

# 'Race Based Law Not Fair To Anyone'

Lawyers continue to be the main beneficiaries of Race Based Law:



"The federal 'Liberal' government has spent more than \$110,000 fighting a 'First Nations' {'descendant of Siberian settlers'} girl in court to block payment for orthodontic treatment that cost just \$6,000, according to documents released under the

'Access to Information Act' and shared with 'CBC News'.

"Josey Willier, a Cree teen living outside of Calgary, had ongoing problems with her teeth that resulted in chronic aching pain in her lower gums... A Calgary-based orthodontist, Mark Antosz, recommended braces to avoid invasive jaw surgery in the future.

"Stacey Shiner, the child's mother, sought payment for the braces under the 'First Nations' and Inuit health benefit program,

<https://www.canada.ca/en/health-canada/services/non-insured-health-benefits-first-nations-inuit.html>

but was denied by Health Canada, the department that administers the insurance plan. She appealed three times to no avail, and ultimately took the case to Federal Court.

"Between January 2016 and April 2017, the government spent \$110,336.51 in legal fees as part of its fight to avoid paying for the procedure. The final cost will likely be higher, as a decision on this case was not handed down until May.

"The judge assigned to Willier's case, Sean Harrington, ultimately found in favour of the government.

"In his judgment, Harrington said he found it "reasonable" that Willier's treatment was not covered.

*"The procedure followed was fair... There is nothing in the record to suggest that any child in Canada, 'First Nations' or not, would have been treated any differently than Josey was."*

"That decision is now being appealed...

"**{Segregated}** Health services for 'First Nations' people living on reserve are funded almost exclusively by the federal government. While provincial health care plans often exclude

dental care, the federal program for 'First Nations' includes regular cleanings, X-rays, root canals and other procedures.

"The 'First Nations' health program also covers certain orthodontic treatments, but only when the case is deemed medically necessary. A claimant must have "severe and functionally handicapping malocclusion" (overbite) to be eligible. The department determined Willier's case fell short after it consulted with four orthodontists of its own choosing...

"In a statement Thursday, Health Canada defended its decision to deny care, adding in 2014-15 it funded approximately \$5 million in orthodontic treatment for other kids.

"'Health Canada' also said the program for 'First Nations' children is more generous than what is available to others.

*"The NIHB program covers the full cost of orthodontic treatment when it is medically necessary ... whereas private plans typically cover only one-quarter to one-third of costs."*

"Sarah Clarke, the lawyer representing the girl 'pro bono', has already filed an appeal to the Federal Court ruling. The government's legal costs will almost certainly go up, she said, because lawyers will have to respond to the latest factum filed in court last week..."

-'Ottawa spent \$110K in legal fees fighting First Nations girl over \$6K dental procedure',  
John Paul Tasker, CBC News, Sept. 29, 2017

**Feature IMAGE:** Jane Philpott, now the Minister of 'Indigenous' Services, was minister in charge of the 'First Nations' and Inuit health benefits program.  
(Fred Chartrand-Canadian Press)

<http://www.cbc.ca/news/politics/health-canada-legal-fees-first>



See also:

**'Treaties Do NOT Guarantee Health Care for Aboriginals!':**

**"Treaty Number Six was unique as it was THE ONLY TREATY OF ITS SORT WITH AN IMPLIED PROVISION FOR HEALTH CARE. It allows a medicine chest to be kept in the home of an Indian agent for the use and benefit of the aboriginals.**

**"Some aboriginals have 'interpreted' this provision as extending to all who signed the Numbered Treaties. It is also 'interpreted' by some as a promise by the federal government to provide free health care to every aboriginal person in Canada – forever."**

**–"1876 – 1877: The Indian Act, 1876 and Numbered Treaties Six and Seven",  
Canadiana**





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