from or meet people who are victims of coercive control and abuse, or who are in situations where they find themselves in court for the reasons we are discussing this evening. I want so much to help these people, I want so much to support them, but they lack the tools at the judicial level, and you are the solution. You are the ones who will vote tonight for a bill that will be a solution, that will help women not only here in Manitoba, but elsewhere in the country as well.

I want to give you an example of a woman I met two weeks ago. She came during office hours here in Ottawa because she wanted a pass for our leisure facilities network where she wanted her son to use the pool, but she could not afford passes for the public transit system we have here in Ottawa either.

** (19:30)*

So we got to talking, and she told me that during a court hearing for her family court case, she mentioned coercive control to the judge—and I want you to take

note of this: this is a judge who was educated, trained here in the nation's capital, the capital of a G7 country—the judge stated that she thought the woman spent too much time on social media, that she had learned about coercive control on social media, and that coercive control does not exist.

I was really shocked, but not surprised, when she told me this. In the end, she got joint custody and the abuse she testified she suffered during her marriage continues to this day. Because in effect, this is what the system promotes when a woman is in such a situation.

When I say I am a city councillor in Ottawa, people often think: Oh my god, Ottawa is so beautiful, it is such a beautiful national capital. But we have a long way to go in this area, and to be honest, you are ahead of the game: you are in essence groundbreakers in Canada.

The second thing I would like to say is that, in my neighbourhood of Rideau-Vanier, I have three injection centres and three shelters. Every day, I talk to people who have been through a lot of trauma, who use services a lot because of things they have experienced in the past. I can tell you that for the majority—the majority—it is because of abuse they were subjected to as children. Now, they are really caught up in a type of hamster wheel, where they are not lucky enough to receive the help they needed when they were young. They are now adults and find themselves in a situation where the trauma comes out in a really visceral way. As a municipal councillor, I can tell you that, if we had the tools you now have in your hands—you are indeed going to vote today—we could build a better future not only for the people of Manitoba, but also for the people here in the nation's capital.

Thus, I want to encourage you not only to support this bill, but also to think a little further ahead. Maybe we should also be thinking about training for teachers, police, caregivers, nurses, daycare centres, et cetera. I mean, the sky is the limit if you think about it. Today is a good start, and I would like to thank you for all the questions you asked to the witnesses. I can see from questions that you really care for the people who are here this evening, who have very difficult lived experiences. I want to encourage you and to thank you for being here this evening.

English

Et [and], I'm also available to answer questions in English, should you have any.

Merci beaucoup. *[Thank you very much.]*

The Chairperson: Merci beaucoup, Madame Plante *[Thank you very much, Mrs. Plante].*

MLA Lamoureux: Thank you so much for your presentation and for agreeing to answer some questions in English.

You're welcome to come visit Manitoba any time; I know we would love to have you come and visit the Legislature. I think it's wonderful to be able to get a perspective of a city councillor, so we've then got federal, provincial and now municipal city councillors' perspectives on why and how this bill could be so impactful and so profound.

It is devastating, if I heard it correctly, to believe that there are judges that don't believe in what coercive control is. Could you speak a little bit to what it is and why it's so important that we spread this information?

S. Plante: It's a very good question, and I'll sort of—I'll give it a bit of the municipal perspective. So what I hear in the work I do every single day is something like this: you know, if you leave, because we are in a housing crisis—I'm sure you guys feel it over there too—there won't be any housing for you, so you will end up on the street, and then custody will get taken from you.

Or I hear things like, you know, I will take your bus pass, or I will tell the school X, Y, Z, and you won't be allowed on the school grounds anymore. Or, you know, one thing I heard recently was, and this was a mother who was an immigrant who was having trouble reading and she wanted to get some help for some services that the City provides for literacy, and the husband said, you know, if you go and do that and if you learn how to read, well, then I'm—we're sending you back to your country of origin, which was completely absurd because they were naturalized Canadian citizens.

So, you know, there are a lot of levels to everything that we're talking about today. We feel it at the different levels. I certainly see it in—every day in the work I do. And so, like a lot of—I'm sure some of you are from the municipal councillor—the trenches, but a lot of the work that you're doing today will have trickle-down effects, and we know from the opioid and housing crisis that the work you do at this level is so important and will reverberate, not only at your level, but at my level as well.

And yes, I will take you up on your offer to come visit. I have never been and it's really shameful.

MLA Cable: It is not shameful in any way, but the invitation is certainly open. Thank you very much for your perspective and I am, personally, I am really glad that you are a representative in the area that you are. You spoke with compassion and understanding of lived experience, and that's so incredibly important.

Is there any advice that you have in addition, that you think that we could be doing here?

S. Plante: Yes, and we use—I think this word is overused a bit, you know: the lived experience of survivors. But I think the important thing that we're hearing today is a lot of these stories are very similar. They are from coast to coast.

And the stereotypes, they are intractable. I cannot get over how many women have told me something about a judge—and, you know, you've heard the stories before you—or they told me something about, you know, they went to go see a service provider and the service—there's kind of this whisper campaign that, you know, if you leave your children, they're going to get taken away.

And those things are very serious, and we have to make sure there are systems in place for survivors. You know, I have absolutely no problem giving a woman a free bus pass and giving them free passes to go use our rec services, but it's—often the story behind it concerns me a lot more. And I know you guys can make a difference there.

Mr. Balcaen: Thank you very much for your impactful commentary on this issue. I am proud to have seconded this bill.

You mention that this is ground breaker—I believe the translation was groundbreaking in Canada, and we appreciate that. And my comment is, or my question is: How can we make sure that this comes to passing and making sure it's non-partisan and we're protecting all Manitobans?

S. Plante: Yes, so just a very quick anecdote. I'm from Windsor, Ontario, which is near the southern border, and I went to the University of Windsor, and one of my profs was Howard Pawley. So this can be a non-partisan issue—look at that—because when it was voted on in the House of Commons, and I personally went on that day, and I do want to give a shout out to Jennifer Kagan who has been relentless behind this issue nationally in Canada.

It passed unanimously. It passed unanimously in the Senate. And you have to remember at the time, too, we were just sort of getting—you guys all, I'm sure,

all remember the trucker convoy, and this was around that time as well. And they were even for this bill when we had a chat with them because at the time, I worked on the Hill, so this is where we had all these chats.

And I can say I've never had anything in my sort of political career that was this sort of unanimous, that everybody was in agreement about. You know, there's not a lot of things that we agree about these days, but this is one of them.

And it's probably one of the proudest moments of my life, is supporting the work that Jennifer has done to bring this issue forward. But, you know, we do have to remember that we do have different legal systems. And it, while it's great it's at the national level, it's really the provincial level which is a lot of people's first point of contact when they get in to the legal system. So it's important that it passes at your level as well.

The Chairperson: Thank you so much for that presentation. We really appreciate it.

Before we let the interpreter go, is there anyone else wanting to present in French?

Seeing none, we will let the interpreter go, and thank them for being here this evening. We really appreciate it.

On now to the chronological order of presenters.

So first up, or first who registered is Ms. Susan Dawes.

Ms. Dawes, do you have any materials for the committee?

Susan Dawes (Provincial Judges Association of Manitoba): Good evening, and yes, I do.

The Chairperson: Yes? Okay.

S. Dawes: Thank you.

* (19:40)

The Chairperson: Thank you, Ms. Dawes. You can begin your presentation.

S. Dawes: All right. Thank you very much.

So, I'm Susan Dawes, I'm counsel for the Provincial Judges Association of Manitoba, known as PJAM. PJAM is a professional association of judges, represents all 43 full-time provincial court judges including the chief judge and associate chief judges, as well as 15 senior judges.

On behalf of PJAM, I prepared the presentation brief that's been handed out. I want to highlight just a few point in my oral remarks.

First, I want to make it very clear that judges of the provincial court are absolutely committed to continuing judicial education in all areas of law within their jurisdiction; that extends to judicial education in areas of intimate partner violence and coercive control.

When Bill 8 was introduced in 2022, it referenced education on sexual assault law and social context. Judges of the Provincial Court were already receiving education on these topics, and the same is true of these two issues: intimate partner violence and coercive control.

Education on these topics is currently provided to judges of the court through both the education that's carefully planned through the education committee of the court and education plans of individual judges. It's also provided through the National Judicial Institute, or NJI, which is a federal organization that provides high-quality judicial education for judges all across Canada as well as through the provincial—the-sorry—the Canadian Association of Provincial Court Judges.

So I'm not here to speak today against judicial education, in fact quite to the contrary. The concerns of PJAM about Bill 209 are these: The principles of judicial independence require that control of judicial education rests with the judicial branch of government. Judicial education is a necessary component of judicial independence, and it must be up to the chief judge, in consultation with the judiciary as a whole, to plan and implement judicial education.

So in speaking to Bill 8 back in 2022, we made the point that while the legislation was permissive—in other words, in the sense of not directing or requiring the chief judge—the relevant sections nonetheless posed a risk of being misconstrued as a direction. That risk is reinforced when there are additions to the list coming only two years later.

Those matters of principle are brought to the forefront when there's no consultation with the court before the bill is introduced. That lack of consultation continues in that the chief judge learned of this evening's standing committee hearing through members of his court, and that lack of consultation raises concerns about intrusions on judicial independence. It's also a missed opportunity to consult with the court about these important issues and how best to address them. So the court very much has a role in that; that's the view of PJAM.

Any legislative influence over judicial education is troubling, as it brings with it the potential for harm to the public perception of judicial impartiality and neutrality. And it may be seen that the legislature is trying to influence judicial decision-making, which is an intrusion into judicial independence. So that's the first concern.

The second is about resources for the court, and adequate funding for judicial education is critical and all the more so with these amendments. Judges each receive an individual education allowance as part of their compensation that partially funds their own education plans, involving attending judicial conferences such as those run by the Canadian Association of Provincial Court Judges or this NJI, the National Judicial Institute that I mentioned. That allowance was created in 2005 and has been increased in small amounts on two separate occasions to account for inflation.

The court itself though also receives an education budget, which has remained at \$40,000 since 2005. This amount has been substantially eroded by inflation such that it's no longer adequate. And put simply, the public interest that we've heard about tonight demands an increase in this amount. All judicial education should be fully funded, included that contemplated by Bill 209.

Education, though, also affects judicial resources more generally. If judges are receiving more education, they're necessarily out of the courtroom, and consideration must be given to ensuring an adequate number of judges to ensure that education does not impact the court's ability to provide timely administration of justice, which of course is another concern for all of us in Manitoba.

So those are my comments tonight on behalf of PJAM. I want to thank the committee members for listening to these concerns. And if you have any questions, I'd be pleased to try to answer them.

Thank you.

The Chairperson: Thank you for your presentation.

MLA Lamoureux: Thank you for your presentation.

And just regarding the first concern that you shared, I'd like to read from Bill 209, the bill before us here, section 8, subsection 1.1, as it does address your concern, as the bill leaves the training in your hands. Subsection—or section 8, subsection 1.1: The Chief Judge should ensure that seminars established under subsection (1) are developed after consultation with persons, groups or organizations whom the

Chief Judge considers appropriate, including Indigenous leaders—

The Chairperson: The member's time has expired.

But you're welcome to respond, Ms. Dawes.

S. Dawes: Thank you, and I appreciate the question.

Certainly, the bill is permissive in that regard and does respect the purview of the chief judge. However, as I made the point, you know, now we may not be in a situation where we're concerned about the content that's being proposed here.

But what if we were? And that's the point of principle. Judicial independence, judicial impartiality is absolutely paramount in our democracy, and it must be protected at all times. Not only, you know, when it becomes a concern.

This is drafted in such a way that it does respect the impartiality, but there's important points of principle that come into play.

So thank you.

Mr. Wiebe: Yes, thank you, Ms. Dawes, for your presentation this evening. Thank you for your cautions around judicial independence about the need and the importance of consultation. I think that's an important note.

I don't have a question, but I just wanted to put on the record that in every conversation that I've had with the chief judge and with others in the judiciary, they have an enthusiastic support for education and for furthering that cause.

