



HANSEN

Second Session - Thirty-Seventh Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Law Amendments

Chairperson
Mr. Doug Martindale
Constituency of Burrows



Vol. LI No. 1 - 7 p.m., Monday, December 11, 2000

ISSN 0713-9586

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren	Lac du Bonnet	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim	Assiniboia	N.D.P.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Joy	Fort Garry	P.C.
SMITH, Scott	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS

Monday, December 11, 2000

TIME – 7 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Doug Martindale
(Burrows)**

**VICE-CHAIRPERSON – Mr. Harry
Schellenberg (Rossmere)**

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Mr. Ashton, Hon. Mr. Mackintosh,
Hon. Mr. Robinson, Hon. Ms. Friesen

Mrs. Dacquay, Messrs. Jennissen,
Martindale, Murray, Pitura, Praznik,
Schellenberg

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

WITNESSES:

Mr. George Muswaggon, Private Citizen

Mr. Ron Evans, Chief, Norway House Cree
First Nation

Ms. Cecilia Osborne, Private Citizen

Mrs. Justine Osborne, Private Citizen

Mr. Dennis White Bird, Grand Chief,
Assembly of Manitoba Chiefs

Ms. Sandra Delaronde, Private Citizen

MATTER UNDER DISCUSSION:

Bill 5–The Helen Betty Osborne Memorial
Foundation Act

Mr. Chairperson: Good evening. Will the Standing Committee on Law Amendments please come to order. The first item of business before the committee is the election of a Vice-Chairperson. Are there any nominations?

Mr. Gerard Jennissen (Flin Flon): I nominate Mr. Schellenberg.

Mr. Chairperson: Mr. Schellenberg has been nominated. Are there any other nominations? I declare Mr. Schellenberg Vice-Chair of this committee.

This evening the committee will be considering the following bill, Bill 5, The Helen Betty Osborne Memorial Foundation Act; Loi sur la Fondation commémorative Helen Betty Osborne.

We have presenters who have registered to make public presentations on Bill 5. It is the custom to hear public presentations before consideration of bills. Is it the will of the committee to hear public presentations on Bill 5 first? *[Agreed]*

The names of the persons who are registered to make public presentations this evening are: Ms. Sandra Delaronde, Mr. George Muswaggon, Chief Ron Evans, Cecilia Osborne.

Is there anybody else in the audience who would like to register or has not yet registered and would like to make a presentation? If so, would you please register at the back of the room. Just a reminder that 20 copies of your presentation are required. If you require assistance with photocopying, please see the Clerk of this committee.

Before we proceed with the presentations, is it the will of the committee to set time limits on presentations?

Mr. Jennissen: I wonder if we might consider as a group, the tradition has been 10 minutes for presentations and 5 minutes for question and answer, but many of these people have travelled long and far on a cold night and maybe the Chair would wish to show a little bit of leeway and a little bit of discretion and perhaps be a little more flexible. I wonder if the rest of the committee would agree with that.

Mr. Darren Praznik (Lac du Bonnet): I think, given the content of the bill and the history behind it, it is very important to give people an opportunity to make their comments, particularly a member of the Osborne family. So I think we would agree with the member for Flin Flon that it would be appropriate for the Chair to show some discretion. Obviously, if someone is here to speak for two or three hours, that would not be appropriate, but certainly to have a chance to comment on the bill and some of the history around it is certainly a very worthwhile exercise for us here and for, I think, the historical record that this bill and certainly these comments will become part of.

Mr. Chairperson: It is agreed then that there will be no time limits tonight but the Chair can use his discretion.

We do have some out-of-town presenters here this evening. Is it the will of the committee to hear from out-of-town presenters first?
[Agreed]

Did the committee wish to indicate how late it is willing to sit this evening?

Mr. Praznik: I think our intent tonight—this particular piece of legislation has come before the Legislature with the unanimous consent of all three parties—that our purpose tonight of course is to see the bill move through committee. We might want to reassess things at ten o'clock if we are still sitting, but our intention would be to complete the work of this committee this evening.

Hon. Steve Ashton (Minister of Highways and Government Services): Yes, I would suggest perhaps even eleven o'clock, I think, might be a good time to assess just in case we are running

late, but I do not think we will have any difficulties.

Mr. Chairperson: It has been agreed that we will reassess the situation at a later hour.

The first out-of-town presenter is Mr. George Muswaggon. Would Mr. Muswaggon come to the podium, please? Mr. Muswaggon, do you have a copy of your presentation or are you doing this orally?

Mr. George Muswaggon (Private Citizen): Orally.

Mr. Chairperson: Thank you. Please proceed.

