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Chair

Mr. Bruce Stanton

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• (1530)

[English]

The Chair (Mr. Bruce Stanton (Simcoe North, CPC)): I call the meeting to order.

Good afternoon, members and guests. Welcome to the 37th meeting of the Standing Committee on Aboriginal Affairs and Northern Development. We're here today for our first meeting on a study of first nations child and family services.

As is often customary, our first guest for the study is none other than the minister. It's great to have the minister, John Duncan, here with us as a witness, considering that we had several months in the not-too-distant past where Mr. Duncan was a member of our committee.

Great to have you back here, Minister, in a different capacity. I'm sure you will properly recognize the officials who are with you, but I will say that it's good to have Ms. Johnston and Ms. Cram back with our committee again.

Minister, we'll start with your opening presentation and then go directly to questions. Go ahead. You have the floor.

Hon. John Duncan (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency): Thank you, Mr. Chair. I've been on this committee off and on since 1994. It is quite different to come here presenting rather than being presented to.

Thank you for your introduction. I do have two officials with me. They're both people I'm quite familiar with, and they do a good job.

I'm very proud of what the government has committed to do and what we've accomplished in the way of child and family services.

I appreciate this opportunity to assist the committee as it considers issues related to child and family services on reserve. We will do our best to answer the questions that the committee has, but I'd like to make a few remarks first.

Child welfare is one of the most complex areas of public policy, given that decisions about the care and protection of children have lasting effects on children, their families, and communities. All children are protected by provincial child welfare legislation, as child and family services are matters of provincial jurisdiction. Provincial governments delegate to service providers both on and off reserve and are responsible for ensuring that they comply with provincial legislation and standards.

Over the past 20 years, the number of first nations child and family services agencies has grown considerably. Today we have 106 of these agencies delivering programs under agreements with provincial child welfare authorities. The amount of funding provided by INAC, by the department, through its first nations child and family services program has increased dramatically, from \$193 million 14 years ago to \$550 million last year.

[Translation]

The welfare of First Nations children is a matter of great importance to this government, and we see tripartite partnerships as the best way to work together on improving outcomes for First Nations children and families on reserve.

There is growing evidence that a prevention-based approach to child and family services is more effective than previous, protection-based models. Studies have shown that early intervention helps keep families together and leads to better outcomes for children and families.

Three years ago, INAC completed a tripartite framework with Alberta First Nations and the province to implement a prevention-based approach known as the Alberta response model. It focuses on proactive intervention, on delivering appropriate services before problems escalate and become a matter for child protection.

[English]

The Chair: Minister, I need to interrupt you there momentarily.

We note that the bells are ringing. I want to see if I can get concurrence from the committee to continue until we find out whether there is an urgent need in the House. The Standing Orders tell us we need to do that.

Is there concurrence that we continue at this time?

Some hon. members: Agreed.

The Chair: We have agreement.

Please carry on and we'll find out what's happening with the bells.

Go ahead, Mr. Minister.

•(1535)

Hon. John Duncan: The preliminary results of this approach have been positive and encouraging. In the past three years, for instance, the number of Alberta first nations children in care on reserve has dropped; permanent placements are on the rise; and placements in institutional facilities are decreasing. These significant results are attributed to a delivery system that is also facilitating greater use of more appropriate types of placements for children, including kinship care, and post-adoption subsidies.

Since establishing this first tripartite framework in Alberta, partners in Manitoba, Quebec, P.E.I., Saskatchewan, and Nova Scotia have also collaborated to conclude tripartite frameworks on first nations child and family services. This means that the new prevention funding model is now being implemented in first nation communities in six provinces, and is reaching 69% of first nations children who live on reserve.

Each framework now provides for specific prevention-based funding for first nations agencies to deliver prevention-based services on reserve. In the last four federal budgets our government has committed more than \$450 million in additional funding to implement these enhanced prevention-focused approaches. When fully implemented, this funding will provide over \$100 million annually in additional funding for the new approach under the six framework agreements.

I also want to say that INAC is strongly committed and continues to work with all remaining jurisdictions toward securing tripartite frameworks by 2013.

Recognition for tripartite frameworks for first nations child and family services came recently in a decision rendered by the Supreme Court of Canada. The decision involves a case widely referred to as the NIL/TUO, and Native Child and Family Services of Toronto appeals. The ruling describes the tripartite frameworks as, and I quote, “an example of flexible and co-operative federalism at work and at its best”.

[*Translation*]

This government recognizes that effective, culturally appropriate and family services play an important role in building strong, healthy First Nations families. And we will continue to collaborate with willing partners to fund these services in First Nations communities across the country. This is why we remain committed to implementing a prevention-based approach through tripartite partnerships with First Nations and provinces.

The responsibility for the issues that affect the quality of life experienced by First Nations peoples does not rest with a single group. It is a shared responsibility. Tripartite frameworks, such as those I have described today, facilitate the collaboration needed to make lasting progress.

[*English*]

Thank you, colleagues. We'll do our best to answer your questions.

The Chair: Thank you, Minister Duncan.

I'm sure some of you have already been advised, but there is a vote on production of papers scheduled in the House. It's a 30-

minute bell. In that we are fairly close by, it's at the discretion of the committee, but we can continue until just before four o'clock, if that's okay with you. We'll proceed, but we will be interrupted by a vote at approximately four o'clock.

We'll go to questions from members. We'll begin with Ms. Neville in a seven-minute round.

Ms. Neville, go ahead.

•(1540)

Hon. Anita Neville (Winnipeg South Centre, Lib.): Thank you, Mr. Chair.

Mr. Minister, I wish you well on that side of the table. You have onerous responsibilities.

I brought this motion to the committee largely to assess whether the level of funding to first nations child and family services on reserve is comparable to the funding for child and family services off reserve.

I understand that the tripartite agreements signed to date have included additional federal funding. You referenced \$450 million, but you also said in there “when it's fully implemented”. Has this brought, or will it bring, the level of funding up to a comparable level?

Hon. John Duncan: I believe that right from the day we've signed these tripartites, there's been increased funding in each case, and that's ongoing. From the best of our analysis, this does create the equivalency you're talking about.

Every province has a different arrangement in many ways: different program design, different legislation, and so on. I don't think the comparability is a simple exercise. It isn't on education either.