And so I just want to thank you for those cautions and for your participation here tonight.

The Chairperson: You're welcome to respond, Ms. Dawes.

S. Dawes: Thank you, and I'll certainly pass on those comments to my clients. They are indeed very committed to education and doing the best possible job they can to delivering justice.

Mr. Balcaen: Thank you, Ms. Dawes.

I have several questions, and I've learned quite a bit from your presentation tonight. So thank you. But I'll limit it to one because of the time.

How can we support the chief judges and the judges on the educational funding that they require, that they're experiencing a shortfall?

S. Dawes: Well, I think certainly consultation with the court on that topic and on—and with the chief judge would be absolutely welcome.

This has been an issue that has been long-standing. As I said, the current budget has been in place since 2005, and so discussions about working with the court to ensure the resources are there would be absolutely welcome.

Thank you for your question.

MLA Cable: I just wanted to say thank you for coming.

And also, thank you for raising the important issue of independence of the courts. It had—at first blush, to be really frank, that hadn't been something that really spoke to me. So I really appreciate it, especially in the context of other things that are happening in other parts of the world under other sorts of governments that may not, as you say, be in line with what judges, in their roles, ought to do—

The Chairperson: Okay, sorry.

Ms. Dawes, you're welcome to respond.

* (19:50)

S. Dawes: Well, thank you very much for that comment, and I think it really underscores the importance of judicial independence. We take it for granted sometimes in Canada, but it is, as I said, absolutely critical to the—all the things that we enjoy in our society. And so I thank you for—I'm glad that I've provided some impact there.

Thank you.

Mrs. Hiebert: Thank you very much for your presentation. It was—I really learned a lot as well, as—like everybody else said.

My quick question would be about the education side of it. Who decides what education which judges take? And is there, like, a governing body that decides if there's any—let's say there's issues with any specific judges or complaints. Do those judges have to do extra training in any areas that maybe they need? Or is it just—what kind of, like, what kind of regulations do you guys have within your governing body and yourselves?

S. Dawes: The judges association, the Provincial Judges Association of Manitoba has a—and, actually, I should say it's a committee of the court, not the association. There's an education committee which

plans education, 10 days of education per judge a year.

And in addition to that, they have their education allowance and each judge creates an education plan for themselves in areas—because, of course, judges come from different areas of practice within the legal system and will identify areas that are particular concern for them to gain education on. And so there'll be individual plans.

But the court works very hard and takes very seriously the need to ensure that the judiciary is, you know—has an opportunity to be alive to all of the legal developments that occur, which, of course, are numerous in the areas of law that they deal with.

The Chairperson: Thank you so much for that presentation. We really appreciate it.

Our next presenter is David Grant. Do you have any materials for the committee?

David Grant (Private Citizen): I have none.

The Chairperson: No? Okay, please begin your presentation, Mr. Grant.

D. Grant: Okay, let's see. We've certainly been affected by what we've heard tonight.

I would posit that judges are people. They arrive at the job with different life stories. We need uniform judgments from them, and that may be very unlikely to happen based on their life story, where they've been through their life.

After listening to this evening's tragic stories, it's clear that action should be taken. Bill 209 seems like a good start. Making—one of our presenters pointed out accountability. Making staff fully accountable is also probably a more powerful tool than just some education.

I did not spend long in court over the past 50 or 60 years, but I've seen more than my share of travesties and—from JJPs all the way up to chief judges over the years. And it's too bad that the only thing, the only tool in our armory when we see something like that, if we're the victim of it, is an appeal. And that tends to be prohibitively expensive for most people, so the travesty is never recognized by the system.

And I would—I suggest that a review by senior staff, like having reviews of—because we have this in other professional organizations, where a member of the public can complain about Bob, who's a member of this professional organization, because he did this stuff. And then the organization looks at it and says,

oh my God, you're right, we should write him a letter; or that's how it's done. We don't know what the outcome would be.

But I would suggest that a more robust review process, as opposed to a judicial appeal where you're hiring a lawyer and spending a year's savings on a process just to say that this is outrageous and put it in writing, and then have an ombudsman review it might be a powerful tool.

And in some of these cases, I'm guessing that our very emotional prior presenters were not in a position to fund an appeal. You know, they are in—at the stage of being able to fund their kids' activities and bus passes and stuff, and they don't have \$10,000 for an appeal.

So that was just a thought that I think that we should probably consider: is there an opportunity here to do something beyond the standard appeals and beyond the education. I think the education does serve a purpose, because it's important that this very important demographic, our judicial people, know what's going on.

In some of the things I've seen locally, some of the travesties, we had a JJP who was not a lawyer, had never done anything with the law, and was—when the defence said, what about this, the JJP asked the Crown prosecutor what he thought of it. Well, the Crown prosecutor was a second-year student, because that's who does this work in these courts. And the Crown prosecutor student said, well I don't know anything about that. And so that's how they left it. They just ignored that point—that legal point.

So it just struck me that there's an opportunity for us to do better, and so what I was going to suggest when I got here, before I heard all this emotion, was that if we're going to say these JJPs and senior judges and so on need training in these topics because they're so important, I would say that there is room for improvement in training in other ways.

Like, if you're going to be deciding on traffic court cases as a JJP with not much legal experience, and you have no idea how the tools used by enforcers are—how they work, having them take a course in how does a DragonCam work, and what is in the manual and is it being followed. That sort of thing is important if we're going to have a just system, and it's very different from empathy teaching or being concerned about violence and so on. This is a more basic and less consequential matter, but I think there's still room for doing a better job. And that would be training.

And it might not be in this bill; it might be in something future for the minister. But requiring that people in a field—if they're going to be making judgments in a field, they have some idea of what's going on in that field. And if the matter is precedent in election cases, that person making that judgment should at least have spent some time studying precedent in election overturning, et cetera.

So that's just, you know, an example of it. And I would like to see action taken, and the bill is a start, and I certainly support it.

But with education, somebody who comes with huge bias from their previous life—that won't make them make better judgments. You know, the judgments will be based on their whole-life experience. They'll hear stuff in the court, and they'll use their life experience to add to it. And I think it'd be good to educate them in what should be done and precedents and so on, as it would be in other fields, other than family law.

And so that was the main thing I wanted to say, is that a review process would fix a lot of this stuff, because education—you can still have an ornery judge who's still going to take that kid away and give it to the crazy dad, and we don't want that. And so, when that happens, if the ombudsman—if everything's explained to the ombudsman, if we had one, that person can look at this and say, oh, this is embarrassing, and, you know, send letters back and forth as ombudsman and whatever, you know, people advising professionals do.

So that's where I want to go with this, and thank you very much for the time, and thank you, Ms. Lamoureux, for a very much-needed bill.

A lot of stuff happens around here. We don't have a lot of people standing up and say, oh my gosh, did we ever need that. Why wasn't it done before? And I think in this case, 209 is one of those pieces of legislation.

So thank you.

The Chairperson: Thank you, Mr. Grant.

MLA Lamoureux: Thank you so much for your presentation here this evening, and I agree, there's so much more we can still be doing. This bill is truly just starting to scratch the surface.

Some of my takeaways from your presentation include just the focus on accountability, the importance to find ways to support outside of the justice system, as well. There's more we can be doing

as a society at large. And the issues of costs associated. That should be noted. We haven't talked about that yet.

So thank you.

The Chairperson: Mr. Grant, you're welcome to respond.

* (20:00)

D. Grant: As I've pointed out, the standard way of disagreeing with a judgment is to throw a big pile of money at the problem, and I think having—because we have ombudsmen in other fields, you know, human rights and so on, and they don't require a big legal team to do that. It's just any person who can put together some sentences writes the commission, or to the ombudsman, and explains their case. And it is not a huge budget.

Our ombudsman for HR cases is not that expensive, and I would guess, in this case, you probably have a whole lot more business that people who are unhappy with their judgment, that might be most of them.

But it might be easy to deal with in groups or—this is case number three, we're deciding—we're leaving it like it is, sorry. You know, rather than have the ombudsman spend a lot of time on each one, so thank you.

Mr. Wiebe: Just a quick thank you once again, Mr. Grant, for being so engaged and taking the time to be here this evening.

The Chairperson: You're welcome to respond if you'd like, Mr. Grant.

D. Grant: As I said before, it's a hobby that I think is good for the Province and good for the public, and I think it's—there are probably a lot of other people who could have thought of this stuff. You know, my unique situation is having a very long life of seeing interesting stuff happen and of having the time to formulate it and do research on it. And thank you, Minister.

Mr. Balcaen: I will also say thank you for your presentation, your time here. I'll follow with a question that you said that sometimes the judges or somebody comes with their own experiences. And I think one of the areas that Ms. Lamoureux was trying to get through on this is, with the requests that people deliver this in consultation with survivors of intimate partner violence, with survivors of sexual assault, and those are people—

The Chairperson: The member's time has expired. But you're welcome to respond to what's been shared so far, Mr. Grant.

D. Grant: I would expect that the way Ms. Lamoureux put this together that that's exactly what she was expecting, that it wouldn't be education out of an American textbook, a dusty book. I think it would involve the people who've lived it, and that's why I started off with these people in JJP and judge roles have a life experience. And that certainly affects what they decide to do today on—in daily life and in their cases.

So, and as I say, we've seen a couple of times, chief judges in the '80s and more recently, make really embarrassing comments and judgments and, if you can't afford to go beyond it, it stands. So thank you, sir.

The Chairperson: Any further questions?

Thank you for the presentation. We appreciate it.

Next on our list is Ms. Amy Danielson, who we believe may be online. So she is. If she wants to turn on her camera.

Ms. Danielson, you're welcome to start your presentation.

Amy Danielson (Private Citizen): Thank you for having me.

My name is Amy Lynn [*phonetic*] Danielson. I'm here today because a four-year-old child has died unnecessarily due to family violence. Her name is Keira Kagan.

My children and I are survivors of family violence. I have experienced physical, sexual, emotional, legal and coercive control. Coercive control was the leading cause of my inability to leave and caused the most damage to my children and I.

I am here to be a voice for all children as to why Bill 209 is detrimental in protecting Manitoba children.

I was 16 years old when I met my 24-year-old abuser. He immediately started to isolate, intimidate and manipulate me. I wasn't able to have my own thoughts, views or opinions. Breaking me down emotionally, he started to micromanage my existence by taking away my freedom as a form of punishment to maintain control of everything that I did.

My son was born in 2003. I was still in high school in his community where I had no access to

friends or family. He started to destroy my property as a form of punishment and would humiliate and intimidate me.

The abuse steadily progressed and I became subjected to physical violence; on one occasion, even throwing burning hot water on my leg while I was sterilizing baby bottles for my child. He forced me into bathtubs filled with freezing water and would not allow me to receive medical attention for the burn.

The early threats of coercive control were that he would threaten to commit suicide if I ended the relationship. On one occasion, he got up in a tree with a noose around his neck, threatening me that he would jump if I reported the abuse or tried to leave him.

Eventually, these turned into threats on my life and my children's lives. He would also hurt our animals to psychologically terrorize me. Eventually, my abuser would prove that he would kill when he drowned a litter of 10 puppies that were birthed by our family dog.

I completely lost my sense of autonomy. The violence escalated as the years went by. The threats of violence and coercive control were debilitating.

When I tried to leave, he would make our lives absolutely terrorizing. I feared he would kill us because he threatened he would. Eventually, he strangled me until I went unconscious, and this was the first time that my abuser was charged. Being charged enraged him and I feared for my life more than ever, but he continued to gain access to the children, which gave him access to me and continue the abuse.

I would not co-operate with the legal system when he was charged for assaulting me, for fear of losing my children to either the system or by the hands—by his hands as he threatened on so many occasions. In 2015 was the first time I co-operated with the legal system and testified against him in court. He was in Brandon correctional institution for assaulting me in front of our children. I was threatened by CFS and even forced to sign a document by CFS that if I ever took him back, that they would apprehend all three of my children, which inadvertently left me feeling even more fearful and intimidated because of his abuse towards us.