Mr. Muswaggon: Mr. Chair, members of the committee, the Osborne family, the leadership present, I apologize. I am unable to make a copy of how I feel, but I will do what I can to express my views on the bill that you are considering.

First and foremost, I want to indicate that I am an extended family member of the family, and I at one point in time had the occasion to be a part of the process that I think has ultimately led us to this day. I will explain to you what I think I saw in the exchange between the sister of the late Betty Osborne, the meeting of the sister and Dwayne Archie Johnston, but I want to clearly indicate that I stand before you to speak in favour of the bill that you are considering.

For a moment, though, I want to speak to the non-Aboriginal members of the committee. Imagine, if you will, the number of times greater and the likelihood you are to come across the justice system of which, to the Aboriginal people, has very little justice. We would like to believe that justice is supposed to be blind, but unfortunately it is not, particularly if you are of Aboriginal descent and particularly if you are a person of colour. I do not say that lightly. I say that for the very reason that the justice system was already there before we were even considered citizens of this country. So how is it that it can adequately consider our concerns when up to a certain point in time we were not considered members of this country?

* (19:10)

I think this whole unfortunate incident in our time in history reminds us of that. There came the day when the sister, Cecilia Osborne, met one of the perpetrators in this case. To try to explain what was accomplished in a very simple healing circle ceremony would be very, very—I would be hard-pressed to try to explain to you what was accomplished there. What I do realize, though, is I believe we got more out of the one gentleman who has done time for this crime, I believe we got more out of him in one morning in that ceremony or in that process than the justice system was able to in far too many years that were allowed to elapse before anybody was brought to justice, and far too many years for the healing to begin for the family.

The sad part about all this is I recently participated in a human rights conference that talked about victim rights and accused rights. Well, what do you do if you have become both? The brothers of the late Betty Osborne have done more time in jail than any of the perpetrators of this one crime. What does that say about our system?

Having said all that, we are here today, I think, to take one small step as we may see it today. Rather, I see it as a very monumental step to integrate and welcome the Aboriginal people into the province. We cannot continue to pay lip-service to the Aboriginal community when the time suits our needs. I believe this bill will go a long way to provide opportunity to those who will be privileged and considered to reap the benefits, however small.

I now work in child welfare, and I see every day the despair that our families face. I see every day the lack of hope that they have. As I said, however small it may be to those considering this bill, it is hard to imagine what a small piece of hope extended to the less privileged, however much that means. I would hope the committee would consider the price that this family has paid, and I cannot encourage the committee enough that once it is in place, that it does not get wrapped up in any layers of bureaucracy, because that is all we face every day. I do not think it will do justice to what we are trying to do if it gets covered up in bureaucracy, and why should it? This small token of remembrance, an extension of justice, I think, is far overdue.

Therefore, to eliminate the processes and shorten the processes however they will be set up, I think, would be more appropriate.

With that, I want to thank the committee for having brought this bill this far. I also want to extend my thanks to Minister Robinson for the initiative that he took when he sat on the opposite side of the House to facilitate, ultimately, what has brought us here today.

Lastly, I just want to say that it would have been appropriate, I believe, for us to hear from the brothers. I notice the bill speaks to the issue of violence, violence against women, but it begs the question what happened to the members of this family, to their men, and what they lost in the process, and what they lost in the process and the anger that they demonstrated towards the system, a system that did not bring justice to the loss of their loved one. They, too, need consideration, because as I said they, combined, the brothers have done more time than all the men put together in the crime that we are making reference to here.

So, with that, I want to close off by saying thank you for your consideration, and let us get it done. Thank you very much.

Mr. Chairperson: Thank you, Mr. Muswaggon. Are there any questions for the presenter? Thank you. The next presenter is Chief Ron Evans.

Mr. Ron Evans (Chief, Norway House Cree First Nation): Mr. Chairman, to the committee, I do not have a written presentation.

Mr. Chairperson: Sorry. I need to recognize you first for Hansard. My mistake, Mr. Evans. Please proceed.

Mr. Evans: Thank you, Mr. Chairman and committee. I do not have a written presentation to present to you. I just want to acknowledge and give you thanks for the opportunity to stand before you and also to the members of the Osborne family, from my membership, and to the others.

I am here for three reasons. One is to speak and give support to the bill, give support to the

Osborne family and also to extend our gratitude to Minister Robinson.

It has been a long and a difficult process for the honourable Minister Robinson and also for the family. As a leader, it has been very difficult for myself as well as a Chief to really participate to get very involved in the process. It was very sensitive for myself. I wanted to be sensitive to the feelings of the family. We did not want to push the issue too much when it was very hard for the mother when she wanted to put the issue to rest. She wanted her daughter to rest in peace, and so forth. Some of those who were involved wanted to see that justice prevailed. As a result, we are here this evening.