A sign of the fact that this is working is that we started in Alberta. That's been in place the longest. The stats there are indicating good results. One of the reasons it started was because the provinces were recognizing that a prevention-based model was better than an intervention-based model and they were getting good results.

Between the tripartite agreement, demonstrating results, and people looking at the Alberta example, we now have people kind of knocking at the door saying they want in. So that's why we've now got six provinces covered. We expect to have full coverage by 2013.

Hon. Anita Neville: I have many questions, and the researcher has prepared some wonderful questions as well. I'm just trying to get through them.

In the Auditor General's audit of the first nations child and family services program and the subsequent March 2009 report of the Standing Committee on Public Accounts, your deputy minister wrote that the department's response to recommendations on modifying directive 20-1 and implementing the funding formula based on need would be informed by an evaluation of FNCFS in Alberta, which is expected to be completed in the summer of 2010.

Was it completed, what was the result of that evaluation, and how is it informing INAC's response to the committee's recommendations?

Hon. John Duncan: I know what you're talking about, but I think I'll defer to Odette here to give a better answer than I would.

Ms. Odette Johnston (Director, Social Programs Reform Directorate, Department of Indian Affairs and Northern Development): The Alberta evaluation is just in the process of being finalized. However, the results from that evaluation say that it is making a difference. It is pointing to some issues of development of capacity. The capacity is taking a little bit longer to develop in the agencies and communities. Also, community acceptance of a different type of approach is taking some time.

I think you had asked earlier, as well, about the timeframe and funding that we are providing in the various jurisdictions. We are sort of pro-rating it over the years.

Hon. Anita Neville: What does that mean?

Ms. Odette Johnston: We're increasing the funds incrementally over the years because we're finding that it's taking a little bit longer for the agencies to provide workers and to find workers in the communities, and to build their capacity up to a level to provide enhanced prevention.

• (1545)

Hon. Anita Neville: Okay.

Although former studies have clearly recommended that funding be done on the basis of need, the new "enhanced prevention" frameworks do not implement this recommendation fully. Only the maintenance funding stream is fully needs-based while the operations budget is based on a fixed model.

I believe that the first nations agencies have the flexibility to shift funds between their funding streams, but doesn't this still leave these agencies open to an overall deficit if a need jumps above the fixed rate for operation—for example, if the rate jumps well above the rate of 6% that's assumed because we know that in a number of cases it ranges as high as 28%?

Hon. John Duncan: It's a detailed question, so I'll let Odette answer again.

Hon. Anita Neville: It's detail that we need.

Ms. Odette Johnston: What we've done with the formulas is that we have looked at the average percentage of children in care in a particular province. We've based...part of the formula is fixed for the core operating of the agency. We had decided that when we looked at this, we needed to provide some level of consistency per agency. We didn't want that to be shifting from one year to the next, thereby affecting their ability to provide services.

The percentage of children in care drives the number of protection workers. There's a sufficient amount of funding in the formula, we feel, for them to provide a consistent level of services in operating.

The maintenance is re-based each year, based on the percentage of kids in care and the cost of their care each year. So we look at that each year.

If there is a situation where an agency is coming way over and above what they are able to accommodate, we do have provisions in our agreements for them to come back to us and we'll take a look at that.

Hon. Anita Neville: What does that mean?

Ms. Odette Johnston: To date, we have not had an agency that's come back to us on that. We've been able to accommodate the needs.

[*Translation*]

The Chair: Thank you, Ms. Neville.

Mr. Lemay, please go ahead for seven minutes.

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Thank you.

Thank you for being here, minister.

We can easily understand why you are not up on all the files, particularly this one, which is highly complex. With regard to the tripartite agreements, I don't bear you a grudge and I don't want to be aggressive. Everyone here knows that the interests of children are extremely important. I just want someone to explain something to me that seems hard to understand and that concerns Quebec.

I carefully looked at what the Auditor General prepared. The problem is that some aboriginal communities are remote. I think the problem differs depending whether you are in a large city or in a remote community. There are a number of remote communities in Quebec and, despite the agreements, discussions and social workers, one fear remains. People fear that, under Quebec's new Youth Protection Act, children will be taken away from their environment in crisis situations. I understand this situation very well because I have pleaded in so many cases of this kind. Under the new Youth Protection Act, parents are given a certain amount of time to put an end to a problem situation, or else a permanent solution will be found for the children. I don't know whether the tripartite agreement with Quebec draws that distinction. Quebec's aboriginal chiefs have told me that if we intervene in this manner, we could well empty the communities of their young people.

I have to weigh my words and I don't want to cite any bad examples, but let's take the case of a child from Kitchisakik or Winneway who has to be removed from his parents. He can't be left at his parents' home because the situation is going to continue. However, in that village, everyone belongs to the same family.

My preamble is very long, but I'm coming to my question. Has all this been taken into account in these tripartite agreements? If so, how are you going to go about it? I'm trying to understand, just as aboriginal people back home are trying to do. They're afraid that we'll empty the communities of their young people and that they'll lose their culture as a result.

• (1550)

[*English*]

Hon. John Duncan: Thank you, Marc.

So far, last August, so we're talking over a year ago now, Canada, Quebec, and first nations did reach agreement on a child and family services framework in Quebec. That framework will provide an additional \$59 million, or almost \$60 million, over five years to implement the prevention-based approach on reserves. I understand that 12 of the agency business plans have now been reviewed and all but one of the 18 agencies have finalized their funding arrangements. So there's great progress.

In terms of the provincial legislation and the question you had on that, I'm going to ask Christine to respond, please.

[*Translation*]

Mr. Marc Lemay: Pardon me for interrupting you, but, with all due respect, I don't just think this is a matter of millions of dollars. I'm definitely going to listen to the deputy minister because I'm very concerned about this matter.

Ms. Christine Cram (Assistant Deputy Minister, Education and Social Development Programs and Partnerships Sector, Department of Indian Affairs and Northern Development): I do have something to add, Mr. Lemay. Aboriginal people's concern about the provincial act is one of the reasons why we signed a tripartite agreement with Quebec. They're afraid their children will be removed, for lack of any other options for keeping them in the community. So the objective of the tripartite approach is to ensure that services are available in the communities and that there are options enabling children to stay in their communities.

Mr. Johnston mentioned earlier that not all the necessary services are offered on a regular basis. That takes time. So, in the action plans prepared by each of the communities, they explain how they will be able to offer those services.

