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—
Chair

The Honourable MaryAnn Mihychuk

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● (0835)

[English]

The Chair (Hon. MaryAnn Mihychuk (Kildonan—St. Paul, Lib.)): Let's get started. I see we have quorum and our members are here.

I want to recognize that we're on the unceded territory of the Algonquin people.

We've had a request to begin our meeting with a smudge. We are the indigenous and northern affairs committee and we respect culture, so I think it would be appropriate, unless I hear objections.

We would ask that the smudge be, as MP Ouellette says, light, because the fire alarms will kick off and maybe the sprinklers.

We would be happy to respect that tradition.

Do you want us to stand?

Ms. Brenda Dubois (Kohkum (Grandmother), Saskatchewan Aboriginal Women's Circle Corporation): It's entirely up to you.

This is the year 2019. My wish for you is that, by the end of the year, you have an actual smudge policy that respects indigenous people coming into this space. To have my voice heard is one thing, but to have my voice honoured is another. Frivolous words don't mean a thing unless actions start taking place.

If you don't mind, I'm just going to light the smudge. I will walk around once. While I'm walking around, what you can do is list four things you're grateful for. You will then help with the prayer.

Thank you.

In some cases, we ask for the fire thing and everything to be shut. This stuff is not here to cause havoc. It's here to clean the air, to clean the space.

Don't mind me; I'm just going to talk out loud while I walk around.

Blessed grandfathers and grandmothers, look kindly on us today. We're but human beings here in this room, trying to do our best, not just for us but for our population and the new generation that has yet to come.

I ask us to open our minds, cleanse our minds, to start looking at things in a good way. You have to remember why you have eyes: to look at things twice. You also have to remember why you have ears: to listen twice. You have only one mouth, and there's a harsh reality.

Our voice is very important, and you have to use it in an appropriate way, too.

If I feel like crying later, I will cry, because you don't realize how hurtful it is and how much strength we have to put together just to come to these places that still don't see us.

Thank you for honouring us today. We honour you.

The Chair: Thank you very much for that. It's customary and it's a good time to reflect on how we are dealing with one of the most important issues facing Canada today.

As a person from the Prairies, Treaty No. 1 territory, homeland of the Métis, and a resident of Winnipeg, I will say that we see the child and family system has really destroyed families, has hurt individuals, and we don't see a positive way forward. We look forward to your comments.

We have three groups, so you will have up to 10 minutes each for your presentations. If you don't need that much time, it will allow more time for interaction from the MPs.

The first presentation is from an individual, André Schutten.

André, welcome. You can begin whenever you're ready.

Mr. André Schutten (As an Individual): Thank you very much for having me.

I have put together a bit of a PowerPoint for you, as well—just pictures, no text. I am presenting as an individual because my family has a bit of a story that relates directly to some of the subject matter of Bill C-92, which you are studying here.

It is the story of this little girl. I will just refer to her by her first initial J., to protect her privacy. J.'s story starts about 25 years ago, when her mom was born in Gatineau and then brought into the child welfare system in Gatineau soon after. J.'s mom was in foster care for a while, and then there was a grandmother type of person. She wasn't a biological relation but there was a very close relationship. She lived on the Ottawa side of the river. That grandmother wanted to take J.'s mom into her care permanently in order to raise her in a stable, loving environment.

However, because of the jurisdictional issue between the fact that J.'s mom was actually in care on the Gatineau side and this grandmother-type was on the Ottawa side, they were not able to sort that out. The grandmother did not have the financial resources to challenge anything in court, or anything like that.

J.'s mom ended up being kicked around from foster home to foster home, and eventually aged out of the system. A few years later, she met a young man from the Peguis First Nation, north of Winnipeg. She met him here in Ottawa and they had a child, which is the little girl you see in front of you.

We knew J.'s mom because J.'s mom was living on the streets when she was pregnant. A priest found her there, sought to find her shelter and then also mentorship from some other ladies, including my wife. My wife met her, did her pregnancy photo shoot for her, took her shopping a few times and got her into a home where she could have care and help.

Eventually J. was born. J. lived with her mom for about eight to nine months, and then there was an incident which required the CAS in Ottawa to take J. into care. At that time, J.'s mom was completely traumatized by that because she herself had lived through foster care. She knew some of the harms in foster care. She had experienced many herself. J.'s mom was completely distraught that J. was in an anonymous home somewhere within the system here in Ottawa.

We showed up to be a moral support for her at her first court appearance. At that court appearance, we asked, "Would you like us to take J. into our home? Would that be any help to you?" Her face lit right up and said, "Would you do that?" We said, "Sure, we would be happy to try to do that." It would be a temporary thing because the goal, of course, with foster care is to reunite the child with the parent.

After a long approval process, eventually J. was approved to come into our home. Unfortunately, we lived on the Gatineau side and J. was in care on the Ottawa side. Again, there was this jurisdictional issue. We could not be approved as a foster family for J. We made an arrangement where it was by consent. We did not receive any funding or assistance or subsidies or any sort of help from the Ottawa CAS. That was okay; we were happy to help out.

After quite a long time, it became clear that J.'s mom could not have her back. The next step, of course, was to decide whether or not J. should find a stable place that would be permanent. We were willing to do that, although our hope and desire was for J. to be reunited with her mother. That did not happen.

We spent a lot of time with J. We got to know her and love her as our own child. It was not always sunshine as it is in this picture. In fact, J. was up usually two to three, sometimes four times a night, which made for a very exhausted person, such as me, on some of those mornings.

Just to give you a sense of how far we are talking about, the Peguis First Nation is about a two hours' drive north of Winnipeg, a 25-hour car drive from us here in Ottawa.

The cool thing for us as a non-first nations family is that we have begun to learn so much about first nations culture here in Canada. We've been able to participate in some powwows, including the really big one here in June in Ottawa. We've been able to participate in blanket exercises to learn, with new eyes, the legacy of the residential schools. That has been quite remarkable for us.

Not only is J. a treasure in herself, but she also offers so much to a family such as ours. She is pictured here with my father, and with my

grandparents. My grandfather actually just passed away five weeks ago.

● (0840)

Here she is hugging my grandmother. This is a woman who grew up in Nazi-occupied Netherlands during World War II, came over here to Canada soon after, lived a long and difficult but fulfilling life, and now has advanced dementia. Here you can see that J. is full of love for other people, including people with extreme challenges.

J. has integrated into our family quite well, and that is going well. She loves her brother, our son. They get along quite well. They love each other so much, and we love her.

All of this comes down to the point of this bill and where we think we see problems or at least a gap in the bill. There is some wonderful language in this bill, and I'm happy for it. One of the things that's very encouraging is that repeatedly in different parts of the bill, there's reference to the best interests of the child. I think that's very important, and we need to make sure the rest of the bill doesn't undermine that in any way.

This raises the two issues that I see from my lived experience and J.'s lived experience, and I raise two concerns for your consideration, two gaps I think I see in the legislation.

The first is that it creates a bit of a jurisdictional nightmare. I say this having experienced over the last 18 months the headache and the tumults that dealing with just two jurisdictions, Ontario and Quebec, has caused our family and J., and the intergenerational problems it created for J.'s mother and grandmother figure. J.'s mom ended up being kicked around foster care because of this jurisdictional issue.

When I look at subclause 20(1) and subclause 18(1), I have big questions. In fact, if I look at subclause 20(1), in our situation, if this were in place today, we could be dealing with up to five different jurisdictions in order to sort out how J. should be helped. In our case, it would be Manitoba, because the Peguis First Nation is in Manitoba. It would be the Peguis First Nation. It would be Ontario, because J.'s mom is from Ontario. It would be Quebec, because that's originally where we lived, and then it would be the federal government as well, because we're dealing with first nations issues that require the input of the minister.

It's been nothing but crazy. We've had to move from the Quebec side to the Ontario side temporarily in order for this file to wrap up—18 months in the process. I can't imagine what this would be like if we had to deal with five jurisdictions.

Of course the other question with subclause 18(1) is about jurisdiction over non-first nations parents, where one parent is not first nations and the other parent is first nations. How do we deal with that? This ties directly into my second concern about the bill.

It seems to me that there's a gap, a big gap in the bill. I could be wrong about this, but my impression in reading through this bill a couple of times now is that there's an assumption that when we're dealing with first nations children, the parents of the child will both be first nations.

I'm wondering how we use Bill C-92 if it's passed into law. In J.'s situation, her father is first nations but her father wasn't really part of the picture because her mom, who is not first nations—she's French Canadian—was the primary caregiver. How do we deal with that situation? I'm seeing a pretty major gap there.

When we tie that in with parents' interests, again, that's dealt with in this bill where it says that the parent should be able to have a say in how their child is taken care of, but which parent? Does one trump the other? Does it matter if one is first nations but not the primary caregiver, and the other one isn't first nations but is the primary caregiver? How does that work in the order of priority, for example, in subclause 16(1)? How do we wrestle with these questions?

In the last 30 seconds that I have, I'll end with this. The best interests of the child does require stability, and there is a reference in the bill to stability being so important. Our hope and prayer is that this is something we have provided for J. and that she has a stable home where her new dad and her new mom not only love each other but love her and put her interests first and primary. I hope that pays dividends for her as she grows and develops.

Thank you so much. *Meegwetch.*

• (0845)

The Chair: Thank you.

Now we're going to move to the Anishinabek Nation, to Marie O'Donnell and Adrienne Pelletier.

You can begin, and share any way you want.

[*Translation*]

Ms. Adrienne Pelletier (Social Development Director, Anishinabek Nation): Good morning.

[*English*]

I'm going to start with the Anishinabek Nation's preamble to our *Chi-Naaknigewin*, our constitution for the Anishinabek Nation. It's called *Ngo Dwe Waangizid Anishinaabe*. We are one Anishinabek family. It's on the Anishinabek Nation website if you want to refer to it later.

[*Witness spoke in Anishinaabemowin as follows:*]

Debenjiged gii'saan anishinaaben akiing giibi dgwon gaadeni mnidoo waadiziwin. Shkode, nibi, aki, noodin, giibi dgosdoonan wii naagdowendmang maanpii shkagmigaang. Debenjiged gii miinaan gechtwaa wendaagog Anishinaaben waa naagdoonjin ninda niizh-waaswi kino maadwinan. Zaagidwin, Debwewin, Mnaadendmowin, Nbwaakaawin, Dbaadendiziwin, Gwekwaadziwin miinwa Aakedhe-win. Debenjiged kiimiingona dedbinwe wi naagdowendiwin. Ka mnaadendanaa gaabi zhiwebag miinwaa nango megwaa ezhwebag, miinwa geyaabi waa ni zhiwebag.

[*Anishinaabemowin text translated as follows:*]

Creator placed the Anishinaabe on the earth along with the gift of spirituality. Here on mother earth, there were gifts given to the Anishinaabe to look after; fire, water, earth and wind. The Creator also gave the Anishinaabe seven sacred gifts to guide them. They are: Love, Truth, Respect, Wisdom, Humility, Honesty and Bravery. Creator gave us sovereignty to govern ourselves. We respect and honour the past, present and future.

[*English*]

My name is Adrienne Pelletier. I'm the social director for the Anishinabek Nation and have been for the last 11 years. When I became the director, I noticed that there was a resolution on the books that said that we were to pursue child welfare jurisdiction. The chiefs and assembly—we represent 40 first nations—asked us to do just that, to pursue child welfare jurisdiction.

We've been on this path since 2008. We took an inherent rights perspective with respect to our jurisdiction over our children, youth and families. We just did it. We didn't ask the government for money. We just went out and we asked our citizens all across Ontario, and we even got folks sending in their comments from across the country and out of country because they have inherent rights as far as we're concerned as an Anishinabek Nation. We took all of their input into a law.

We created an Anishinabek Nation Child Well-Being Law. It's been well vetted through our citizens. It's been enacted in 17 of our first nations currently. We're 40 first nations strong, 66,000 people. We are seen as leaders on this path forward to take back our jurisdiction and look after our own children in a culturally appropriate way.

One of the major issues we have with this legislation is that we're already negotiating with both the province and the federal government to fund our Anishinabek child welfare system but then we have this bill coming in and it's causing interference for us. We would like to continue to pursue our jurisdiction and the path that we set forward under that inherent rights perspective. We continue to do that.

One of the major issues with this bill is that in Ontario we have band representatives and, thanks to the Canadian Human Rights Tribunal, those band reps are now funded. For many years, for maybe 15 or 20 years, the government stopped funding the band representation in Ontario. We now have band reps fully funded in Ontario again.

This is our stopgap. The band reps are child advocates to make sure that no child or family service agency is interfering in the rights of that child as an indigenous child or the rights of the parents and the right of their extended family wherever they're from. If they're from two or three or four first nations because they had ties, then that's the right of that child.

We believe that the connection to community and extended family culture and spirit are a requirement for all indigenous children. It's the right of that child just because they're indigenous.

We would like you to make some considerations with respect to the band representative role and my colleague here, Tracey O'Donnell, will talk a little bit about some of the other sections that we have serious concerns with. You do have our submission. When we did that submission, we had 16 first nations that had enacted the law. There are now 17.

● (0850)

We continue to go to our communities, because now the lawmakers are the first nations, so the first nations give us the authority to enact a law for them. It's a community-based law. It's a prevention-based law. It gives the power back to the first nation to set its own community standards, its own way of doing child welfare for its indigenous children.

Meegwetch.

Ms. Marie Elena Tracey O'Donnell (Legal Counsel, Anishinabek Nation): My name is Tracey O'Donnell. I'm from the Red Rock Indian Band, part of the Anishinabek Nation. I've worked, together with Adrienne Pelletier, on the development of the Anishinabek Nation Child Well-Being Law since its inception. The law, as Adrienne said, is based on first nation jurisdiction, our inherent jurisdiction.

We acknowledge that this bill recognizes the first nation jurisdiction; however, the bill also restricts the exercise of jurisdiction by putting a number of requirements in that we see are going to interfere with the work we've started. The discussions we've had with Canada indicating that this would not interfere with our work are not ringing true, now that we see the words on the page.

Of particular concern is the requirement for an agreement with the governments of those provinces in which we wish to exercise our jurisdiction. We've asked for technical clarification of what this means. For Anishinabek, our law says that our jurisdiction extends to our people, the Anishinabek citizens. The law doesn't have a geographic restriction, so if we have Anishinabek citizens who are living in the province of British Columbia, our law would extend to those individuals as well.

When we read this bill and see the requirement for the indigenous group to engage with the governments of those territories where we wish to exercise our jurisdiction, to us it appears that we would have to negotiate agreements with every one of the provinces and territories within which our citizens live. That's an onerous task and is of concern to us, because we have no resources, other than our first nations' intent to exercise our jurisdiction and move forward to protect Anishinabek children and youth and maintain the unity of Anishinabek families.

As Adrienne mentioned, the issue with the band representative extends to the fact that band representatives under this legislation are not afforded party status in proceedings. In the province of Ontario, band representatives are parties to proceedings, receive notice of all of the actions that are taken through the courts and have standing to represent the first nation in those proceedings.

It's of major importance that this role continue for our first nations. We have a very active band representative program within our first nations. The band representatives are there to speak on behalf of the

first nations to ensure that Anishinabek children and youth have a voice and that their connection to the community is maintained.

In fact, we took this so far in our law that under our adoption sections in the Anishinabek Nation Child Well-Being Law, not only is the consent of the biological parents or guardians required, but the consent of the first nation of which the child and the parents are members is also required for an adoption to occur that involves an Anishinabek child.

It's very important for us that this band role be respected and acknowledged. We're concerned that, as the law is currently written, foster parents or care providers have standing as parties but our band representatives' standing is taken away, and that would cause an incredible challenge for our communities. It would also interfere with the implementation of our law.

The other points that we raised are in our written submission, which we know has been prepared for the committee's review in both English and French.

Meegwetch.

● (0855)

Ms. Adrienne Pelletier: I also want to say that the Anishinabek Nation Child Well-Being Law is on the Anishinabek Nation website, if you want to have a look at it. If you have any further questions, we'd be happy to answer them through written responses.

The Chair: Thank you.

Now we have the Saskatchewan Aboriginal Women's Circle Corporation. Judy Hughes is the president and Brenda Dubois, kokum, meaning grandmother, did the ceremony this morning.

Welcome.

Ms. Judy Hughes (President, Saskatchewan Aboriginal Women's Circle Corporation): *Tanshi* and good morning, Madam Chair Mihychuk, committee members, elders and colleagues.

Thank you for the opportunity to testify on Bill C-92. My name is Judy Hughes. I am a Métis citizen and I am the president of Saskatchewan Aboriginal Women's Circle Corporation, out of Saskatchewan, of course.

I appreciate the opportunity to gather on the unceded and unsurrendered territory of the Algonquin people.

Meegwetch to Georgina Jolibois for recognizing that SAWCC needed a voice at this table. We had to corner her in Meadow Lake, but we got it.

The Saskatchewan Aboriginal Women's Circle Corporation is the provincial not-for-profit voluntary indigenous women's organization. We're celebrating 16 years of providing programs and resources in education, advocacy, research and economic opportunities to all nations of indigenous women, their families and the LGBTQ2S+ community.

Our governance includes a provincial president, directors from the six regions of Saskatchewan, a kokum and a youth advocate. SAWCC is one of the 13 provincial-territorial member associations, or PTMAs, of the Native Women's Association of Canada, which is the largest indigenous women's organization in Canada and boasts a PTMA in every province and territory of Canada.

My comments today are specific to all Métis children and families. Our children are our essence of being. Who will be administering the services and the funds? I'm thinking about the jurisdictional gap that may arise if services are only provided to members of one Métis national organization or government.

How are Métis children going to be identified? I do not want any Métis child left out, as it is with status first nations with Bill S-3, where people are put into categories and then it's decided whether or not they deserve a service. Not all of us are members of the Métis National Council, or in Saskatchewan, Métis Nation Saskatchewan. It's our choice whether we want to be part of that organization. I'm not saying anything negative about it, but it's our choice.

As an example, someone who is not a member of those organizations, such as my niece who has autism, would not be able to, and cannot, access any services that are provided by them, because her mom and dad choose not to be registered members.

It is long overdue for us, as Métis citizens, to have an opportunity to build our child and family services from a blank page and do it right. Why? Because, from my perspective, there is nothing more beautiful than our Métis values, teachings, cultures, language, protocols and ways of being. It would be free of all this systemic discrimination that we find in all of the institutions in Canada.

Growing up, I wasn't able to exercise my right to practise and be proud of my Métis culture. Because of this discrimination, we were forced to pass ourselves off as white. In my younger days, which was quite a few decades ago, I lived in a mixed community of people who were considered white, half-breed and Indian. That's in Bertwell, Saskatchewan, on Highway 23. I was called a "koo-bah squaw" in school. This referred to my being of Ukrainian and Dene heritage.

Regarding Bill C-92, what I see as a significant limitation is that it is missing the voices of the women of many nations—the grandmothers, the kokums. We know that boys and girls have different needs and we want to put it on the record that culturally appropriate gender-based analysis still needs to be done on any legislation, programs and services.

The Métis citizens of Saskatchewan deserve time to understand the implications of Bill C-92, if the legislation passes, and also, the patriarchal approach needs to change. We need to do more research on successful child and family models, and we do have one with the Manitoba Metis Federation model established in 1982, which I think is quite successful. We need more communication and we need to involve the matriarchs.

We have abilities within our communities to develop and implement legislation and reparation programs, versus a top-down, "Here, this is in your best interests" approach. We need to be the ones saying, "This is in the best interests of our children."

We need partnerships with all levels of government. We're willing to work with all levels of government, including our own indigenous governments, and Canada must be willing to enter into a sincere working relationship with us.

● (0900)

The Convention on the Rights of the Child said that every child has every right, and we must ensure that every Métis child has every right.

Meegwetch. Thank you for listening.

Ms. Brenda Dubois: Thank you for the honour of being here today.

If you could indulge me for 30 seconds, let us have 30 seconds of silence for all the children who have died while in care. In your mindset as well, get ready for the reality that some of the present children in care may not return home.

[A moment of silence observed]

Thank you very much.

Please do not misinterpret the tone of my voice. It may come off as being angry, but it's from the five generations of hurt. If you don't mind me, at times I may stand up or sit down; that's just who I am.