CFS used coercive control by threatening me, the victim of domestic violence. My entire existence at this point revolved around fear of my abuser. Somehow, I gained enough courage during this time to apply for a protection order for my kids while he

was in prison; my children were 12, six and five at the time I applied for this protection order from him. JJP Motez [*phonetic*] dismissed my application, stating that they were safe because he was in custody at the time.

He continued to psychologically terrorize us using my children. He would call my son's school to get to me, which ultimately worked. Upon his release from prison, we headed back up north into a life of living hell that we were about to endure. When he once again promised he would change, the cycle of violence continued because I felt I would never be able to protect my children.

That chance and brief period of courage was quashed from me when the JJP denied my children protection in 2015. The protection order being denied told me that my—our abuser would have access to my children and he would follow through on his threats to harm them.

Unfortunately for my children and I, the abuse continued for many years. My daughter was diagnosed with terminal cancer in 2018 of November. By that time, my self-esteem and my self-worth was non-existent. He began controlling every aspect of my daughter's treatment plan, was explosive with CancerCare health-care staff and even got my children and I removed from Ronald McDonald House because of coercive control and alienation.

He began isolating my children from me and my family, despite my daughter's serious life-threatening condition in the spring of 2019. I filed for custody while she went through cancer. At the first hearing by Judge McDonald, she was angry with me and explosively asked: why can't you both get along for the sake of your child? I had to now share custody of my children, and soon after this my children became the targets of physical violence in my absence, which were all reported to law enforcement and were deemed excessive discipline by Michif Child and Family Services.

On one occasion during his time, he bent my daughter over his leg, covered her mouth, and violently spanked her without me being there to intervene and protect her. He would also force her to drink natural medicines because he was of the belief that Western medicine was fake and the pharmaceuticals were to profit off of kids with cancer. He psychologically terrorized my daughter and would allow her—wouldn't allow her to eat sugar because he told her that sugar feeds cancer.

His need for control and power came first and it did not matter to him about my daughter's health, even at the point of denying her pain medication because of his conspiracy theories and ideologies. I did not bother to apply for a protection order since the one in 2015 had already been denied to us.

* (20:10)

I couldn't help but wonder, if my children had that protection order, would we have gone on to suffer so much more violence?

It's something that I wish we had—could have had the opportunity to have been granted to protect my children from him throughout all these years that were—that we were psychologically terrorized.

After attempting custody, the violence always got worse and seemed as though staying with him was always the safest. My daughter had to die being subjected to domestic violence by my ex-partner, her father, in the presence of police officers, paramedics, hospital staff and my other children. This has left deep and traumatizing wounds for us. I was never able to escape until I finally did, and in 2021, just months after my daughter died, I fled with my children from the North.

In February of 2022 I applied for another protection order on behalf of myself, which was denied. Soon after, I received assistance by the YWCA, filing—filling out a protection order which ultimately ended up being granted, because I only had a—I had assistance with filling it out correctly.

Despite these horrific acts of violence and extensive criminal history, my custody judge up north believed the protection order for myself was a tactic for the child custody hearing, until Jeanette Kimball was able to release her family assessment from the Family Resolution Service. It included a brief consultation of my youngest son and talked about the 20 years of domestic violence.

Despite this, in some of the report it blames me as a survivor who was brave enough to leave. It was not until a domestic violence lethality scale was conducted by Jeanette, an officer of the court. Jeanette stated on review of the domestic violence lethality scale: C. Danielson's behaviours checked off most of the boxes, leading this writer to believe that A. Danielson and her children are at risk of harm. It appears that this is common behaviour for C. Danielson to threaten to kill people.

My custody judge had no choice to listen because a court assessor finally said he was capable of killing us. Ultimately an order was made to have supervised visitation for my children because someone finally believed me.

For once an officer of the court put it on paper that my kids and I were at risk of death. I finally had an order that made sure my children were protected from him. Twenty-two years of domestic violence and losing my daughter to cancer. Why didn't we matter to the courts? Why didn't they listen? Why didn't they protect my children?

Unfortunately, Keira died because of—her mom's voice wasn't heard, just like mine wasn't. When someone comes forward seeking protection for children, believe them. In my 20 years of experience in the Manitoba justice system, provincial judges and JJPs have, in my opinion, misogynistic approach to domestic violence survivors. Our voice falls on deaf ears. And from experience, the systemic barriers and attitudes ingrained in the system that women are attempting to win custody when, in fact, we are one hundred per cent trying to help to protect our children from our abusers.

Even when there's sufficient proof and evidence that our children are in great harm, I find it compelling that it was a woman who finally listened. Jeanette also testified and described in my custody trial that this would be foreseeable murder-suicide, just like the preventable death of Keira.

Fortunately for—my children survived, but one had to die experiencing the torment of domestic violence and its effects on children. Coercive control limited my ability to be able to tell the whole truth on how bad the violence and the threats were in 2015. Fear controlled every aspect of my life. It didn't matter anyway because even when everything was exposed and the truth was said, I was still denied protection order and safety by the courts of Manitoba.

I still wasn't believed—

The Chairperson: Ms. Danielson, I'll just let you know we're past the 10 minutes, so I'll let you wrap up your thought, but there will probably be more time during the question period.

So, Ms. Danielson, go ahead.

A. Danielson: I still have a paragraph to go, so I'm just going to continue reading.

The Chairperson: Go for it, Ms. Danielson.

A. Danielson: I still wasn't believed it was a matter of child custody issues and a mother attempting to—and making things up and not sufficient proof. The entire system as a whole failed us. Every attempt I made to escape ended up forcing me back to my abuser, who turned out to be right: the courts didn't believe me, just like he said.

Today I challenge you to ask yourself, why aren't survivors believed when they fear for their children's safety? Why aren't children protected from domestic violence? Why do Manitoba judges and JJPs deny protection orders for children? Is it so that they do not impact child custody cases? Do they think women with no evidence lie about fearing for their children's safety?

I really wish this wasn't our story. I wish I didn't have to tell this version of events that my children suffered and that I did too. I hate having to be here today because Keira's life was taken by her biological father.

Children are sacred. Children are sacred. They are our cherished gift and need protection at all costs. Protection orders can be challenged by the abuser. Leave it up to them to have to prove their innocence instead of making Manitoba's children—instead of risking Manitoba children's lives. Otherwise, you are taking a chance to let a child become a victim of filicide by the abuse.

I am total support of Keira's Law, Bill 209, to protect all Manitoba children. Every child matters. Keira's life mattered and my children's lives mattered.

Please pass this bill.

Miigwech.

The Chairperson: Thank you, Ms. Danielson.

MLA Lamoureux: Thank you so much for your presentation this evening and for taking the time to share just your own personal experience within the system. And I'm so sorry for the experience that you have had within the system and have to continue to fight for.

I was hoping that you could speak just a little bit more to the protection orders that you talked about and the process you went through to get the protection orders.

A. Danielson: So the protection order that I applied for in 2015, it was a lengthy process. I do remember having to wait to be able to speak to the JJP at that period of time, but my concerns, and even though I feared for my children's lives and stated that it was in

those—that protection order, it was still dismissed because it was just—they said he was in jail, that he wasn't a risk to us.

So unfortunately, you know, my children, they weren't protected at that period of time when I was seeking protection. And I wasn't able to be able to, you know, share a lot of the experiences because of the fact that I was so scared that my children would be removed from my care.

So, and later on in 2022—the first time, he did have convictions under his belt. In 2022, he had even more convictions. So even though there was extensive proof and history of domestic violence, the incident in 2022, I just—it was a matter of not filling it out correctly. Like, so that was really unfortunate that that happened at that period of time, so.

MLA Cable: Thank you so much for sharing your time with us, and please accept my profound condolences for the trauma and the loss that you've experienced. No parent should experience what you have experienced.

I don't have a question so much as just—I'm so terribly sorry.

The Chairperson: Ms. Danielson, you're welcome to respond.

A. Danielson: Just—I appreciate that comment. Thank you. I don't believe anybody should have to go through this. Like other presenters have expressed that this training for, you know, judges and JJPs, like it isn't enough. It's—and as you can hear in my family's story, that a lot of work needs to be done.

And another presenter had said, like, a revamp of the entire system. But you know, we're here today to, you know, pass this bill in honour of a child who has died, who lost her life to domestic violence. And I think that that needs to be at the forefront of, like when this bill is being passed because it needs to be passed.

And as we could hear in my experiences with judges and JJPs, that they really—it seems that child custody and protection orders are—kind of coincide. When they shouldn't, because we're seeking safety, we're not—you know?

* (20:20)

Like, when we're asking for safety for our children, I think that should be the first priority for Manitobans. I think everybody wants children to be safe. So I think it should be up to the abuser to have to—they're able to apply to have that protection order

dismissed. So I think that we should be standing up for our children and protecting them at all costs, so.

Mr. Balcaen: Thank you very much, and, again, thank you for your profound words. And I'm sorry for what you've had to go through.

My question revolves around the protection order that you had, and I know that within Manitoba, a number of advocates have been trained to assist with applications for protection orders. Was this something that you availed yourself to or was mentioned to you at the time?

A. Danielson: So the one in 2015 I did not have assistance and I was not made aware of any kind of—I'm not sure when that took place, but I do know that in 2022, when I fled the North, I did seek out the protection order on my own, which was ultimately denied.

And when I started receiving services from the YWCA, they were able to pretty much say, like, this is how you have to fill it out. And I did take, like, an entire day with the worker at the YWCA that helped—that assisted me in that protection order.

And I just—it's kind of telling because I should've been able to have that protection order granted, especially due to the circumstances with such a lengthy history of violence.

And so it's kind of a harsh reality that I—that women need to seek out people to help them fill out protection orders when, like, our safety should matter and the survivors' voices should be heard and, you know, like, no errors or any kind of, like, legalities with filling out forms should interfere with somebody's safety and protection, especially when it comes to children and especially when women and children are dying at the hands of abusers, so.

The Chairperson: Thank you so much for that presentation, Ms. Danielson. We really appreciate your contribution.

I've just been informed that we—our broadcast has been interrupted. So IT is working on it. But we're going to take a—I'd welcome a suggestion for a length of recess we could potentially take.

An Honourable Member: Perhaps five minutes.

The Chairperson: It's been suggested five minutes. Are we in agreement? *[Agreed]*

Okay. So we will now take a recess for five minutes.

The committee recessed at 8:23 p.m.

The committee resumed at 8:40 p.m.

The Chairperson: So I'll call this committee back to order.

And before I call the next presenter, I just want to thank everyone for their presentations. Everyone has shown a lot of courage on a very sensitive topic.

And just so future presenters know, recognizing that we're almost in hour three of our committee, I'll be a little tighter with the 10-minute mark, but we'll use question period if you have more to add past the 10 minutes. We'll make sure there's time in that question period.

So that being said, I will ask if Sarah Mitchell is here.

Hi, Sarah. Do you have any materials for the committee?

Floor Comment: I don't.

The Chairperson: No? Okay, then you are welcome to start your presentation.

Sarah Mitchell (Private Citizen): Thank you. Good evening.

I just want to say I appreciate that there's bipartisan support for this bill. I know that that's been a really key thing in Manitoba going back, that Manitoba MLAs have really come together to work together on intimate partner violence going back to 1991 or earlier.

Since 2013, I've been involved in litigation as a witness in two criminal trials in the Provincial Court, four separate applications for protection or prevention orders under The Domestic Violence and Stalking Act, the DVSA; one hearing to set aside a protection order which was upheld and two family division trials in the Court of King's Bench as well as an appeal in the court of Manitoba appeal—Manitoba Court of Appeal.

I began to represent myself in 2020, and that was after spending about \$145,000 in legal fees between 2013 and 2019, because there just wasn't any other option anymore. A total of 375 documents have been filed in the Court of King's Bench, and seven separate orders for costs have been granted to me, totalling \$90,762.57.

I want to acknowledge that I entered the legal system from a position of immense privilege. I was

supported by family, both emotionally and financially, and I would not have survived without them.

