

BN-2014-00070

Regular Circulation

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February 3, 2014

Meeting Note**Department of Municipal and Intergovernmental Affairs
Conference Call with the Premier of Manitoba
1:30 pm, February 4, 2014, Premier's Office****Attendees:**

Honourable Tom Marshall, QC; Honourable Greg Selinger (biography attached)

Purpose of Meeting:

Premier Selinger has requested a conference call with Premier Marshall to congratulate him on becoming NL's 11th Premier and to discuss a range of issues, which include ON's upcoming Energy Innovation Summit, Aboriginal child welfare, the Canada Job Grant and the federal budget.

Discussion Topics/Background:**Aboriginal Child Welfare**

- On January 31, 2014, MB released a report by Commissioner Ted Hughes on the 2005 death of a five year old Aboriginal girl, Phoenix Sinclair, who had been in protective custody but was released back into the care of her mother. The mother and the child's step-father were later

convicted of her death, which resulted from abuse and torture. The report stems from a \$14+M inquiry into the young girl's death which lasted 91 days and heard from 126 witnesses. The inquiry covered a range of Aboriginal child welfare issues.

- The report, which finds the child welfare system failed to protect Phoenix Sinclair, contains 62 recommendations, including #53 that recommends that “at the next meeting of the Council of the Federation, the Premier of Manitoba request placement on the agenda and the opportunity to speak to the unacceptably disproportionate number of children taken into care by child welfare authorities across Canada in comparison to non-Aboriginal children [...] and that he explore whether collectively his colleagues are of a mind to take steps in search of a solution and a process for implementation of that solution over time.” According to a MB official, Premier Selinger intends to raise the issue with the other Premiers at the summer 2014 Council of the Federation (COF) meeting in Charlottetown in order to press for greater federal support to deal with the challenges related to Aboriginal child welfare. The MB official has indicated Premier Selinger also plans to raise the matter individually with Premier Marshall.
- In terms of Aboriginal child welfare in NL, the Province signed MOUs with the Nunatsiavut Government (NG) and the Sheshatshiu and Mushuau Innu First Nations in 2012. The MOUs serve to improve planning around the safety of Aboriginal children and to enhance service delivery and coordination in a manner that is respectful of Aboriginal cultures and based on Innu and Inuit involvement.
- The MOUs establish a process for sharing information on Aboriginal children, youth and families who are currently on the caseload of the Department of Child, Youth and Family Services (CYFS) and provide for the creation of ‘Planning Circles’ comprising government and community officials.
- CYFS is currently in negotiations with the federal government, both Innu First Nations and the Miawpukek First Nation in Conne River to introduce the federal government's new Enhanced Prevention Focused Approach (EPFA) aimed at reducing the need to take children into care by proactively addressing issues such as substance abuse and parenting. The EPFA is being implemented on a province-by-province basis. Currently, MB is one of six provinces receiving federal EPFA funding. A Tripartite Accountability Framework is currently being drafted in NL in order to implement the EPFA model.
- While the tripartite Fiscal Financing Agreement between the NG, the Province and the federal government allows for the devolution of provincial programs to the NG, the NG has not indicated any desire to commence devolution discussions with the Province. However, the devolution of provincial child, youth and family services programs to the Innu is a topic of discussion at the Innu Round Table, which comprises the provincial and federal governments and the Innu.
- NL has taken a number of steps to improve the delivery of services to Aboriginal communities, which are in line with recommendations in the Hughes report around improved training, awareness-raising and social conditions. These include the creation of a Nunatsiavut Bachelor of Social Work Program with Memorial University from which 15 social workers recently

graduated, investments in affordable housing in two Inuit communities, support for Native Friendship Centres, and the enhancement of Aboriginal content in school curriculum in consultation with Aboriginal authorities. CYFS has an Aboriginal consultant on staff to look at policies and programs with an Aboriginal lens prior to implementation.

- NL is a part of the Aboriginal Affairs Working Group (AAWG), comprised of provincial and territorial ministers responsible for Aboriginal Affairs and National Aboriginal Organization (NAO) leaders. AAWG provides an opportunity to work together to develop recommendations and identify actions and strategies to improve the lives of Aboriginal peoples. The AAWG is examining the root causes of issues affecting Aboriginal communities in Canada through its sub-committees on economic development, education, housing and violence against women and girls. Premiers and NAO leaders meet annually to discuss AAWG recommendations.
- According to the Assembly of First Nations, current levels of federal funding are not enough to provide the services necessary to allow First Nations children to remain with their families when there are social problems. The 2011 National Household Survey indicates that nearly half of Canada's 30,000 foster children aged 14 and under are Aboriginal.
- The federal government is currently the respondent in a human rights discrimination case brought forward by the First Nations Child and Family Caring Society. The Society claims the federal government spends 22 per cent less per child on Aboriginal child welfare services living on reserve than the provinces spend on non-Aboriginal children. Hearings before the Canadian Human Rights Tribunal began in February 2013. Proceedings will continue through the spring of 2014 with closing arguments to be made in July.
- The federal government has exclusive jurisdiction for Indians and Lands reserved for Indians. This includes the Inuit. A recent court ruling that this exclusive federal jurisdiction extends to Métis and non-Status Indians has been appealed by the federal government. The federal government has not exercised its exclusive jurisdiction in relation to child, youth and family services, choosing to leave these – child protection in particular – to the provinces.