The first question I have to ask you, and you don't have to answer me—I want you to think about these things tonight before you go to sleep—is this: Do you see me? Do you see me? I think I'm invisible to some people. Our walk on the bridge again this past while reminded us of that. Is there not a better way to do this? "Get out of the way! You're hindering our traffic!"

I'm glad to be here. I want to be recognized as a human being with one great quality, and I encourage you to have that quality too—the quality of honesty. Learning how to relate to one another over this next while is going to be really interesting.

Please don't misinterpret my presence here as an approval of this bill. It is not an approval of this bill.

Please do not play politics with our children's lives. This is a very serious matter, and if we're going to do this shift, let's do it appropriately and in a really respectful manner. Walk with respect. Walk with forgiveness.

Listening means two things....

Don't mind me; I do parenting classes. I'm not here to talk to you as though you're kids, if you know what I mean.

Listening means two things: You hear what I say and do what I'm asking you to do. I'm in my sixties now. I need to see some markers, because I've heard idle words since I was in my late twenties and I have seen no improvements in my community.

Besides being part of SAWCC, I'm a part of the Aboriginal Family Defence League. It is a non-incorporated entity and it will never be incorporated. I've advocated for families for the last 35 years, and I still advocate for families to get children back today. I'm still traumatized by the archaic patriarchal approaches that come out of the people who are there to supposedly help us. I am encouraging you to relate to us differently.

Treaties...? There's a word my relative used during the Constitution talks when somebody asked him about treaties. He said, really, the federal state is in hypocrisy. They've been fighting us for years. Look how long it took to get Jordan's principle. Look at the fact that they took up the Supreme Court issue around children to fight us. That is appalling. I want to say "blasphemy", to some degree. It's blasphemy. It's terrible.

To help with the shift, what you need to realize is that we have grandmothers, we have kokums in our community—matriarchs who have been here for many years. That traditional kinship system is still alive. It's why we still have a generation of grandmothers willing to help by interfering and asking for those grandchildren to be tended by them and not by the state.

I want to make a plea for the most important institution of all—family. If you can, explain to me why and what is preventing us from that investment. Really try to help me understand it, because I can't. What my eyes see is a contradiction, the state willing to waste \$18,000 a month to keep nine children away from a mother that they already raised in foster care. It's intergenerational. They already have second generation kids in care. What does that tell you in regard to what they're doing? This way is not working.

At the last meeting I went to, as I was leaving a young person said.... I'm an advocate for families, but what he said was, "Kokum, you're a hostage negotiator. You're negotiating for the return of children."

• (0905)

What I need to awaken you to, especially in Saskatchewan and maybe throughout Canada, is that there is a national crisis going on. It's called genocide, as well. Do you know that it's illegal to remove one group of children and place them with others. It is against the law to do that.

We have a national crisis going on. We have a child advocate in Saskatchewan who just released a report on suicide. Action...? What's going to be done? Suicide is a result of PTSD, the ripple effect.

We do not have an opioid epidemic in our community. We have a doctor and a pharmaceutical problem. I'm trying to re-shift this stuff because we keep on being blamed as if this is our problem. These are not our problems.

Poverty...? We have economic poverty that started when they killed the buffalo.

Housing...? It's a treaty right. We have homeless people.

Affordable housing...? No, at \$1,300 to \$1,500 a month, you can't afford that.

Missing and murdered indigenous women happens on a daily basis, and it's still going on in this community.

I'm here to remind you that it's illegal what they're doing. What I'm here to do as well is to demand.... In Saskatchewan, Merriman refuses to meet with common citizens who have been doing this work and have the answers. He ignores us. We're invisible. I'm demanding from Saskatchewan a hundred children home by Christmas and a hundred children thereafter. We know the reasons children are being taken. We all know why. If we don't help with this shift, we're going to be part of the problem. I can't apologize any more to children, and you can't continue to pay out children.

Meegwetch.

The Chair: *Meegwetch.*

Very powerful words, I believe everyone here was listening. We hear you.

We are now at the question period. I'm going to ask MPs to identify which person they're asking their question to. We'll move on to those questions. We start with MP Yves Robillard. He's going to be speaking in French, so if you need the interpreter, please put in your earpiece.

• (0910)

Mr. Yves Robillard (Marc-Aurèle-Fortin, Lib.): Hello, everybody.

[*Translation*]

I want to thank the witnesses for their presentations.

My first questions are for Ms. Hughes and Ms. Dubois.

In his presentation to this committee, Minister O'Regan made it clear that the families of Indigenous children, particularly in Saskatchewan, should be prioritized.

Do you think that Bill C-92 represents these considerations?

[*English*]

Ms. Brenda Dubois: It may represent the considerations, sir, but what you need to realize is that we're invisible. We were not talked to. I don't want to use the word "consulted". I need to move beyond that frame of consultation.

If we don't have respectful relationships to actually work together to solve these and develop mechanisms, it's a top-down approach. That top-down approach has to stop. The paternalistic acts from the state in regard to trying to define our needs can't work anymore. If we're in a truth and reconciliation frame right now, we need to shift the mechanism of how we're working together.

Mr. O'Regan may have a good intention, but good intention done in the wrong way is skewed.

[*Translation*]

Mr. Yves Robillard: The bill's approach is to establish a minimum standard for the protection of children. Is this the right approach?

[English]

Ms. Brenda Dubois: Throughout the years, as someone who has been asked that question, but also because of my dealings with the state, I will say that what may be in the best interests of a non-first nation child may not be in the best interests of an indigenous child because we come from a distinct background.

[Translation]

Mr. Yves Robillard: In your opinion, could any amendments be made to improve this bill?

[English]

Ms. Brenda Dubois: At this point in time, you need to cease and desist and really start on respectful relationships with people. The pressure being put on the communities you are starting to feel and the backlash is there. You need to realize that we have a different government style than this state does and it is the citizens who determine this.

[Translation]

Mr. Yves Robillard: I now have questions for Ms. O'Donnell and Ms. Pelletier.

In your brief to the committee, you mentioned the need to amend the definition of “care provider” to exclude persons who receive compensation for caring for an Indigenous child.

Can you elaborate on the consequences of the current definition and the consequences of your proposed amendment?

• (0915)

[English]

Ms. Marie Elena Tracey O'Donnell: With respect to this issue, our concern is tied to the use of the definition of caregiver and how it applies to standing and civil proceedings, in particular the fact that the “care provider” here is broad enough to include foster parents. In Ontario, foster parents include those who receive compensation for caring for indigenous children. We have customary care arrangements where we have care providers who are providing and taking care of indigenous Anishinabe children but are not receiving compensation, so they're excluded from this definition of “care provider” as well.

Therefore, we have concerns with respect to the way it's currently drafted. In particular, that ties us back to the standing to make representations and have party status in proceedings. We believe more attention is required to look at the definition of “care provider” and the implications of the use of that term throughout this proposed bill and how it impacts the delivery of services and the access to provide information and representations in court proceedings.

[Translation]

Mr. Yves Robillard: Sixteen of the forty communities that you represent have adopted the Anishinabek Nation Child Well-Being Law.

Can you tell us how Bill C-92 will affect these communities?

[English]

Ms. Marie Elena Tracey O'Donnell: My earphone doesn't work. I'm sorry; I didn't hear anything.

[Translation]

Mr. Yves Robillard: I'll ask my question again in French.

[English]

Ms. Marie Elena Tracey O'Donnell: Thank you so much.

[Translation]

Mr. Yves Robillard: Sixteen of the forty communities that you represent have adopted the Anishinabek Nation Child Well-Being Law. Can you tell us how Bill C-92 will affect these communities?

[English]

Ms. Marie Elena Tracey O'Donnell: The first nations that have taken on jurisdiction currently number 17, in the brief we...it was a point in time. We anticipate that the 40 will follow through as well.

The way this bill impacts our first nations is that it actually interferes with the process we've initiated in the exercise of our inherent jurisdiction. This bill requires now our first nations to provide notice to the government of our intent to exercise our jurisdiction, and we did that back in 2007. Now we're being required to do it again.

Under section 20, we are also being required now to provide notice to the other governments that we expect, within their jurisdiction, to exercise our Anishinabe law. This creates challenges that previously didn't exist and requires us to redo a lot of the work that we've done, plus some.

• (0920)

[Translation]

Mr. Yves Robillard: Thank you.

[English]

The Chair: Questioning now moves to MP Arnold Viersen.

Mr. Arnold Viersen (Peace River—Westlock, CPC): Thank you, Madam Chair, and thank you to our guests for being here today.

Ms. Pelletier, one thing the government is trying to do with this particular bill is to correct some of the jurisdictional issues. Do you think this bill achieves that, or does it merely muddy the water some more?

Ms. Marie Elena Tracey O'Donnell: I'll answer that, if that's okay.

Our belief, upon reading the legislation, is that it actually muddies the water more for us. We have a clear statement of Anishinabek inherent jurisdiction. In *Ngo Dwe Waangizid Anishinaabe*, one Anishinabe family is our starting point. Adrienne read that out at the start of our presentation.

Although this legislation, with the additional requirements and even the best interests tests as set out, is intended to create national minimum standards, it's not respectful of the standards that the Anishinabe have established and what we're proceeding to implement and establish our system on. It creates additional challenges for us.

We've asked for and have received technical briefings with respect to the intent. It appears that in some instances the intent doesn't match the words on the page—or perhaps our interpretation of the words on the page doesn't match the intent—but it does create additional challenges for the Anishinabek Nation. Jurisdictional issues are not resolved.

Mr. Arnold Viersen: Brenda, you're shaking your head a little bit on this. What I'd like to ask you about is the role of parents in all of this.

A number of years back we did a study on suicide. We were up in northern Canada, and many of the kids we talked to said, "Fix our parents". They said, if you can fix that issue, we wouldn't have the problems we have today.

What role do parents play in all of this? How do you see that family unit? You were starting to talk about this a little bit. I'd love to have your comments on it.

Ms. Brenda Dubois: Family is the most important institution of all. No matter what, when we started Peyakowak in Saskatchewan, it was the families in the long run who guided us. They were the ones who taught us. In the long run, when you go to assist families you need to see the intergenerational trauma. If you're focusing on alcohol, violence and all that other stuff, you're really not getting to the core of what needs to happen.

When you're walking alongside parents, sometimes for about a year to two years, life changes as much for them as for their children. You don't realize the value that just doing that has, and it's not just on that one family, because what we find is that helping one family ripples and affects other family members as well, so that we get requests from other extended family members to assist also.

Mr. Arnold Viersen: In this bill, there is a little that just touches on prenatal care somewhat. Would you see there any ability to broaden that out?

Do you know what I'm getting at?

Ms. Brenda Dubois: Not really, sir, because I can't read your mind in regard to what you're trying to lead me to, but I can make a comment there.

The only thing in regard to prenatal and to children is the investment into mothers, which is already being made in the programs that are there. However, for me it's about the prevention of apprehension pre-birth. I have to ask a social worker the question, "Is this baby going to be apprehended upon birth?" and they say, yes, but they disregard the supports of the family and don't do planning with the family.

The last call I received, three months ago, was from a distraught kokum who was crying and saying, "Brenda, they took my grandson and they passed me on the way out." They hadn't even talked to her.

That's why I asked you the question, "Do you see me?", because a lot of people don't see people in our community.

With the last one that happened in Manitoba, the extended family was right in the room and social services still went in and took that child.

If you clarify your question, I can answer you a little better.

Mr. Arnold Viersen: My question was basically, how do we build into this particular piece of legislation the role of family, the role of parents?

Ms. Brenda Dubois: Family is the most important of all, and then you have to remember, when we say "family", I don't just see mom and papa. I see that whole big picture of people who are standing behind them as well. We are rich when we look at that aspect.

Mr. Arnold Viersen: Ms. Pelletier, do you want to make a comment?

● (0925)

Ms. Adrienne Pelletier: I just want to highlight the fact that our law gives the power back to the community. The community will set their community standards, how they want their children served. It recognizes and affirms customary care, which means that a member of the child's extended family looks after that child while the parents do what they have to do to get well. It stops the court proceedings.

In Ontario, for up to two years, you can become a Crown ward. In my opinion, no institution should be in charge of a child, and that's what a Crown ward is.

We want to repatriate all our Crown wards back to their communities under our own Anishinabe law. We have a very respectful relationship with the Province of Ontario. We are negotiating a collaboration agreement with the Province of Ontario that respects the Anishinabe authority and respects our first nations. If you give too much power to children's aid societies, you have the situation we have in Manitoba where children's aid societies do whatever they want. There are no band reps in Manitoba.

You can do in vitro care to that unborn child. You can wrap services around the mom, as Native Child and Family Services of Ontario does, as some of our indigenous children's aid societies do. They support that mom as she's trying to deliver a healthy baby, instead of giving her a birth alert and saying they're going to just rip her child out of her arms after that child is born.

We are trying to make a difference in Ontario so that the very important connection between the spirit of that child and that mom is maintained. We respect that in Ontario, and I know all of the indigenous societies are trying to make sure that we support babies before they're even born and we wrap services around that mom. We connect them with the healthy babies healthy children program. In our communities, we have community well-being workers and family well-being workers.

All of that is important structure to respect the inherent right of that unborn child. We have to respect the spirit of every child and make sure they're connected to their family, their extended family and their community, even if they've never been there before. That's a right of that child to know where they come from and to know who their relatives are, and to have access to their *anishinaabe-wiinzowin*, which is their spirit name.

Meegwetch.

Mr. Arnold Viersen: Thank you.

The Chair: Questioning now goes to MP Rachel Blaney and the NDP, but we have only two or three minutes. That's why I was trying to urge you to give a chance to the MPs.

Please go ahead.

Ms. Rachel Blaney (North Island—Powell River, NDP): I'm going to be very quick because of that.

I'll start with you, Adrienne and Marie, if that's okay. You talked about the child well-being law. Bill C-92 is seen as a framework of the legislation and there are multiple concerns that have been brought to us, such as the fact that in this bill there are no principles around funding. We understand the dollar amount, but there's nothing in there that holds accountability. If we want to make the change, the resources have to be in there.

You talked about your child well-being law. I want to know a couple of things. How does this legislation work with yours in terms of it being a framework, and what are the gaps? You talked about the restriction of jurisdiction and your concern around that, and then the idea that you may have to negotiate with every province and territory.

When we look at this, what could be done to change it to make it more effective, or is it not going to work at all?

Ms. Marie Elena Tracey O'Donnell: The requirement to negotiate the agreements with the respective governments in Canada would not work for us at all. If the law, as stated, gives effect for the first nation law to be a national law, a law across Canada, then adding this requirement to negotiate agreements just doesn't match with the intent of recognition of first nation jurisdiction.

As indigenous peoples, we have never restricted our jurisdiction to geography; it went with the people. Our laws are tied to our people, and our people are mobile—that's reality—so that piece doesn't work for us in any way.

With respect to funding, we raised that question. If the true intent is to make a difference and affect positive change, there needs to be funding to go along with that, to support that. We've been in negotiations with the Government of Canada for a number of years to secure that funding.

When this bill came in, things seemed to come to a complete halt. That causes problems for us in terms of advancing the Anishinabek Child Well-Being Law and advancing our exercise of jurisdiction. The coordination agreements don't work for us. As Adrienne said, we negotiated a special agreement with Ontario because of the reality of two systems working side by side and the fact that they fund the agencies that support our first nations, so there are problems. Changing or removing that requirement would be helpful to us.

● (0930)

The Chair: Thank you for your time. We appreciate your participation in our committee. Your words will be on the permanent record for Canada and all Canadians to see. We on the committee will take them very seriously in our deliberations on the bill.

Meegwetch. Thank you.

Ms. Judy Hughes: I do have one comment I must make on the record, if I may.

The Chair: Please, quickly.

Ms. Judy Hughes: I would just like to talk a bit about two areas in Bill C-92 that need some more work—

The Chair: I'm sorry.

Ms. Judy Hughes: —in regard to family unity and automatic standing. I think it's very important, in those areas, that advocacy organizations such as SAWCC are able to have some automatic standing in some cases because this determines—

The Chair: My apologies.

Ms. Judy Hughes: Okay. Thank you very much. It's just to note those two things.

The Chair: If you submit a brief, we can receive it as a committee, so I encourage you. That's still open to you as well.

We'll suspend for a couple of minutes so that the next panel can come forward and take their seats, and then we'll readjust. Please remember that the headsets work better on the tabletop translation device rather than underneath. We will have questions in French. Thank you.

● (0930)

(Pause)

● (0930)

The Chair: Good morning, everyone. We're going to call the meeting to order because, as you saw in the last group, we ran out of time. There are many important words to be said and questions to be delved into.

We're on the unceded territory of the Algonquin people. We are discussing indigenous child and family law, a bill called C-92. Before taking any more time, I want to thank everybody for coming out.

We will begin the presentations. You have up to 10 minutes. If you don't take that, it's fine. It gives us more opportunity for questions from the members.

We begin with the Conseil de la Nation Atikamekw. Then we're moving to the Inuit, and then to Sandy Bay.

Welcome, Natan, it's always nice to see you here.

We're going to start with Grand Chief Constant. It's nice to see you.

● (0935)

Grand Chief Constant Awashish (Conseil de la nation Atikamekw): Thank you, Madam Chair. I'm happy to be here again. It's my second time being here, but this time it's on a different matter.

[*Translation*]

Good morning, everyone.

My name is Constant Awashish, and I'm the grand chief of the Atikamekw nation. I'll share my thoughts on Bill C-92.

I can speak French, right? Does everyone understand?
[English]

The Chair: Does everyone have their earpiece?

I think we're good to go.

Grand Chief Constant Awashish: I could speak English as well, but some technical words will be difficult for me.

[Translation]

Mr. Yves Robillard: You're doing well.

[English]

Grand Chief Constant Awashish: As first nations here in Canada, we all know what happened to us in the past. I think we've come to a time right now that we're at a crossroads: We work together or we keep fighting again for many generations.

For my part, I choose not to fight again. I will fight for our rights, yes, of course. I will fight for our recognition. I will fight so that we can enjoy living in peace here in Canada together. We have to foresee how life will be in the future. I think it's now the time—it doesn't matter whether you're Liberal, Conservative, or NDP—that you understand that you have to invest in first nations to ensure security, to ensure defence of our territory, to ensure that first nations have a sense of belonging to Canada and to ensure as well that first nations have a sense of stewardship towards Canada.

That's how we have to look at it from now on. So many of us are youth, and I say that everywhere. I'm starting to feel a little bit old, but 72% of my people are younger than I am. There are many people and there's a lot of potential. If we keep ignoring indigenous rights, we're just passing on more problems to them and to your kids and grandchildren as well. It doesn't matter, then, which party you're from. We all have to understand that we have to work together to ensure a better future for Canada, all together.

That's what I wanted to say before.

[Translation]

Canada recognizes that Indigenous peoples have the inherent right of self-government. This right includes legislative jurisdiction over child and family services.

Bill C-92 reaffirms this right, but adjusts its application. Although the legislation of the Indigenous governing body has the force of law, in the absence of a coordination agreement, it's difficult to see how the legislation would be applied.

An entity or authority could be designated to decide on the terms of the coordination agreement in the event of a dispute. This authority could be a two-headed authority, consisting of an Indigenous representative and a state representative, who should reach a joint decision.

In addition, proper funding is needed to enforce the provisions of the Indigenous legislation. In the case of child and family services, in the absence of guaranteed funding, the Indigenous authorities may adopt their own legislation. However, the legislation is unlikely to be

implemented. It would be desirable to include a commitment to this effect in the legislation.

The minimum standards set out in Bill C-92 must also be met by Indigenous groups that adopt their own legislation. These clauses concern in particular the best interests of Indigenous children.

In the event of a dispute concerning the determination of the best interests of the Indigenous child, the state courts would make the decision. However, state courts reflect the culture of the dominant society. The application of this principle has led the courts to decide to place a number of Indigenous children in the care of non-Indigenous foster families without regard for the preservation of cultural identity.

The legislation says nothing about the grounds for which a child may be taken in certain situations by child and family services.

Will these grounds be the same as the grounds set out in the provincial legislation?

Could the Indigenous legislation include different grounds for intervention?