I know that in our understandings of who we are and how we see each other about the meaning of life and how precious it is, we want to believe, each one of us, that our purpose in life is to bring happiness and to be of help to others, to our fellow human beings. We want to believe that our lives have a sense of purpose, and if for some unjust reason it is taken away, then something good is lost where we are unable to fulfill the will that has been there for us to ensure that we can fulfill our purpose.

Although the bill in itself does not, as has been stated by the Minister of Justice (Mr. Mackintosh), restore the life that has been taken, what it does is it allows for that life to bring benefit to other people, to others, and for what Helen Betty had believed that she wanted to do, it is accomplished through her beliefs, through her tragic death that had taken place so many years ago. That is why we speak in favour of the bill as a community. As the community of Norway House, we want to express our gratitude as well for seeing that justice is done. It has taken some time. It is something that I know that perhaps many felt we would never arrive at this point in time this evening, and I want to again give our gratitude and our thanks. I want to thank the minister for his perseverance, his determination that justice be done.

So for those reasons, I came here this evening with council members and other members of the community to come and give support to the bill and to the Osborne family and

also to extend our gratitude to the minister, Mr. Robinson, and also to the committee. Thank you.

* (19:20)

Mr. Chairperson: Thank you for your presentation. The next presenter is Ms. Cecilia Osborne. Please proceed when you are ready.

Ms. Cecilia Osborne (Private Citizen): Good evening. I would like to thank the committee for honouring my sister with a scholarship fund. Eric Robinson led us through a difficult time in our lives, helping us every step of the way. He went to Vancouver, has shed a lot of light in our lives for the first time.

I guess, if I did not go to Vancouver to meet Dwayne Johnston, I would have been still—I guess what I am trying to say is to heal for me, try to understand, understand his life, just like, very similar, his life like mine and how, well, for me it was with anger and just trying to live, just kind of survive. I did not know this was really the thing that was holding me back in life. My family, my brothers and sisters, it is still very difficult for my brothers and sisters, not understanding. I guess in a way I am lucky that I met Dwayne Johnston to try to understand what went through that night. I am just trying to heal from that. It is very hard, making a lot of mistakes on the way, not understanding. I do not know how to deal with it.

When I went to The Pas, when they were celebrating the life of my sister, it was hard to go there. The first time I have been there to the place where she was laid to rest, it was the longest trip in my life going from The Pas to Clearwater Lake. I could not imagine what my sister went through. Thank you, everybody.

Mr. Chairperson: Go ahead whenever you are ready, Mrs. Osborne.

Mrs. Justine Osborne (Private Citizen): *Cree spoken.*

* (19:30)

Mr. Musswaggon: She says, "I am happy to be here to speak to you. I do not often speak like this. I am very grateful for the endeavour that

you are about to take so it will provide opportunity to young people, just like an opportunity that my daughter pursued when she was alive."

Mrs. Osborne: *Cree spoken.*

Mr. Musswaggon: She says once again that she is grateful for what is being done. As well, she says she hopes that this process will be seen through and she hopes that it concludes. Then she mentions that at one point in time she had thought that it was over, that there was closure and that there would be no more discussion about her daughter so that the healing can begin and the family would have closure. But she says she is thankful for what you are doing and she hopes that the process can conclude.

Mr. Chairperson: Thank you, Mrs. Osborne, and thank you, Mr. Musswagon, for translating. The next presenter is Grand Chief White Bird, Assembly of Manitoba Chiefs.

Mr. Dennis White Bird (Grand Chief, Assembly of Manitoba Chiefs): I do have a three-page handout of my presentation that I could circulate. However, I would like to use it first before I leave it with the guy in the back there, whatever his title is.

Mr. Chairman and members of the committee and members of the Osborne family, honoured guests, it is a good evening in spite of the cold. I have had the opportunity to share in my travels today with members of the community in Little Grand River, where they suffer from a lot of injustice. Before I go into that, I want to take this opportunity to thank the committee members for this opportunity to share on the matter of The Helen Betty Osborne Memorial Foundation Act, which I understand has not yet received royal assent.

The Assembly of Manitoba Chiefs is pleased that The Helen Betty Osborne Memorial Foundation Act was introduced to the Legislative Assembly to receive its second reading.

The Assembly of Manitoba Chiefs fully supports the Osborne family in the establishment of the foundation which will be in Helen Betty's

name. Helen Betty Osborne was a First Nation youth who had aspirations of pursuing a career as a teacher through post-secondary education. It is only fitting that a scholarship fund be developed to foster post-secondary education for Aboriginal youth.

