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Chair

Mr. Dean Allison

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• (1535)

[English]

The Chair (Mr. Dean Allison (Niagara West—Glanbrook, CPC)): Pursuant to the order of reference of Wednesday, November 22, 2006, Bill C-303, An Act to establish criteria and conditions in respect of funding for early learning and child care programs in order to ensure the quality, accessibility, universality and accountability of those programs, and to appoint a council to advise the Minister of Human Resources and Skills Development on matters relating to early learning and child care, the meeting will now commence.

Yes.

Mrs. Lynne Yelich (Blackstrap, CPC): Mr. Chairman, I just wanted to table a document that gives us further evidence that there has been not enough consultation with the provinces on this bill. Saskatchewan has come out against Bill C-303, which is another province. It concerns me because that is our only concern about early learning and child care with this bill, that we don't have enough consultation with the provinces, and it is in their jurisdiction.

Given that, I'd like to table these documents to be passed around.

The Chair: Sure. If you table it with the clerk, she'll hand them out.

Mrs. Lynne Yelich: I understood Ms. Savoie had talked to the provinces and to officials, and according to this document she did not. So I just wanted to have that on record.

The Chair: I want to let you know about the first half-hour.

The officials are here to answer any questions we may have. We do not need them for the full half-hour if there are no questions. They will stay for the remaining time just in case we need any clarification.

I will take a list of names—just very short points. I'm going to give you a couple of minutes to ask your question, and no more than that. It's not rounds of questions for them, but any points of clarification, and then we can move this so we can get to go into the clause-by-clause.

I've got Mr. Brown's hand, followed by Ms. Chow's hand. We'll start to take a list. Mr. Brown, Mr. Lake, Ms. Chow, and then we'll get started.

Mr. Brown.

Mr. Patrick Brown (Barrie, CPC): Thank you, Mr. Chairman.

I've got a document I want to table too. It's information about the St. Stephen's Community House. I know we heard before that there weren't any child care spaces available in Toronto, and here's a picture of a business seeking to get child care spaces because there are available parents who want to have their kids come to this location, St. Stephen's Community House in Kensington Market. I think that's in Ms. Chow's riding. But I'll table copies of this.

The Chair: Okay, we'll have you—

Mrs. Lynne Yelich: Who runs this?

Mr. Patrick Brown: It's St. Stephen's Community House, Kensington Market, Toronto.

The Chair: Thank you.

We've got Mr. Lake.

Mr. Patrick Brown: It's a big sign seeking kids to come.

The Chair: Sorry, Ms. Chow and then Mr. Lake.

Ms. Olivia Chow (Trinity—Spadina, NDP): I have documents here, 62 actually, letters of people supporting the bill, and also a list of seven organizations. You don't necessarily need me to read them all out to you, but these are organizations that support the bill.

The Chair: Thank you very much, Ms. Chow.

We're now going to move to Mr. Lake.

Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC): I know that during clause-by-clause we'll be talking about different amendments, but I do want to table an amendment. I have it here in both official languages. We can discuss it towards the end.

It basically will say that in Bill C-303, the title be replaced by the following: "A mechanism to withhold transfers to the provinces if they do not do what the federal government tells them (except for Quebec) Act"

The Chair: Okay, we have a new title there that we could probably debate a little later. That's probably one of the last things we look at in terms of clause-by-clause.

All right, I'd like to open the meeting up for questions. Are there any questions for the two individuals we have here?

I want to thank Mr. Tupper and Ms. Graham for being here—thank you very much—to answer questions.

We're going to try to keep this fairly quick so we can get on to clause-by-clause. I'm going to ask for anyone who has any interventions, and I will start taking names now. We're going to time it to two minutes. That doesn't mean you can't make more interventions. We just want to ask the questions, not make statements, just clarify anything we have from them. We will go from there. I will keep the list updated.

I have Mr. Lessard, Ms. Dhalla, Ms. Yelich, and Mr. Lake to start, and we'll move on from there.

Ms. Dhalla.

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): I have a point of order. Can't we go through our normal process of questioning?

The Chair: They're not making a presentation today. So let's just get as many questions as we can. I'm hoping the members won't make statements. We're not trying to convince the officials of anything. We would like to have them clarify some of the questions for us.

• (1540)

Mrs. Lynne Yelich: Mr. Chair, I would suggest there is no preamble, just right to the questions. This is a very important—

The Chair: If that happens, I'll be very impressed. It'll be a first time to see MPs not making a preamble.

Mrs. Lynne Yelich: I suggest you cut them off.

The Chair: Ms. Chow.

Ms. Olivia Chow: Mine is very straightforward.