I'm already anticipating many issues with this part of the legislation.

• (0940)

Clause 13 of the bill states that the Indigenous governing body has the right to make representations in any civil proceedings.

The child and family services agencies are the most knowledgeable about the child's situation. As a result, it would be better if these agencies could intervene instead of the Indigenous governing body, which has more of a political role.

In addition, the legislation should be amended to establish the right of these service provider organizations to submit their observations, and not to make representations. The latter phrase is associated with party status, which isn't assigned by law to the Indigenous entity.

The bill's focus on an Indigenous child's living environment seems entirely appropriate. However, the bill under consideration could be amended to ensure a justification for the decision to place the child in the care of an adult who isn't a member of the child's family, community, nation or any other Indigenous community or nation. This is very important. The decision should provide reasons, from the start, describing all the efforts made to try to keep the child with their family. This should be added to the legislation.

I'll now turn the floor over to our expert legal counsel in this area. She has assisted us throughout the process.

For the people who don't know, the Attikamekw nation is now a leader in child protection.

Ms. Anne Fournier (Lawyer, Conseil de la nation Atikamekw): Hello. Thank you for inviting us here today.

My presentation will be wide-ranging.

The definition of a family as appears in Bill C-92 is very interesting, because it takes into account the child's perception, traditional indigenous customs as well as whom indigenous peoples consider to be a close relative of the child. This is very positive and the bill is respectful of the various concepts of family within indigenous culture.

There is an entire section on the child's socio-economic conditions. In Canada, the fact that indigenous peoples suffer from unfavourable socio-economic conditions and overcrowded housing is well-known and well documented. These conditions constitute clinical risk factors to be taken into account when evaluating a child's situation.

While it is positive that the bill expressly mentions that the child must not be apprehended solely because of its socio-economic conditions, in the absence of concrete measures to improve living conditions for indigenous peoples, this section is meaningless in provinces like Quebec, where it is possible for the authorities to intervene on behalf of a child by citing a serious risk of negligence.

As to Jordan's principle, which I'm sure you all know very well, legislators are not in the habit of putting names in bills. However, we could perhaps make an exception here. Canada could apply this principle as it was defined by the tribunal to all children, regardless of their place of residence. We hope that the bill will mention that the Government of Canada recognizes Jordan's principle and commits to putting it into practice.

In subsection 12(1) of the bill, we find the notion of "significant measure", whereby before any significant measure is taken in relation to the child, the service provider must provide notice of the measure to the child's parents and others. Basically, one wonders what is the significant measure. Perhaps that should be defined.

I will stop here.

• (0945)

[English]

The Chair: Thank you. We did give you a bit of extra time.

I'm going to ask everybody to watch as the clock ticks away or we won't have enough time for questions.

We have the Inuit Tapiriit Kanatami with us. The president is here, as well as Jenny Tierney, manager.

We look forward to your comments. Please start whenever you're ready.

Mr. Natan Obed (President, Inuit Tapiriit Kanatami): *Nakurmiik*, Madam Chair.

Ulaakut. Good morning, everyone. It's good to be here.

Inuit Tapiriit Kanatami is the national representative organization for the 65,000 Inuit who live in Canada, the majority of whom live in Inuit Nunangat, our homeland. About 65% of our population still live in our homeland, and 35% now live outside of Inuit Nunangat. Our homeland encompasses 51 communities, nearly a third of Canada's landmass and 50% of its coastline.

ITK is governed by the elected leaders of the Inuvialuit Regional Corporation, Nunavut Tunngavik Inc., Makivik Corporation and the Nunatsiavut Government.

These four Inuit representational organizations and governments are Inuit rights holders under section 35 of the Constitution, having negotiated comprehensive Inuit-Crown land claim agreements between 1975 and 2005. It is therefore an appropriate and positive development that the Crown engaged Inuit rights holders in the development of Bill C-92. ITK helped facilitate regional engagement with the Government of Canada throughout this process through our national governance structure.

Too many Inuit children and youth have been and continue to be placed in care because of issues of neglect that can largely be attributed to the lack of attention to addressing social and economic inequities among Inuit. Because of the limited number of foster homes, professional services and residential care facilities throughout Inuit Nunangat, children are often sent outside of their communities and/or regions to be placed in care. As a consequence, far too many of our children are unable to participate in our culture and society and as members of our communities.

In July 2018 ITK created a working group to provide input, review documentation and provide recommendations related to the proposed federal legislation to the ITK board of directors. The working group included representation from Nunavut Tunngavik, the Inuvialuit Regional Corporation, the Nunatsiavut Government, the Nunavik Regional Board of Health and Social Services on behalf of Makivik Corporation, Pauktuutit Inuit Women of Canada and the Inuit Circumpolar Council of Canada.

ITK worked with the Government of Canada as well as the Assembly of First Nations and the Métis National Council to co-develop options for federal legislation to address the protection of Inuit children.

Through the input of ITK's working group and the engagement session organized by Pauktuutit, Inuit developed and submitted to Indigenous Services Canada a series of priorities for child protection. They included doing whatever is possible to keep children with their immediate and extended families, a goal reflected in clauses 15 and 16; ensuring that all care provided to Inuit children and families is culturally appropriate, as reflected in clauses 9 and 11; ensuring that Inuit children and youth living outside of Inuit Nunangat are identified as Inuit and are provided with culturally appropriate care, which is reflected in clauses 9, 11 and 28; ensuring that Inuit children and youth sent outside of Inuit Nunangat for specialized care remain in contact with their culture and home community, which is reflected in clauses 9, 10, 11 and 17. Inuit also called for the legislation to be outcomes-focused, distinctions-based, evidence-based and reflective of Inuit self-determination.

While much of what Inuit proposed was incorporated into Bill C-92, ITK is requesting an amendment to clause 28 of the bill, which speaks to information agreements. We know that indigenous children aged 0 to 14 make up 7.7% of all children in Canada yet represent 52% of children in foster care in private homes. However, with the limited data available in public reports, it is not possible to readily determine how many Inuit children have active statuses within child welfare services both within and outside of Inuit Nunangat.

Therefore, ITK requests that paragraph 28(a) be amended to ensure that data gathered on indigenous children in care are disaggregated to clarify whether they are first nations, Inuit or Métis, and in the case of Inuit, that their affiliated land claim organization be identified. This would enable service providers to connect with and serve notice to the Inuit land claim organizations so that Inuit children and youth can continue to receive the benefits they are entitled to under their respective land claim agreements.

At a high level, there is consensus across Inuit Nunangat about how child welfare services would ideally be delivered within Inuit communities; however, none of the regions has been able to make a significant shift towards this vision on a system-wide scale. Bill C-92 can help us do so.

• (0950)

The status quo is completely unacceptable. There may be systems that may work and there may be fears about creating new solutions or interventions that improve systems, but in the end we have to figure out a way to ensure that this broken system can be repaired and that indigenous and Inuit self-determination can be the focal point for the new way in which we think about how child services are delivered.

Nakurmiik.

The Chair: Very good, thank you very much.

Now it's on to the Sandy Bay First Nation in Manitoba with a new model that they've been using.

Thank you, Chief. Go ahead anytime.

Chief Lance Roulette (Sandy Bay First Nation): Thank you once again to the standing committee, for the third time, for being able not only to present our issues but also to get feedback in the Q and A process. I thank you very much for that.

We at Sandy Bay have been very proactive in our model of child reform and bringing our children home. We were successful not because of the issue of legislation but because of partnerships and networking with the agency that we have. I have with me one of the board members Tim Catchaway, and our ED, Richard De La Ronde from CFS, who will be able to give you more of an in-depth idea of how we became very successful.

As has been noted in the past, over the last two years we were able to bring home more than 50% of our children in care. On reserve we have kids that are 100% in culturally centred homes, and off reserve probably around 70% to 78% are in indigenous homes. Once again, being able to move that envelope forward was based on the issue of relationship building, as was being able to understand the barriers that we have as a first nation, mainly in the area of housing, which is still a continuing barrier and will always be a continuing barrier until we can once again solidify our forefronts.

With that being said, I would like to turn the microphone over to Mr. De La Ronde. He'll be able to give you more of that presentation.

Thank you very much.

Mr. Richard De La Ronde (Executive Director, Child and Family Services, Sandy Bay First Nation): Good morning.

It's an honour for me to be here. I'll try to bring an administrative perspective to you on Bill C-92 and what we hope it means for an agency implementing that legislation.

As Chief Roulette has mentioned, through what I'll call convenient interpretation of provincial acts, we've been able to return approximately 50% of our children in the last two years. We've gone from approximately 600 children in care to approximately 298. That was through our interpretation of standards and legislation that were actually in direct contradiction sometimes, because the rules wouldn't allow certain things.

One thing we find is that Manitoba is a unique province in terms of devolution and of services being turned over to first nations. We still operate within the context of original provincial legislation as drafted in the 1980s as we move forward with customary care, which has the community involved in decision-making around what happens to families, and resource sharing, whereby you have housing, education, health and the chief and council as parts of a customary committee in which we sit down together and make plans around how each service delivery body can contribute to the case plan for families in the community.

In addition, there's the block funding model, which your government more or less does already. Our federal funding flows directly to us. On the provincial side it flows through an authority that we're dealing with as well, because we don't think it's necessary for our funding to flow through an aboriginal authority to us, which would involve administration fees. We see such an authority as an extension of government, another level of bureaucracy that's unnecessary.

We deal with those kinds of things. Your government, as I said, is already there in terms of how our funding flows, and we're hoping that this bill will allow first nations, instead of being in contradiction of legislation and standards, to begin to develop their own, which would allow us to continue our unique way of providing services on reserve as they pertain to our families.

We're hoping that such a bill would mean that regardless of where children reside, whether they're on or off reserve, they're funded 100%, that the system is 100% and we get away from the sixty-forty split in Manitoba whereby the feds fund us 40% and the province funds us 60%. That is based on cases in which children are brought into care, if you aren't familiar with it.

We're hoping that Bill C-92 addresses this and that, regardless of where our children are, we are a federal responsibility and there are mechanisms in place for us to continue our own service delivery model and serve what has been mentioned, the best interests of children in care.

I know there are some documents such as “Bringing our Children Home” out there, and for Sandy Bay CFS that means something different, in terms of best interests. We've had discussions with our chief and council about whether the reserve is the best place for our children when there is no housing, high unemployment, huge health risks, gangs and drugs. Is that the best place to bring children home?

Child and family services is sometimes the dumping ground for other services, such as justice. They seem to think that child welfare can solve all of those problems, when we're currently certainly not equipped to address socio-economic conditions on first nations.

Through our customary care model and the sharing of resources, we can certainly change the outlook for kids in care. From an administrative service delivery perspective, Bill C-92 is something we're very excited about.

There are some cautionary things that we're also afraid of. Not every first nation in Manitoba has the relationship we have with our chief and council, and there is certainly a risk of agencies being enveloped by their chief and council. When you have elections every two years and faces change every two years, that can certainly be detrimental to the continuity of service of a child welfare agency. Be mindful of that. We're certainly mindful of it.

We're hoping—and it has already been documented—that Bill C-92 will supersede any provincial or federal legislation.

• (0955)

There was fear that such a bill would only apply on reserve, and then agencies would be forced to implement both provincial legislation and federal legislation. People would receive different services depending on where they were coming into contact with the system. We're being mindful of that, but we are highly optimistic about Bill C-92.

The Chair: Very good.

The questioning now goes to MP Yves Robillard, probably in French. If you need it, put your earpiece in.

• (1000)

[*Translation*]

Mr. Yves Robillard: My next questions are for Mr. Awashish and Ms. Fournier.

In previous meetings, we heard some criticism regarding the bill, because it doesn't touch upon funding. Should the bill deal with funding or should it be based on indigenous communities' needs, and should funding decisions be made by the federal government and the provinces?

Grand Chief Constant Awashish: Thank you for the question.

As you say, it would indeed be beneficial if provinces were to help with funding. Currently, we fall under federal jurisdiction. Apart from a few special projects, provinces do not fund programs and services for first nations. This is certainly a concern of ours.

I will give you an example. We signed an agreement under subsection 37.5 of the Youth Protection Act of Quebec. For those of you who do not know of this agreement, we have enjoyed complete autonomy in terms of youth services since January 29, 2018, after more than 15 years of negotiations.

Two of our communities are autonomous and are situated in a certain town, but people are starting to move to other urban centres. They are therefore out of our system and we would like to offer them our services, but we don't have the necessary funding to do so in other cities.

We are pleased with the bill's orientation. In general, we are going in the right direction. People are talking about reestablishing relationships between nations, between the federal government and indigenous governments. I believe that reconciliation happens slowly, step by step, one victory at a time, but there remains the question of funding. How are we going to meet all the needs of first nations? I don't think we will be able to provide an answer today, but we will have to think about it. At the very least, there has to be some sorts of promise in the bill that will become binding.

Mr. Yves Robillard: Obviously, by passing this bill we wish to ensure its successful implementation in the years to come. In order to do so, it will be important to have the necessary means to collect data to be able to measure that success.

How can we better support our communities in order to collect that data throughout the process?

Grand Chief Constant Awashish: The Conseil de la nation atikamekw has a data collection system. Once again, it is a question of cost. We have to hire staff to set up the systems, give training and do follow-ups so that people are well informed about data collection.

In Quebec, the province is responsible for data collection. We wanted to have the same system, but there was a problem which was solved in the past few months. Ms. Fournier is better able to speak to this than I am, as she is currently handling that file.

Ms. Anne Fournier: The data collection system has been a thorny issue in setting up a separate atikamekw system. We wanted to have our own data collection system. The provincial government was against it, because it is responsible for funding as per the agreement signed under section 37.5 of the Youth Protection Act.

Because we were refused funding for an independent data collection system that would have been useful and would have been in lockstep with our youth protection system in every way, we are forced to use the provincial system, which is called *Projet intégration jeunesse*, or PIJ. This means we have to be flexible and we are currently negotiating with the province. The data that the province collects is very useful within the provincial system, but that same data is not adapted to the atikamekw system that we use currently.

We will send you a brief on this issue. For example, the Atikamekw collect information indicating whether the child has been placed in an atikamekw or non-atikamekw family. This type of data, however, is not collated by the province. It is, however, very important for us to have it.

•(1005)

Mr. Yves Robillard: One final question.

During his testimony, Minister O'Regan indicated that approximately 65 meetings were held with representatives from indigenous communities.

Did you directly or indirectly take part in those consultations? What can you tell us about the consultation process?

Ms. Anne Fournier: We did indeed take part in the consultation process and we provided a brief. We thought the consultation process was well carried out. We appreciated being consulted. We were able to express our ideas freely. We were pleased.

Mr. Yves Robillard: Thank you.

[English]

The Chair: The questioning now moves to MP Kevin Waugh.

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): Thank you, Chair, and welcome to all three groups. This is like home for all three of you.

I will start with the ITK.

Mr. Obed, you talked about paragraph 28(a). That seems to be a thorn in your side, for very good reasons. Just expand on that for the committee, if you don't mind.

Mr. Natan Obed: As it currently stands, we have incomplete data about how many Inuit are in care. That extends within jurisdictions within the Inuit homeland and also across southern Canada.

Having a federal statute that demands that there be a distinctions-based way of identifying children in care systems would allow for us, for Inuit—however service delivery happens in each one of the Inuit regions or in southern jurisdictions—to provide the type of care that upholds the rights of Inuit children. That is a huge challenge for us right now, because if a system isn't identifying Inuit within its jurisdiction in service delivery, there is absolutely no way that their indigenous rights can be upheld and that services and the connection to community can be provided.

Mr. Kevin Waugh: Does this bill focus on the outcomes? You talked about the outcomes being in focus. Does this bill focus on that or do we need to make a couple of amendments?

Mr. Natan Obed: I think that very generally it is focused on outcomes. I think it imagines the agreements that can be made between indigenous governments and the Crown as being key facilitators to those outcomes.

The challenge of funding is one that we've talked through all the way. In different statutes, funding is handled in different ways. Sometimes it is written into legislation, and sometimes the regulatory process is the time and place for those funding conversations.

We believe that the outcomes of the child, the rights of indigenous children, the right to self-determination and the way in which indigenous children have to be treated within a system and their families and their communities all will get us to better outcomes

There is such massive complexity within the existing hodgepodge of systems that I'm not surprised, then, by the concerns that have come up, many of which are new to Inuit, because first nations and

Métis in care and the systems across the country are very, very different, which is why we also wanted to focus on a distinction-based approach. We feel that there are provisions that protect the distinctions-based approach within this legislation as well.

Mr. Kevin Waugh: You pointed out a very good point: the lack of foster homes up north. We have a lack of foster homes everywhere in this country, but you're unique in your situation up there. It's so vast. The distance between communities and the lack of foster homes is something that is certainly on the radar for your people. There's no question about that. Thank you for bringing that up.

Grand Chief, you made a remark about who would judge the best interests of the child. Who? That's the question. We've talked about jurisdiction and all of that, but that was an interesting comment you made.

•(1010)

Grand Chief Constant Awashish: That's a very good question. Who would judge the interests of a child? If we think of how a child was brought up right to this moment, before they created this legislation, this was judged by the mass of the people. As for the authority, the court system in place right now, most of the time that doesn't reflect our values. It doesn't reflect our reflection.

I don't want to have to bring that up, but if we look at the Boushie case, that's one good example of what the court system does to us. So how are they going to interpret the best interests of the kids? That's a big question. Maybe we have to clarify this piece and work on the wording to ensure that the interpretation is given to the first nation or the provider of services.

Mr. Kevin Waugh: I'll turn now to Sandy Bay, if I may, Madam Chair.

We've heard a lot from Manitoba, but this is the first administrative report that we have seen in committee, which is good. Thank you for this. The funding that you get now is forty-sixty. I think that was a good education for everybody around here. The feds are at 40% and the Province of Manitoba is at 60%.

Manitoba probably has more issues than any province in this country. You've brought that out. One of your statements was this: Is the reserve the best place to raise children? If not, why not?

Mr. Richard De La Ronde: Shall I...?

Chief Lance Roulette: Yes, you shall.

Mr. Richard De La Ronde: Yes. I can sum it up in one word: socio-economic conditions. When your community has no housing and has no jobs, when those kids turn 18 and are no longer the responsibility of an agency, they will fail and they are failing. Those are stats that are often blamed on child welfare delivery agencies. You always see in the media that child welfare is failing first nations kids, but when you're attempting to place them in an environment that puts them against these great odds of success, those are going to be the results.

Our approach to that is placing children in environments where they can be successful, where there are universities. Many of our children in care are in Manitoba post-secondary institutions that we pay for. They are not funded but we find a way. Again, we bend rules to make things like that happen. The outcomes are phenomenal. When the province comes knocking and says, “Hey, you can't do that” and then looks at our outcomes, they turn them into pilot projects. Sandy Bay has been in four projects in the last year or so.

I hope that answers your question.

The Chair: Thank you.

We have to move on with questioning, but I see that Tim Catchaway wanted to participate.

A voice: Yes.

The Chair: Perhaps the other MPs will give you a chance to participate.

The questioning moves to MP Rachel Blaney.

Ms. Rachel Blaney: Thank you all so much for being here with us today.

This is a piece of framework legislation. I think what concerns me about it—and other witnesses have brought this forward—is that while we understand that putting a dollar amount to funding doesn't make sense right now, there should be clear principles in the legislation around funding to ensure there's a good service delivery model as it comes.

I'm wondering if you could speak to having principles around funding in the legislation. Do you think that's important or not? Could I start with you, Grand Chief?

Grand Chief Constant Awashish: Thank you.

Yes, I think it's very important to have those principles. I don't know exactly which wording we should put in there, but of course we already know about all the financial stress that's happening in communities and also with our service system. Already in the near future we will be seeing more financial problems if the government doesn't engage itself to properly fund this piece of legislation. In the end, what's the good of having this piece of legislation if we haven't provided for our people?

I think it's very important that we mention it in this legislation to make sure that it's clear and engages the federal government to participate in taking care of our children. I want to remind everybody here that our children will be the ones who are going to be protecting Canada later. They have to feel that they belong here.