We welcome this opportunity of establishing the Foundation, as it will not only honour the memory of Helen Betty, but will serve as a reminder that injustices on Aboriginal people will not be tolerated. The Assembly of Manitoba Chiefs is pleased that the foundation will also provide Aboriginal youth with the opportunity to pursue a post-secondary education.

It cannot be emphasized enough that there are many Manitoba Aboriginal youth who want to go to university or colleges but who are unable to pursue their dreams because they or their families do not have the financial resources. The Helen Betty Osborne Memorial Foundation legislation will give Aboriginal youth the opportunity to pursue their dreams of continuing their education.

The establishment of a foundation in the name of Helen Betty Osborne is viewed as a positive step towards beginning to address and correct the injustices that have been and continue to be inflicted on and experienced by First Nations people in Manitoba.

We recognize that there have been some positive changes within the justice system for Aboriginal people, but we also recognize that much more still must be done to effect positive change and much needed improvement to our current justice system.

We are also pleased with the initial donation of \$50,000 made by the provincial government toward The Helen Betty Osborne Memorial Foundation Act. It is hoped that other levels of government, corporations, organizations and citizens will follow the province's lead and contribute to the memorial foundation as the public can make tax-deductible donations to the memorial foundation through the Department of Justice.

The AJI report was completed in 1991. Mr. Chair, two AJI commissioners were appointed to

investigate, report and make recommendations respecting the relationship between the administration of justice and Aboriginal peoples of Manitoba, and to investigate all aspects of the deaths of Helen Betty Osborne and J. J. Harper. A year ago, the current government announced the formation of the Aboriginal Justice Implementation Commission under the leadership of Paul Chartrand and Wendy Whitecloud with the elders Doris Young of The Pas and Eva McKay of Sioux Valley as their assistants.

The Aboriginal Justice Implementation Commission is responsible for monitoring and assisting government implementation of their recommendations contained in the AJI report. We have received progress reports from the Aboriginal Justice Implementation Commission and are pleased with the progress they have made to date. We hope that the Aboriginal Justice Implementation Commission will continue to work toward implementing all of the important recommendations contained in the AJI report, including the recommendations in Volume 2 of the report. As you may or may not be aware, Volume 1 of the AJI dealt with recommendations for change for the administration of justice in Aboriginal people. Volume 2 deals with the murders of Helen Betty Osborne and J. J. Harper.

I am confident that by working together we can achieve a justice system that is fair for Aboriginal people, particularly a justice system that incorporates traditional values and restorative and holistic approaches that Aboriginal people are able to administer their own traditional justice systems within their communities.

With that, Mr. Chairman, I want to thank you for giving us this opportunity to state our support for the foundation, and we certainly hope that in the future we do not have to continue to do this. We know that First Nations people in the justice system is a major conflict for our people. It is very unfortunate that we have to have a murder such as Helen Betty Osborne or a murder such as J. J. Harper to trigger that we have to do something with justice. With that, I want to thank you very much, and I will have this at the back. Meegwetch.

Mr. Chairperson: Thank you, Mr. White Bird. The next presenter is Ms. Sandra Delaronde. I apologize for not calling you as the first in-town presenter since you registered first. Please proceed.

* (19:40)

Ms. Sandra Delaronde (Private Citizen): Thank you for the opportunity to speak to Bill 5, The Helen Betty Osborne Memorial Foundation Act, this evening. I want to thank especially Mrs. Justine Osborne for being present tonight.

Like the rest of the presenters and not unlike the Osborne family, I have been personally touched by the death of Helen Betty Osborne. Growing up in the town of The Pas, it was a cold night just like tonight, very cold the night that she died, but I remember as a young girl having to run to the arena at six o'clock in the morning because that is the skating time girls got and being afraid every time you saw a headlight because that could be the murderer of Helen Betty Osborne, and we grew up with that. All the children in The Pas grew up with that, not knowing exactly who the murderer was but making assumptions about who it might be.

Needless to say, the view towards white men was certainly clouded by that death, but like the Osborne family, many of us have fought with them and alongside them and have prayed with them and, in that, have gained our own sense of peace and our own sense of healing. Really, that is what this act speaks to. It speaks to a new way of understanding justice, a new way of understanding how we live together, how we accept ourselves as men and women and as people of different nations and how we can all live together.