Mr. Marc Lemay: I understand everything you say. That was done on the federal side. However, the problem is that, on the other side, Quebec's Youth Protection Act sets a time frame. I read it quickly, but it seems to me it sets a minimum of one year and a maximum of two years for the situation to be rectified. So there isn't enough time. There's a risk of confrontation. That's where it causes a problem.

Could we proceed more quickly?

Ms. Christine Cram: We're trying to implement the approach as quickly as possible. I must also tell you that the Assembly of First Nations of Quebec and Labrador has had a lot of discussions with the Government of Quebec on this matter to determine how we could work taking into consideration the act and so on.

With regard to the situation in Quebec, we must ensure that all services are available quickly. We entirely agree with you that children must not be removed from their community in order to get access to services or be permanently placed with possibly non-aboriginal families.

The Chair: Thank you, Mr. Lemay.

Unfortunately, we don't have enough time to give a third speaker the floor before the vote.

So we're going to suspend the meeting and resume after the vote is held in the House.

• _____ (Pause) _____

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• (1620)

[*English*]

The Chair: We'll resume.

Thank you for your patience, members, Minister, and officials.

We'll continue where we left off. We got halfway through the first round of questions.

We're now going to Ms. Crowder, for seven minutes.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Thank you, Mr. Chair.

Thank you, Minister, for coming today.

I want to start with the comparability of service. I think we know that it's a large issue, and the minister already touched on it.

I want to come back for a moment to the Auditor General's report. In her report, in 4.25, she says, "In our view, INAC needs to define what is meant by reasonably comparable services and find ways to know whether the services that the program supports are in fact reasonably comparable." In recommendation 4.26, she said, "define what is meant by services that are reasonably comparable" and "define its expectations for culturally appropriate services and standards".

I haven't seen anything to say that analysis has been done. In fact, I think when Ms. Johnston was speaking, I wasn't able to determine what this analysis was.

What specific analysis has happened around comparable services? What specific analysis has happened around culturally appropriate services? Can the committee have the results of the studies that were done on comparability?

Hon. John Duncan: Thank you, Jean.

There's been quite a bit of a look at this whole area from the public accounts committee, as you know. In October we had a progress report on provincial comparability. Also, the committee is actually requesting a further response by December 10.

I know this is a difficult area from a comparison standpoint and getting information from the provinces that makes sense.

Once again, the detail of the question, I think, probably requires some help for me.

• (1625)

Ms. Odette Johnston: When we go out and talk to the first nations and the province on a particular approach, we do an analysis of what is happening in that particular jurisdiction, how they deliver prevention, and what types of services are being provided. We look at provincial salaries. We look at caseload ratios. We take that very much into consideration in developing the approach, in developing the costing around what we're going to be doing.

When we were asked to respond to the public accounts committee, the information that we had with respect to provincial salaries is public information, and we did provide that information to the committee. However, caseload ratios are not public information, and we've had some difficulties trying to get permission from provinces to share that type of information.

In terms of the analysis we do, we look at those types of things when we're developing the costing model. However, the other thing we look at is that in each of the provinces, they will be delivering different types of services.

Ms. Jean Crowder: Excuse me just for one moment—sorry—but my question is this: can the committee have access to the analysis that has been conducted between the provinces and the federal government?

The Auditor General was very clear in her report that INAC has not analyzed and compared the child welfare services on reserves with those in neighbouring communities off reserve. I think that's the crux of it. When you have a community on reserve and a community off reserve that exist side by side, what the children on reserve get is different from what the children off reserve get.

That's the level of detail. Have you looked at the differences in services and costing between on reserve communities and off reserve communities? If you ship the child off reserve and they become a ward of the province, they get a different set of services.

That's the kind of comparison we want to know if you've conducted.

Hon. John Duncan: Christine.

Ms. Christine Cram: When we're moving to the enhanced prevention approach, we do that analysis. So to me your question is whether we can provide that analysis we've done.

Ms. Jean Crowder: That's right.

Ms. Christine Cram: The only thing I would say is that we would just need to ask for the agreement of the province, I think, and the first nations to provide that information. But we can show you what our conclusions are and the analysis we've done for the jurisdictions that we have moved to an enhanced prevention approach.

Ms. Jean Crowder: So you can provide that to the committee?

Ms. Christine Cram: Yes. I'm just saying that we have a lot of working papers and a lot of working information. I just feel we would need to check with the province that we're not providing any

Ms. Jean Crowder: So you'll follow up with us on that?

Ms. Christine Cram: Yes, we can.

Ms. Jean Crowder: Next, I know you're well aware that there are some provinces that have so far not been included in the enhanced prevention services. I have a letter in response to a letter from the Province of British Columbia indicating that the then minister would not be able to meet with the Province of British Columbia. It is dated January 21, 2010. This letter was in response to a request from British Columbia for a meeting to do with both the enhanced prevention services and the implementation of Jordan's Principle.

I wonder if you could update us on the progress of both with the Province of British Columbia and the Province of Ontario, the agreements of which, according to the Auditor General, have not been updated since 1981.

Hon. John Duncan: I can update you on the Province of British Columbia. I've had discussions with Mary Polak this month, and they're very interested in what we would call a tripartite. They are currently funding 15 aboriginal groups to explore a governance model as an alternative to the delegated model that's currently supported. It looks as though we are, at the officials level, moving towards an enhanced prevention model with British Columbia. There

have been discussions between senior officials provincially and in INAC beginning this month as well.

Ms. Jean Crowder: Do you have an anticipated...?

Oh, sorry, am I out of time?

The Chair: Yes. Unfortunately, that finishes that round, Ms. Crowder.

Now we'll go to Mrs. Glover for seven minutes.

Mrs. Shelly Glover (Saint Boniface, CPC): Thank you, Mr. Chair.

I too want to take a moment to congratulate our new minister. I must assure you, as your replacement in this chair, that I have some very big shoes to fill, but I appreciate you appearing here today to help us understand a little bit more about this one topic.

Minister, I've heard repeated a number of times the comment that this is a historic tripartite agreement between each of these provinces. I'd like to ask you if you would just take a moment to explain to us why these are considered historic tripartite agreements that are being signed. Why are they so important? If you could just expand a little bit on the tripartite agreements, we'd appreciate it.

• (1630)

Hon. John Duncan: Why are they important...?