As I said earlier, they have to feel a sense of stewardship of this country. It doesn't matter which party you come from; that's what we have to think about. We have to think 50 years ahead, not only four years ahead but 50 and 100 years ahead. We need to put the money in today to make sure that our children feel good and that we overcome all those different traumas that came behind us. That's all we need.

•(1015)

Mr. Natan Obed: ITK is in agreement that clarification around funding would be effective and a positive change in this piece of legislation.

In the legislation, “substantive equality” is mentioned. The caring society's case in the Canadian Human Rights Tribunal rulings and the effect that has on this conversation have to be considered. If governments can find ways to not implement CHRT rulings, and especially around the funding, then writing it into legislation is a really positive way to get to the desired outcome.

Having the idea of substantive equality in a piece of legislation provides us hope within the regulatory process that the funding will be there, but provisions in legislation that make it clear would be helpful.

Mr. Richard De La Ronde: My colleagues hate it when I say this, but I've never gone to a government and asked for more funding. I've always asked for flexibility in the funding. For Sandy Bay, that's what is important. If you go to Manitoba and look at family enhancement, which is a service delivery model and a sort of prevention model in Manitoba, you'll find that every agency has a surplus because of the restrictions on how the funding can be used. It makes it impossible to spend money.

You can give me all the money you want, but if you inhibit the way that I can spend it, it's not going to do anything for me. When you talk about funding, be mindful of having the flexibility to use that funding in certain ways, and do not tie it and restrict how it can be used, because it doesn't get used and it doesn't help us at all.

Ms. Rachel Blaney: Thank you.

I really appreciate that comment. I think it's very important for everybody here to hear that, because if we're going to get to the next step, which is really about reconciliation, it means acknowledging and getting out of the way when we need to get out of the way.

On one of the other things that we've heard a lot about, I really want to come to ITK. We've heard from some of the more remote communities about the challenges of being remote, and they say that when we look at this legislation we should be considering geographical areas a little more comprehensively. The example given was that the next community is 700 kilometres away. When you think about how you connect the children with their communities, those challenges are really significant.

I'm just wondering if that's something we should be looking at in the legislation and if there are any potential solutions in terms of legislation that we could propose.

Mr. Natan Obed: The first and foremost challenge is infrastructure and service delivery. If there isn't the essential infrastructure in a community, such as was already mentioned—foster homes or the ability for there to be housing for families—then it puts people in really difficult situations that then come into contact with family services.

It's the same for food security and poverty. No matter what is in this legislation, we still have to do more to ensure that our children have enough food to eat, that families are not in poverty and that we have housing and other essential pieces of infrastructure in our communities. That would go hand in hand with the provisions in this legislation. If that isn't focused on, we will continue to have the challenges that we're facing.

Remoteness is another really challenging piece. In many of our 51 communities, the connection between that community is one that is probably not even within the jurisdiction but is a flow-through to a southern-based jurisdiction, whether it be Alberta, Manitoba, Ontario, Quebec or, in Nunatsiavut, Newfoundland or parts of Labrador. We haven't figured out how to ensure that services are delivered in a culturally competent way even with that reality that has been a reality for 50 years now.

• (1020)

The Chair: Okay.

The questioning moves now to MP Robert-Falcon Ouellette.

Mr. Robert-Falcon Ouellette (Winnipeg Centre, Lib.): Thank you very much to all the witnesses who have come here today. I really appreciate the opportunity of hearing many of your comments.

I was wondering if you could talk a bit about customary adoption. I know that the Inuit practise customary adoption still today. Many first nations in the rest of the country do it a little less so in the southern parts. I am one who has also done customary adoption of youth and members in my own family, which means adopting a young child through a ceremony to a new relationship. It's sometimes very difficult to interact with the Canadian state in order to regularize that.

I was just wondering if you could talk a bit about some of your experiences and about whether that should be mentioned at all within this legislation, because I don't think it's currently mentioned in very much legislation anywhere in Canada.

Mr. Natan Obed: Currently there is customary adoption within legislation in the Northwest Territories and in Nunavut. It is still a widely practised custom of adoption and it is very different from the adoption that most southern Canadians would know.

I think it plays a very significant role within the well-being of Inuit children within Inuit communities. However, when you put it within the framework of federal or provincial-territorial legislation, there are constraints, especially in relation to funding and the ability for the rights of the children to be upheld by the families who are taking responsibility for those children.

Customary adoption is much less regulated than its alternative, and that is deliberately so, but there are still some challenges that come up because of that practice. With both customary adoption and also traditional midwifery, those are two areas that I think should be respected more as indigenous rights or as Inuit rights within a larger legislative structure and framework to protect those rights.

As far as its application in Bill C-92 is concerned, I think we would have to have further deliberations with our regions before giving you a more thoughtful answer.

Mr. Robert-Falcon Ouellette: Chief Awashish.

Grand Chief Constant Awashish: Thank you.

We, as the Atikamekw Nation, worked on modifying the legislation in Quebec. We have had success in making sure it respects our traditional ways of adoption.

I don't know about other provinces. I know the Inuit do it differently from us, and that was one of the matters in the beginning. The Quebec government understood that we were all the same—Inuit, first nations, and all that. We intervened and we told them that our way was different.

Let's say someone is adopting a kid. For us, that person will raise that kid, but that kid never loses the link to his original mother and father. That is the ancestral way of adoption in our community.

Even though a child may live all his life with the parent who adopted him, the child will always know who his real mother and father are. That's the way we are; that's always been like that. We always work in a traditional way.

Mr. Robert-Falcon Ouellette: Grand Chief Awashish, in Quebec, you attempted to get legislation through the National Assembly, but it wasn't successful.

Grand Chief Constant Awashish: Yes, we did.

Mr. Robert-Falcon Ouellette: Oh, it was successful.

Grand Chief Constant Awashish: Yes, it was successful. Quebec adopted our recommendation.

Mr. Robert-Falcon Ouellette: Excellent.

Richard De La Ronde.

• (1025)

Mr. Richard De La Ronde: The same socio-economic factors that bring children into care also prevent those adoptions from happening, and also prevent fostering.

In those circumstances where families are interested, because the provincial process of adoption is quite arduous, we circumvent that through a simple application of guardianship. When we have an aunt, an uncle, or a *kookoo* who want guardianship of their nieces, nephews or grandchildren, we simply ask them to apply for guardianship in Manitoba.

I don't know if you're aware, but anybody can apply for guardianship of anybody's kids. We do an uncontested application for guardianship in those cases where families want to adopt their nieces or nephews. It goes more quickly.

There are issues around financial support, and there is subsidized adoption in Manitoba. Again, engaging in that process is quite arduous, so we have found that doing applications for guardianship are quicker, cleaner and they cost less money for families.

Mr. Robert-Falcon Ouellette: Thank you very much. I have probably about another three minutes left in my time.

With Jordan's principle, and also in clause 9, it discusses the concept surrounding the following:

(e) in order to promote substantive equality between Indigenous children and other children, a jurisdictional dispute must not result in a gap in the child and family services that are provided in relation to Indigenous children.

The federal government is saying that no matter what happens in clause 22, which talks about jurisdiction between provincial laws, indigenous laws and the laws passed by indigenous governments or even federal laws, that at no time should there be a gap—meaning in funding or in the types of services because we're talking not simply about funding but also the quality of the services offered for children.

Do you believe this is enough in this legislation to lay it out? If, for instance, some government decided not to fund indigenous child welfare at the federal level, if there were a different government that said this was not their priority, could you take them to court and obtain redress?

We can talk about it with Natan or Jenny.

Ms. Jenny Tierney (Manager, Health and Social Development, Inuit Tapiriit Kanatami): I guess it could be a possibility. We did have large discussions around substantive equality and its inclusion within the bill. It was really important for ITK to ensure that was there and to know whether we would be able to go back and take somebody to court over it. We would need to study that option further with our regions and with legal counsel.

The Chair: Thank you very much for coming out. Your testimony is part of the official transcript. We invite others who may be watching and wish to submit briefs to do so.

If you require translation to allow us to bring in the appropriate language if it's an indigenous language, we can make that happen as well.

I want to thank you for participating in this very important discussion.

Meegwetch.

We'll take a short break and bring in our new panel. Thank you.

•(1025) _____ (Pause) _____

•(1035)

The Chair: This is the Standing Committee on Indigenous and Northern Affairs, and we are in our third panel. I want to thank everybody for coming to order. We have a lot of people who are speaking to this very important bill.

We have the Métis National Council, Metis Child and Family Services Authority, and the Metis Child, Family and Community Services.

I understand we are starting with the Métis National Council. We have President Chartier here. Welcome.

You can begin any time you're ready.

Mr. Clément Chartier (President, Métis National Council): Thank you, Chair, and good morning. Good morning to members of the committee.

I'm pleased to have an opportunity, on behalf of the Métis nation, to speak to you today on this most important bill, Bill C-92. This

proposed act holds the promise of a better future for our children and youth, our families, our communities and our nation. The reality today is that too many Métis nation children and youth become institutionalized through mainstream child and family services systems, alienated from their personal identities, their family relations and their cultural roots.

The proposed act provides a road map for overcoming that reality through four main areas, at least, for the Métis nation.

The first area is the promotion of the right of self-determination possessed by the Métis nation through recognizing self-government and jurisdiction in the area of child welfare. Should this act be passed, the right of the Métis nation and its governments to exercise responsibility over the upbringing, training, education and well-being of our children will be recognized. Where indigenous governments enact child and family services laws, these will take precedence over provincial laws where negotiations over a period of one year do not result in agreement.

The second area contained in the proposed act is the promotion of culturally competent, equitable, responsive and effective care on the basis of substantive equality compared to non-indigenous children in Canada. The Métis nation has developed capacity in positive culturally based practices that have proven results, some of which you will hear about shortly from my colleagues this morning and in future hearings from other Métis nation leaders and care providers.

The third area concerns placing the best interests of the child as paramount, including rights of children to know their parents, families, communities and history.

The fourth area relates to placing prevention and early intervention at the centre of child and family services, replacing the current model and practices of intervention.

During the co-development process the Métis nation assessed the standards and rights contained in the United Nations Declaration on the Rights of Indigenous Peoples, the United Nations Convention on the Rights of the Child, and the American Declaration on the Rights of Indigenous Peoples.

This proposed act is one of many steps needed for Métis nation children, families and communities to fully realize their right to survival, dignity and well-being. The co-development process must continue in order to develop a regulatory framework for implementation of the act. Tripartite tables engaging Métis nation, federal and provincial governments will need to be established. Financial commitments required for the implementation of the proposed act will need to be made.

It is important that these next steps are not misconstrued as barriers to immediate adoption of the proposed act. It is important that each one of us who holds a leadership role takes the necessary action to ensure that this proposed act is adopted. Now is the time for transformative change that will positively impact, throughout Canada, the children and youth of the Métis nation, first nations and Inuit.

•(1040)

The Métis nation is appreciative of the support we believe we will be given by all parties to the passage of this bill. This legislation is about the future of our children and ensuring that they have the best possible opportunity for happy, healthy childhoods, living with their families and in their communities and culture.

I look forward to the passing of Bill C-92 and its implementation. I encourage all members of this committee to do their utmost to ensure that this happens.

Thank you.

The Chair: You were shorter than expected. I mean your speech.

Mr. Clément Chartier: I am shorter than expected. My dad was disappointed, but what can I say?

Voices: Oh, oh!

The Chair: Thank you for your comments.

We're moving on to the next presenter and that is the Metis Child and Family Services Authority, Billie Schibler, chief executive officer.

You are on video conference. Thank you for participating, and start whenever you're ready.

We cannot hear you. It looks really interesting, but we cannot hear a word of it.

We have a technical glitch. We are going to suspend for one minute to see if we can get it fixed.

•(1040)

(Pause)

•(1045)

The Chair: Are we good? Okay, we are better than good. We are great. We hear you now.

Please go ahead when you're ready.

Ms. Billie Schibler (Chief Executive Officer, Metis Child & Family Services Authority): Good morning. I'm Billie Schibler. I'm the CEO of the Metis Child and Family Services Authority in Manitoba.

I want to begin by acknowledging our members of Parliament as well as our Métis leader for our Métis National Council.

I want to begin by indicating that in my presentation—I don't know if you received any copies of it—I spend time discussing things from the perspective of someone who has not only been a service provider in child welfare in Manitoba but also a person who has been a recipient, been affected by and cared for many children who have been part of the child welfare system.

It's important for me to begin from that place, because it provides you with the greater context of my understanding of Bill C-92 and its importance.

I also want to acknowledge, as we begin to look at this, that there has been a lot of work done by the federal government and our indigenous political leaders to recognize this and bring this bill forward, and I'm grateful for it.

From a personal level, I've been very blessed in my life to have been able to live with my mother and grandmother as a child. My mother was 13 years old when she had me, and it was at a time when there was very little support provided to young single mothers. I'm able to look at life and my career in that context and through my own eyes, growing up as a child and having been provided that opportunity, when so many of our other families have not had that. I'm very welcoming of the legislative changes that are proposed.

My background is as a social worker. I've also been a foster parent for over 30 years. I have had more than 45 children come through my home, at any given time. I'm currently caring for one of my own grandchildren, whom I've had since he was a baby. He's now 10 years old. That's a very common thing with our indigenous families, as you know. If we're given the opportunity, we provide care when some of our family members are not able to do so.

I lost one of my brothers during the onset of the sixties scoop. We never found each other until we were in our mid-thirties. We learned a lot from each other's experiences, and it told us a lot about the child welfare system and what needed to change. That is so reflective of the history of our families and our people.

I have had the opportunity to deliver child welfare services in both Manitoba and Ontario, in leading child welfare in first nation communities as well as urban settings, and delivering front-line service. I've had a fairly rounded understanding of what needs to occur, and also look at it as a former children's advocate in Manitoba.

For those of you who don't know Manitoba's child welfare history—I'm assuming most of you do—we have a history that is deeply entrenched in a lot of pain. We have a long history of unclaimed struggles as Métis people. We now have some strong Métis leaders who have brought our matters to the forefront in their negotiations at the federal level, and we're very please about that. We have a larger number of children in care per capita than any other province. I'm sure you've heard those statistics.

Our Métis child welfare system is part of a devolved system. That happened 15 years ago. What ended up occurring in our devolution of child welfare was that the child welfare system never fully devolved the way it was intended to, and our ability to make our own decisions as to how to best support our families never occurred. While we were considered to be partners as part of the four authorities that existed, we never developed our own legislation. We were not able to control our own funding.

•(1050)

Currently as the CEO, I can say that we have two agencies. My colleague will speak on one of our agencies in a few minutes. We have the entire jurisdiction of the province for those who choose to come to us for service or for Métis families and Inuit families that we're mandated to serve. That is large.

We currently have 1,275 children in care out of the nearly 11,000 children in care in Manitoba. Even though our practice is to try our best to preserve families, many of these children are coming to us as permanent wards, with wardship granted through the courts. Once they have been made a permanent ward, they go to their culturally appropriate authorities if they're not being serviced there already. A lot of those children are coming to us through a permanent order of the child welfare system. We have not had any opportunity to provide service to their families, so it becomes very challenging for us to accept the children at that time, when they should have been part of our system right from the beginning.

We know from looking at any proposed legislation and the bill, that there has to be a complete mechanism whereby our system is notified of any Métis families coming to the attention of the child welfare system so that we can have early involvement. Otherwise, we're doing a major disservice to our families and to our children.

We know that it's very difficult to undo the history of child welfare services in Manitoba—or anywhere—that were not culturally appropriate to begin with. As we look at Bill C-92, first of all, I want to commend the way that it begins. The preamble clearly identifies and recognizes the history and the true issues that exist for our people. Most importantly, it acknowledges the significance of working together to accept and address the Truth and Reconciliation Commission's calls to action.

With the history of indigenous peoples in Canada, we know what that looks like. We know about the residential and day schools, the sixties scoop, murdered and missing indigenous women, and the increasing number of indigenous children in care. We know that the effects of these tragedies have existed for decades and centuries. How, then, do we undo these effects? That's really what I think any changes in legislation—any proposed bills—need to take into consideration.

We need to look at how we can undo these effects and at how long that will take, considering the trauma and the impacts of racism, addictions, mental health problems, the high number of suicides, homelessness, non-sustainable traditional lands, family and community violence, gang affiliation and the overrepresentation in the criminal justice system.

We have fragmented family units and a disconnection from land, culture and identity that continues to afflict our people. We acknowledge that it is mental health week here; I'm not sure if that's across Canada. The current mental health of indigenous peoples and the escalating addictions crisis are further symptoms of generational pain and blood memory from trauma.

If we are still living out these effects and we see them every day on our streets, in our cities and in our services, how does the child welfare system move away from a protection mindset and practice? If we recognize that the truth is the entry point for reconciliation, then what brings us to reconciliation beyond that first step of telling our truths?

•(1055)

If we say “no more band-aids” and that we want to see legislation that allows us to reveal so that we can heal, then it must be recognized that the reveal is our truth of generational accounts of

government policies and historic wrongdoings. How do we move forward into reconciliation without a focus on healing? What does that healing look like?

From our own individual value base, it's going to look different. Some might think that an apology is the road to healing, or that residential school payouts are the road to healing, or that changes in legislation are the road to healing. We can all agree that healing is a process of becoming healthy, but it isn't a one-size-fits-all. Healing is the purging of a lot of emotional pain and trauma—generations of it.

Healing and the anticipated transformation needs to be recognized as a journey. It needs to be a place where people feel safe to be able to tell their stories. It needs to be offered through positive solutions and planned options that support healing in everything we talk about in terms of prevention and support. In fitting with Jordan's principle, there needs to be jurisdictional accessibility to these services. There needs to be accountability and support from each level of government for the funding and provision of these services.

Yes...?

The Chair: You've run out of time.

Ms. Billie Schibler: Can I just have one final statement, then?

The Chair: Go ahead.

Ms. Billie Schibler: Okay.

Most importantly, I want to say that we know that our child welfare system is only one portion of service. We really are in full support of what we're seeing as a beginning step with Bill C-92, but we're only one service in the whole realm of this journey. All of the other services—justice, education, health, mental health—need to see a similar type of legislative change.

I thank you very much for your time.

The Chair: Thank you.

Now we'll move to Metis Child, Family and Community Services. Greg Besant, the executive director, is at the same location there.

Welcome. You can start any time you're ready.

Mr. Greg Besant (Executive Director, Metis Child, Family and Community Services): Thank you, Madam Chair.

I'd like to thank the committee for the opportunity to speak to you all today and for your work on this important topic and legislation.

I'd also like to thank our indigenous elders, leaders and politicians who assisted in bringing forward the issues faced by indigenous people when working with and for the welfare of indigenous children.

I would especially like to thank the leadership of the Métis people, both nationally and provincially, for supporting Bill C-92. For the Métis people most especially, this bill can lead to substantive and meaningful change.

I have had the honour of being the executive director of Metis Child, Family and Community Services in Manitoba for only the past one and a half years. I came to this role after working within and around child welfare systems for more than 25 years, and I have seen many changes in that time. I've worked in three different provinces during that time.

In child welfare, we see ourselves as helpers. One of the important lessons that we all learn eventually is that, without hope, there is no change. Bill C-92 gives me hope that we can finally have a child welfare system truly designed and controlled by indigenous people. Metis Child, Family and Community Services, for those who are unfamiliar, is a fully delegated child welfare agency. We deliver services in the city of Winnipeg, as well as in the Interlake and Eastman regions of Manitoba. Our specific mandate is to deliver services for Métis and Inuit, although the structure of devolved services in Manitoba is such that we also serve some non-indigenous and first nations people.

As a fully delegated agency, we provide services both to families to prevent children from entering into care but also to families as they work toward the reunification of children in temporary or permanent care.

Currently, 929 children of the 1,200 that Ms. Schibler referred to are in my agency's care. We are a very large agency. This number of children in our care has remained generally stable for the past five years, but it's disturbing that the proportion of those children who have been permanently removed from their parents is steadily increasing. At the end of the last fiscal year, 668 of these 929 children were in permanent care. In our agency, we still support families to have regular involvement and meaningful engagement with their children, even though they're in permanent care. They see them as often as weekly. Hopefully, they're placed within their families, and those families are involved in every important decision regarding them. It's a very important principle that we follow within our agency.