The bill speaks to the fact that the Aboriginal Justice Inquiry had found that the murder of Helen Betty Osborne was marked by racism, sexism and indifference. It is my hope, with this foundation and the work that can go on through the promotion of the memory of Helen Betty Osborne, that we can really focus on eliminating the racism and sexism and indifference in our society. That becomes part of an education system that is something that can be taught to teachers as they are learning to be

educators in the universities and colleges, because we know that racism is something that begins when children are young, and the only way to combat it is to work with those that are affected.

It has been a real privilege and an honour for me to have worked with Minister Robinson and Cecilia Osborne over the last several years in the healing process that they have gone through and quite an event this summer that, while it took 16 years for the justice system to bring the accused to court, it took 27 years before the Government acknowledged that the justice system had failed, in all aspects, the Osborne family, and they want to thank Minister Mackintosh for the courage to make that statement, to truly follow up with this foundation to find a way to assist the family in continuing, in a greater way, their healing process.

As well, this summer, there was the celebration of Helen Betty Osborne's life, and you can see the immense love and the depth of healing and forgiveness when you look at the Osborne family, to hear Cecilia tonight speaking about meeting Dwayne Johnston is not something—and, you know, to say she was fortunate and lucky to meet him. It is not often that you will find victims of such a horrendous crime talking about that as being fortunate.

I think there is something that we can all learn as a society and as a province in that we can take the lessons that the Osborne family have learned and, being guided by Minister Robinson through a traditional Cree process, to recognize that the foundation is important. It certainly brings closure, but healing is a lifelong process, and we need to continue to walk with the Osborne family and others that are victims of the justice system in helping them to bring closure to the difficulties that they have faced. Thank you for the opportunity.

Mr. Chairperson: Thank you for your presentation. That concludes the list of presenters I have before me this evening. Are there any other persons in attendance who wish to make a presentation? Seeing none, is it the will of the committee to proceed with the detailed clause-by-clause consideration of Bill 5?

Does the minister responsible for Bill 5 have an opening statement?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I would like to defer to Minister Robinson, and then I will have a few comments as well.

Mr. Chairperson: Is the committee willing to let Mr. Robinson speak first? [*Agreed*]

Hon. Eric Robinson (Minister of Aboriginal and Northern Affairs): If you will, I would like to speak my own language. I will interpret for myself.

Cree spoken.

Mr. Chair, I want to thank all present tonight, including fellow committee members, particularly our visitors from out of town. Tonight we are marking a very special milestone in the quest for justice. We believe certainly on the Government side that with The Helen Betty Osborne Foundation Act the Manitoba Government is formally acknowledging the unfortunate mistakes and making a determination to make sure the name of Helen Betty Osborne will live on for a long time. I believe that for all of us her senseless murder will haunt us forever. At this committee her family has gathered to put their thoughts on the record and to once more stand up for her rights and for the dreams that she had.

I would like to salute them, and I am sure I speak for my colleagues, for their courage and determination against the great obstacles and terrible suffering that they have endured. The indignities that they have faced and lived with for decades are difficult to imagine. This past November 13 would have marked 29 years since Betty Osborne died at Clearwater Lake near The Pas. We can only hope that no other family member or any other family, for that matter, will ever have to face similar circumstances in the years to come.

If we have learned anything from the Aboriginal Justice Inquiry, it is that there are many more victims of the justice system than most people realize. Sadly, most victims and their families suffer in silence, and their stories

are never heard by the general public. The Osborne family has shown amazing dignity and perseverance as they have waited for justice to occur following the loss of their sister, their loved one.

Betty, as everyone knows now, wanted to be a schoolteacher, and the bill that we are dealing with makes it possible for many Aboriginal people to become teachers, a goal that I know we all share.

In the struggle to get justice for the Osborne family, there have been countless volunteers and supporters who have helped along the way. Some of them are here tonight, including Norway House Chief Ron Evans, George Muswaggon, former Grand Chief of the MKO, Freda Albert of the Norway House Women's Wellness Circle. I thank her for travelling to Winnipeg to be with us.

Chief Evans and Freda Albert travelled with us to Abbotsford, British Columbia, in 1995, early on, when we tried to convince the Pacific region of the National Parole Board that they were ignoring the Osborne family, and even the Aboriginal Justice Inquiry report more so with Aboriginal people in this province when they decided to grant day parole to one of the four assailants in the abduction and the murder of Helen Betty Osborne. It was Freda Albert and the other women from the Norway House Women's Wellness Circle and dozens of volunteers who supported the original Walk For Justice in 1995, and it helped move the cause forward. I want to congratulate these women and all the others who were involved for their efforts in raising awareness of this issue and standing up for justice and standing up for women and standing up for Aboriginal people generally.