Oh, by the way, my shoes are size 11.

Voices: Oh, oh!

Mrs. Shelly Glover: You see?

Hon. John Duncan: Of course the agreements are important, because what could be more important than our children? We all recognize that education is a priority. Education is a priority for everyone these days. But even more important is that our children are growing up in a family environment as much as possible. And if the family environment's not appropriate, then government does have a responsibility.

We are trying to work with willing partners, first nations and provinces, to build stronger first nations families. In order to be proactive, we have to move to a prevention-based model, so that's what we've done. I think it's a great success story. I wish we could say the same about all of our social programs, that they were actually moving as quickly as these have in a positive direction.

Basically, all of this has happened since 2007, and I think it's something this government can be quite proud of. I think the provincial partners and the first nation partners can be very proud as well. From your province, Grand Chief Ron Evans was very complimentary after the tripartite was entered into.

There's a reason that we have six provinces and more than two-thirds of on-reserve children now covered. It's because this program is seen to be working.

I think the financial commitment that we've put in is rather extraordinary. We've done it without fanfare, and we've done it for all the right reasons. We've done it because it's the right thing to do.

Mrs. Shelly Glover: Very good.

Actually, I was pleased to represent the government at that announcement where Grand Chief Evans was present. For the benefit of the committee, I want to quote exactly what Grand Chief Evans said. He said, and I quote:

This new funding model and Enhancement Framework will assist in decreasing the number of children in care and support families to stay together. It will also assist agencies so they will have the resources available to support children and families they work with in our communities. Prevention is critical to positive change for our people.

That's why I was curious to know how important you felt they were.

I know that there's a process that leads to the signing of these agreements. Could you share with us what the process is in these tripartite agreements?

Hon. John Duncan: Do you mean to get to signature?

Mrs. Shelly Glover: Yes.

Hon. John Duncan: What is the process? Well, obviously there are negotiations, and the partners have to come together.

I don't know what the entire process is, to be truthful.

Mrs. Shelly Glover: You mentioned the partners. Who are the partners in each of the provinces? Are you including first nations groups?

Hon. John Duncan: Oh, absolutely, yes. In many cases provinces had already delegated authority to first nations child and family service organizations. In some cases they hadn't. But in all cases, we're trying to work with willing partners.

The provinces are seeing the benefits in a very significant way. The figure that is quoted is that there are 27,000 aboriginal children under care, but only one-third of those are from on reserve. So the provinces recognize that they have a significant issue here, and they want success. Success is measured in having a lower caseload, which means fewer children in care and a higher retention of children in the family. All of that reduces the burden on the government, increases the family's success, and is good for society.

I think everyone is sharing the fact that we have a common objective, so let's try to get it done.

• (1635)

Mrs. Shelly Glover: I agree.

I do want to share a bit of my experience. As a police officer, I was involved in a number of apprehensions of children. Monsieur Lemay commented on how difficult it is on reserve to find families who will take the children in under this new program. There are some challenges, absolutely. But apprehending children and taking them out of their communities is not working. And it was heart-wrenching. It was a very difficult thing to have to do, and I assure you that there are many social workers who have had to do it and many police officers who have had to do it, and it is very disturbing to have to do that.

It wasn't working, and I applaud the government for taking some steps towards prevention and for taking the children into consideration first and foremost. So I thank you for that.

How much time do I have left?

[Translation]

The Chair: You have 20 seconds left.

[English]

Mrs. Shelly Glover: I'll ask the officials some questions a little bit later. I need longer than 20 seconds.

Thank you very much for your candour. I look forward to speaking with Ms. Johnston shortly.

[Translation]

The Chair: Thank you, Ms. Glover.

We'll now begin the second round.

Mr. Russell, please go ahead for five minutes.

[English]

Mr. Todd Russell (Labrador, Lib.): Thank you, Mr. Chair.

Good afternoon to you, Minister. It's good to see you once again.

I just want to move right to a couple of questions. I know that it's a bit of a different relationship we have now. We usually bantered back and forth this way and had our debates.

In terms of the tripartite agreements that get signed, who sets the standards, or who sets the laws? Is it the province, and then, by incorporation, it's the child welfare agency? Does Indian and Northern Affairs have any say in that whatsoever? Do you say, tick, this is a good approach that is already in this province, or do you just put money right into that system, whatever exists in a particular province?

Do you have any say at all about standards, about how delivery happens, or any of that? Does Indian Affairs do any of that?

Hon. John Duncan: The standards are primarily set by virtue of the provincial legislation that's in place. It's already there. What we're adding to the mix, by moving to a different model, is agreeing to other monitoring and reporting mechanisms, and that's the part of the process. This only really got off the ground in 2007. We have early results from Alberta. It's too early to have a true measure of how well we're doing everywhere. It's mostly ad hoc, so far.

Mr. Todd Russell: When the Auditor General says Indian Affairs should deliver "culturally appropriate" programming, does Indian Affairs have any say in the tripartite negotiations to emphasize that, to enforce that, to say that in Alberta you want to make sure we have culturally appropriate programs?

Hon. John Duncan: We do, and I'll let Christine round that out.

Ms. Christine Cram: Thank you.

One of the things the Auditor General observed was that we should have a definition of culturally appropriate. Following that recommendation, we felt it wasn't up to the department to specifically define that, but rather we created a principle and we included that principle in our response to the report from the public accounts committee. We'd be glad to share that principle with the committee.

The reason we did a principle, as opposed to a definition, was that we felt that culturally appropriate was very much dependent on the particular community, and that thus there should be flexibility in defining it.

Mr. Todd Russell: How do you measure if a program is being delivered in the culturally appropriate manner?

• (1640)

Ms. Christine Cram: I'll talk about a couple of things that have been introduced.

First is the notion of kinship care. By increasing kinship care, you are encouraging children to be with relatives and thus have the advantage of cultural language. Second is the introduction of post-adoption subsidies for family members. Previously, family members weren't eligible for post-adoption subsidies, but now they are.

So when you ask how we know if they're culturally appropriate, part of the business plan that the child and family service agencies develop outlines how they intend to provide culturally appropriate services.

Mr. Todd Russell: In the development of these guidelines, does Indian Affairs take an active role in sitting down with the child and taking a collaborative approach with the child and child welfare agencies and the provincial government? Is it a collaborative, cooperative relationship?