The reason for this change in the proportion of children in care being more permanent than temporary is not only that we're working hard to reduce the number of children coming into care through apprehension or temporary orders, but permanent orders are relatively long-lasting. That's the main piece of that, but there are systemic issues within our legislation and the justice-related systems that have really impacted how children end up staying in care.

Those of you familiar with the state of child welfare in Manitoba will recognize that we've been in a state of crisis for many years, despite having travelled a path toward devolving powers to indigenous agencies more than a decade ago. Where some would see this as a cautionary tale about empowering indigenous people, I would counter that it's cautionary insofar as Manitoba did not go nearly far enough with the meaningful sharing of powers, and Bill C-92 provides a mechanism to resolve this.

Currently, as a fully delegated agency, we can do what any other child welfare agency in the province can do. That's the problem. We can't do things differently. We have to do what child welfare has always done. The legislation in Manitoba is set up so that, once children enter care, the only exit point is adoption, except for those children we have a guardianship application for. The legislation supports adoption and the funding structure supports adoption, and we cannot follow that path.

● (1100)

When a child comes into care in Winnipeg, it's long been the policy that children be placed with their family or extended family. It's been that way precisely as Bill C-92 proposes. It's been that way for decades.

We have 270 related family caregivers in our agency. However, before a decision is ever made that a child must go into care, we created a family conferencing program to support and engage families and extended families. In many cases, the families themselves are the ones involved in the decision to have the children leave their parents' care, and they have come up with their own plan for that child's care.

Even though the provincial policy is for children to be placed with family, we receive no dedicated funding from the Province of Manitoba for either our kinship care program or our family conferencing program. Instead, I have to divert funding that is meant for child protection staff for that.

The province funds shelters and emergency care foster homes through private agencies. The vast majority of the children in these third party homes are indigenous, and yet the vast majority of these homes are not. As a result, we have had young Métis children speak Tagalog as their first language, and teenagers tell us that they're Filipino, not Métis. We've had other children raised within traditional Mennonite communities, and this has been a fact since devolution.

This continuing practice of funding third party care providers rather than funding culturally appropriate agencies is continuing the process of colonization. The historic funding structures and the relationship simply do not match the outcomes we are trying to achieve. This bill would allow us to work around these remnants of the colonizing structures and processes to further create specific Métis resources.

Another example of a Métis-specific resource, which has received considerable attention, is our living in family enhancement program. Within these homes, children live in a foster home along with their parent, ensuring that attachment is never broken or that it can be restored if they had previously been separated.

I want to emphasize the incredibly hard work and deep caring that is prevalent within the child welfare system across the country. However, listening to some critics, one would have to agree with a provincial MLA, who expressed to me in the context of a legislative review in Manitoba, that social workers act like they are crazy.

Child welfare systems are supposed to be designed to help families and protect children. People working within child welfare were attracted to it because they want to support families and protect children. Yet, we are caught between finely written principles that we wholeheartedly believe in and the dangerous situations we find children to be in. The only solutions that are funded by mainstream government are the removal of children from their family and nation, and bringing our own people into an intimidating court system that they have only experienced as being punitive towards them.

By supporting indigenous people to create alternative solutions, Bill C-92 creates hope. As noted earlier, with hope, we can create change.

Thank you for your time.

•(1105)

The Chair: Thank you very much for those presentations. I think we'll have a good round of questioning.

We're going to begin with MP Dan Vandal.

Mr. Dan Vandal (Saint Boniface—Saint Vital, Lib.): Thank you very much.

First of all, thank you to all three presenters. I appreciate the time you've taken.

I only have seven minutes, so if I cut you off, don't be offended. It's because I want to get to another question.

I'm going to start with Clément Chartier.

Mr. Chartier, Senator Murray Sinclair called the co-development process around this bill a model for the Truth and Reconciliation Commission's calls to action, yet around this table, we've heard from several groups saying that the co-development process has been lacking.

Can you talk about the process from your perspective and offer your thoughts on that, please?

Mr. Clément Chartier: From the perspective of the Métis nation, it really could not have worked in any other manner. We have a national government. We have five—for your sake—provincial governments; we call them “governing members”. We have our institutions in place.

We were fully engaged, at all levels, in dealing with this process with the federal government in recognition of section 35 and, of course, the right of self-determination, including the inherent right of self-government .

Mr. Dan Vandal: In the traditional territory of the Métis nation which is parts of Ontario, Saskatchewan, Alberta, B.C., those territories were engaged and know about the legislation.

Mr. Clément Chartier: Yes.

In fact, our homeland covers the three prairie provinces and extends into a small portion of northwestern Ontario, northeast B.C. and the Northwest Territories. In the United States, we've had national conferences, and we've had provincial consultations and regional consultations. We have been fully embracing our citizens.

Mr. Dan Vandal: I also appreciate the fact that you mentioned that this is the beginning process. The engagement needs to continue.

From our perspective, we're committed to that co-development process as this unfolds.

Billie Schibler, welcome. Obviously, you've read this bill.

Ms. Billie Schibler: Correct.

Mr. Dan Vandal: The whole crux of the bill is to put more focus on prevention and less on the removal of children. Is it possible to redirect dollars that are being used for the removal of children toward prevention, without compromising that role of child protection and making sure kids are not abused?

Ms. Billie Schibler: I think that it's critical. Thank you very much for that question.

As my colleague, Greg Besant, has noted, we currently have other services within and attached to our child welfare system that we aren't mandated to provide any other means of support to our children without having to utilize those services. Those services are taking a great portion of our finances. This is where we're supporting a lot of our group two resources that provide foster care to our children that are not culturally appropriate.

With all the dollars that are being eaten up in those ways and in the separation of children and their parents, diverting dollars back and doing some of the innovative things.... We're stealing from Peter to pay Paul, is what it basically comes down to, in order to do some very creative things to keep families together. That's where everything needs to move. Everything needs to move toward that.

•(1110)

Mr. Dan Vandal: Okay, thank you.

Greg, you mentioned a couple of programs that Métis Child, Family and Community Services runs that really are not.... Could you explain more on the dilemma you're in?

Mr. Greg Besant: Yes. We run the kinship care program, which involves supporting our related caregivers. We have a very large kinship care program. We're very proud of it. We receive no funding from the province to support those homes. Third party providers are funded to the point of one social worker for every eight beds to support their foster homes, and yet we receive zero child care workers. Kinship care is to make sure that children are in a related caregiver home, that related caregiver is supported and problems that result are cleared up.

Our Métis connect program is our family conferencing program. We have two family conference facilitators who help arrange a family conference for any child who is in care or when children are at risk of coming into care. We help families find alternative solutions to children coming into care. Those families generally do find other methods of support for that. Once again, that's an unfunded program.

Mr. Dan Vandal: Sure.

I have another question for Billie. You made the comment that the Province of Manitoba did devolve child and family services, I think in the early turn of the century. Yet you say they've never fully devolved. The whole point of that devolution was to better serve children, yet child welfare removals are at an all-time high. Can you talk about the reason for that?

The Vice-Chair (Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC)): You have a minute left to respond.

Ms. Billie Schibler: Thank you.

Let's just go back to what Greg was saying. Right now, we spend about \$10 million annually on group two resources and other services that are not culturally appropriate and that are not part of supporting families in their healing journey and keeping children and families together. We were brought to the table 15 years ago through devolution as an active partner in the planning, but we haven't been given the opportunity to determine how those dollars can be used to help our families with their healing and to keep them together.

Mr. Greg Besant: If I may add, with the ancillary parts of the system, such as justice, we're still bringing families before European-based court processes rather than a reconciliation-type process. Judges are the ones who make decisions to have children stay in care.

Ms. Billie Schibler: That's with legislation that confines the amount of time that you can work to help a family to heal. If you run out of time, the child is subject to a permanent order.

The Vice-Chair (Mrs. Cathy McLeod): We'll move now to MP Arnold Viersen.

Mr. Arnold Viersen: Thank you, Madam Chair.

Thank you to our witnesses for being here today.

Billie, you've talked a little about fragmented family units. You seemed to insinuate that that was an issue. Could you expand on that a little?

Ms. Billie Schibler: What we are referring to is basically what Mr. Besant was speaking about, and that was about looking at the difficulty that we have as a system when our funding hasn't been allotted to us to support families. When you have a generation....

Let's go back even as far as residential schools. If you go back that far, you see the separation of children from their families. Who do we learn our parenting skills from? We learn them from our parents. Who do we see as the centre of our universe and our purpose for being? Our children.

When you remove the children from the family, who do the children learn from? Then, what does that mean when they become parents? That is our fragment.

•(1115)

Mr. Arnold Viersen: How would we address that particular issue in this bill? Would you say that it would be a preamble thing or would that be in the preventive care part?

Ms. Billie Schibler: In my mind, that definitely has to be embedded right in the legislation where we look at how this is reflected as part of truth and reconciliation. How is this reflected, as I had indicated in my presentation, around the healing journey? If there are families that are on their healing journey, and we try to keep them together, as we have with our agency program, they can still be supported together in many of those instances without a fragmentation of the family.

That has to be provided through funding, and it has to be clear in the legislation that everything is focused on prevention and support rather than the other way around.

Mr. Arnold Viersen: Clause 14 of the bill talks about priority and preventive care, and it's a fairly short piece. Would you recommend that there be help to parents, essentially, at that point?

Ms. Billie Schibler: Absolutely. When we look at the bill, we look at this as being the starting point of any of the changes in legislation because, as the president of the Métis National Council indicated, there has to be ongoing collaboration around the wording and how this affects all our indigenous people. We don't need legislation given to us again. We need to be part of the development of that legislation, and it needs to reflect our realities.

Mr. Arnold Viersen: Mr. Chartier, one of the things that's going to be a little interesting with this legislation is how we address first nations versus Métis distinctions. We've talked about it with a number of other folks as well. Given the fine line between Métis and first nations, is this bill going to clear up jurisdictional issues or will it exacerbate them?

Mr. Clément Chartier: My view is that this bill is based on the right of self-determination based on section 35, based on the inherent right of self-government. For the Métis nation, as I stated earlier, it's going to be simple. We know who our citizens are. We have our own registries. We are registering our own people.

For us to move forward, we'll simply be dealing with the citizens of the Métis nation as our registration process continues. I can't speak on behalf of first nations as to how they are going to approach their forms of government and how they're going to deal with child and family services.

For the Métis nation, we have a distinct geographic homeland. Some of our citizens live outside the homeland. We will have to look at ways and means of serving those people who have moved to other parts of Canada, but it won't be insurmountable. For us, it will be relatively easy to do.

Mr. Arnold Viersen: There's a question that comes in here, then. For people who are registered as your members, that's simple, but what happens when in the real world one of your members marries a first nation status person and they have a child? Where does the claim go with that child?

Mr. Clément Chartier: First of all, we don't have members. We have citizens of the Métis nation who are represented by their governments. I'm the head of the national government in the same way that you have a prime minister. Our government has the same legitimacy under Canada's Constitution that the federal and provincial governments do. We're one of three orders of government in this country, and we will be dealing with our citizens as such.

We leave it to the individual to make a choice. If they want to identify with the first nation people, then they're free to do that. If they want to retain their citizenship.... Unfortunately, our good friend Georgina Jolibois is out of the room. She is quite familiar with this whole aspect of things. For example, she comes from the Métis village of La Loche, which is side by side with a first nation, the Clearwater River Dene Nation.

In fact, my son is the chief of the Clearwater River Dene Nation through his mom, who is a status treaty Dene woman, so all my grandchildren and great-grandchildren are status Indians of the Dene people. If one of them decided that they wanted to leave their Indian status and join the Métis community, they would be free to do that, because they will have historic Métis nation ancestry. Again, it's a matter of choice.

• (1120)

Mr. Arnold Viersen: Yes. I don't have an issue with that. It's just that a lot of times a child who is in care might be three months old. It's fairly difficult for that particular person to identify which nation they want to belong to.

Mr. Clément Chartier: Yes, I agree with that. We'll have to put in place measures to ensure that there are guardians or someone in charge of that child who will preserve that child's right to make a determination when that child reaches the ability to make that determination.

Mr. Arnold Viersen: Thank you.

The Vice-Chair (Mrs. Cathy McLeod): MP Rachel Blaney.

Ms. Rachel Blaney: It was nice to see a new chair in that seat. Thank you very much. It was very short, but it was good.

I will be asking all of you to answer this question.

One of the concerns we've heard from multiple witnesses is around making sure that within the legislation we have actual wording and language around principles of funding. We understand that putting in a dollar amount doesn't make sense, because there's a process that has to unfold.

Numerous witnesses have said that if we don't have a clear principle of what that funding might look like—something similar, perhaps, to the Canadian Human Rights Tribunal decision—this could end up being a hollow piece of legislation. I think all of us in this room understand that resources are desperately needed to address the many issues, as have been outlined for us so clearly with your testimony.

I will start with you, Mr. Chartier.

Mr. Clément Chartier: Thank you. That's a good question. We did have that in our discussions as we were co-developing this legislation.

Basically, our view is that as we move forward we will be negotiating those levels of resources required for our governments to be able to handle or deal with child and family services. If Parliament were prepared to put in a principle for funding, then we wouldn't be opposed to that: something to the effect of “equitable funding” or “funding required to enable indigenous governments to carry out their responsibilities as necessary”.

Whatever terminology is there, that's fine, but in the absence of terminology, we believe that any government of the day would be prepared to negotiate levels that are required for indigenous governments to be able to fulfill their obligations. I have faith in the system that it's going to work.

Ms. Rachel Blaney: Thank you.

Billie or Greg, do you have anything to add to that?

Ms. Billie Schibler: As it notes in the preamble, the ongoing call for that funding is that it's sustainable, that it's needs based and consistent with the principles of equality in order for it to have long-term positive outcomes for our families and our communities. I think that says a great deal about where we need to go with that without attaching a dollar amount to it.

Again, yes, I would suggest that this needs to move from the preamble right into wording within the legislation so that we're all really, really clear that it's not just repeating things that have not been effective for us in the past.

We know that everything needs to shift, and we know it needs to shift into those preventative models. We can't determine the dollar amounts that need to be attached to that at this point in time, but if we look at what we're currently paying throughout our systems in each province towards keeping children away from their families and not providing support, and if we look at it not just based on what's happening within our child welfare system, but look at what's happening within our institutions, whether they're addictions facilities or correctional facilities, those are all results of the child welfare system. When you look at all the dollars that go into funding those services, those can all be generated in a different way toward prevention. You'll see a lot of different changes and outcomes for those other systems as well.

• (1125)

Ms. Rachel Blaney: Thank you.

Do you have anything else to add, Greg, or can I move on to the next question?

Mr. Greg Besant: We can move on, thank you.

Ms. Rachel Blaney: Another issue that's come forward that you both spoke to, Greg and Billie, was around what's happening through engaging with the different systems. There's been a concern brought forward that there should be funding and support to train front-line workers and to work with judges as this is starting to be implemented to make sure that they deal appropriately with the jurisdictional issues. I'm just wondering—I think this is a concern that a lot of us have already seen unfold—with this new piece of legislation, about making sure that people on the ground understand who they should be calling. It also goes back to a comment earlier about notifying the Métis nation when a child is put into care. I think it's all of these things together.

I'm just wondering if you have any concerns about how that process will unfold and how training will unfold for those key people.

Ms. Billie Schibler: When we deliver child welfare services, the legislative path for us has to be very, very clear on how that service is delivered, because that's what everybody relies on. If you're dealing with provincial legislation currently that does not outline that as a necessity, that notification to our Métis services that a family has come to their attention, then there's no mechanism for us to become involved at the onset. There's no mechanism for Greg's services of family connect to send people out scouting for a family throughout different communities who we know may be related to those children.

It's not hard. We've done it in the past when we've received phone calls like, "This is a family that has come to our attention. The child and the family may have come from these communities. They say they have family members out there. Can you help us with this?" Wow. Boom, boom. It's amazing how that moccasin telegraph can work when you're looking for people. It takes no time at all for us to locate them, even when we have to cross geographic borders into another province, which are not our borders, by the way. We have to do that, and that can be done. That's going to be a very important piece of it.

Ms. Rachel Blaney: Thank you.

The Chair: You only have 20 seconds left.

Ms. Rachel Blaney: Go ahead.

Mr. Greg Besant: Moving it from that rights-based mentality is important. Métis people don't have, under our provincial legislation, a right of notice as first nations people do. That it's happening right in the heart of the Métis homeland is unbelievable.

Educating judges is always a difficulty. I believe that there would be broad support amongst the judiciary for some changes towards empowering indigenous people, but that would be a challenge.

Getting it to the front-line people and really educating our nation itself about this would be a very major piece of work for us so that we can ensure our people are getting the services they have a right to.

The Chair: Thank you.

The final question goes to MP Ouellette.

Mr. Robert-Falcon Ouellette: Thank you very much, I really appreciate it. I have a quick question for Mr. Chartier.

How would the Métis nation be able to actually pass legislation? What does the organization look like? How will you ensure that your legislation is robust? I was just wondering whether this fulfills the dream of Louis Riel and Gabriel Dumont.

Mr. Clément Chartier: We do have our governmental bodies, our institutions that currently are capable of passing legislation, and we intend to pass legislation to deal with child and family services. We have the institution. It's simple for us to move forward and pass that kind of legislation. As we move forward in expressing our self-determination and our inherent right of self-government, we will honour the sacrifices and memories of our past leaders, including Louis Riel and Gabriel Dumont as well as the many dozens who sacrificed their lives in defending the historic Métis nation.

• (1130)

The Chair: Thank you very much. I'm sorry, but we've run out of time.

Meegwetch for coming out and participating. We appreciate it. Thank you for being here in person. It's always good to see you.

We're going to take a very short break to change panels and get started again.

• (1130)

_____ (Pause) _____

• (1130)

The Chair: Let's get the committee back into session.

Good morning, everybody. We are televised and for all of those Canadians who are watching, you are watching the Standing Committee on Indigenous and Northern Affairs. We're discussing the important issue of how we treat indigenous children and families, and how some of the statistics indicate that indeed it has been a failure. We want to hear from you. We have experts on video conference and in person to talk about Bill C-92. You have an opportunity to speak for 10 minutes and after that the other member who is on the panel will have 10 minutes. Ultimately, when all of the presentations are done we'll go into questions from the members.

Let's get started. From Quebec Native Women Inc., we have Viviane Michel and Éloïse Ouellet-Décoste.

• (1135)

Ms. Miriam Fillion (Communication Officer, Quebec Native Women Inc.): There's been a change. I'm Miriam Fillion, communications officer for QNW.

The Chair: You're not Éloïse. Okay, we'll try to get a different name tag for you because your name tag is wrong.

Welcome to the committee. You can begin whenever you're ready.

[*Translation*]

Ms. Viviane Michel (President, Quebec Native Women Inc.): Madam Chair, Honourable Vice-Presidents, Honourable Members of the Committee, *kuei*.

[*The witness speaks in Innu.*]

[*French*]

Before starting, I would like to take a moment to recognize the anishinabe nation and thank it for welcoming us on its vast unceded territory.

Quebec Native Women Inc., or QNW, is a non-profit, non-partisan and bilingual organization. We have been working to defend and promote indigenous women's rights for 10 nations in Quebec, including the rights of those living in urban centres, since 1974.

On behalf of all our members, I thank the Standing Committee on Indigenous and Northern Affairs for inviting us to comment on Bill C-92. At the outset, I would like to state that Quebec Native Women Inc. is in favour of the federal legislator's intent to affirm indigenous peoples' rights to exercise jurisdiction in matters pertaining to child and family services.

Quebec Native Women Inc. is of the opinion that Bill C-92 must be aligned with three main priorities.

The first priority is recognizing our rights to autonomy. The preamble in the United Nations Declaration on the Rights of Indigenous Peoples recognizes our right to retain responsibility for the education and well-being of our children. This must include a formal and unequivocal recognition that we are those who understand best the needs of our indigenous children and families and have the necessary knowledge to accompany them in life. Our children are sacred and we believe that our communities are best placed to take care of the children and meet their substantive needs.

The Chair: Pardon me for interrupting you.

[English]

Viviane, your words are very important. Translation is having trouble keeping up with you, so I'm going to ask you to please allow a little time for them to catch up.