The legal process broke me. It took time, energy and focus away from all other aspects of life. I drove myself to burnout trying to pay lawyer bills that were 10 or 11 thousand dollars a month. And then I struggled through completing a trial as a self-represented litigant, an experience that was both awful and empowering.

The financial, emotional and psychological challenge involved in representing yourself in court is impossible to truly explain, and the learning curve is remarkably steep. I have had to educate myself on the relevant legislation and applicable case law, and as a result, I have more knowledge than I ever wanted about the discrepancies between the intention of the legislation in Manitoba and the overwhelmingly poor outcomes for women trying to escape abusive situations.

I have two key points related to Keira's Law that I'd like to share in the time that I have with you tonight.

The first is that I feel that this is absurd to even have to ask for. The Pedlar report on domestic violence commissioned in 1991 called for the education and training of the entire justice system on the social dynamics of domestic violence. And out of Justice Schulman's 93 recommendations in the 1997 Lavoie Inquiry, eight were focused on educational measures, stating that provincial court judges who hear cases where domestic violence could be an issue should attend seminars and conferences related to or associated with domestic violence—that was No. 19. That was in addition to calling for educational measures for government employees, No. 85; police, No. 14; crown attorneys, No. 21; income security officers, No. 78; lawyers, Nos. 80 and 81; and for the development of educational packages about domestic violence for use in public schools—that's No. 84.

More recently, the Gender-Based Violence Committee of Cabinet's 2020 report, *What We Heard*, which was a summary of recommendations of stakeholders, identified trauma-informed training for police and medical professionals and greater understanding about risk factors for intimate partner violence across systems as key areas of improvement.

It's obvious that education is expected and required. Why shouldn't professionals involved in making life-changing decisions be properly trained to

identify the elements of intimate partner violence based on current frameworks and best practices?

Nationally, Keira's Law came into effect on May 27, 2023. The focus of the provisions is education for federally appointed judges on domestic violence and coercive control. This includes judges of the Supreme Court of Canada, Court of Appeal and the Court of King's Bench, which in Manitoba is responsible for civil action, small claims, family court and the most serious indictable criminal offences.

Bill 209 is targeted at all provincially appointed judges, magistrates and justices of the peace who, collectively, are responsible for the majority of criminal cases, bail hearings and protection order applications, exactly who needs to know.

This education is particularly pertinent in light of the interventions Manitoba has already employed. Despite millions of provincial and federal dollars, ongoing investment in infrastructure and research and robust legislation in the form of the DVSA, Manitoba has an intimate partner violence problem that's only getting worse.

In Canada, a country where 142 women and girls have been killed so far in 2024, where one woman or girl is killed every 48 hours, according to the Canadian Femicide Observatory, Manitoba stands out as the worst of the bunch, with country-leading rates of domestic violence homicide. Insisting on the same education for provincially appointed judges, magistrates and justices of the peace is crucial for the legislation to operate as it was intended.

Introduced in 1999, the DVSA was designed to dovetail with the 1993 federal Criminal Code provision of criminal harassment, with definitions purposely broader, in hopes that the nuances of harassing behaviours are captured when considering applications for protective relief.

The DVSA was amended to include the concept of coercive control in 2015, defined by the Canadian Justice Department as a pattern of abusive behaviours used to control or dominate a family member or intimate partner. Coercive control is the golden thread that runs through all abusive relationships, isolating victims with constant, unpredictable and degrading behaviours.

So how is it that in the 25 years of DVSA legislation that has been in place, we have witnessed homicide rates increase? In theory, robust legislation should have led to early intervention and a reduction in the overall rates of domestic violence homicide,

with orders being implemented and enforced by law enforcement and/or the judicial system. It's clear from the numbers that the intentions and outcomes here don't align. It's time to revisit the approach.

My second point regarding Keira's Law tonight is that the content of the education is even more important to consider than the need for it. It needs to be current and it needs to be accurate. Disappointingly, Manitoba's Framework for addressing gender-based violence, released in 2020, and a 2022 Substack article by Sergeant Shane Wepruk of the domestic violence intervention—who is the Domestic Violence Intervention Coordinator for the Winnipeg Police Service, continues to use the language of the cycle of violence with no mention of coercive control in their publications.

Just a note on the cycle of violence. It was introduced in 1979 as a road map of domestic violence relationships. But it doesn't fit the lived experience of at least half of women. The primary criticisms of the model are that it assumes that some phases are safer for survivors to leave than others. This is an inaccurate and unsafe assumption. Leaving at any time often escalates the violence and danger.

It does not—the model also does not apply to all abusive relationships. Many survivors experience no honeymoon stage at all—I certainly haven't, especially after our first incident—and describe tension as chronic rather than episodic. It doesn't consider the challenges, increased vulnerabilities or the increased danger that oppression from systems creates for the victim survivor, such as criminal justice systems, court—civil courts and child welfare.

Even now, nine years after the DVSA amendment to encompass coercive control, the Manitoba Justice Department page titled Understanding Intimate Partner Violence only briefly mentions it, with no definition or examples offered, but does include a large colour depiction of the cycle of violence.

Why is publicly available information for the Province in such stark contrast to the information provided by the federal government, which confirms the shift in knowledge from the cycle of violence theory to that of coercive control? There is a wealth of updated material available on the Canadian Justice Department website, providing examples of the complexity of coercively controlling domestic violence both during and after leaving an abusive relationship, because the violence often doesn't end when the relationship does.

The Winnipeg police are responsible for enforcing both the Criminal Code and orders made via the DVSA, and Manitoba Justice is tasked with proceeding with criminal charges through the prosecution service and supporting victims in applying for orders to the victim support service.

How can these services perform effectively when the information provided at a provincial and municipal level is incongruent with the federal Criminal Code and the provincial legislation? It's time for current policies and procedures to be reviewed and updated through the lens of coercive control and for the education to be mandatory at all levels of service provision.

Moving to a model of domestic homicide that is based in current research and developing intervention strategies from there is a crucial step. We have to move from a model focused on incidents to ones that recognizes patterns. There are definable stages to homicides, filicides, familicides and femicides, and we have to call it what it is. It's not family violence; it's male violence. It's men killing their partners and children.

* (20:50)

Out of the 142 women killed so far in Canada—women and girls killed so far in Canada this year, 94 per cent of the identified offenders are men.

Jane Monckton-Smith, who is a professor of public protection, provides the crucial point that must be understood to create meaningful intervention: It's not about a dynamic between two people. It is all about a controlling person.

DVSA legislation was intended to provide quick avenues of protection, which may be based in behaviour that is more nuanced. So the people involved in granting and enforcing them need to have a robust knowledge of coercion control, risk assessment and the charging standards.

Education should be provided based on proven models of risk assessment, prevention, early intervention, investigation and evidence collection for all members of law enforcement, judiciary and social services.

Manitoba needs to recommit to its promises, because before Keira, there was Rhonda, there was Camille, there was Serena—and, and, and, and.

These crimes aren't senseless and inexplicable. They aren't committed by monsters. They are often murders in slow motion, and when reviewed through

the lens of coercively controlling homicide, they are as predictable as can be. It's time for—

The Chairperson: Okay, well we'll just move to questions but you can finish during the question period.

MLA Lamoureux: Thank you for your presentation and everything that you're sharing here with us here tonight and just your experience with having to not only go through it yourself but also represent yourself. You really have a broad perspective of how the system works, and my question is just to allow you to have a bit more time if you want to finish your thoughts.

S. Mitchell: It's time for a renewed commitment to protecting women and children in Manitoba, and it will require a cohesive plan to shift from a reactive to a proactive approach starting with a review of the DVSA and the education provided to those who enforce it.

The rationale behind Keira's Law is to ensure the judges are knowledgeable about the aspect of intimate—about this aspect of intimate partner violence. That's it. That's the ask. A small step in a province that has a long way to go in decreasing country-leading rates of domestic homicide.

Thanks.

The Chairperson: Thank you.

MLA Cable: I really just raised my hand to give you more time to speak. But thank you so much for your presentation and for being so knowledgeable, not by choice. If you have anything else that you want to add.

The Chairperson: Ms. Mitchell, you're welcome to respond.

S. Mitchell: I'm good. Thank you.

Mr. Balcaen: Well, thank you very much for your presentation and I also am sorry to see that you had to learn this through the route that you had to take and the financial burdens that you've had to suffer.

Again, thank you for bringing to the attention that this is already been discussed in the Lavoie inquiry as well as other inquiries, and the fact that domestic violence will also adds with the Criminal Code of Canada.

The Chairperson: Ms. Mitchell, you're welcome to respond.

S. Mitchell: Thank you for that. I appreciate that. I think that it's very important to recognize how the

DVSA actually is supposed to work with the Criminal Code. And that has not been my experience.

My experience has been, it's either-or, and I have been directed several times back to civil court despite holding a prevention order or a protection order or an undertaking or a recognizance, or whatever. So that is a key part of the education that needs to happen. Particularly for police with charging is that criminal harassment charges are not—it's not being charged appropriately.

MLA Carla Compton (Tuxedo): First off, I just really want to thank you for your courage to be here and share this with all of us.

But one of the things stood out to me, and I'm by no means a legal expert, but you talked about nuance, that there—the—one of the laws was supposed to have nuance for interpretation. And I'm curious; violence, the concept of violence is something that needs more understanding of it. Because violence isn't just physical, right? *[interjection]*

The Chairperson: Sorry, Ms. Mitchell.

S. Mitchell: The Domestic Violence and Stalking Act was supposed to broaden out what was available under the Criminal Code for criminal harassment. It was supposed to allow for it to be broader so that there was more of a case-specific exploration of what exactly was happening to determine if things were coercively controlling.

There is still such a focus on physical violence without paying attention to any of the other things that are happening. And those are a lot harder—I mean, they're a lot harder to prosecute, right? Bottom line, it's a lot harder to prosecute it.

But there also doesn't seem to be an effort or a move towards trying to do that.

The Chairperson: Thank you so much for that presentation. We really appreciate it.

Next up we have Tsungai Muvingi. Tsungai Muvingi? Okay, we will move them to the bottom of the list.

Holly Lowe? Is there a Holly Lowe? Okay.

Next up is Ms. Natasha Dueck. Ms. Natasha Dueck.

Next up is Dr. Jennifer Kagan, which I believe Dr. Kagan is online.

Okay, Dr. Kagan, you are welcome to start your presentation. We can't hear you.

Jennifer Kagan (Private Citizen): I was going to say I'm about an hour ahead here in the Greater Toronto Area, so it's getting late, I'm sure, on your end as well, so I may not be at my most cogent but, certainly, this is an important topic to speak to.

So I'm Dr. Jennifer Kagan. I'm a physician and advocate against gender-based violence in all its forms, and I'm also Keira's mom. And I'm the advocate behind Keira's Law federally which was bill C-233 which raised the level of education that federally appointed judges receive on domestic violence and coercive control. We've been very involved with that, and in addition, Ontario government also passed a version of Keira's Law, bill 102, which is essentially mirroring your Bill 209.

So there is precedent for this in other jurisdictions and we've been working with government. There are also other areas where this is in development so I want to thank you for inviting me to testify. I want to thank MLA Lamoureux for bringing this forward and to the committee for your active listening, your patience, your compassion towards those who are testifying, your excellent questions. I'm sure it must be a long evening for you as well.

We've heard a lot of stories, very powerful stories, and I want to commend everybody who's come forward to share their personal experience. I'm sitting here listening, and I'm just blown away by the eloquence and, you know, the power of these stories which are very difficult to come and—you know, come forward and tell in a public forum. It takes a lot of courage, and also there is a toll; I mean, domestic violence is not an easy topic to speak about. You know, there is a toll to the individuals who do come forward and I want to recognize that.

I'm sure you're probably familiar with our story as it's received national and even international media attention in terms of what happened to my biological daughter, Keira Kagan. In February 2020, she was found—once again, trigger warning but, you know, I was here, so I digress—she was found at the base of the cliff in Rattlesnake Point along with her dad and what the Domestic Violence Death Review Committee found was consistent with a murder-suicide. Our case had over 22 factors for lethality in Keira's father and yet a judge placed her into unsafe contact.