Ms. Odette Johnston: In the development of the business plans we take a step back. We develop tripartite framework documents, and in them are guiding principles around culturally appropriate types of services that will be delivered. They outline the broad goals and objectives for moving forward on prevention, which definitely includes culturally appropriate mechanisms or means of delivering that service. Then from there, once we get resources, the agencies will develop business plans and will include in those business plans how they intend to deliver for their specific community based on their particular needs.

Part of the process we have in place is that INAC and the province and sometimes first nations—for example, in Quebec they have a group that reviews those business plans—will ask questions of the particular agency or community: how are you going to be doing this, and how are you going to measure that?

The Chair: Thank you, Mr. Russell.

Mr. Todd Russell: Is that it?

The Chair: Yes, it is.

Now we're going to go to Mr. Dreeshen for five minutes.

Mr. Earl Dreeshen (Red Deer, CPC): Thank you, Mr. Chair.

Thank you, Minister, for being here. It's nice to see you.

Being from Alberta, I'd like to touch on some of the experiences that have taken place there and some of the great progress that's also been made through the enhanced prevention approach. As you know, Alberta was one of the first provinces to sign on to this approach, and there are some really positive results that are quantifiable.

I was just wondering if you could expand on why you're implementing this prevention-based approach throughout the country.

Hon. John Duncan: Thanks, Earl.

You're correct that the Alberta model has been there the longest. It's given us some good results. I don't have the specifics of those results. Christine might, though, so maybe we can get into that a bit.

I've talked with Minister Yvonne Fritz. Earlier this month, we discussed the program. Their direction is to go to what I would call a second-generation agreement. They're pleased and they want to move further. This would be mainly in the direction of capacity-building and support for information management systems. So this is all good stuff. The province can be proud of being a market leader in this area. They're not a market leader in all areas, but they are a market leader here.

There are some recommendations that came out. There was a report that came out in June, the final report of the Alberta Child Intervention Review Panel. It was called "Closing the Gap Between Vision and Reality". The Government of Alberta's response was publicly released on October 15, just last month.

That's enough from me for the moment. Christine will round that out.

Ms. Christine Cram: Maybe I'll give you some stats on some of the improvements we've seen in Alberta. The first, on the institutional care side, covers from 2007-08 to 2009-10. The number of children in institutional care has had a substantial reduction, from 329 to 68. In kinship care, in which a child is placed in care with a family member, the numbers have dramatically increased. They went from zero in 2007-08 to 375 in 2009-10. And post-adoption subsidies have also gone up enormously, from zero to 130.

What we've seen is a movement of children from higher levels of care to lower levels of care and then out of care. What we are hoping to see over time is a bigger reduction in the percentage of children in care, because they will actually be able to be maintained in their family homes. So those are promising results in Alberta so far.

• (1645)

Hon. John Duncan: Just think back to what the model was before this: there was a perverse incentive in that you got paid per intervention. It was creating the exact opposite result to what you were really seeking—at least the financial incentive was the exact opposite of what you were seeking.

Mr. Earl Dreeshen: Certainly.

Could you update us on the progress in bringing other provinces into this prevention-based approach?

Hon. John Duncan: All the prairie provinces—Alberta, Saskatchewan, and Manitoba—are now covered. So are Quebec, P. E.I., Nova Scotia.... I get a little confused, because Jordan's Principle overlaps somewhat here.

We hope to have the other provinces covered by 2013, and they're certainly expressing interest. People want to take their existing agreements and move them a little further.

I think those Alberta statistics are quite dramatic. The public maybe doesn't appreciate how much change there has been. It's very good stuff.

The Chair: Thank you, Mr. Dreeshen.

Minister, I think you indicated that you have to get on your way at this point.

If you'd like, members, we're going to have a brief suspension of two minutes, and then we'll pick it up.

Ms. Johnston and Ms. Cram will be able to hang back for the remainder of the meeting.

We'll suspend momentarily to see the minister off.

- _____ (Pause) _____
-
- (1650)

The Chair: We'll continue.

I don't know that we gave proper introductions in the first part of the meeting.

Ms. Cram is back with us. She is the assistant deputy minister in the education and social development programs and partnerships sector of the department.

We also have Odette Johnston, who is the director of the social programs reform directorate.

We'll continue where we left off.

[*Translation*]

We'll continue with Mr. Lemay, who has five minutes.

Mr. Marc Lemay: Thank you, Mr. Chairman.

I know that, under the tripartite agreement, approximately \$59.8 million is paid to Quebec for the implementation of this program. How is that amount allocated? Does a portion go to aboriginal people, or is the entire amount transferred to the Government of Quebec, which administers the tripartite agreement? If you can't give me the answer today, you can send it to me. However, I would like to have an answer.

As I don't have a lot of time, I'm going to ask you my second question right away.

Is there a monitoring committee? We're seeing results. Things appear to be going well in Alberta, but I'm not sure they're going very well in Quebec, from the information I've received. How do we ensure implementation of the program? Have you put a tripartite committee in place consisting of representatives of the Assembly of First Nations, the Government of Quebec and your department?

I will let you answer these two questions.

[*English*]

Ms. Odette Johnston: For Quebec, we do have a tripartite group in place that is working with the first nations on reviewing the business plans and trying to get those in place. It is taking a little bit longer in Quebec to actually get those plans in place, but we are

working through those and we're confident that mostly all of the resources will be used this fiscal year.

With regard to the distribution, most of those resources are going to first nation agencies or communities. Where we don't have agencies, we will be working with the province in trying to ensure that similar types of services are provided.

[*Translation*]

Mr. Marc Lemay: All right.

Who's monitoring implementation of the tripartite agreement? Who's responsible for that? I'm thinking of Quebec in particular, but that could apply to the rest of the provinces.

[*English*]

Ms. Odette Johnston: In Quebec, as I mentioned, we do have a tripartite group. We work very much with the first nations commission of Quebec and Labrador to work with the agencies to make sure that these are functioning. In every jurisdiction we work jointly with the province in trying to have regular meetings with the agencies to review progress against the business plans they have put in place and to assist agencies when some problems might have been identified.

[*Translation*]

Mr. Marc Lemay: Has a representative of your department or a legal representative asked the Government of Quebec to delay full implementation of the Youth Protection Act, which could impede the introduction of this tripartite agreement?