[Translation]

Thank you very much.

[English]

Ms. Viviane Michel: This is a big challenge, and I have a short amount of time for my speech.

The Chair: We'll try to be generous.

[Translation]

Ms. Viviane Michel: I have already had to shorten my speech two or three times.

The second priority is the state's duty to offer compensation. We all know that decades of assimilation policies have left deep scars on our indigenous peoples, scars which even now are too often passed down from generation to generation and will take time to heal. The state is responsible for this healing, the state that is the architect of the ills that beset us. Even though our child-rearing knowledge and skills must be recognized, respected and celebrated, that does not mean that the Canadian government can wash its hands of its responsibility towards our nations. The jurisdictional transfer, if it is truly to be in the interests of our children, must be accompanied by concrete measures to repair the damages caused by colonialism.

The third priority is substantive equality. The intricacies of federalism have for far too long served to justify the status quo, which is fundamentally unjust. It is unjust because even now, indigenous children do not enjoy their full rights simply because they are indigenous. It is unjust that because of our history, their needs are greater. And yet the resources given to them are less generous, hard to access and ill-suited.

I will quote the Canadian Human Rights Tribunal's 2016 decision:

Substantive equality and Canada's international obligations require that first nations children on-reserve be provided child and family services of comparable quality and accessibility as those provided to all Canadians off-reserve, including that they be sufficiently funded to meet the real needs of first nations children and families and do not perpetuate historical disadvantage.

Using these three guiding principles, I will now make a few pointed comments on the current version of Bill C-92, in the hope that they will help shape necessary amendments before the bill is passed, in order to ensure that this desperately needed and long-awaited bill will really bring the hoped-for results for indigenous children, their families and their communities.

I will keep to three main topics: funding, Jordan's principle and living conditions for indigenous children.

You know as well as I do that funding is the crux of the matter. Without sufficient funds, it will be impossible for our nations to put into practice the guiding principles provided for in the bill when exercising their jurisdiction in the field of child and family services.

The current sad state of affairs is well known and can no longer be denied since the Canadian Human Rights Tribunal handed down its

decision in 2016. Indigenous children are victims of racial discrimination in Canada. This is because of chronic underfinancing of child services in indigenous communities.

Given that the human rights of our children in our communities are being violated, we at Quebec Native Women Inc. were very surprised and disappointed to read that Bill C-92 is silent on the question of funding. The preamble includes a recognition of "the ongoing call for funding for child and family services that is predictable, stable, sustainable, needs-based and consistent with the principle of substantive equality." And yet the word "funding" does not appear elsewhere in the bill. There are no sections that clearly state how this call will become reality.

Funding here is not a political issue. It is a question of human rights. These are non-negotiable, nor are they optional.

• (1140)

Consequently, Bill C-92 must provide solid commitments on behalf of the federal government for equal funding of child and family services in an indigenous setting in full compliance with the Canadian Human Rights Tribunal's orders. This is the bare minimum that would be acceptable to Quebec Native Women Inc..

I turn now to Jordan's principle and the call for action No. 3 which reads as follows: "We call upon all levels of government to fully implement Jordan's principle." I would personally like to remind you that the Canadian Human Rights Tribunal has often times repeated that Canada is bound to fully apply Jordan's principle. It seems, however, that this principle is not included in Bill C-92.

What is Jordan's principle? It is simply a principle stating that no care or service can be refused, interrupted or delayed for an indigenous child because of a jurisdictional conflict. And yet in reality in our communities it is sadly not that simple. Too many indigenous children in Canada are still the victims of bureaucratic squabbles and their rights suffer.

Quebec Native Women Inc. notes that subsection 9(3) of Bill C-92, which establishes the principle of substantive equality, states at paragraph (e) that: "[...] a jurisdictional dispute must not result in a gap in the child and family services that are provided in relation to indigenous children." We are therefore requesting that Bill C-92 be amended in order to fully include Jordan's principle and make it binding on all orders of government who are involved in child and family services for indigenous peoples.

As to socio-economic conditions, the problem of over-representation by indigenous children in youth protection services cannot be separated from other problems affecting indigenous children's well-being.

Quebec Native Women Inc. notes that section 15 of the bill states that poverty and the lack of suitable housing and infrastructure should not be used as a reason to justify the apprehension of an indigenous child by child services. Obviously, such a section is necessary but it does nothing to solve the underlying problems.

If Bill C-92 is indeed to solve the problem of over-representation by indigenous children in child protection services and to help the welfare of indigenous children and families, the bill should include a holistic approach which truly takes into account all the issues affecting our nations. This should include incorporating positive obligations in the bill so that the Canadian government and provinces take all necessary measures in order to improve socio-economic conditions for indigenous children and families. It is essential that these measures apply to all indigenous children, whether they live on a reserve or not and whether they are status Indians or not, in order to ensure substantive equality and to truly work in terms of prevention. I would remind you of section 21 of the United Nations Declaration on the Rights of Indigenous Peoples which Canada ratified and has promised to uphold.

Quebec Native Women Inc. has three recommendations concerning Bill C-92.

Firstly, we have to include a specific section in the bill on funding for child and family services for indigenous nations to guarantee predictable, stable, sustainable and needs-based funding in accordance with the principle of substantive equality.

Secondly, the bill must be amended to include Jordan's principle as legally binding on all levels of government and for all types of care and services for indigenous children.

Thirdly, the bill must include positive obligations for the Canadian government and provinces who will take all necessary measures to improve socio-economic conditions for indigenous children and their families, including those living off-reserve and in cities.

Ladies and gentlemen, in conclusion, I would like to remind you that today you have the opportunity to truly act for your country. Do not let it go by. The life and well-being of thousands of children depend on you. Don't let politics make you forget for whom you are working: children. Do not forget either why you are working: to give those children a chance to lead a rich and dignified life.

• (1145)

[English]

The Chair: Thank you.

[Translation]

Ms. Viviane Michel: *Tshinashkumitin.*

[English]

The Chair: We are now moving to Vancouver. We will hear from Raven McCallum.

It's still fairly early there for you to come to the video conference site. We appreciate that. Please go ahead whenever you're ready.

Ms. Raven McCallum (Youth Advisor, Minister of Children and Family Development Youth Advisory Council, As an Individual): Good morning everyone. My name is Raven McCallum. I'm Haida and British on my mom's side and Métis on

my father's side. I was born and raised in Vancouver. I now live in Victoria on the territory of the Lekwungen-speaking peoples.

I've been a youth adviser with the Ministry of Children and Family Development Youth Advisory Council for almost four years. The Youth Advisory Council is a group of former youth in care who provide advice and recommendations to the ministry based on their experiences and stories.

Thank you for the opportunity to present my thoughts regarding Bill C-92. It is an honour and I'm grateful that the youth voice is being heard as part of the reflection on Bill C-92. Overall, I find Bill C-92 to be a step toward necessary changes that need to occur. However, I do take issue with some of the material.

I will provide my insights describing both the highlights and areas for development. Before I begin, I feel that as a youth representative I need to share a bit about my personal story in order to provide context to my understanding of Bill C-92.

I was raised both in the care of the Ministry of Children and Family Development and a delegated aboriginal agency. Prior to moving into care, I lived with my mother and grandmother. When I lived with my family, I grew up knowing that I was Haida and Métis, and spent my time surrounded by indigenous family and friends.

While I was in care, I had almost no connection to my culture until my teenage years. Some homes disregarded my culture and many reinforced stereotypical notions of what it meant to be indigenous, and others, who made small attempts, assumed it was okay to simply connect me to any indigenous culture that was not my own.

This further discouraged me from participating in culture and it caused me to feel a loss of connectedness and confusion even within my own family. My first experience of being reconnected with culture did not happen until I was 17 years old when I went to a Haida homecoming. I was not connected with my Métis culture at any point during my time in care. I met people from my Métis community of Île-à-la-Crosse for the first time last year. Some of the most impactful times in my life were those times I connected with Haida Gwaii and Île-à-la-Crosse.

The current reality for Métis people in Canada is that our culture often gets brushed under the carpet, particularly if we also belong to another nation. There are many misconceptions about what Métis is and that results in culture being disregarded. It's a painful experience to believe that a person's identity is not important or is less important than other aspects of their cultural background. Just as much as anyone else, Métis children need to be connected to their community and culture.

The significance of my story is that these kinds of experiences are happening to so many young people across the country. Unfortunately, many people aren't as lucky as I am and often go their whole lives not knowing who they are, where they belong and that they are loved by entire communities.

In reflecting on Bill C-92, I considered whether or not it will aid in overcoming the same barriers to accessing culture in communities that I've experienced. While I was reviewing it, I asked myself the following questions: Are opportunities being opened for communities to know who and where their children are? Does it support them to bring their children home? Is Métis culture acknowledged to the same extent as others? Are youth's voices empowered?

There are definitely components of Bill C-92 that will support communities to know the location of their children. Paragraph 13(b) outlines that the indigenous governing body, acting on behalf of the nation to which their children belong, has the right to make representations, which I'm in support of. If my nations had been behind me doing these significant legal proceedings, alternative options to staying in non-indigenous homes may have been created.

Subclause 12(1) states that the service provider must provide notice to the child's parents, as well as to the indigenous governing body that the child belongs to. I believe this will allow communities the opportunity to share their thoughts on how to provide the best care possible for children and maybe even create permanent options or offer preventive services. I would hope this subclause would be applied in all circumstances. I have questions about what is meant by "before taking any significant measure". In an ideal world, communities would be informed if a child's parents were being investigated before significant measures were needed or even thought of.

Additionally, clauses 27 to 30 discuss information sharing which is important to ensuring that all levels of government have strong communication channels, so that indigenous children can have the best care possible.

•(1150)

Indigenous communities should have the same access to information regarding their children that the provinces and federal government have. Given that there are many Métis communities across Canada and that many Métis people are living in provinces that their family did not originate from, who would be responsible? Is it the Métis group whose province the family lived in or the province where the family has heritage or extended family? Métis dynamics are complex and I don't think there was enough specific focus for Métis people in this bill. Additionally, I do not see any reference about how to approach situations when a child belongs to more than one nation. I think it's something that is important to acknowledge. We need to know all aspects of our identity.

I feel that the youth voice is not reflected very strongly in Bill C-92. The language is complex, and I hope to see documents that are youth-friendly in the future, particularly since the rights of the indigenous child are highlighted in the bill in subclause 10(3).

Paragraph 10(3)(d) describes that a child should be able to determine the importance of an ongoing relationship with the indigenous group. My interpretation of this point is that children can choose whether they want to be connected to culture and family. Connection to culture and family is a concept that is difficult for even adults to grasp, so how can a child be responsible for this decision? The situation is even more complicated because some children will have been placed in non-indigenous homes and might feel pressure to live a certain way, and some others have seen

negative indigenous role models, so their ability to decide about this could be skewed. To be blunt, I think that this point might open opportunities to create excuses to decide not to connect a child to culture.

I think this paragraph should be omitted entirely, especially considering paragraph 10(3)(e) highlights the fact that the child's views and preferences should be a considered factor determining their best interests. Paragraph 10(3)(e) is a helpful point, and I think it encompasses many things, including relationships that the child chooses to maintain.

I would like to move ahead to discuss some of my general comments.

My understanding of subclause 13(a) is that care providers are being granted the same level of influence as parents and indigenous communities in legal proceedings. This makes me very uncomfortable, because some of my caregivers have not had my best interests at heart. I would not be comfortable if some of my caregivers had the right to party status in a civil proceeding, particularly without my permission. Given that many care providers are not indigenous, this also creates imbalances between families and communities.

I appreciate that Bill C-92 in subclause 16(2) discusses prioritizing siblings to stay together. This is an important point. I was separated from my siblings at a young age, and it was one of the most challenging experiences of my life. It's important to keep siblings together to support permanency and belonging.

In summary, I generally support the intent of Bill C-92. I think it is a step in the right direction and has the potential to create meaningful change, with some adjustments to reflect the needs of youth in community.

Thank you for providing me with the opportunity to share my thoughts.

•(1155)

The Chair: Thank you very much.

We are moving into the question period because, although we have tried to find the third presenter, Peter Hogg, we have not done so yet.

We're going to start the questioning with MP Will Amos.

Mr. Mike Bossio (Hastings—Lennox and Addington, Lib.): Actually, Dan and I will take the first one. We switched things up in the hope that Mr. Hogg will arrive.

The Chair: MP Mike Bossio.

Mr. Mike Bossio: Thank you, Chair.

Thank you, presenters, for being here this morning. We greatly appreciate your testimony and your passion around this issue. Of course, it is a very passionate issue. Being a parent myself, I know that any time we're dealing with our children and their future, there's the tendency to get our blood flowing very quickly.

I would like to put my first question to Viviane Michel.

From a consultative standpoint, how did you feel about the government's engagement with the province of Quebec and engagement with your organization around this bill?

[Translation]

Ms. Viviane Michel: Several indigenous organizations took part in the consultation process. At Femmes autochtones du Québec, this is how we proceed with consultations: we go to Nations members and take time to explain situations. Based on all the information given to them, our members — that is, First Nations women — give us guidance or recommendations. As the president of a big organization, it's not for me to decide for all First Nations; I receive guidance from the members. That's how we proceed.

At home, we use what we call guidelines. That's what tells us how to work with members, as well as the government or other organizations. The processes for including, consulting, and engaging are really important. In the end, there is always one last process, that of determining whether the final document truly reflects indigenous thought, what we call *Innu Matunenitshikan*. We want to make sure that the wording reflects First Nations essence. That is how our organization, Femmes autochtones du Québec, works on a daily basis.

•(1200)

[English]

Mr. Mike Bossio: The elegance of this bill is that it's a framework. We don't want the bill to be too prescriptive. We want the bill to be defined by indigenous peoples themselves through their own laws in ensuring that their laws are paramount over provincial or federal laws.

I know that you've made a number of recommendations on the bill. I just want to make sure that in those recommendations you're still honouring the essence of the bill in that it's a framework. Therefore, I want to leave as much latitude as possible for indigenous peoples to drive the creation, implementation and delivery of services within their own communities.

[Translation]

Ms. Viviane Michel: You're on a roll right now and you might make history. This is a Bill that concerns all children. There must be recognition and, of course, inclusion. We're the main actors, those who know the needs of our people. I hear the young girl. We also listen to young people. They must have a voice, along with women and men — who also have parental duties. And let's not forget our elders. So we form a single unit instead of just a little family. That truly reflects First Nations' reality. It takes a whole community to raise a child.

Actual needs and deficiencies are truly glaring within communities — I'll never say it enough. In the National Assembly, we've contributed to Bill 113, which recognizes the effects of indigenous custom adoption. We're grateful that it was recognized. There is still a lot of work to be done and changes to be made. All recommendations or questions that we submit are really based on what constitutes our essence, our realities, and our needs, of course.

[English]

Mr. Mike Bossio: Thank you so much.

I'll turn it over to Mr. Vandal.

The Chair: MP Vandal.

[Translation]

Mr. Dan Vandal: Thank you for your passionate presentation, Mrs. Michel.

You mentioned key points that concern you, for instance, regarding funding and the Jordan principle. I believe you had a third one. Can you talk about that again?

Ms. Viviane Michel: It's for the Bill to include positive obligations for the Canadian government and provinces to take all necessary measures to improve socio-economic conditions for indigenous children and families, including those who live off reserve and in urban areas.

In fact, we live in two realities: the one within communities and the one outside of them.

Mr. Dan Vandal: Can you explain the similarities and differences for someone who lives within a community and someone who doesn't?

Ms. Viviane Michel: Yes, I can easily compare both situations.

Given the scale of a community and its general history, we know that access to housing is a major issue within a community, as well as access to services, among others.

We know that all indigenous communities — there are 54 of them in Quebec — are in economic survival mode. There's minimal access to services, education, healthcare, and so on. Survival mode is a reality within a community.

Why is that?

Within a community, funding is never sufficient. We know that funding comes from the federal government.

And federal and provincial governments keep passing the buck. Funding is not equal on both sides. Provincial funding is higher than federal funding. That's how it is, both within and outside communities.

•(1205)

Mr. Dan Vandal: Thank you.

[English]

The Chair: Very good.

Let's remember that as well as the witnesses here in person, we have a guest on video conference.

We're moving to MP Cathy McLeod.

Mrs. Cathy McLeod: Thank you, Madam Chair.

Thank you to all the witnesses.

I'm going to start with Raven McCallum from my home province of British Columbia.

It's great to see you here. I also really appreciate that you are our first witness who has talked about the lived experience. You are the first youth that we've had here. There's been a bit of a gap in our testimony that we've had to date.

First, could you quickly share with us what the role is of the advisory committee that you're on? Second, was there any conversation with the council that you're on as this bill was being formulated?

Ms. Raven McCallum: The Ministry of Children and Family Development's Youth Advisory Council started about four years ago. The objective of the council is to provide advice and recommendations to the ministry. We also go to different events across the province and we share our stories. We work with front-line workers and with ministry executives. I've also worked with the federal government. I presented at the emergency meeting.

We were actually consulted by the federal government in the development of this bill, as far as I'm aware. There was a session in Victoria where we were asked what types of changes we would like to see and what would really help us develop as adults. I think that a few members of the council were able to participate in that session.

Mrs. Cathy McLeod: Great. Thank you.

We know there are challenges when children age out. This has been identified by one witness to date and I think there are more who have expressed concern in writing. Although the bill speaks to prenatal care, it doesn't speak to that issue at all.

From your experience with the advisory council, can you speak more about that particular issue? Do you perceive that there is any role for comments about that within the bill or for that to be included?

Ms. Raven McCallum: I'm not sure exactly how that would look, but I do think it is an important topic. Youth transitions are very complicated and I think a lot of people slip through the cracks after they turn 19. I think that if indigenous communities are able to connect with their children at a younger age, they'll have more permanency and connectedness even through their adult years.

I would love to see youth being able to stay with their caregivers for longer. I think that's the norm in today's world. Otherwise, as long as they can be connected to their culture it's already a step in the right direction. A lot of people slip through the cracks because they don't have their identity. They don't know who they are and they don't know that people love them.

Mrs. Cathy McLeod: You talked a little bit about the complexity of your background. You also talked to the issue of more than one nation.

Do you have any insight in terms of anything that should be done within this bill now to address that challenge, or is that a logistical piece that's going to have to be worked out as nations take on the services? I see it as being a complicated issue.

Ms. Raven McCallum: It is very complicated. I think that one way this bill could address it is to maybe mention that the child's full identity is important and that all aspects of the child's cultural identity need to be honoured. I do believe that it would have to be up to the nations to discuss what the best way is to move forward for the child.

•(1210)

Mrs. Cathy McLeod: Do you have any other comments about this bill? It sounds as if all our witnesses in this panel are saying that it's a thumbs-up and a step in the right direction, but there are going to be challenges as we move forward. Does that summarize it? I'll ask both witnesses that question.

Ms. Raven McCallum: I think there are certain aspects that are challenging, and I think that making these changes would never... there's no way that it would ever be easy. It's a very complicated issue, and given that there are so many nations in this country, it's going to look different for a lot of people.

I think managing all of that is going to be complicated regardless of what is in the bill. I think it's really just going to be about continued conversations.

Mrs. Cathy McLeod: Perhaps I could ask our other witnesses if they have comments on any of the questions I've asked Raven McCallum.

Do you have any comments that you want to add to what I've asked her?

[Translation]

Ms. Viviane Michel: Once again, I'll talk about funding.

Bill C-92 doesn't mention funding or a commitment to remedy children's situation. If we want our children to grow up properly, we must give them a sense of belonging to the community, to the language, to the culture, and to life in the community, because we form a single whole. As such, we can't take a child, remove it from its environment, and place it outside the context of its identity, because the identity process is comprehensive.

If we want the child to grow up properly with all the values I've just mentioned, I think that funding is necessary to give youth access to language learning, because an increasing number of young people are searching for their identity or going through an identity crisis. Problems can be dealt with later, but, once again, there's no mention of funding in Bill C-92.

If you want us to sort out that situation, let's do it correctly. You will have to consider adequate funding.

[English]

The Chair: Thank you.

The questioning now moves to MP Rachel Blaney.