You know, we begged and pleaded with judges and child protection workers that Keira was in danger, and my current husband is actually a family law lawyer, and so he's very knowledgeable about the system. You know, as you can see that there's

survivors from all walks of life, but essentially the stories are the same, and the failures are the same, and the fact that, you know, it only gets worse with lack of resources, with language barrier, with different aspects in terms of lack of ability to engage with the system, and that's really why I speak out about this, for all of the people who can't.

You know, a woman is killed every other day somewhere in Canada; 30 to 40 children per year are killed by a parent. So this is not, you know, an uncommon problem, and there are red flags and warning signs in these cases.

Unfortunately, the legal system is not preventing this violence, and with all due respect, I would say it is enabling abusers; it is exacerbating the situation, exacerbating the crisis. I was very pleased to hear that the judge-judicial association is supportive of education on domestic violence, sexual assault and coercive control, being that they are important topics.

* (21:00)

What is clear to me, with all respect, is that the current education is inadequate. It's unclear to me what the judges are learning, when, for how long, what myths and stereotypes this education may be perpetuating. And, you know, we all know there are myths and stereotypes around IPV, you know, lots published on this.

So this law will ensure mandatory education for new judges who come from different backgrounds, different areas of law and have different levels of education on intimate partner violence and coercive control. The judge in my case, for example, had a background in labour and employment law. So, you know, there was not even a background in family law. And I understand this is quite uncommon. Even judges who do practise—were lawyers practising in family law—they may have had different, you know, education, if you will, with regards to domestic violence.

We've already established that this bill does respect judicial independence, and certainly there is precedence that it has been passed in other jurisdictions, both federally and provincially in Ontario.

And, in fact, from my understanding, the chief justice of the Supreme Court of Canada, Justice Wagner, specifically met with the Attorney General of Canada before Keira's Law was passed. That was bill C-233. And certainly the Attorney General of Ontario brought this bill essentially forward there.

In terms of resources, you know, we are fully in support for additional funding for the education if that will be made available, you know, and in terms of the history of the bill, I think I've gone through and I'm happy to take any questions around the progress of the bill.

Of course I am supportive if this was to extend to others in the system. We've heard from many witnesses that there's a lack of education when it comes to not only judges but also police, children's aide workers, office of the children's lawyer, custody assessors and so forth.

I hope I'm not speaking too fast but, you know, just in the interest of time, I guess I've got a couple of minutes left. You know, essentially, you know, we need to look at—and as a physician, we look at the health impacts from domestic violence. And children are not just exposed to domestic violence, they experience it. And this has a myriad of lifelong physical and mental health consequences.

And for the victim who is interacting with the system, of course, the victim has gone through all this horrific violence, whether it be physical, psychological, coercive control and now is interacting with a system that is not trauma-informed, is not domestic violence informed and as you've heard from many witnesses, the impact of that is extremely traumatic.

So the harms to that—you know, those individuals are compounding. Meanwhile, the abuser feels enabled; okay, they got away with it and, you know, they're going to keep doing it because they're not being reined in. So, you know, this problem is really grave. And, of course, what happened to my daughter was an extreme end of the spectrum, but this violence is happening to women and children primarily, you know, throughout the country in various forms.

When we came forward with our story, I have heard from innumerable victims of violence across the country, and specifically in Manitoba where the rate of femicide is among the highest in Canada. Of course Manitoba is an epicentre of the missing and murdered Indigenous women and girls crisis, and while education is certainly not going to solve, you know, the entire problem, it is a step and a start. And, you know, we bring this out into the forefront so we're enabling that public discourse around it which historically has not happened.

I think a lot of this often just wasn't talked about previously and, you know, we need to be talking about it, naming it and certainly judges receiving some

education on these topics is a minimum kind of level of competency. And, you know, obviously we support educating others as well. I recognize this is certainly just a step and a start, but it's important in and of its own right.

And of course, I'm more than pleased for it to be honouring our daughter, Keira, who was four when she lost her life. She was a very bright, you know, bubbly child, and, you know, she didn't deserve what happened to her. And so I think of no greater impact on her legacy than to be really, you know, planting seeds in the gardens of tomorrow for others who are going through the system.

And I think you all have a really important role to play in terms of changing things and hopefully this is the beginning of further advocacy and change in this area.

Thank you.

The Chairperson: Thank you so much for your presentation.

MLA Lamoureux: Thank you, Dr. Kagan, for your presentation and just all the advocacy work that you've been doing at both the national level and interprovincially throughout Canada. My hope is that Manitoba will be the next to pass this piece of legislation. It truly is in tribute to Keira, and I believe that those around the table, from what we are hearing today, are in support of the legislation and looking forward to seeing it move forward.

Just a quick question for you. You mentioned how Manitoba has among the highest rates of femicide in the country, yet it's not a very known term. Can you speak a little more to it?

J. Kagan: Yes. Femicide is the killing of a woman by a male. It can be an intimate partner, but it doesn't have to be. And so we know that these are gendered killings, that, you know, oftentimes in the context of intimate partner violence, for example, the woman is targeted, you know, by the former or current partner, and it's a form of control in those instances.

So this is very much a gendered type of killing and associated with, you know, misogynistic attitudes, you know, for example, sentiment that the woman is property, under the control, how dare she leave? You know, these types of attitudes tend to be associated with femicide.

MLA Compton: Thank you very much, Dr. Kagan, and I truly want to offer my condolences on your loss, and at the same time really commend you on your

advocacy on this issue. And one of the things you spoke to was the children, impacts on the children.

And I am curious, as someone who, like, believes in trauma-informed care, what is the impact of children of domestic violence, households, families, compared to children not?

The Chairperson: The member's time has expired.

J. Kagan: Yes, thank you very much and thank you for your comment. And I'm pleased to hear trauma-informed care, and I hope this is something that can translate over to the legal system, which I would say is very much not trauma-informed, unfortunately.

The effects are multiple. So we know from the adverse childhood experience study that when there are adverse experiences in childhood, such as experiencing domestic violence, that this has a lifelong—it can often have lifelong mental and physical health consequences. So there's association, actually, with cardiovascular disease, you know, cancers even; there's some literature. There's association with mental health consequences, so depression, of course PTSD, substance abuse.

You know, people don't do as well as they would otherwise have done in life, and when we look at children who have potentially a—like, a wonderful start, a wonderful life, wonderful resources, you know, and then you're putting kids into harm's way or in these situations where the harm is preventable, sort of have to look at, like, what are we doing here, because really, it's not in the best interests of these children to be experiencing violence, and, you know, it's unfortunate that the system really lacks this understanding.

I think we heard from many witnesses about the personal impact of everything they've been through and their parent has been through, and this is really preventable if judges are making the right decisions to say, okay, there is this violence, you know, I believe you and, of course, there's evidence, which is not that difficult in these cases.

I think there often is evidence; you just have to listen, have to know what to listen to, essentially, and look at the behaviours as well. And oftentimes there's a lot of evidence in behaviours, evidence somebody's stalking, driving around, sending a flurry of text messages, withholding the child, abducting the child. I mean, I know these were all things in my case that were very easily provable, but yet disregarded.

The Chairperson: Recognizing there's a minute left in the question period, MLA Goertzen.

Mr. Kelvin Goertzen (Steinbach): Thank you, Dr. Kagan, for joining us from Ontario and for the work that you're doing for the legacy of your daughter.

I hope that there's general support for this bill on the committee; I believe that there is. Looking a little bit beyond that, in the work that you've done, I know that a lot of those who are victims of domestic assault, they're often self-represented in the legal system, maybe via legal aid, but are often self-represented.

Is there more that we can do to ensure that those who are appearing in the legal system have representation to advocate for themselves? *[interjection]*

The Chairperson: Dr. Kagan.

J. Kagan: Yes, I definitely think funding for legal aid services is important and increasing funding so that people do qualify for legal aid and can afford representation, because it's quite difficult to self-represent. But I think any additional resources, whether it's supports or courses or, you know, things that people can do to sort of better prepare with assistance, I think that will only help.

But, of course, the ideal situation is a situation where people, you know, are able to access legal aid and, you know, they're able to find a lawyer who does take legal aid certificate, which I understand is quite difficult to find, unfortunately.

* (21:10)

The Chairperson: Thank you so much for your contributions, Dr. Kagan. We really appreciate that.

Our next presenter is Mary Lobson. Mary Lobson? We will call her name later on.

Next up is Ruth Cohen. Ruth Cohen?

Next is Ms. Esther Mordechai, which—I believe she's online.

Ms. Mordechai, you can turn on your mic and start your presentation.

Esther Mordechai (Private Citizen): Can you hear me though?

The Chairperson: Yes, we can.

E. Mordechai: Okay. First of all, I wanted to thank everyone for including me in this testimony. I wanted to commend all the women that have been part of this testimony. I—as I was listening to Amy, it was very emotional. And I wanted to specifically thank Jennifer, as she worked relentlessly to make sure that other women did not go through what she has gone through.

I, myself, am a survivor, and for 25 years of my life I worked as a social worker. I worked with the Indigenous women. I ran social-supportive social housing for survivors of domestic abuse.

Domestic abuse is something that a lot of people don't understand. Why don't you just leave? People need to understand domestic violence also in cultural contexts. Specifically I will work-talk about my life, which I have never shared publicly with anybody, and Jennifer knows that.

I was a child bride. I came to Canada eight months pregnant, and two weeks later, I was beat up by my husband, and I went into early labour. For years, I have been blackmailed. Talk about coercive control. I was blackmailed into staying because he was threatening my family back home, and obviously that I was afraid.

It came to the point, it was in the middle of the night, I was 83 pounds. I barely spoke English, and there was one person—one person—who knew. Because a lot of women who go through this, they don't share anything with others, not even with doctors. I was very lucky there was one woman who noticed, and I kept telling her, oh, I fell down, this happened.

And finally somebody helped me to run away, and I ended up homeless for one year. And the reason why? Because he kept finding me from shelter to shelter.

The long story short, I ended up helping women throughout my career. And after I retired, I continued to help women who are victims of violence. I run one of the largest grassroots groups called single mothers in Toronto, and daily, I deal with dozens of women.

And it—I can't really say that it doesn't trigger me. I also was an integral part of bill C-233, Keira's Law. And on federal level, it was just straightforward. All parties joined together and advocated, and it was passed.

I get a lot of messages from women who find Keira's Law is very helpful. And for me, it's straightforward. I mean, to educate judges, if somebody like Judge Gray had education about domestic violence, perhaps someone like Keira would've been alive today.

I have a woman—Jennifer mentioned about legal aid. I have a woman who makes a little bit over the criteria that will qualify her for legal aid. And of—believe it or not, her husband is on legal aid and

dragging her through the court while she had to claim bankruptcy.

Something like that will help women that—who are raising their children, not getting any child support from the abusers.

And I don't know if people will understand the mind of a narcissistic gaslighter. The abuse doesn't end after the relationship; it continues. A lot of women are being dragged through the court.

I can't emphasize the importance of Keira's Law because I, every day, I deal with women that—who are being threatened, children being kidnapped to take back home. Some of the police officers or social workers need to be trained because a lot of people have their own bias and they don't have an objective approach.

And it's very important that this bill is passed in Manitoba. As someone who worked with Indigenous women for so many years, and statistics in Manitoba which Jennifer indicated, I really hope that those of you who are the House leaders who are listening to me now are pleading. And as I mentioned, I never share my personal life story. It's very important to advocate and be the voice of these women who cannot speak up themselves.

I apologize. Even after so many years, it still has an impact on me. And the children, talk about children. My son is 34 years old and after so many years, I know that the emotional struggles he's going through is because of the years I put up with abuse.

Thank you for listening to me.

The Chairperson: Thank you so much for being here tonight.

MLA Lamoureux: Thank you again for being here tonight and for presenting. And you don't have to apologize; that's what committee is here for. We want to hear these real-life stories. They are impactful, they are tangible, they are real examples of what is currently happening in our systems and why we need to make changes, and make the changes sooner rather than later.