Ms. Christine Cram: Mr. Lemay, as you know, that act is the responsibility of the Government of Quebec. The act is already in place, and it is up to the province to implement its acts. The federal government cannot intervene with the Government of Quebec.

However, I must say that we have worked with the APNQL and we have had discussions to determine how we can improve prevention services in order to minimize consequences and to ensure that children have access to necessary services.

• (1655)

Mr. Marc Lemay: I don't want to make you disclose any secrets. However, we know that the implementation of Bill C-3 is imminent. It will soon be passed by the Senate; that's clear. In our view, it's a matter of weeks.

The next budget is coming. Perhaps I should have put the question to the minister, but here it is. In preparation for that next budget, is the implementation of these tripartite agreements being taken into account in order to make requests? Have you prepared any items for the next budget taking into account the requests for implementation of these tripartite agreements?

Ms. Christine Cram: Mr. Lemay, I'm going to tell you that we've obtained funding under every budget since 2007.

Our objective is to have signed agreements with all the provinces and territories by 2013. So we're still trying to move this file forward.

Mr. Marc Lemay: Thank you.

The Chair: Thank you, Mr. Lemay.

It's now Mr. Payne's turn for five minutes, and then it will be Ms. Crowder's.

[English]

Mr. LaVar Payne (Medicine Hat, CPC): Thank you, Mr. Chairman.

My question is to our members from INAC, and I welcome you today.

There has been a bit of confusion about the estimated number of aboriginal children. I believe it's been said that the number is 27,000, but if I heard correctly, the minister talked about a third of them being under INAC care.

Can you confirm whether that's correct, and also tell us about what INAC is doing in terms of care for these children?

Ms. Christine Cram: The total number of on-reserve children between the ages of 0 and 18 is actually 163,637. As of March 31, 2010, about 8,682, or 5.4% of those children were in care, out of the parental home.

I think the minister was using a number from the Alberta report that referred to all the aboriginal children identified to be in care in Alberta. But that number includes both the children normally resident on reserve and the children off reserve.

On the other part of your question, the federal government has a number of programs directed toward children. There's this child and family services program, but we also have education programs. The federal government spends about \$1.4 billion a year on kindergarten to grade 12 programming for first nations children normally resident on reserve.

There are also programs related to young children. A number of departments have programs for preschool-aged children. I'll ask my colleague to talk about those in more detail.

Mr. LaVar Payne: I'm particularly interested in the family services aspect of this.

Ms. Christine Cram: Okay.

Ms. Odette Johnston: For first nations child and family services, we have increased the funding over the years. We were spending \$193 million in 1996-97. For 2009-10 our funding has gone up to \$550 million.

We work very much, in child and family services, with other programs we have, such as the family violence prevention program—\$29 million is being spent to assist families in that program—and early childhood development programs. In Health Canada there are also programs such as Aboriginal Head Start, and in HRSDC there is child care. Those programs all come into play in assisting with these children.

• (1700)

Mr. LaVar Payne: Okay, thank you.

I believe Ms. Crowder made some reference to Jordan's Principle. Maybe you could fill us in on how the first nations are involved in implementing Jordan's Principle.

Ms. Christine Cram: I could start. We already have some agreements. We have agreements in two provinces, Manitoba and

Saskatchewan, on implementing Jordan's Principle. We also have discussions under way in British Columbia, Alberta, Ontario, and New Brunswick on implementing it. And there are other provinces that feel they have the processes in place to handle any situations that may arise.

I would say that since the passing of the motion on Jordan's Principle, the federal government, working with provinces and first nations, has put processes in place to ensure there is no child who doesn't get the service they need because of jurisdictional squabbles. In the provinces where I've said we have agreements, or where we're talking, we've been taking a case-conferencing approach. You bring together the various parties that provide services to children and you consider any cases raised where there appear to be gaps in the services being provided. Some of these may get resolved right there in that there's no problem; the parties agree around the table at the case conference that the service will be provided.

I have to say I'm not aware of any circumstance where that wasn't worked out, but we have dispute resolution processes in cases where we can't resolve it. The protocol is that whichever jurisdiction is currently providing the services, it will continue to do so until a resolution can be found so the child isn't without service.

The Chair: Thank you very much, Mr. Payne.

Now we'll go to Ms. Crowder, who will be followed by Mr. Weston and Mr. Bagnell, and then Mr. Clarke.

Let's go to Ms. Crowder.

Ms. Jean Crowder: Thanks, Mr. Chair.

I have a quick comment. You indicated there were principles outlined around "culturally appropriate", as a result of the public accounts committee and the March 19, 2009, response by the deputy minister. I don't see it in the response, so if you could supply that to us, that would be great.

Actually, in the response it says this transition requires the development of tripartite and health prevention frameworks in partnership with provinces and first nations in order to clearly establish culturally appropriate but, for practical purposes, equivalent services to be provided over a five-year period.

I don't see that as a principle. If you could provide that to us, that would be great, because I don't see it in that response.

I want to come back to the comparability again. In 4.49 of the Auditor General's report, she indicates that in some provinces they are actually delivering the child welfare services where first nations do not, and that, in those provinces, "INAC reimburses all or an agreed-on share of their operating and administrative costs of delivering child welfare services directly to First Nations and of the costs of children placed in care".

So it seems to me that in some provinces you recognize the provincial rates, according to the Auditor General. If in some provinces you recognize the provincial rates because they deliver the services, why in other provinces don't you give the first nations agencies the provincial rates?

Ms. Odette Johnston: Actually, in all jurisdictions we have provincial rates for the various types of care and we reimburse those actual rates.

Ms. Jean Crowder: I understand you reimburse them, but if you reimburse the province for delivering child welfare and protection services, why don't you give first nation agencies the same rates?

Ms. Odette Johnston: We do.

Ms. Jean Crowder: So you're saying that in every province, first nations agencies get the same rates on reserve as the province is using off reserve?

• (1705)

Ms. Odette Johnston: For the rates for the types of care they're providing.... For example, the provinces set differing rates for foster care, institutional care, group homes, and those rates we pay whatever the province sets.

Ms. Jean Crowder: And the first nations agencies get the same rates.

Ms. Odette Johnston: That's correct.

Ms. Jean Crowder: The Auditor General said that they didn't, when she did this report.

Ms. Odette Johnston: No, we do.

Ms. Jean Crowder: As of when did that start?