Ms. Rachel Blaney: Thank you, Madam Chair.

I want to thank all of you so much for being here today.

One of the concerns that's come up repeatedly in the testimony—and it's going to be good, because it's asking about funding—is that in looking at the reality that this is a framework piece of legislation, one of the things missing from it is the principles of funding. Instead of asking for a dollar amount to be attached to the legislation, it's about asking for clear principles in the legislation that will be holding all of us in this place to account.

We had testimony from Cindy Blackstock, who said that, really, the best principles would be the ones that came from the Human Rights Tribunal decision, and to just put that in the legislation. There's also other testimony that talks about what's in the preamble and says to move it from the preamble and put it into the legislation. I would ask all of you what your thoughts are on having the principles of funding actually right in the legislation.

Perhaps I will start with you here, and then I'll go to Victoria.

[*Translation*]

Ms. Viviane Michel: I should like to remind you that Article 21 of the United Nations Declaration on the Rights of Indigenous Peoples, which was ratified by Canada, concerns implementation.

This document was made in the image of First Nations and is based on their vision. It really sheds lights on all aspects: health, education, and existential issues. I think a veritable truth emerges from the Declaration. So, Canada has made a commitment, but has yet to proceed with implementation.

This is 2019. I believe the United Nations Declaration on the Rights of Indigenous Peoples is either 10 or 11 years old, and what have we done?

I put the question to you.

● (1215)

[*English*]

Ms. Rachel Blaney: Thank you.

Raven.

Ms. Raven McCallum: Sorry, could you ask the question again?

Ms. Rachel Blaney: This is framework legislation, and in the legislation there's nothing that has any principles of funding. It's been mentioned before that the funding is not really in the legislation. There are some principles to the funding in the preamble, which is not part of the legislation. Then, of course, there's the Canadian Human Rights Tribunal on indigenous children in care, and it has some clear principles put forth by that group.

Should we have principles within the legislation that hold the government to account to make sure that indigenous children across this country get fair and equitable funding?

Ms. Raven McCallum: I think that funding needs to be in place for communities to be able to provide the same level of service as provincial governments or DAAs do, because otherwise it's creating imbalances. Communities simply don't have that same level of funding.

I do think it should be something that is reflected in this bill.

Ms. Rachel Blaney: Raven, you spoke a lot about young people who are from more than one indigenous community and the

challenge of making sure they get connected to their identity and those multiple communities. I think that is going to be a challenge going forward.

I'm wondering if you have any recommendations. Should all the communities that helped to create who you are, or create an indigenous child, be notified if the child is about to go into care or is in care, so that they can continue to build some of those relationships?

Ms. Raven McCallum: I think that all nations should be notified. I think they should all be able to have access to the information, and they should be able to communicate with each other. They should have that ability.

This notion of only one community being notified or only one community being aware...in my mind, it would probably be based on status. I don't think that is an indigenous way of looking at things. I think that's kind of a western way that's been determined by the federal government. I don't see that as fair, to be honest.

Ms. Rachel Blaney: I only have a few minutes left and I'd like to ask both of you this question.

I think the issue of identity is really important here. For example, in my community, when I go home, people ask "Who are you?" I say who my grandmother is, and then they say, "Oh, I knew your great-uncle." There's that sense of community and relation. Even when you're new or you've been away for a long time, there's always a way to figure out who you are. I think that sense of community and belonging is really important.

Does this legislation encompass that idea of identity, of knowing that when you go home, people are always there to find you?

I don't know who wants to go first.

Raven, should I start with you?

Ms. Raven McCallum: Are you talking about identity?

Ms. Rachel Blaney: Yes.

Ms. Raven McCallum: I think that identity is really important and it is a complex issue.

I don't think that anyone should be trying to determine what that is for an individual. I don't think that is government's place. I think that's up to the indigenous community and the child. The child usually knows who they are, and if they don't, it's because of the history that exists.

I think most people end up wanting to know where they are. A lot of people become adults and they're in a constant search for their identity, and that's a really terrible place to be. If people can connect with all aspects of who they are, then they will have a stronger sense of community. They'll know that they are loved, and they'll have a lot more support throughout their entire life.

Ms. Rachel Blaney: Thank you.

Is there anything you'd like to add?

The Chair: It has to be very short. We only have 30 seconds.

Ms. Viviane Michel: It will be very, very short.

[*Translation*]

I was born from the union of two cultures. My father is a Quebecker and my mother is Innu. I am a member of the Innu Nation. I grew up with my people. I've had that privilege. I speak my language, I know my culture. My people recognize me as an Innu woman.

There are other people who have not enjoyed the same privilege and have not had contact with a community. That's because we've experienced a type of colonialism and we've inherited the Indian Act. When we leave the community, we no longer have access to community services.

This has had an impact. Assimilation is part of our heritage. We should put an end to this form of colonialism and this history of assimilation, and move forward. We must recognize that children need health and education, as well as a sense of belonging, both within and outside a community.

• (1220)

[*English*]

The Chair: Thank you very much for participating. We really appreciate it. Your words will be part of the official record for the committee and all Canadians to read. Thank you very much. *Meegweetch.*

We'll suspend for a couple of minutes and then bring together our final panel of four presenters.

• (1220)

_____ (Pause) _____

• (1220)

The Chair: The committee is now back in session.

I want to welcome you to the indigenous and northern affairs standing committee of Parliament. We are addressing the status and future of indigenous children in Canada, something which statistics and what we've heard in the hearings indicate we have failed to do. Bill C-92 attempts to address some of these issues. This is very important work, and we're glad you're here with us.

We're glad to see you, Mr. Hogg. We are anxious to hear your words on the constitutional aspects of this bill.

A total of 10 minutes is allowed per presentation, but if you take less, it allows for more questions and interaction from the MPs. I will indicate when you're getting close to your maximum allowable time. Each presenter will have up to 10 minutes, and then we will go to questions.

We'll begin with Saskatchewan. In front of us we have Chief Mark Arcand from the Saskatoon Tribal Council.

• (1225)

Chief Mark Arcand (Tribal Chief, Saskatoon Tribal Council): Thank you, Madam Chair.

Good morning.

[*Witness spoke in Cree as follows:*]

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[*Cree text translated as follows:*]

Hello, I thank you all for gathering here on the territory of the Algonquin people.

[*English*]

It's a pleasure to be here today. The reason I'm here is to show support for Bill C-92. The reason we're doing that at the Saskatoon Tribal Council is to put our children first and foremost. Children have to be the primary reason this bill is passed. When we look at the situations that occurred with the Saskatoon Tribal Council and some of the history—MPs sitting around the table will know what happened in Saskatchewan—we understand that the Saskatoon Tribal Council has done something historic with Premier Scott Moe and the provincial government.

In June 2016, the Saskatoon Tribal Council lost its delegation authority and the ability to take care of its children. If we back up one step, we know about the residential school era, about the sixties scoop and all the things that have affected our people.

What the Saskatoon Tribal Council has done since June 2016 is sit down with Minister Paul Merriman, who I believe is doing good work in Saskatchewan, and members of the cabinet of Saskatchewan to work together to make a difference in our children's lives.

I can say this because, when I was elected in October 2017, I sat down and had a coffee with Minister Paul Merriman to talk about our situation. Eighteen months later, we've created one of the historic agreements in Saskatchewan, what I call “knocking down a brick wall” with the provincial government and creating a reconciliation agreement for child and family services for our children, which gives us the jurisdiction to get our children home.

That jurisdiction is not going to happen tomorrow. It's a process that happens anywhere from tomorrow to three to five years at the community's pace. However, it's a partnership and we're working together. It's a collaboration. We've set up some forums for leaders, which means me and our chiefs. We'll sit with the ministers and talk about how we can improve the situation. The second piece is the technical working group that allows our technicians to do the work and make sure there's an opportunity for our children to be safe.

I have to emphasize that the nation-to-nation relationship, the government-to-government relationship with the province and the chiefs I represent—they're the ones who signed the delegation agreement for the safety and well-being of our kids—is the most important piece of all because these people are the stakeholders for the children. It contains their views. I'm the voice of our leaders. I come here today to ensure that Bill C-92 moves forward in those directions because it's imperative that we break a cycle that has not been favourable to first nations children in our province.

In Saskatchewan, we have probably the second-most number of cases of children in care. I'm going to brag about our relationship with the province because it's important. People need to understand that we are working together for what's best for our children. Other first nations could be upset with us, or some could be supportive, and that's okay; that's their opinion. Our opinion is we have to build partnerships and relationships, as we've done with the federal and provincial governments. To us, it's meaningful because it's building bridges. We have to work together. In order to do that, Bill C-92, in clause 20, gives us the ability to call everybody together to emphasize what we're doing for children.

I'll give you an example. In Saskatoon the Saskatoon Tribal Council currently works closely with the province. We run six homes for the Ministry of Social Services. Currently, three kids out of the 45 kids in those homes are from my tribal council. We take care of other kids. We follow every rule, every regulation. We meet or exceed all the provincial government's expectations in running those homes.

The Saskatoon Tribal Council and our chiefs are accountable and transparent. We're doing what's best for the children. Finally, we have the opportunity to take care of our own children.

• (1230)

Currently we have 300 kids in care within the province from my tribal council. We have a plan to repatriate those kids. We plan to bring in another 10 homes and follow all of the rules and regulations of the province but also apply our rules and regulations from our nations. It's working together and respecting those rules and regulations that lead us to jurisdiction of our kids.

The second piece is, when we look at this whole process, I really have to give credit to Premier Scott Moe, Minister Paul Merriman, and the cabinet of Saskatchewan for taking a chance on the Saskatoon Tribal Council and building that relationship and that partnership with us. It's not too favourable in our province, but at the same time, if we don't sit across the table like this and talk about it, we're not going to get things done.

We all have to work together. It doesn't matter who the kids are or where they come from. It's about the safety of those children, because when you look at the youth justice system in our province, 90% plus of boys and girls who are incarcerated are first nations children, 90%. That in turn leads to the correctional centre. I'm working in the correctional centre right now with first nations men to better their lives so they can go home and take care of their children, because it's leading to broken families, and then the children end up in a system that's not favourable, and they lose their culture, their language and their identity.

As leaders, we have to stand up and do what's best for those people. We have to fight for them to make sure we're making a difference and providing every opportunity to change their lives. Again, I'm not just working with first nations people. It doesn't matter what race you are, how old you are, what colour you are or where you come from; it's about people.

Remember this analogy. When children are at a playground, they don't know race, they don't know colour and they don't know age. They play and they have fun. It's the same process here. We all have

to work together to make sure that we make a difference in people's lives.

I'd rather sit in a meeting like this and work together instead of pointing fingers in the media and saying, "Something's wrong. We need to do things differently." We need to sit down like adults and show our young people that we can make a difference for people.

That's the most important thing to me, because when we look at the direction of our leadership, it's to come here to build partnerships and to build relationships. All of the programs and services that we do in the city of Saskatoon.... We have 90 plus organizations that are part of Reconciliation Saskatoon that are knocking down barriers of racism and knocking down barriers of poverty and neglect for first nations children. That's the most meaningful part of why we're doing what we're doing.

I want to make it very clear that today is not about me as the tribal chief; it's about the children who we serve. It has to be what's best for the children who need to be brought home to their families. I'll give you an example: I was born in January 1971. Six months into my life, my mother gave me to my great-grandparents. There was never a certificate on the wall that said I had to follow a system or that my mom had to follow a system to give me to my great-grandparents. That's what we call kinship. We've lost that.

A system that has been imposed on us has to be changed, and Bill C-92 helps that system change. Is it going to be perfect? Show me any bill that's perfect. I don't see any bill that's perfect. We can always amend and make things better.

When we talk about these kinds of issues and moving forward, I really want to focus on how we can really work together. The important thing that I want to say today, over and over again, is that it's about building relationships and building partnerships, but understanding that we, as first nations people, have the inherent and treaty right to take care of our children. It was never given up.

I look back at the situations that occurred back in the day. When a child is taken now, we hear about amber alerts. Where was the amber alert when our kids were picked up from our first nation and put in the back of a truck to be taken to a residential school? We have an ability to change that, and I'm here today, not to come to you with a problem, but to come here with solutions. Based on what we've done with our work in Saskatchewan, we're moving mountains with solutions. It's very important that we all work together as federal and provincial governments to make that happen for all children.

• (1235)

To talk about how many kids we've saved, since I've signed my agreement, I've kept three kids from being adopted, and seven are going to be repatriated back to their community. Those are the numbers I want to talk about.

The Chair: Thank you.

We are now moving to the Office of the Wet'suwet'en, with Chief Dora Wilson and Hereditary Chief Ronald Mitchell.

Please start whenever you would like.

Mr. Ronald Mitchell (Hereditary Chief, Office of the Wet'suwet'en):

[*Witness spoke in Wet'suwet'en as follows:*]

Dinee Zeh', Tsak'iy Zeh', Skiy Zeh'. Niwh na cowlh ya gain unee niwh doo-nih'. Skak habayeztalhdic.

[*Wet'suwet'en text translated as follows:*]

Chiefs, Matriarch, Children of the Chiefs and Matriarch. I am thankful you ask us to come here. We are all here to talk about the children.

[*English*]

I want to thank the first nations whose land we're on for allowing us to speak of our children.

Canada must honour the commitments made specifically for our children regarding child welfare jurisdiction in the MOU that was ratified in our feast hall on October 2018 in Moricetown. Conflict with the existing agreement means that the MOU prevails.

Wet'suwet'en engagement and participation in changes to provincial and federal legislation could impact the work contemplated under the MOU. Bureaucrats and lawyers will interpret narrowly, and need us to ensure broad holistic interpretation through Wet'suwet'en engagement and participation on policy, practice and regulations implementation after the bill is passed. On the whole, the jurisdiction provisions are a step forward and should be brought into force.

Do not bring into force the practice provisions. On the whole, these provisions are a step backward, especially for B.C. in a recent CFCSA amendment. Much more work is needed by experienced grassroots community-level practitioners.

There is too much discretion for social workers to interpret what is meant by "best interests of the children" based on colonial western concepts, values and biases. Cultural safety must be explicit.

The definition of "caregiver" places foster parents and biological parents on equal footing in court and in the child welfare system. On the whole, foster parents are equipped with far greater resources to advocate and navigate western systems than biological parents.

We need stronger ties. The practice provisions pit first nations against one another rather than strengthening the circle around children. Intermarriage between nations is not new. Specific to hereditary systems is the important role of the father clan. This flies in the face of the value of multiculturalism in Canada.

As an unintended consequence, stronger nations will get stronger through having resources and leadership to exercise jurisdiction, while struggling nations and smaller communities will likely struggle more with these practise provisions. This is contrary to indigenous values and to the intent of the preamble, which is for all indigenous children. We need a level playing field.

Before I turn it over to my grandfather clan here, it's coming from me when I say that I'm a little bit concerned that this bill is being written without our input. I could go to China or Germany and write a bill for them; that's how it seems to me. This bill is written by people who don't know anything about us or our children. That concerns me.

● (1240)

Chief Dora Wilson (Hagwilget Village First Nation, Office of the Wet'suwet'en): [*Witness spoke in Wet'suwet'en*]

[*English*]

My name is Yaga'lahl. I am from the house of Spookw—a Gitksan house—and the Wolf Clan. I'm a hereditary chief. I'm also an elected chief.

The village that I come from is on our house territory, which is the house of Spookw. Our membership is now 792, of which two-thirds are living off reserve. They're everywhere; they're in different provinces and even some are in the States.

One thing that concerns me is that there are different acts and provisions that are made for our aboriginal people and a lot of times we're told only after the fact that these things have become law or whatever. One thing that concerns me is the problem where we are dictated right from birth to death.

When I was born, I was number 68. When I got married to a non-native person I was 12-1B, and lo and behold in 1985, I became C31. Afterwards I was reinstated into my village and I became 222. That's a headache remedy, you know? It's interesting that we're given so many numbers. Where else is that done?

I feel that one of the things that happened with our village makes it very unique. We are the Gitksan and Wet'suwet'en in my village. The houses and the clans represented there are almost equal. There are nine houses of the Wet'suwet'en and nine house of the Gitksan.

How that came about is that many years ago, there was an abundance of salmon coming up the river at the village that I come from and where I was born and raised. People from the east used to come and used to prepare their salmon in our canyon. The canyon bottom is like 292 feet from the bridge above. There's a silver suspension bridge that goes across the river. They used to come and do fishing there and then go back to their own village. Some stayed because I guess they saw some handsome people on the other side, and there was some intermarriage then.

We're talking about two different nations that would be involved in this bill. What is important to us is our feast hall where all of our problems are taken. Anything that happens within our culture is settled in that feast hall. The Father Clan is a very special group. They are required to always be available, like, for me. In that case, he's also from my Father Clan, so it's interesting.

● (1245)

I think extended family is what really should be considered when you're thinking about children in care. Extended family, I feel, are the ones who should be considered first, but also, now, especially when expenses are so high, those families sometimes need to have some extra help, which in my village we do. I will give you an example.

The Chair: You're running out of time, Chief Wilson.

Chief Dora Wilson: I have a grandfather who's on the old age pension. He has two grandchildren who are orphans. They are 11 years old and eight years old. He's looking after them. We couldn't give him any help money-wise, but we were able to help him by putting in a support worker to help out with looking after the children.

The Chair: Thank you.

Chief Dora Wilson: Thank you very much for listening to me.

The Chair: We are moving on to our guest who is on video conference: Michelle Kinney, deputy minister, health and social development.

Welcome. You can start any time you're ready.

Ms. Michelle Kinney (Deputy Minister, Health and Social Development, Nunatsiavut Government): I'm here today to provide a few thoughts on Bill C-92, and provide a perspective as a professional who's worked in the field for more than 30 years in both child welfare and mental health, and for the past 15 years as deputy minister of the Department of Health and Social Development for Nunatsiavut Government. That's in Labrador in the province of Newfoundland and Labrador. We represent about 7,000 beneficiaries.

Perhaps more important, I'm an adoptive parent, a parent of a traditionally adopted daughter; a foster parent of approximately 19 children, and a step-parent of a daughter who now has her own foster daughter, my granddaughter. I've been intricately entwined in the child-welfare system from both a personal and professional perspective for about 30 years.

I would like to start by commending the drafters of Bill C-92, as I feel the legislation is much needed and is timely. The principles of the bill—the best interests of the child, cultural continuity and substantive equality—are ones that the Nunatsiavut Government fully supports and ones that have guided our own work within child welfare. I am pleased that the federal government recognizes that a new approach is needed and is taking steps to empower decision-making by indigenous governments, families and communities.

We have seen the impacts first-hand in our communities when children are removed from families and communities and assimilated into non-indigenous families and communities, often by the best-intentioned caregivers and professionals. We recognize that, as an indigenous government, we cannot simply criticize the current systems but need to play an active role in addressing the issues and proposing solutions.

Nunatsiavut Government has taken a very proactive approach in addressing child welfare and is taking steps toward devolution. We've implemented Inuit-specific bachelor of social work programs, a foster home recruitment and retention campaign with two social workers attached, and supervised access for families with children in care. We've engaged in an Inuit child welfare review with the child and youth advocate's office within the province, which will be finalized by June 1. We've taken an active role in consultations regarding the new provincial Children and Youth Care and Protection Act and are a big part of a policy working group around that new act. We have created a position of indigenous representative

to carry out many of the duties that are listed in that new act around indigenous children.

We've developed an adoption protocol for Labrador Inuit children, and we exercise regularly our intervenor status in any adoption matters. We've developed a process for cultural continuity plans. We've done a lot of training that we call "allies in healing", focusing on intergenerational trauma and healing training for professionals, including lawyers, child welfare workers and social workers involved in that system. We also have created a family connections program, which is an intervention program that I'm going to speak to a bit later. We've also carved out a portion of housing dollars received from the federal government to support families who are at risk of their children coming into care or potentially could have their children returned with appropriate housing and supports.

Often, we have been trailblazers and have struggled with having the province recognize our role in advocating and supporting Inuit children, families and communities, and the need for indigenous social work practice has been challenging. So having the support of Bill C-92 would mean a lot to us. We generally have had to foot the bill for developing all of the above or have sought out project funding and initiatives.