Which leads to my next question, is: Why do you feel that this legislation is important to be implemented sooner rather than later?

E. Mordechai: There are so many women currently are going through something that Jennifer has gone through. And nobody knows the hell she has to deal with right now after couple of years of losing her

child. If you pass this law tomorrow, you never know how many lives you're going to save.

It is crucial that—to pass this bill ASAP because of what is happening in the court system. Our system is inadequate. So many children fall through the cracks of the system. We need to stop this.

And I can't emphasize enough the importance of Keira's Law to make sure that victims of coercive control and domestic violence are protected, especially children.

Mr. Wiebe: Yes, Ms. Mordechai, just wanted to thank you for your personal testimony, for your advocacy in this regard.

You know, it's a really unique system that we have here in Manitoba where we invite folks from the public to come and to share their stories. I think it helps us better understand the issues. And your personal story has certainly touched me, so I just wanted to thank you for having the strength to do that and for being here this evening.

The Chairperson: Ms. Mordechai, you're welcome to respond.

E. Mordechai: I appreciate it, and I really hope that you will take all this testimonies under consideration, and hopeful this bill will pass as soon as possible. We—on a federal level, we had a big success. I mean, the Conservatives, NDP and Liberals all voted for it. In Ontario, the Conservative government, as well, supported us.

And I really hope that we—our—today's testimony will help women of Manitoba.

Mr. Goertzen: Ms. Mordechai, thank you for your very brave sharing of your story for the first time, as I understood it.

And, as I understood your story, you were new to Canada when you first suffered abuse, and I've often heard that those who are new to Canada are often especially vulnerable because they don't understand our justice system. And sometimes they feel that their own security in Canada might be threatened if they speak out about abuse.

Is there more that we can do? We're obviously talking about educating judges, but can—

The Chairperson: The MLA's time has expired, but Ms. Mordechai is welcome to respond.

* (21:20)

E. Mordechai: Absolutely. From—in my case that I wasn't allowed to go to school; I was kept hostage. Only for a couple of weeks that I went to school, the teacher noticed. But may perhaps ESL classes, LINC—they can educate.

I would also say doctors, pay attention. I—my doctor didn't pay attention. I would come with bruises, or when he referred me to a gynecologist, my ex-husband refused to send me to a male gynecologist.

There are so many police officers, social workers. I would say that domestic abuse awareness is very important not only to judges, but other areas as well.

I had one client that—her brother was kidnapped all the way in Bangladesh to force her into her—so her husband could force her into staying with him. She had to go back. I don't know what happened to her.

We need more social service agencies that are culture-based. Like, for example, as a South Asian woman, a Middle Eastern woman, and—but unfortunately, sometimes there is not enough funding.

But it is what it is, and I hope in Manitoba and all over Canada, we'll be able to create a system where women will feel safe to go and seek help and resources will be provided.

The Chairperson: Recognizing that there's eight seconds left in the five minutes, I just want to thank Ms. Mordechai for your contributions tonight. Thank you.

Next up is Dr. Lori Chambers. Dr. Chambers?

Next up is Mrs. Sonia Robinson. Mrs. Robinson.

Ms. Stacey Soldier? Ms. shoulder—Ms. Soldier, sorry, do you have anything to distribute to the committee?

Stacey Soldier (Manitoba Bar Association): I do not.

The Chairperson: You do not? Okay. Then you may start your presentation.

S. Soldier: All right. I apologize; it probably looks like a floating head because I'm so short, so I'll try to get this closer to me.

So good evening. My name is Stacey Soldier. I'm anishinaabekweg from Gaa-biskigamaag, which is also known as Swan Lake First Nation. And I am the vice president of the Manitoba Bar Association, and I'm here on behalf of the Manitoba Bar Association.

The MBA is the Manitoba branch of the Canadian Bar Association which is the voice of the legal profession in Canada. Here in Manitoba, we have approximately 1,600 and counting members, consisting of lawyers, legal academics, law professors, law students and members of the judiciary.

The bar association not only advocates for the interests of its members, it also advocates for certain core principles. One of those being the rule of law, and for that we require an independent judiciary free from any influence from other branches of government, including the executive and the legislative.

An independent judiciary is fundamental to maintaining a public confidence in the judicial system. And I'm here to address Bill 209 and the concerns that the Manitoba Bar Association has about the impact it'll have on the independence of the judiciary and public confidence in the administration of justice.

There's three specific areas that I intend to address.

The first is judicial education. I know Ms. Dawes has previously and ably addressed that, so I'll be very short with respect to that particularly—particular area. I will note that such education is already provided by the court to judges and justices of the peace.

Our position is that it is unwarranted to require the court to use the limited court resources available for education and training to put more emphasis on specific areas of law when some judges may already be experts or have considerable experience in those areas, but yet, are required more training perhaps in other areas.

The second area that I will address concerns is the judicial independence. Again, Ms. Dawes addressed that. But I will say that there is a significant concern that this bill violates judicial independence by dictating to judges what they must study and which individuals they may consult with in preparing such education.

The administration of justice is a third area that I think is important to also raise. I want to make it clear that, even that we have concerns as an association with the bill on the first two areas, that's not to say that they're—everything is working well and it's satisfactory in the court system, because it's not. The epidemic of intimate partner violence is an incredibly serious concern, and we see it in all facets within the system. And there are a number of improvements that should be made, that can be made, and our position is

that this bill is not a measure that is going to lead to tangible and immediate results and real change.

In the first area of judicial education, the primary focus, as I said, is on the importance of maintaining judicial independence from the executive and the legislative branches of government. When legislation mandates control, or requirements over the judiciary, the effort, as much as it unintended, undermines the separations of powers. Ms. Dawes outlined how the judicial education has planned and implemented under the direction of the chief judge and an education committee. Judges are also—already receiving education on matters related to intimate partner violence, the social context, and to ensure they're well prepared to handle the variety and sensitive cases which appear before them.

And of course, that's not to say that all of the judges are perfect and they have all of the knowledge within their minds when they're listening to the cases. Ms. Dawes outlined essentially the 10 professional development dates each year that are provided to provincial court judges. There's also ongoing training that does happen. They work very hard to provide the professional development, and there's some subsidies to travel to national professional development training organized by the Canadian Judicial Council and that registration may be covered by the CJC, but those spaces are limited, and federal judges normally receive the priority.

And so if we want to see provincial court judges more informed on these issues, the funding, of course, that is always something that is always going to be there. But also to allow the court, the chief judge and the committee to have that dialogue, to see what they actually need, because I certainly can't speak for what it is they need, but I will say that it is imperative that judicial independence, for them, is to take the most professional development training in which they feel they need the most.

And I've given the example and the discussions to Ms. Lamoureux. We did have some discussions with her previous. A judge that was appointed by the former government, someone that I worked with and I've known for many years, as a Crown attorney, did very serious cases in relation to domestic violence, child pornography, the most serious cases you probably would see before our courts. She not only did training for Winnipeg Jets, other organizations, she also wrote articles on this specific subject for publications such as the Oxford University Press.

Now does that person need this additional training? It's—my colleague, Mr. Gisser said, that's like telling Connor McDavid that he needs to go out and take some power-skating lessons. So, really, the education committee is looking at the specific needs of the new judges who are coming in, and I think that's really important in terms of the judicial independence so that they can identify where their spots are where they need that additional training. Because I can tell you that, if I had to talk about a case as a lawyer, about real estate, I'd report myself to the law society. That is just not an area that I'm competent in.

And most—the people that are appointed to the bench are people who have that self-reflection and know what they need. And I can say that very clearly.

In terms of judicial independence, I've said a number of comments in relation to that, and I will not repeat that. The only thing I will say is to impose requirements on judges to attain—obtain certain education. We see that as a starting point that can erode the separation. It can. I'm not saying it will, but it can start to erode the separation of powers and impacts the public confidence in the judicial system.

* (21:30)

So in terms of my third concern that I will raise, while it is the MBA's position not to robustly support this bill, as I said, I want to be clear that there is a need for significant improvement in how intimate violence—intimate partner violence issues are dealt with by the courts, by the police, society at large. We had that recent case in McCreary, Manitoba, and I'm not sure about anybody else, but when I read the comment of the person who didn't want to be identified, who said: he was a big teddy bear; he was such a good guy.

Therein lies some of the problem that we have in society, because it's still often seen as a family issue; it's got to be kept quiet.

And I speak very briefly—again, there is the judicial justice of the peace and the judges. Certainly training should be made available, because JJPs are often the first official judicial face that a person sees when they have worked up the courage to say, I'm getting protection order, I'm doing something about this.

So I want you to think about putting yourself in that position. You are a victim of intimate partner violence. You have left, you are in a shelter. Your kids are at school, if you have kids. Maybe you have a vehicle. You drive down to the law courts because

you're going to do it this time. It's going to happen. You are going to have that protection order in hand.

Got to find parking. Don't park on York; your car might get towed. You've got to be out of there to go pick your kids up from school; or maybe you have to take a bus.

The first thing you see are these imposing doors, and then you've got to see these Sheriff officers who tell you to put all your stuff through this machine to see if you have any weapons, and it's imposing. These are people in uniforms. They want to know why you're there.

You say why you're there. You go to a counter where you may have to wait, because that's Provincial Court counter, so it may be people there to get variations, it may be people there to pick up their undertakings, sign sureties or to get their probation paperwork.

So you may wait, maybe you get to see someone right away. You fill out the paperwork, and it's really difficult because you don't know how to articulate the level of fear that you have. And then maybe you wait some more, and then you get directed to a small room around the corner, and again try to articulate your fears and the situation you're in.

The Chairperson: Sorry, Ms. Soldier. I'll just ask you to take a short pause and we'll just switch to the question period.

MLA Lamoureux: Thank you for your presentation, and it is very nice to see you again. I know we had a chat this past spring.

Keira's Law we know has already began making positive impacts in Ontario and nationally. Do you believe that there is a way for the Manitoba Bar Association to view this legislation as a tool or a resource?

S. Soldier: I think certainly there can be, with consultation with Manitoba Bar Association—I heard Ms. Dawes' comments with respect to the consultation they had, or did not have, with respect to even the hearings tonight.

There certainly can be room for that, and I would encourage those discussions to happen. And as well with the Bar Association.

Mr. Wiebe: I do have a question, Ms. Soldier, but I feel like I should cede my question instead to simply thank you and invite you to finish your comments, if that's—if you—if that's appropriate.

S. Soldier: Yes, thank you. The only other comment I made when I was talking about the situation of a person finally going to get that protection order: the TRC started their sessions, Truth and Reconciliation Commission, started their sessions very simply where witnesses were asked: Do you want someone to sit with you? Do you want someone to hold your hand?

Because sitting there alone all by yourself trying to tell a difficult story gives a tremendous sense of isolation. And I think that was one of the comments that I made to Ms. Lamoureux is where are the advocates at the court when they're going to the counter to say, I'm going to—something really terrible's happened in my life and I need this protection order. Because it's a really hard to articulate that, and certainly in a place that's intimidating. Because the courthouse is very intimidating.

Mr. Goertzen: Thanks for your presentation on behalf of the MBA.

So, when sometimes legislators talk about the pay for judges, we're told very clearly that there are Supreme Court decisions that say politicians can't weigh in on that because of that separation from the judiciary.

In this case, this law already exists in Ontario and federally; are there any Supreme Court decisions or any other judicial decisions that suggest that this law can't be in place because of the separation?

S. Soldier: I can't name any on hand at this point, but certainly with a bit of research I would certainly be able to find—I think I would be able to find something. And I fall back in the age-old answer of, it depends.

Mr. Wiebe: Great, I have another couple seconds, and you have another couple minutes.

I just wanted to thank you, the work of the bar association; of course, the education committee that does good work.

I'm trying to understand a little bit better about the consultation piece, because I've heard that now a few times now as a caution. And I believe that's so important. Again, this is part of the process, but of course, you as the professionals and of course the judiciary who has a good ability to speak to this.

I'm just wondering what do you—how do you see that consultation playing out? What further steps could we take to enhance that consultation process?