Ms. Odette Johnston: We've always been providing that.

Ms. Jean Crowder: That's not what the Auditor General said. She said that where you don't have an agency delivering, you'll pay the provincial rates to the provincial organization, but when you have a first nations agency delivering, you don't pay the provincial rates. That's what her report said.

Ms. Christine Cram: I'm just offering maybe an explanation. The Auditor General may not have been referring just in instances of maintenance costs, which is what Odette was responding to.

In cases where—we call it maintenance—the child is removed from the family home and is either placed in a group home, a foster home, or institutional care, we reimburse, to whomever is providing that, the exact amount of that provincial rate.

The Auditor General may have been referring more generally to... because agencies do more than just put children in care. Agencies have operating costs. Agencies also in the past have provided small amounts of prevention services. Under the enhanced prevention, they provide more.

Ms. Jean Crowder: I guess my point is this. If you already agree on provincial rates in one aspect of the services, why don't you agree on provincial rates for all aspects of the services? That's what I don't understand. You already have a precedent of agreeing to provincial rates for some aspects of the services, so why don't you agree to provincial rates for all aspects?

Ms. Christine Cram: We don't disagree, but I guess where we have a difference of opinion is on how you get there.

Ms. Jean Crowder: Well, you look at the provincial rates and you go, "That's what you pay for the service, so therefore we're going to give first nations the same rates."

Ms. Christine Cram: We feel that what you need to do is have a negotiated process with the province, with the first nation, and the federal government to agree on what services will be provided—

Ms. Jean Crowder: Sorry, but you know I only have five minutes.

Can you imagine if first nations would actually say, no, we won't accept the higher rate that provinces pay? Can you imagine a circumstance where they would say that?

Ms. Christine Cram: It's not just the rate. What you have to do is be able to provide the service that is required.

On maintenance, it's very clear, because on maintenance you have different types of maintenance, and you know what the costs are and the province sets specific rates for those things.

Ms. Jean Crowder: Are you aware of any rate—

The Chair: You're out of time, Ms. Crowder.

Did you want to finish that thought, Ms. Cram?

Ms. Christine Cram: No, I'm okay.

The Chair: Thank you, Ms. Crowder.

We'll go to Mr. Weston.

[*Translation*]

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Thank you very much.

Thank you for being here, Ms. Cram.

You just mentioned Jordan's Principle; we all want to avoid the negative consequences of disagreement between levels of government. What was the response of provincial authorities and the First Nations to the tripartite agreements? Was it an enthusiastic response? Is there good cooperation between our government and the other levels of government?

Ms. Christine Cram: With regard to Jordan's Principle, the First Nations are very enthusiastic because they want to be able to have access to a problem-solving process in the event of disagreement between governments and people who provide services. They are very enthusiastic. I must say that the same is true of the provinces with which we have had discussions and entered into agreements.

In the case of those provinces where we have provided for special measures, it was the First Nations that told us that processes were already in place. As they have not experienced any situations in which children have not received the necessary services, they do not think it is necessary to do anything more than what they are currently doing.

• (1710)

Mr. John Weston: That's good.

I heard that the Assembly of First Nations had filed a complaint with the Canadian Human Rights Tribunal. Can you tell us how the federal government responded to that complaint?

Ms. Christine Cram: The complaint is still being processed. The federal government filed a motion to challenge the tribunal's right to hear the matter. We entirely agree on certain matters that the tribunal should handle, but, in this situation, it is the federal government's view that the tribunal is not entitled to hear the case. We haven't yet heard the tribunal's decision.

In a recent decision on the NIL/TU,O appeals, which the minister referred to in his presentation, the Supreme Court ruled that childhood and family matters are under provincial jurisdiction. That's very important in this case. We believe the tribunal should take that decision into consideration.

Mr. John Weston: Do you know when this process will finish?

Ms. Christine Cram: Pardon me, I don't understand.

Mr. John Weston: When will this process finish?

Ms. Christine Cram: No, it's continuing.

Mr. John Weston: Yes, but how much time will it take before a decision is rendered?

Ms. Christine Cram: I don't know. It's up to the tribunal to decide. The tribunal heard the motion in June of this year. We're awaiting a response from the tribunal, but we don't know when that will come.

Mr. John Weston: All right.

Unless I'm mistaken, there are six tripartite agreements. What percentage of aboriginal people do these agreements cover? What about the other provinces with which we haven't yet reached an agreement?

Ms. Christine Cram: The six current agreements concern 68% of all children normally living on reserve. To determine the remainder, you have to subtract that figure from 100%.

Mr. John Weston: But—

[*English*]

The Chair: Sorry, we're out of time, Mr. Weston.

We'll go to Mr. Bagnell, to be followed by Mr. Clarke. We probably have time for maybe one more question after that, if somebody is still interested.

Let's go to Mr. Bagnell.

Hon. Larry Bagnell (Yukon, Lib.): Thanks, Chair.

Thank you for being here.

I just want to change to a totally different paradigm for delivering first nations child and family services. I'm the member of Parliament for Yukon, and as you know, in the Yukon land claims agreement, one of our witnesses who's coming has requested to...or working on taking down this power, which they have the right to do under our land claims. It is the Carcross Tagish First Nation. I know that Kwanlin Dun is also looking at it, but Carcross Tagish has been at it for some time.

Do you know the status of the negotiations?

Ms. Christine Cram: I think I'll need to get the status on that. I know there have been discussions, and I know there's been a pilot project, but I'm just not sure.

Hon. Larry Bagnell: That's okay. If you could get back to the clerk in writing, that would be great.

Ms. Christine Cram: Yes.

The Chair: [*Inaudible—Editor*]...child and family services, though?

Hon. Larry Bagnell: Yes. It's okay. She knows what it is.

I have another quick question, then I'll leave it to Todd for one question.

In that situation, not talking about that particular first nation but in that model, who would be paying, or how would the payment go, for a service that was previously delivered by INAC that will now be delivered by the first...or the Yukon government, which will now be delivered by the first nation?

• (1715)

Ms. Christine Cram: My understanding of how it works now is that Indian and Northern Affairs provides the funding for child and family services for any status Indian child in the Yukon.

Hon. Larry Bagnell: But after the negotiations, once they take it down, then who would pay?