I'm not going to spend a lot of time speaking to the actual bill, as I think the intent and content for the most part are on track. However, I would like to speak to a key element that I think needs to be included in the legislation and is missing from our own provincial legislation as well; that is preventing children from coming into care.

Although not explicitly stated, this legislation seems to imply that the focus is on providing services when a child comes into care, stating:

The best interests of the child must be a primary consideration in the making of decisions or the taking of actions in the context of the provision of...services in relation to an Indigenous child and, in the case of decisions or actions related to child apprehension, the best interests of the child must be the paramount consideration.

● (1250)

The financial cost of having a child come into care is huge. In a time of fiscal accountability, that alone should give folks cause to look at the system. As a foster parent, I receive \$2,000 a month to care for my current foster child. I also receive child care and additional expenses. Imagine what a parent could do with half this amount of money. They could pay rent, pay heat and light bills, buy groceries and pay a babysitter for a short break. Often we're told that prevention is the responsibility of another department—education, public health, etc.—but I'm speaking about specific, targeted interventions that will support families and prevent children from coming into care.

Nunatsiavut Government has developed a model of prevention and intervention. We call it the family connections program. It has been funded under the national family violence prevention initiative for three years. It was seen as a promising best practice, so it has now been extended for an additional three years and is currently being evaluated. We believe the model has supported families, kept children out of care, reunited children with families and involved the extended family in planning for children. With the addition of the creation of some supportive housing units, it has also provided safe spaces for families.

Within our communities, health and social service providers and their organizations intend to, and strive to, provide safe, effective and appropriate service programs to their indigenous clients. However, the reality is that many indigenous people have experienced having their cultural identity, beliefs and lifestyles maligned by non-indigenous service providers. The result is that there is often low utilization of available resources. It's well known that people who need services the most often do not engage in those services, and when they do, it's with reluctance. Services are provided many times as a one-off. In the past, service providers have often advised families on "what they need to do", but this model allows families to advise service providers on "what they need help doing". Sometimes, seemingly small things create stress. An unexpected expense, a family illness, a child having issues at school, paying a phone bill or hydro bill, buying winter clothing, family contact, financial issues of many kinds—they add up to an incident of relapse in addictions and family violence.

To effect change, strong relationships must be created that are supportive and non-judgmental, that value every member in the family, and that do not exclude, fragment or isolate individual family members. Interdisciplinary practice is an approach and philosophy that considers the family as a holistic unit. The western response to family violence and/or dysfunction seems to be counterintuitive to the Inuit way of life. Generally, women and children leave the home and enter a shelter that provides short-term safety. Counselling supports are offered to individual family members. Men often become involved in the justice system. As the cycle continues, all too often families are further fractured by children being placed in care. History repeats itself, and families once again become fragmented and dislocated, this time by family violence and addictions.

While it is recognized that there will be times when families can't remain together, with appropriate supports, inter-agency collaborations and community and cultural supports, family healing becomes possible.

• (1255)

The Chair: You have one minute remaining.

Ms. Michelle Kinney: Okay, thanks.

It's felt that by providing direct services into homes, families can stay together, and fewer children will come into care.

My last point is that any legislation must come into effect with appropriate financial resources to make it effective. This doesn't necessarily mean more money; perhaps it means a more flexible way of using resources. For example, we have new provincial legislation coming into effect in June, and it's much improved. However,

they've identified a large role for an indigenous representative for ensuring cultural continuity, engaging indigenous governments etc., but the expectation is that the indigenous governments will carry this role with no financial resources given. Having this position will potentially mean fewer children coming into care or leaving their community, or children returning to families more quickly, so the upfront cost is minimal in the scheme of things.

Thanks for taking the time to listen.

The Chair: Thank you.

Our final presenter is Mr. Peter Hogg.

Professor Peter Hogg (As an Individual): Thank you very much, Madam Chair.

This is a very new experience for me, this topic, and it's a great privilege to hear from the three chiefs who have just spoken and the person who has just spoken, who I don't think is a chief, but is extremely knowledgeable. That has been very helpful.

I think it is important to state that the act is constitutional. I don't think anyone would suggest for a minute that it was not constitutional, but the power over Indians and lands reserved for the Indians would clearly cover this kind of legislation.

I have not had any experience with this particular topic. I have worked very closely with some first nations, in particular the Yukon first nations, because I helped them to negotiate a land claims agreement and a self-government agreement. That was one of the most gratifying experiences of my life. I spent a great deal of time in Yukon working with the Yukon first nations.

My experience with aboriginal people has really been quite limited and, in particular, the kind of family problems which this bill is hoping to greatly address is not something that I can say anything very much about, I don't think.

The principles behind the bill seem to be very sound and I have nothing to offer in the way of criticism. There is nothing in the bill, as several speakers have mentioned, about resources. For example, there is no provision in the bill for a caregiver to be remunerated for that work. I would have thought that in many situations that would be an important thing, and if resources are not made available for that, then a lot will not happen.

That would be one suggestion I would make, that there should be resources made available and that would enable, for example, caregivers to be remunerated. That would be very good.

That's probably all I can say, Madam Chair, and I'll be happy to chime in, in response to questions.

• (1300)

The Chair: Thank you.

We're going to begin the questioning part of the session.

Mr. Amos, you have seven minutes.

Mr. William Amos (Pontiac, Lib.): Madam Chair, thank you to our witnesses. I would agree with Professor Hogg that this has been illuminating.

My question follows on our discussion which commenced Tuesday around the division of powers topic. There is additional testimony that's required on this topic, in particular because Professor Newman from Saskatchewan raised the issue of the prospect of court challenges around clause 7 of the bill, particularly with regard to the specific reference to the provinces.

Professor Hogg, on this particular legal question, what are your views with regard to the appropriateness of this legislation referring directly to the provinces, and does that jeopardize in any fashion the vires of the bill?

Prof. Peter Hogg: I am not knowledgeable, as I have acknowledged, but it seems obvious to me that there is a need, or a perception of a need, for legislation of this kind and that it would be very helpful, I think, to enact the legislation with the resources that would be necessary to make it effective. I can't see any disadvantages in doing that.

Mr. William Amos: I want to push a bit further on this. Have you encountered federal legislation where specific reference is made to the provinces where they're identified as an order of government impacted by legislation? What I understood from Professor Newman's comments was that the prospect of this legislation being in some way binding upon them could cause difficulties down the road.

Prof. Peter Hogg: Binding on whom?

Mr. William Amos: On provincial governments.

Prof. Peter Hogg: I don't think the legislation purports to be binding on provinces, but as pointed out by the chiefs in the panel before me, surely there is a role for co-operation among provinces, the federal government and aboriginal governments. I think putting the pieces together in a way that is useful and fruitful obviously won't be as easy as all that, but I think that will be the key to success.

• (1305)

Mr. William Amos: In the 2013 edition of your volume *Constitutional Law of Canada*, which is the most recent version I've seen—I'm sure there are more up to date versions—you indicate your support for the view that Parliament can legislate, as regards indigenous peoples, “even if the laws would ordinarily be outside of federal competence”, in other words, within provincial competence, for non-indigenous persons.

Prof. Peter Hogg: Yes, you've said the power over the language from 1867 is rather archaic now, but the power over “Indians, and Lands reserved for the Indians” is not limited to things that are under other federal heads of power, and so it is a unique power and it does capture a lot of powers that are thought of as provincial powers, property and civil rights, that sort of thing. It turned out to be very useful that it's not a narrow power, it's a wide power, and coupled with some co-operative assistance from other levels of government, I can see this could be good.

Mr. William Amos: In my remaining minute, I wonder if you would agree this would be an area where the constitutional doctrine of the double aspect would be applicable. Up until now, no federal government has previously attempted to legislate in this area of child welfare, leaving it effectively to the field of provincial law, and to the extent that there were agreements made with indigenous nations, indigenous peoples, and it was taken care of in that manner. Now a new framework is being set up so that indigenous peoples can

assume entire control, giving it a triple aspect, if you would, indigenous, federal and provincial. Would you agree?

Prof. Peter Hogg: It's going to be for Parliament to decide whether this statute is one that should be supported. I would have thought that it should be, but I can certainly understand that there would be people who would say that family law is a provincial matter and we shouldn't be encroaching on that. I don't think that's the right approach with respect to aboriginal people and indigenous people.

The Chair: Thank you.

The questioning now moves to MP Kevin Waugh.

Mr. Kevin Waugh: Thank you, Madam Chair.

I'll start with Mr. Hogg, and then I'll go to the others on the panel.

You mentioned funding. If you had to write a requirement for funding into this bill, what would it look like?

Prof. Peter Hogg: Even if you didn't have a specific number, you could put into the bill that the resources would be provided by the federal government for the needs of the implementation of the act. Even if you didn't have an actual number, there would be an assurance from the federal government that there would be funding available to, as necessary, carry out the purposes of the bill.

• (1310)

Mr. Kevin Waugh: You've helped the Yukon first nations. Just take their lens into this bill. You helped them when you were up there for a while.

Prof. Peter Hogg: Yes.

Mr. Kevin Waugh: How do you think they would react to this bill today?

Prof. Peter Hogg: Well, I was thinking about that myself, because in the course of negotiating—and of course I wasn't one of the negotiators, but I was one of the helpers—I don't recall any discussion of these topics in the negotiations. The land claims agreement is a book-sized document. It's a very substantial piece. It covers a lot of stuff—resources and land—but it didn't move into this area at all. Maybe some of the negotiators did think about it, but if they did, they didn't say anything about it.

Mr. Kevin Waugh: Thank you for your time.

I'm going to move over to Chief Mark Arcand.

Your testimony has been completely different from what we have heard from indigenous groups in my province, especially groups like the FSIN. Here today, we've heard from the Saskatchewan Aboriginal Women's Circle Corporation. Let's start there.

There have been countless articles on this in the papers in my province, all not supporting the provincial government, and yet today you come out and reverse what has been said in both the Leader-Post and the StarPhoenix and in other papers, and in what we heard here this morning. Maybe you could comment on that.

Chief Mark Arcand: First of all, thank you for the question. Thank you for raising it, because at the end of the day, this is why our chiefs of the Saskatoon Tribal Council don't allow anybody to speak on their behalf, because they are not the rights holders of the children of those communities.

The rights holders are the nation-to-nation agreement holders, who are the chiefs. In their support, in regard to our regional office, which is FSIN, they don't have the ability to sign agreements on behalf of my nation. I don't have the ability to sign, and I am the tribal chief of those nations. I bring it to them, and they decide if they want to sign agreements with the provincial government.

I said earlier in my testimony that Premier Scott Moe called our agreement a historic agreement, because never in our province have we ever had a signing like we did for reconciliation for child welfare agreements. We're actually partners. They will not dictate to us; we will not dictate to them. We will work together for what's best for the children.

A lot of other first nations and communities, and I can't speak on their behalf, but if they choose not to work with the government, children might fall through the cracks. I guarantee that our children are not going to fall through the cracks. We are going to put every measure in place to make sure those children's safety is first and primary.

We're proud of the fact that we built that relationship. As I said earlier, in June 2016 we didn't have anything, we had no funding for our kids. The province took our agency away. We're okay with that. But we built it back up to hopefully create a model for the rest of Canada to follow, to say that we have to work with everybody in the room, provincial and federal governments, to make sure that we can do this together.

I'm very proud to say, and I'll say it again, publicly, that former minister Jane Philpott and current Minister O'Regan are supporting this bill. In our province, Minister Paul Merriman and Premier Scott Moe have worked with the Saskatoon Tribal Council and our chiefs to make sure that this is done properly.

If other organizations are coming here and stating that they don't have a good working relationship with our province, that's on them. I think, for us, we can lead the way by example, by making sure we're making a difference for different children.

Mr. Kevin Waugh: I just want to go to the witness on video conference.

Michelle, you mentioned family healing in your address. How would you amend the bill to add more focus on family healing?

•(1315)

Ms. Michelle Kinney: I think I would amend it so that there is an element of preventing children from coming into care, as opposed to just dealing with children once they enter the child welfare system as children in care. I can tell you very simply, the program that we have in place costs about \$300,000 a year. That's not a huge amount of money when we look at how placing one child in a therapeutic foster home is almost equivalent to that. We've had a large number of children return home. We've been able to find kinship care arrangements. We've been able to do a whole lot of things with that small amount of money.

I think it provides better care for children. It keeps them in their indigenous communities. It promotes all of the values in the act. Besides that, it's cost effective.

Mr. Kevin Waugh: Thank you. My time's up.

The Chair: Now we move to MP Rachel Blaney.

Ms. Rachel Blaney: I'm going to pass it on to Georgina.

Ms. Georgina Jolibois (Desnethé—Mississippi—Churchill River, NDP): Thank you. I want to ask the three leaders a question. Bill C-92 is framework legislation. Funding is not in the legislation. We have heard from many witnesses that although a dollar amount does not make sense in the legislation, there should be clear principles of funding in the legislation.

Can you share your thoughts on what that may look like? The three of you could respond, if you can.

The Chair: Just the three here—

Ms. Georgina Jolibois: —and this lady.

The Chair: Okay.

Chief Mark Arcand: It's a great question. I look at this and say that it should be statutory funding for all first nations. Now, people can take into context what that means, but for me we have a lot of ability. Again I'll say that at the Saskatoon Tribal Council we're looking at repatriating 300 kids to our communities. There's a need to look at housing immediately because if we bring kids back to families, that could turn into overcrowding. How do we deal with that? Well, both governments, provincially and federally, have to really support that change in regard to bringing children home if this is what the bill is meant to do.

As part of the framework, I agree that anybody can put a dollar amount in there, but it's going to be amended to the needs of each community as to what they're doing and how they're doing things. Communities have different paces and some are ahead and some are behind. I feel that at the Saskatoon Tribal Council we're very far ahead with our partnership with the province. I said earlier we've stopped three kids from being adopted and seven are being repatriated back home to that community. There is going to be these funding asks that are not part of the bill that are going to have to meet the needs of these kids to stay in their community.

Statutory funding for me is very key. There might be some differences about what that looks like, but I think we all have to address those needs and put the resources where they're required to make that difference. My goal is to shut down child welfare for the Saskatoon Tribal Council. I don't want any children in care. They shouldn't be in care. How do we do that? We do that by preventing and putting in some policies and procedures to make sure those children and those families get every help they need to make a difference in that child's life.

Mr. Ronald Mitchell: When we look at that, to me, we look at it holistically. We look at the education, as she mentioned, also housing, infrastructure, all that as a whole. Right now as it is there are a lot of cutbacks in our community with the funding that comes in from the federal government. I think that when we look at this child welfare, we see that it affects education and housing. We still have a long list of people waiting for their houses to be built. Right now they're getting funding from the banks to build houses. With education they're getting stricter. More or less all of our kids who graduate are on a waiting list because of the cutbacks. When we talk about our children, we're talking about them all the way to adulthood. Language and culture are important—grounding them. Those are the areas that we need to look at in terms of healing and reconnecting them to who we are as Wet'suwet'en and Gitksan. That's my take on the funding; it's holistically.

• (1320)

Ms. Georgina Jolibois: Chief Dora.

Chief Dora Wilson: It makes me wonder how our ancestors survived for over 15,000 years before the Indian Act came about. A lot of changes have happened in just my lifetime. There have been so many changes. I think a lot of the sharing that used to go on doesn't happen anymore, because of the changes that have been going on in the past 150 years.

With funding, I feel that one of the things we do is.... As I mentioned before, in the case of the grandfather who is raising his two orphaned grandchildren, I think help can be provided, if he doesn't have an extended family who can go in and help. We can at least provide support for the children.

Not only that, it's amazing to me that off-reserve caregivers get three times the amount of funding for each child. How did that come about? How was that amount determined to be the proper amount? There are the same needs on reserve as there are off reserve. You still have to provide all those different things, like a roof over their heads, clothing and food. It makes me wonder how they even existed without these. There used to be a lot of sharing among the people. As you know, that is why there were a lot of people who settled in this country. Our people were so generous in sharing our country.

At one time, we had plenty of wildlife. A lot of our resources have been depleted. For example, in my village, in our canyon, where the people used to come for their salmon, there was plenty, but the Department of Fisheries and Oceans blew up the rock in our river and destroyed the fishery, so that we would have to try to get our salmon elsewhere. Then, of course, the Department of Fisheries had their agents following us around, ready to shoot us, or whatever, if we'd get salmon from another area.

The habitat of the wildlife has also been totally disrupted by all of the resources being ripped off the land. They have done away with the habitat of the animals. This is why you see animals coming closer to town. In Vancouver, the bears are even coming into the houses. You can see why, because you can see the houses going further up that mountain. Who sold them that mountain? It makes me wonder.

The Chair: Thank you very much for your comments. That was very interesting.

We need to wrap up, because there's been a request to go in camera for a few minutes, but maybe we can give you a few minutes, MP Bossio.

• (1325)

Mr. Mike Bossio: I just have one quick question for Professor Hogg.

The Chair: Okay.

Mr. Mike Bossio: In the recent NIL/TU,O case, the Supreme Court ruled on a labour relations dispute within an indigenous child welfare agency. In the case of Natural Parents, the court states that Parliament can legislate on provincial jurisdictions related to indigenous people, as long as the law is limited to indigenous people. Would you like to comment on that, and on how relevant this case is to Bill C-92?

Prof. Peter Hogg: Could you repeat that? I'm not sure I caught the thrust of that.

Mr. Mike Bossio: The Supreme Court ruled that Parliament can legislate on provincial jurisdiction related to indigenous people, as long as the law is limited to indigenous peoples. That was in the NIL/TU,O case, and another related case. How relevant would you say that case is to Bill C-92, from a jurisdictional standpoint?

Prof. Peter Hogg: Bill C-92 is a good example of this. The bill talks about various expressions, but the act is all about indigenous people.

I have no doubt whatsoever that an act respecting children, youth and families is within Parliament's jurisdiction in this area, and that does provide the justification. The power over Indians and lands reserved for the Indians does provide the power for this kind of legislation.

Mr. Mike Bossio: Thank you so much, Professor.

The Chair: I think that our representative from Saskatchewan wanted to throw something in.

I don't know if you want to—

Chief Mark Arcand: It is not pertaining to that. It's an amendment.

I'm not sure, Madam Chair, if I just give this to you after or if you would like me to read it into the record.

Mr. Mike Bossio: Yes, give it to the clerk, because I have one more question that I'd like to ask Michelle, if possible.

The Chair: All right. This will be your last one.

Mr. Mike Bossio: Michelle, I want to ask a question, and we heard this from ITK as well, on how we can better support communities in gathering data.

We know there's a shortage of data in this whole process. How can we better do that?

Ms. Michelle Kinney: We're probably a little more fortunate than some other Inuit regions, in that we have a memorandum of understanding with the Newfoundland and Labrador government around some data sharing. With the new review we've just completed with the child and youth advocate, a lot of that data is coming forward, and with it, the recommendation that more of it has to be shared with us.

In response to the last question that was asked around finances, I would say that's a huge gap. When you ask what we think would be required for finances to implement this bill, we have no data around what is spent on our children in care. That's a huge gap for us. With regard to the data on the number of children in care, those kinds of things are fairly good.

I will say that often children who come into care early don't have beneficiary status. Social workers are not aware and don't apply for that status, so we miss children in that regard.

Mr. Mike Bossio: I guess that's why I was asking the question.

What kind of guidance could you give to other indigenous communities around that data-gathering process? What procedures could be put in place in order to achieve that better, based on the MOU you have?

● (1330)

Ms. Michelle Kinney: One thing I would say is very important is that we don't ask on forms within government if a child is indigenous or Inuit. We really need to go back and ask those questions of both the parents. If one parent is Inuit, then that should cue social workers

to make an application or to seek further information on whether the child is an indigenous child. Right from the time a child comes into contact with social workers, questions should be asked, not just about the child but about the birth parents of the child as well.

Mr. Mike Bossio: Thank you.

The Chair: Okay.

I believe we have a recommendation from Mark.

You're going to send that to the clerk, and that will be for our consideration. I want to thank you.

To all of our guests, I want to say a special thank you for participating.

Your comments and views will be taken very seriously by the committee. They are on the public record.

Thank you so much. *Meegwetch*. Have a great day.

The meeting is adjourned.

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