The two-day meeting that was held in Norway House in January of 1996 with the National Parole Board, the Pacific region, was indeed an historic day for the National Parole Board and for victims in Manitoba and elsewhere. It was the first time that the Parole Board from the B.C. region, the Pacific region, and perhaps for the other regions that the National Parole Board is a part of, had gone out of their own area, out of their own province in

this case, to listen to victims and to other people affected by a major crime.

George Muswaggon, then the Grand Chief of MKO, also travelled with us to British Columbia and with former AMC and AFM Grand Chief Phil Fontaine and Cecilia Osborne along with Cindy Gamblin for the historic first meeting with the offender that was spoken about by the witnesses tonight.

* (19:50)

At that meeting he confessed to Cecilia about his recollection of the murder on November 13, 1971, and gave that same statement to the RCMP. Phil Fontaine wanted to be here tonight, but, unfortunately, he could not make it back to Winnipeg on time to speak to us at this time. He wanted to convey his feelings on the bill earlier today. He spoke with members of our staff, and he wants us to know that he strongly supports the intent of this legislation. Allow me to say too, Mr. Chairman, I am very pleased to see Grand Chief Dennis White Bird with us tonight representing the First Nations people of this province. The AMC, indeed, have long been supporters to the Osborne family.

I spoke earlier today with Chief Frank Whitehead of the Opaskwayak Cree Nation who also strongly supports the bill and told us that he wished that he could be here to express his views in person, but, unfortunately, because of circumstances requiring him to deal with issues at home, he is unable to be here tonight.

There are many others, both in the audience tonight and those who have written or called expressing their support for this foundation, that I would like to give thanks to on behalf of my colleague the Minister of Justice (Mr. Mackintosh), whom I, too, would like to commend for pursuing this matter to allow us to be here tonight to talk about Bill 5.

I also want to refer to what I said earlier in the House during second reading, that I received a letter from a woman by the name of Barbara Malloch from Westmount, Québec, again supporting the Osborne family for the terrible time that they experienced since 1971, all the while feeling that they had never received the

proper justice due to them. I thank her on the record for her kind words and the contribution of \$1,000 that she made to the fund that we are talking about today.

As Mr. Muswaggon said earlier, many of the family endured great hardship following the death of Helen Betty Osborne, causing a separation in the family. I do not want to get into much detail about that, but there are a number of siblings that Betty left behind. She was the eldest of all the children of Joseph and Justine Osborne. It is unfortunate that the late Joseph Osborne, the father, passed away prior to him witnessing this day. He passed away in March of 1998, I believe. He would have been indeed proud of us as legislators and proud of his family members that are here tonight to speak with us about some of the things that are still in their hearts about their loved one that has gone on to the spirit world, as we call it.

I wanted to give thanks to the students of the Keewatin Community College who took it upon themselves last spring into last summer for erecting a monument honouring the memory of Helen Betty Osborne as well. It was at the site of the old Guy Hill Residential School, a place that Betty Osborne also attended prior to her transferring to the Margaret Barber Collegiate in the town of The Pas.

It was also my pleasure to accompany members of the family to go visit Betty Osborne's last resting place at Clearwater Lake on that same day, July 16. I give thanks to those many people from Keewatin Community College. They did that on the day that would have been the 48th birthday of Betty Osborne, July 16. Betty Osborne was born on July 16, 1952. I do thank sincerely the people that have come out on this very chilly evening to be with us to support what we believe, on the Government side, to be a bill that is worth unanimous support from the Manitoba Legislature, and I do thank you for permitting me to say a few words.

Mr. Chairperson: Thank you, Mr. Robinson.

Mr. Mackintosh: First of all, I want to thank the presenters and those who came from far away to be here today. It is this kind of circumstance and

development that can remind all of us that this is everyone's Legislative Building and the issues that are dealt with in this building must be issues for all Manitobans. I think the issue here in this room tonight reminds us all of the importance of inclusion, of thinking of matters that have long been outstanding and need redress.

I also thank those who came here today that did not speak but are showing support for what is happening here today as well as support for the family and for the process of healing that must progress. In particular, though, I welcome the family. The first time I met the family was in 1995 after the Walk For Justice. Minister Robinson was there, and so many others were there. I suspect many here tonight were there in this very same room. This room was packed to the rafters that late afternoon. It was a very important moment in my life as a legislator to be here and to witness first-hand the ongoing pain and sense of injustice surrounding this tragedy. We have to acknowledge and take time out to reflect on the pain that the family has suffered over a long, long period of time and how we all have a role to play in trying to address that pain and be part of the healing process of which this bill is one part.