Ms. Christine Cram: We provide that money to the province. If they took down jurisdiction, then that funding would be part of—and I'll use language you probably know—the PSSP agreement. There'd have to be a funding agreement, which is part of their self-government, so that would be included in it. It would probably become part of their self-government grant. That's my expectation.

Hon. Larry Bagnell: Would that be the same amount that INAC is now spending on the delivery?

Ms. Christine Cram: They would have to figure out what it would be. There's also incremental governance costs normally that are associated with self-government. I'm not an expert on self-government, so I don't know how that would work.

I think you're aware that one of the challenges in the Yukon is that there aren't any first nations child and family service agencies now, so the province is delivering. You would need to have some entities to provide that.

Hon. Larry Bagnell: That's fine. Thank you.

The Chair: Todd, go ahead.

Mr. Todd Russell: There's the wonderful assumption here that we move to a new model in Alberta, everything is working fine in Alberta, and therefore we'll take it now and move it right across the country in a very similar form—without an evaluation, by the way, or no completed evaluation, on the model in Alberta.

Up to this time, have there been any reservations about the model in Alberta expressed by the child and family agencies there? Either to you or the department, have there been any people saying, "Let's take a second look at where this is at now, because it may not be the perfect way to go"? Has there been any of that at all?

We've taken one model and are shifting it across the country without an evaluation. You're saying some good things are happening, but can you tell me if there are some reservations being expressed, some concerns being expressed by agencies in Alberta or by the provincial government in Alberta? Do you guys yourselves have any concerns?

Ms. Christine Cram: I am going to take a crack at that. There is an evaluation under way. Odette mentioned that one of the things that has come to light in the evaluation is that it takes longer to implement than we had originally thought. That is very good information for us. As we're looking to move it to other provinces, we can look at what we need to do in order to better equip agencies to be able to provide the services.

In retrospect, we should have realized that you can't expect an agency to be able to line up, from one day to the next, all the services necessary to provide prevention immediately. There needs to be a fair bit of work.

Mr. Todd Russell: So that's been the only concern that has been expressed by first nation agencies to you guys?

Ms. Christine Cram: I think it's that. And they've developed business plans on what they hoped to achieve, and they're seeing that it's not easy to provide all those services. You're changing the way services are provided. It's also tough for agencies working with communities; it's hard to get people to understand where they go to get the services. So I think that is the biggest take-away we've had.

Alberta has done a review in the whole province. There are always improvements you can make in child welfare services in any province, and there are always challenges, but they've come up with a number of recommendations they want to implement. That's where the minister was talking about the next generation. We're working with Alberta on an MOU that I hope will address some of those capacity issues that have come up.

The Chair: I'll have to leave it there.

Thank you, Mr. Russell.

Mr. Clarke, you have five minutes.

Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC): Thank you, Mr. Chair.

I'd like to thank the witnesses for coming in today.

I'm sitting here listening to the testimony, and I'm thinking about how as a child I had first-hand knowledge of what family services does. As a young child, I had a foster brother. My parents were foster parents in British Columbia. Basically, I grew up watching children coming into the home. Many times the children would leave after six years, but to this day I call them family. They're my brothers and sisters.

Seeing the issue of family services coming forward further now, with Jordan's Principle and so on, leads me into my law enforcement background. I served most of my time in Saskatchewan on first nation reserves and had to deal with both the provincial system and the INAC system. I recall many instances where I had to do an apprehension by myself. Family services on first nation reserves weren't available. We couldn't get in touch with them. We had to

contact, under our own accord, a provincial jurisdiction, because we were unable to contact family services for first nations children.

There seems to be somewhat of a disparity between the two. I mean, there's quite a difference between the provincial system and the federal system. Ms. Crowder mentioned the differences between the provincial system and the INAC system. I would like you to elaborate further on those differences.

That's one. Two, with Saskatchewan, I believe back in the early spring of 2008, I believe INAC made a commitment of more funding. Could you elaborate on how much the funding has been and what the status of that program is?

Third, I do understand that the provincial system in Saskatchewan has undergone a major study just recently. I'd like you to elaborate further on that.

● (1720)

Ms. Christine Cram: I'll start, and then I'll ask Odette to pick it up.

On July 22, 2008, there was an announcement implementing the enhanced prevention approach in Saskatchewan. It provided \$104.8 million over five years.

So implementation is under way. I will say that we have some very preliminary results. It takes a few years till you see the improvements, but I just wanted to share a bit of the data we have on Saskatchewan. There has been an increase in kinship care, for example, from 407 to 492. So that's really a positive development there.

I'm going to ask Odette to take over and respond to your other questions, if that's okay.

Ms. Odette Johnston: I just want to say first of all that we're talking about.... Unfortunately, we do have the one system. We are working very much under provincial jurisdiction. But what the money is doing is that it is providing some resources, additional resources, to the communities to be able to focus more on prevention.

We have learned as we've gone along. There was a question earlier about what we are learning. Well, we are providing more resources for remoteness, which we may not have done as much initially. We are providing resources that can help the agencies work with others in the community, and work with programs and services.

One of the things we realized when we went into each of the jurisdictions was that there may be other types of programs and services that provinces may be funding under child welfare, such as child care or addictions programs. We have to look at what else is being provided under other federal departments, such as Health Canada, and assist the agencies in making sure that they're accessing those types of programs for the families and communities.

We are seeing some progress. We do have some agencies where.... For example, Lac La Ronge in Saskatchewan is seeing some positive results in their particular project.

The Chair: Go ahead, Ms. Cram.

Ms. Christine Cram: You mentioned the review under way in Saskatchewan. We understand it's getting close to completion, but the report has not been made public yet, so we don't know what the recommendations are going to be. It's a report that was done by the Province of Saskatchewan.

The Chair: Thank you very much, Mr. Clarke.

That will wrap it up, time-wise.

I just want to remind members that we are back on Monday afternoon, not in this room but in our regular room, I expect. We will be having the final meeting on our study of northern economic development. You have been circulated version four of that report.

That is the version we will be using at that meeting, so you may want to bring an up-to-date copy with you for that meeting.

You'll recall as well that in our Wednesday meeting next week, we will have the minister back. We'll be reviewing supplementary estimates (B). That's our schedule for next week.

Good to see you all here again this afternoon despite our brief interruption to the House. Enjoy the rest of your afternoon.

Thank you very much, and thank you to our officials. All the best.

The meeting is adjourned.

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