S. Soldier: Yes, I would suggest perhaps reaching out to the chief judge. Certainly reaching out to Ms. Falk,

who I believe is listening. And to see if we can have a very robust discussion about—because I'm not saying the—I—I'm—I certainly agree that there's changes that needs to happen. That is absolutely the case. And so that would be my suggestion.

And I also want to take a moment to acknowledge the other witnesses who showed immense courage in telling their stories tonight. These are not stories that I'm unfamiliar with, and their lived experience and what they shared are extremely valuable for this committee to hear as well.

And I want to thank them for that.

The Chairperson: Recognizing there's 40 seconds left in the five-minute question period, Mrs. Hiebert.

Mrs. Hiebert: Thank you very much for your contributions today. It's just so great to hear all of the information.

And my question would be for you: What would you tell workers that work at a shelter? We talked about shelters and things—different situations that women go through. When they're talking about getting legal aid or they're talking about going to court, and they're trying to help their clients, who are using the shelter because of domestic violence.

What would you tell them about—if there's a judge and they get that judge and the—they say—

The Chairperson: The member's time is expired. But I'd welcome a response.

S. Soldier: Yes, thank you for that question.

I think it's important to note that judges are people too. They're not infallible. And it is really important for women in those situations, and I've consulted with different organizations myself, where myself and my colleague who is a former Crown attorney, a long-time Crown attorney, where we've been asked advice in terms of having—providing advocates with information on how best to help people who are looking to take that route to get a protection order or to deal with intimate partner violence.

It's a very difficult process to even take that first step, because it's almost as though you're falling off a cliff and not sure if you're going to land properly is the way that I've heard it as being described.

The Chairperson: Thank you, Ms. Soldier. We really appreciate your contributions.

Next up, we have Dr. Ramneek Dosanjh. We have Dr. Ramneek Dosanjh.

Next up, we have Fernanda Vallejo.

Fernanda, do you have anything to distribute to the committee?

Fernanda Vallejo (Latinas Manitoba): No.

The Chairperson: No? Okay, then you can start your presentation.

F. Vallejo: So, good night, everyone. My name is Fernanda Vallejo. I represent the Spanish-speaking community tonight. I'm the founder of Latinas Manitoba. It's a non-profit organization which was created four years ago. I'm a woman. I'm a mom. I'm a daughter. And I was a victim. I'm a survivor.

Okay. So in immigrant communities such as those from Latin America, many women and minority groups experience or have experienced intimate-partner violence (IPV), I will say it, to make it easier for all of you. Okay.

* (21:40)

Okay, so our community here in Manitoba is around eight thousand, nine thousand people. I have access to 2,000 women. From this group, maybe 500, they don't know their rights. Let's say that 65 per cent face some IPV situations.

From them, the 90 per cent are scared of speaking out; of talking about the reality of what they are going through. Why? Because they don't know their rights, right? And when they call the police, they are being told you should be careful when you are talking to a judge; you need to know how to talk to them if you don't want them to make fun of you, which is so.

Should we be told how to talk to a judge if we are the victims or show the judge we're educated and how to communicate with us and how to learn our language, our body?

So from these 2,000 women, I will say 30 of them contacted me this year, seeking—for help; maybe three males or four were brave enough to talk about the situation.

So yes, I am here tonight to speak out for my community; what is I'm trying to do. I also have some of the voices of our children here. Sorry, I'm a bit nervous tonight. That's okay.

So we deserve to feel safe at home. Children should never live—in fear. The system must protect us from violence, whether it's happening to us or someone we love. Our voices matter, even if we're small. Sometimes it feels like no one listens to us, but we see and feel more than you think. We need a

system that listens and believes in us when we speak out.

Some children are also forced at their schools to speak with a CFS worker, and they don't know how to handle this, right? My own experience: in 2019 I was beaten up. That's why I said I'm a survivor; 2021 I got my divorce; 2023, this guy was trying to pick up my son at the school, at the daycare. I'm listening to a little guy saying, Mom, I don't want to go to school. I'm scared. I don't want him to pick me up.

Me going to the court, telling them what the abuser said and not listening to me. And I thought that I knew the system because I went through that—before, right, and that's going—trying to locate my community. But it's true. So a judge is not listening, not understanding that there's communication barriers.

Most of the women that I help, they go to different shelters if there are emergencies, but as they don't speak English and we know that we have to learn because we are here in Canada, they have to wait for hours to get someone to come with a Google translate machine and try to understand them.

There are just, I don't know, I could say from 10 people, maybe three or two have—they're willing to help them; I'm one of them. Okay, so I'm going to keep this.

Okay, help our moms so they can help us. When our mothers are scared or hurt, we feel it too. We need the system to protect them so we can feel safe and cared at home. Don't let fear silence us. Sometimes we don't know our rights or we are scared of speaking because of that might happen. We need to know that the system is here for us and will stand up for what's right. We want to grow up without fear.

Every child deserves a future free from violence and danger. The system must work to protect and make sure we can grow up happy and safe.

Yes, so, basically what I'm saying is that we shouldn't be told how to talk to a judge, and we're calling to emergency or the police is because we need help, of course. Having a judge being aggressive, making fun under these situations, it's not funny.

Okay, so that's what I have to say. If you have any questions, feel free to go ahead. I did my work with a little research.

The Chairperson: Thank you, Ms. Vallejo.

MLA Lamoureux: Thank you for your presentation and for hanging around. I know it's getting later here. It's almost 10 p.m. now, but staying for your presentation.

And this is more of a comment than it is a question: I really loved what you shared about how, absolutely, survivors should not have to be taught to speak to judges. The system needs to work with survivors, no questions asked.

Thank you for that.

The Chairperson: You're welcome to respond if you'd like, Ms. Vallejo.

F. Vallejo: You're welcome. I'm just passing their voices.

Mr. Balcaen: Again, I would also like to say thank you for coming forward and having the voice for your community, bringing these concerns forward. Because the more we hear about these, the better we can work in the systems that are in place.

So thank you very much for being here tonight.

The Chairperson: You're welcome to respond, Ms. Vallejo.

F. Vallejo: So, something else that maybe you can try to help us with is with Legal Aid. So most of the lawyers are able to help, but they have their schedules and there are other lawyers that are also aggressive. They don't have enough time or they just want to work through emails because they are being paid by the government.

So they are not doing their job. Like, we're paying them, right?

MLA Cable: I just wanted to thank you for your bravery. And I know we've said that to a number of women, but I know the added risk, or feeling of risk, that comes—that you must feel being a newcomer, being somebody who is helping so many other people in your community.

Thank you for your service to them and thank you for being so brave for the women that you are going to help.

F. Vallejo: You're welcome.

The Chairperson: Thank you so much. We really appreciate it.

So with that, that is the end of the list, so I'll just call people for the second time.

Our first second person is Tsungai Muvingi. Do we have Tsungai Muvingi here? No one online?

Holly Lowe?

Mary Lobson?

Ruth Cohen?

Dr. Lori Chambers? Dr. Chambers?

Mrs. Sonia Robinson? Mrs. Robinson?

And finally, Dr. Ramneek Dosanjh.

And Mrs. Natasha Dueck.

Okay, that concludes our presenters. *[interjection]* Yes, we can determine that, yes.

So that concludes the list of presenters I have before me.

* * *

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

MLA Cable: Bill 209 first?

The Chairperson: The proposal to start with 209? Followed by Bill 16. Agreed? *[Agreed]*

**Bill 209—The Provincial Court Amendment Act
(Expanded Training for Judges
and Judicial Justices of the Peace)
(Continued)**

The Chairperson: We will now proceed with clause-by-clause of Bill 209.

Does the bill sponsor for—the honourable member for Tyndall Park have an opening statement?

* (21:50)

MLA Cindy Lamoureux (Tyndall Park): I want to begin by thanking those who have joined us tonight, both in person and on our livestream, to speak to Bill 209, The Provincial Court Amendment Act, also known as Keira's Law.

A couple of years ago, Kayla Harder—she was our first presenter here tonight—brought Keira's Law to my attention. Kayla shared how Keira's Law stems from a tragedy, a preventable tragedy that took the life of a four-year-old little girl, Keira.

It was on January 28, 2020, that Jennifer, Keira's mom, who also presented earlier this evening, brought an emergency motion to court to suspend or supervise her ex-husband's access to their four-year-old

daughter, Keira. There had been 53 court orders within a three-year period of time between Jennifer and her ex-husband. The ex-husband was described as abusive, erratic and as having escalating behaviour. The judge found the evidence against the ex-husband compelling, however not urgent, and adjourned the motion.

Just days before they were set to return to court, Keira and her father were found at the bottom of a cliff in a murder suicide. The case was then referred to the Domestic Violence Death Review Committee for recommendations aimed at preventing similar deaths.

Manitoba has one of the highest rates of intimate partner violence in the country, and unfortunately, in many cases, children are caught right in the middle. One of the organizations I consulted with prior to second reading shared the traumatic stories that children frequently share of overhearing yelling and physical violence while they're in bed pretending to sleep.

I've met with many organizations, including resource centres, women's shelters, physicians and some whose safety and well-being would have personally benefitted from this legislation. These organizations shared with me that currently survivors of intimate partner violence often have to convince judges that they are being targeted, and quite often cases get thrown out.

We heard many of these examples here this evening. Further to survivors having to convince judges when being targeted, women's shelters often have what's called a protection order designate. This is someone specifically trained to provide correct terminology, so that when a client brings a case to the JJP, it is accepted. But it is a terrifying reality that so many survivors of intimate partner violence have to face.

This legislation takes a closer look at ensuring sexual assault, intimate partner violence and coercive control is properly assessed in cases with protection orders. It also helps officials view and consider scenarios more from survivors' perspective; merely an additional lens as a tool.

Currently, the process to obtain a protection order can be invasive, often difficult, degrading and challenging to remember the details. Survivors are often forced time and time again to retell and relive traumatic situations. The reality is many survivors have traumatic brain injuries, PTSD from situations

like this, and the longer it goes untreated, the more difficult it becomes.

I want to make very clear and to name that I am a strong believer in the rule of law. However, we need to put people's safety first. And my hope is that those in our legal system see this legislation as a tool and a resource, the way we've seen it be very positive and have very positive impacts in both Ontario and nationally.

I'm exceptionally encouraged by the positive support from my colleagues that have been received thus far from both sides of the House. I know on April 16, 2024, my colleague who is in government from Kirkfield Park said introducing sexual assault training will contribute to the creation of culture within our justice system that encourages survivors to come forward. I can also reference my colleague who is part of the official opposition party, the member from Brandon West, who said on April 16: Judges and JJPs are highly trained independent members of our judicial system, but providing them more tools to work with will only help to strengthen our Manitoba judicial system and it will only prove to further support our vulnerable women population within Manitoba.

Honourable Chairperson, I believe the support for this legislation is here. It was nationally, by all political stripes. It was provincially, in Ontario, by all political stripes. And I'm hopeful that it will be provincially here in Manitoba, too.

Lastly, I just want to thank all of our presenters who made the very brave decision in being so vulnerable tonight, for sharing their comments, for submitting written statements. I've heard many of your stories and many of your experiences through navigating the system, and this is not an easy subject, especially to present publicly, and I want to commend you on this and acknowledge your bravery.

Thank you.

The Chairperson: We thank the member.

Does any other member wish to make an opening statement on Bill 209?

Hon. Matt Wiebe (Minister of Justice and Attorney General): I just want to once again thank our presenters who took the time to be here in the Legislature, in the people's building, this evening, sharing some incredibly difficult and touching stories and incredibly personal stories that I think I can speak on behalf all members of the committee, I think

touched all of us and certainly had an impact this evening.

This is a unique process here in Manitoba to invite members of the public to come in to share their lived experience, share their expertise over a number of subjects. And it really is one that we value as legislators. We oftentimes get, you know, very involved in our own political machinations here in the building, and it's so helpful to have individuals who can come in and share their specific experience that helps shape how we move forward on legislation.

I take the lived experience stories that we heard tonight very seriously and to heart, and I think we've learned a lot from those, and I've been making notes and I know others have as well. So I look forward to hopefully incorporating those in the process going forward.