* (20:00)

Earlier this year, we met in a public place with Cecilia, and I gave an apology. Others in the family were not here. Mrs. Osborne was not here, and I just wanted to read that again to the family, face to face, and to those in the band and council, from community and others. The circumstances in which your family lost Betty are not only tragic, they are senseless and incomprehensible. Not only that, but what happened afterwards in the community compounded the tragedy. Many parts of the justice system failed Betty. I have looked at the steps that my own department took at that time, and I am far from satisfied that we did everything that we could. I think there are a number of things that we could have done that would have helped in bringing real justice to the case and bring a sense of closure for you and the family, if that is at all possible.

On behalf of the Government of Manitoba, I wish again to express my profound regret at the

way that the justice system as a whole responded to the death of Betty and to apologize for the clear lack of justice in her case.

I also want to acknowledge the relentless pursuit of justice by Minister Robinson. I have sat next to him in the Legislature for six years in Opposition and received his regular reports from his visits, his healing process with the family, and his visits to British Columbia in dealing with Dwayne Archie Johnston. It is a remarkable commitment to pursuing what was right in this case, and it is a very large reason, that is Eric's involvement, that we are here tonight. I want to acknowledge that, not only was he driven to pursue healing and justice for the family and the community and for Aboriginal Manitobans, but all Manitobans and victims of crime in general.

I also want to acknowledge the co-operation of the opposition parties in bringing this matter forward on a consent basis because, without that consent, we, again, would not be here tonight, and we would not be able to put in place the foundation and the benefits that can flow and the message that can flow this coming graduation season.

I want to thank the family for their specific input into the bill. This was a great co-operative effort, and people reading the bill and perhaps enjoying its benefits in the future and reflecting on its meaning may not know the work that went into the legislation. I thank the department; I thank Eric and the family, in particular, for the great work they did.

Finally, I just want to say that the insights offered here tonight in this room are historic. I wish all Manitoba was here to capture those insights so that this bill can really do the work for which it is intended, and that is to help heal and to provide a constant message and reminder that justice is often a difficult but necessary pursuit that takes all of us to engage in.

Mr. Chairperson: We thank the Minister. Does the critic from the Official Opposition have an opening statement? With agreement of the committee, Mr. Murray.

Mr. Stuart Murray (Leader of the Official Opposition): I also certainly would like to thank

the presenters and to welcome the family. It is always very moving when you have an opportunity, I guess, to reflect on what is most precious in society, and that is human life. I am very new to this process, and I can tell by the few moments I have spent listening to all the people who have spoken that learning is something that is also very precious.

I think tonight, through the comments that were made, I certainly learned something. This opportunity is one that is historic, and I just want to send my deepest sympathies to all involved. I want all of you to know that we feel very strongly, that we are very pleased to participate and ensure that this bill receives speedy and just passage as it is deserved so that students can benefit in the next school year. Thank you very much.

Mr. Chairperson: Thank you, Mr. Murray.

Mr. Praznik: Mr. Chair, Mr. Murray has spoken on behalf of our group. I was wondering at one point—I have one question for the minister before we get into clause by clause. Will committee entertain the question?

Mr. Chairperson: Yes. Please proceed, Mr. Praznik.

Mr. Praznik: Yes, Mr. Minister, I do not mean in any way to put the minister on the spot. I would like to add my congratulations to the Member for Rupertsland, the Minister of Aboriginal Affairs (Mr. Robinson), who I know, during his time in Opposition, worked very, very hard on this particular matter with the family, and he certainly deserves the respect of all of his colleagues for his contribution on this matter and in pursuing it. I would like to add ours as well to those congratulations tonight to him for his work, his persistence, his caring and his devotion, certainly exemplary.

My question to the minister, and again I do not mean to put him on the spot, under the terms of the bill, there is opportunity, certainly, for the Lieutenant-Governor-in-Council to be appointing the first board to oversee this foundation. We were wondering at this time if the minister had nominees already in mind for appointment to that board and whether or not he was

considering or would be recommending to Cabinet a member of the family or from the Osborne's home community, a member from that community being part of the board. What is his plan on the composition of the board? We were just wondering if he could give us some insight into that this evening.

* (20:10)

Mr. Mackintosh: First of all, the act—this is in a related matter—does provide for staggered appointments of the board of trustees in order to ensure continuity, in other words, to ensure that trustees will be able to act over time, learn from experience and develop a very strong foundation. Mr. Chair, in terms of the particular appointments, work has begun already on considering what kind of representation should be on the foundation. I understand the family has been consulted on this and that the family will be represented on the foundation. As well, we think it is important that there be a member of the community on the foundation, and we have considered representation from the justice system on the foundation.

What we will do early in the new year is hopefully conclude that process and announce the body so they can get on with the important work that they have ahead of us. Of course, the initial membership on the foundation will be very important in establishing the criteria and the details of the awards under the act.

Mr. Praznik: Yes, I have just, I think, two other questions. I would ask the minister that, given the intention of the Government as announced for an initial grant of some \$50,000 to be matched by others, knowing that the costs of administration, particularly if members have to travel, knowing the cost of travel in the North, that that could consume a significant portion of the original grant. I may have missed it, but perhaps the minister could just give us a sense tonight of the plans around the administrative costs, at least in the beginning, to ensure that the \$50,000 grant is not consumed with travel costs. Will these be covered by the department or some other source to ensure that the full grant stays available, at least until it is large enough to support itself administratively.

Mr. Mackintosh: We think it is very important that the amounts that are contributed, whether by the Province or by individual donors, to the foundation, go to be used for the purpose for which the foundation is intended. Therefore, a decision has been made that the administrative costs of the foundation will be borne by the Justice Department and will not be a drain on the invested amount of the foundation.

Mr. Praznik: I would also ask the minister that, given that we are in the last month of this particular tax year, and I would imagine by the end of the week, all going well, this bill is likely to receive royal assent and be in a position for the foundation to be created. Of course, it does come into effect on the day it has received royal assent—if the minister perhaps could use this opportunity to indicate any arrangements that his department has put in place to ensure that any potential donors to this fund are able to make a contribution to it in this particular tax year so that those dollars are not lost, and I would also ask him as part of that: Have any arrangements been made with the federal government to ensure that a taxable benefit is available to any contributor? I raise that because of the publicity surrounding this bill, and certainly the interest in the public may result in an initial interest of contributions.

The Minister of Aboriginal Affairs (Mr. Robinson) has referenced a contribution that was offered already. I just wondered that, with the committee tonight, it is an opportunity to indicate what steps have been taken to ensure that the tax status is available for this tax year for any potential contributors, and that there is a vehicle in place, I would think, as of Friday afternoon to receive any contributions that will, in fact, be coming towards this fund so that they are not lost between now and the 31st of December.

Mr. Mackintosh: I am advised that the department has looked at this issue of tax deductibility, and I am advised that tax deductible donations can now be made in respect of this current year. There have been discussions, I understand, with the Winnipeg Foundation as well as the federal government with regard to the different regimes and a review of the tax status in particular. Just to correct myself, it was patterned after the Manitoba

Foundation. I think that deals with the question raised.

Mr. Chairperson: I recognize Mr. Gerrard, please.

Hon. Jon Gerrard (River Heights): I just wanted to put a few brief comments on the record. First of all, I wanted to extend my sympathy to the Osborne family for the many trials and painful times that they have been through over many years.

I want to, secondly, acknowledge the leadership role that the Minister of Aboriginal Affairs (Mr. Robinson), the Minister of Justice (Mr. Mackintosh) and leaders in the Aboriginal community have played in bringing forth this bill and providing the effort and the support for it. I think the testimony today from the Grand Chief, Dennis White Bird, from Chief Ron Evans and from former MKO Grand Chief George Muswaggon, is certainly testament to the support in the Aboriginal community, and I think that has been very important in bringing this forward to this stage.

We clearly can never bring Helen Betty Osborne back, but certainly putting a memorial foundation in place which will provide for learning, training, and educational experience for Aboriginal people is a very positive step. I would congratulate the Government. I certainly add my support to this effort now and on an ongoing basis. Thank you.

Mr. Praznik: I just had, as the critic, one last comment to make, and that I would again like to reiterate what others have said to the family, particularly to Mrs. Osborne tonight. I think there is no greater pain than any human being can suffer than to lose a child and to lose a child so unnecessarily. As many of us have said in the Legislature, this act that we deal with tonight cannot bring your daughter back, but we do hope that it stands as a tribute to her life, that it stands as hope for the future, that the racism and sexism that led to her death can be overcome so that it never happens again. Thank you, Mr. Chair.

Mr. Chairperson: We thank the members. During the consideration of a bill, the enacting clause, the table of contents, and the title are postponed until all other clauses have been considered in their proper order.

Is there agreement from the committee that the Chair will call clauses in blocks that conform to pages? *[Agreed]*.

Clauses 1(1) to 3—pass; clauses 4 to 6—pass; clauses 7(1) to 7(6)—pass; clauses 7(7) to 9—pass; clauses 10 to 15—pass; clauses 16 and 17—pass; preamble and the enacting clause—pass; table of contents—pass; title—pass. Bill be reported.

Committee rise.

COMMITTEE ROSE AT: 8:20 p.m.