I also take the advice of the legal community and the professionals and those representing the judiciary here tonight very seriously as Attorney General as well, and I think it's very important for us to weigh those comments and those suggestions very, very carefully.

So I just want to once again thank those who have taken the time or spent the time here in committee this evening to help us do our jobs better to bring forward legislation that will be truly reflective of the need out there and ultimately to make our justice system stronger. I think all members can agree that's where—what we want to do and where we want to be, where we want to land. So I hope that we can work together and we can find a path forward that satisfies the concerns that we've heard tonight and does so in a very helpful way.

So thank you very much, Mr. Chair, and thank you to all the presenters.

Mr. Wayne Balcaen (Brandon West): I think it's very important to thank all of the presenters tonight, everybody who came out shared their story, were brave. And I know from experience it is not easy. It's not easy to admit that is happening to you. It's not easy to say this is something that's happened in my life and in my family, and I know it from experience. So thank you for your time and for your energy, your advocacy that was put in tonight.

I've heard these stories over and over again in my career. Unfortunately too many, and one story at a time during very difficult situations and investigations, again, as a—over the course of 30-plus years.

I know that it's also mentally and emotionally injurious to all people who have to listen to this. They live vicarious—or they have trauma vicariously through hearing of these stories and reliving a lot of the events that may have triggered this. So my advice to everybody is make sure that you take care of yourselves afterwards so that this does not linger and take a negative toll on each and every one of us at this committee, as well as anybody who's listened online and anybody that's been here.

Just want to quote, I believe it was Esther Mordechai. And she said I hope you all take all of this testimony under advisement and this bill will pass.

* (22:00)

I think it's very important that this move through our legislative process and that it passes because it can save lives, it will save lives and it will be important that we set the groundwork so that these lives can be changed.

And with that, I fully support this bill, and I hope to see it come to royal assent during this session.

Thank you.

The Chairperson: We thank the member.

Are there any other members of the committee with statements?

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.

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

Thank you.

Bill 16—The Regulatory Accountability Reporting Act and Amendments to The Statutes and Regulations Act
(Continued)

The Chairperson: And with that, we will move to Bill 16.

Does the minister responsible for Bill 16 have an opening statement?

Hon. Matt Wiebe (Minister of Justice and Attorney General): I do.

The Chairperson: Minister Wiebe.

Mr. Wiebe: Good evening. I'm pleased to be here to see Bill 16, The Regulatory Accountability Reporting Act and Amendments to the Statutes and Regulations Act, through the committee stage.

This bill brings forward amendments that will provide an efficient and effective regulatory accountability scheme for Manitobans. Although this bill repeals The Regulatory Accountability Act, we as a government remain committed to the principles of regulatory accountability and engaging with Manitobans on the law-making process. This bill makes amendments to The Statutes and Regulations Act that will streamline the regulation-making process by reducing the minimum period of consultation from 45 to 30 days. We will continue to hear from the public and gather valuable input on how regulations we make affect them.

Removed—removing the legislative requirement to count and offset the regulatory requirements found in the law will streamline the law-making process further and allow us to make important decisions for the benefit of Manitobans in a timelier fashion. It does not mean we do not care about reducing red tape; it in fact means we found a better approach to how to go about doing that, an approach that benefits Manitobans by allowing us to focus our efforts on successfully developing and rolling out the programs and services that they need.

Red tape reduction is about removing 'duplicative' and burdensome regulatory requirements that hinder Manitobans' ability to access important government programs and services. We remain committed to ensuring that these requirements are kept to a minimum, but this recommitment does not require a law that compels us to do it in a way that imposes a significant amount of internal red tape and brings to a halt our ability to serve Manitobans in an effective and timely manner.

The act provides that we must report to the public each year on our strategies and initiatives to eliminate duplicative and inconsistent regulatory requirements. Our approach to regulatory accountability will shift to a qualitative approach, not a quantitative one. We want to continue to provide essential and needed programs and services to the great people of our province, but we want to do this in a more efficient and effective way. We will showcase all the great work our public servants do in this respect by sharing our success stories in our annual report to show Manitobans where they are benefiting from our efforts in red tape reduction with tangible examples and not

simply a report filled with meaningless charts and numbers that don't provide any information in a transparent and accessible way.

Thank you to our presenters this evening. Thank you to the members of the committee for their time. Thank you to you, Mr. Chair, and thank you.

The Chairperson: We thank the minister.

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

Mr. Wayne Balcaen (Brandon West): Like to take this opportunity to put a few on the record regarding Bill 16, The Regulatory Accountability Reporting Act and Amendments to The Statutes and Regulations Act.

Just for background, in 2017, the former Progressive Conservative government introduced a framework to manage regulatory requirements. It mandated government and Crowns to track and report on the number of regulations that existed and remove a regulation for every new requirement introduced.

We're trying to cut red tape. The Canadian Federation of Independent Business previously celebrated Manitoba's lead on this file, issuing it the Golden Scissors Award in 2018. No higher standard. And I'm very thankful that that was awarded to our previous PC bill.

Regulatory accountability is a cornerstone of effective red tape reduction and is a key principle of good governance. Governments are held accountable for their taxing and spending but also must be transparent and accountable in their regulatory efforts.

Manitoba has previously distinguished itself as a leader in red tape reduction and has been recognized in the past by the CFIB for its efforts, including pioneering the two-for-one rule. The former PC government also made considerable efforts to reduce physician administrative burdens in this province, and a report issued in March of 2024 noted Manitoba has exceeded its targets of reducing administrative work, including fulfilling—sorry, including filling out of all virtual and hard-copy forms to free up schedules so physicians can spend more time with their patients.

And for a government that is running and touting health care, I don't understand why they would want to remove such great legislation that helps physicians and people within the health system. Another big part of this bill actually passes the responsibility on to small business and to business in general rather than the government taking responsibility for this.

For a government that touts accountability, Manitobans are appalled. And for this reason, I would call on the minister to withdraw this bill, allow the golden standard to stay in place and support its removal.

Thank you.

The Chairperson: We thank the member.

Clause 1—pass; clause 2—pass; clause 3—pass; schedule A—pass; schedule B—pass; enacting clause—pass; title—pass.

Shall the bill be reported?

Some Honourable Members: Agreed.

Some Honourable Members: No.

The Chairperson: I hear a no.

Voice Vote

The Chairperson: All those in favour of the of the bill being reported, please say aye.

Some Honourable Members: Aye.

The Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

The Chairperson: In my opinion, the Ayes have it. The bill will be reported.

Recorded Vote

Mr. Balcaen: A recorded vote.

The Chairperson: A recorded vote? Sure.

A recorded vote has been requested.

A COUNT-OUT VOTE was taken, the result being as follows: Ayes 3, Nays 2.

The Chairperson: The bill shall be—[interjection] So the member on screen is not a committee member.

Bill be reported.

The hour being 10:10 p.m., what is the will of the committee?

An Honourable Member: Committee rise.

The Chairperson: Committee rise.

COMMITTEE ROSE AT: 10:10 p.m.

WRITTEN SUBMISSIONS

Re: Bill 209

One woman in Canada is killed every few days leaving intimate partner violence. Of those with children who are not killed or damaged beyond recovery, many end up in family court. Once there, we find that our requests for help are usually met with hostility and misunderstanding. Most of us end up losing custody of our children to those abusive men we tried so hard to escape. Some women never see their children again. Of course, the law supports us in principal, but in practice we find that so much is left to the opinion of the family court judge. There is no legal mechanism for parents to launch a child protection claim, so if child protective services opts not to (which is almost always the case if the father wants access) then the family court judge is the last bastion of protection for women and children in family court. It is therefore absolutely imperative that judges and other experts in the family court system are properly trained in family violence and coercive control.

Kate Rowswell

Re: Bill 209

I am writing to express my support for MLA Cindy Lamoureux's Bill 2090 / "Keira's Law" which will mandate intimate partner violence education and training for provincially appointed Judges. Thank you to this government for bringing Bill 209 to Committee. I had a pile of stats and facts ready but in the end I have decided to simply describe what I have seen over my 25 year medical career, most of which I have spent working as a family physician in the North End of Winnipeg.

I have seen the effects of IPV countless times. Children grow up witnessing and experiencing domestic violence and then repeat the cycle, thinking initially that they are in a loving relationship because that's what they know. When the abuse starts, people dealing with IPV think if they just work harder or behave better and appease the abuser, they can fix the relationship. By the time the person experiencing abuse realizes, often many years later, that their abusive partner WILL murder them and/or their children, they are unable to leave the relationship, due to being fearful and deeply ashamed, due to being isolated financially and emotionally, and due to being consumed by coercive control patterns. Once they do leave, their risk of being murdered is at its highest

point. I have seen patients of all ages and socioeconomic backgrounds, friends, and colleagues experience IPV, including many physicians such as my friend Dr. Jennifer Kagan-Viater whose daughter Keira was murdered by her father after a long court battle and for whom this Bill was nicknamed. I know this Bill cannot fix IPV magically in one fell swoop, but if there is any way of protecting these partners and children affected by abuse, it needs to be enacted emergently in order to prevent another generation of children repeating this cycle.

As I understand the legal system, Bill 209 will mostly affect IPV survivors living in rural Manitoba due to the location of provincially appointed judges. The research network RESOLVE, which stands for Research and Education for Solutions to Violence and Abuse, is an initiative based jointly at the University of Manitoba, University of Calgary, and University of Saskatchewan. RESOLVE reported last week that rural Manitoba has the highest rate of police-reported IPV in the country and a domestic homicide rate ten times that of urban areas. This year alone we have had at least two horrific domestic multiple homicides in rural Manitoba, one in McCreary and one in Carman. Every time these events occur, we all profess to be "shocked" and ask how this could happen, but we can't continue to be shocked when the events are this frequent. One woman is killed by her partner on average every single week in Canada (Source: The Canadian Femicide Observatory). Men are also murdered by their partners, though much less frequently, and 2SLGBTQ+ partners are at very high risk of violence as well. We have to stop reacting as if each domestic homicide is a one-off, and make meaningful proactive changes.

I do not presume to dictate how judges and Justices of the Peace do their jobs, but when there are crucial new developments in medicine with significant public safety implications, our College of Physicians and Surgeons does mandate our learning on these topics. The IPV crisis in Manitoba, and rural Manitoba particularly, merits such education for the legal teams involved.

I thank the Committee for your time and ask you again to advance Bill 209 to its Third Reading.

Sincerely,

Jennifer Chan, MD CCFP FCFP

Re: Bill 209

Family violence, including intimate partner violence and violence against children and dependents, defies rational thought. How, why, would someone do something terrible to a person they claim to love? While it can be a mystery in some respects, it comes about through patterns of behaviour and social constructs that can make a couple's, or a family's, circumstances seem superficially "normal" especially through the lens of one not apprised in its manifestations.

Acts of intimate partner and family violence do not come out of nowhere: there is always a lead-up of escalating tension, attempts to control and intimidation. Without an understanding of those parameters and how they can be incorrectly perceived as "normal" behaviours, a judge could miss or misunderstand important warning signs and be unable to take concerns seriously about safety of a partner or a dependent. It also may seem as though it is a rare and unusual occurrence when acts of family and relationship violence come to public attention, and yet it is actually common and pervasive. Judges are therefore certain to encounter cases of family and intimate partner violence repeatedly during their career, some overtly manifest, some much more hidden. A judge will undoubtedly be required to understand scenarios and the background to them when behaviours such as threats, coercion, isolation and humiliation are used to control another person, even though there exists a close, possibly even loving, relationship.

I have personal experience of family and relationship violence, most recently through the loss of a long-time colleague. As shocking as that loss was, it was made worse when I learned they had been threatened with that very act of violence for years. In hindsight it is not possible to say whether a different outcome could have been achieved. However the desire to work towards a society free of such sad acts compels me to advocate for additional training for judges in this important area. It is a path that could eventually alter outcomes for the better.

Thank you for the opportunity to present my considerations regarding Bill 209, and for the work that you do.

Ann Loewen

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