From 2003 until today, I see that under the multilateral framework and the foundations bilateral agreements, \$2.65 billion is being transferred. Do we have a record of how many affordable, high-quality child care spaces have been delivered from this \$2.65 billion transfer?

Mr. Shawn Tupper (Director General, Social Policy Development, Department of Human Resources and Social Development): Where provinces have done their public reporting with respect to spending, we certainly have available how they made those expenditures. They highlight where their system has grown in their reports. We don't have reports for every jurisdiction out yet, so it's a bit of a patchwork in terms of the information we have. Our expectation is that those reports are coming, and that information will be made available in due course.

Ms. Olivia Chow: How many provinces reported out in 2006?

Mr. Shawn Tupper: One province reported out for 2006. Of course, the difficulty with that question is that it's a bit premature, as they actually have until November of this year to release their reports.

Ms. Olivia Chow: In 2005, then?

Ms. Glennie Graham (Director, Child and Youth Policy Division, Department of Human Resources and Social Development): Right now 11 jurisdictions have their 2003-04 reports out on their ELCC money. Five of them have 2004-05 reports out. Only Saskatchewan has the 2005-06 report out.

There is a natural time lag between when the money is transferred and when they're able to do their reports. Admittedly everybody,

including the federal government, is currently late in putting out their reports for various reasons. So far we certainly haven't seen anybody say they don't intend to release their reports.

Ms. Olivia Chow: I added up close to twenty reports in the last four years. Can you calculate how many child care spaces there are from those reports?

Ms. Glennie Graham: We can calculate based on a number of different things. We could use the PT reports that report on expenditure and spaces. We also have a third party report, the University of Toronto's education and care report, that provides very good trend information about child care spaces. I can say that there has been a consistent increase in the number of spaces since the late 1990s, and we expect that to continue because of the injection of funds.

On your question around bilateral funding, for the first year that was a trust fund. Even though there were no conditions attached to that money, we expect that many provinces have invested the money in child care and will report on it in their annual reports.

Also, transition payments were done last year. We know from the announcements made in the press that many of the provinces are going to use that money to invest in their child care systems.

Ms. Olivia Chow: You can't say today how many child care spaces—

The Chair: Ms. Chow, we can put you back on the list again. I have to cut it off there, so we can get around.

I apologize. You were actually fourth on the list, but as I was talking, I put you up there anyway.

Ms. Olivia Chow: Thank you, but I didn't do any preamble.

The Chair: Mr. Lessard was actually first on the list.

Mr. Lessard, you have a couple of minutes to quickly ask some questions, sir.

[*Translation*]

Mr. Yves Lessard (Chambly—Borduas, BQ): Thank you, Mr. Chairman. I think I deserve a second round for having been so patient.

First of all, I would like to thank the departmental officials who have come here to provide information.

When we were studying Bill C-303, we realized that there was a vacuum with respect to aboriginal communities—Innu and others—and understood during the process that amendments had to be moved and incorporated into the bill. Liberals and NDP members also put forward amendments to close the gaps in the bill. This is something that has not been done in great detail for the legal standpoint, and that concerns aboriginal communities, particularly those that come under federal responsibility.

Are there any difficulties, any conflict between the legislation that covers aboriginal peoples and the right that we are seeking to recognize through Bill C-303?

•(1545)

[English]

Mr. Shawn Tupper: The relationship for communities living on-reserve would be with the federal government, and the funding for our programming that goes to aboriginal communities is largely focused on the on-reserve population. We certainly are able to continue that funding, and indeed those programs are able to operate. The way the bill is currently constructed, it wouldn't interfere in that relationship.

For the aboriginal communities living off-reserve, they may well receive funding from territorial and provincial governments. It is reasonable that the implications of this bill may affect their funding arrangements with provincial and territorial governments.

[Translation]

Mr. Yves Lessard: Thank you.

[English]

The Chair: Thank you, Mr. Lessard.

I have Ms. Dhalla, Ms. Yelich, and Mr. Lake on the list.

Ms. Ruby Dhalla: Thank you very much. I have a couple of questions. I think some of them are just building upon what Ms. Chow had asked.

In regard to the moneys that were transferred recently by the federal government, how many spaces will those actually create? Is there an accountability mechanism that you're aware of where provinces have to report in terms of the actual number of spaces that must be created with that funding that's been transferred?

Mr. Shawn Tupper: In the context of the announcement for budget 2007 and the \$250 million, we are just embarking on discussions with provincial and territorial officials with respect to how accounting would be done in terms of their reporting. So we can't really answer that question because we haven't had the dialogue yet.

Ms. Ruby Dhalla: Secondly, in terms of the early learning and child care agreements you had mentioned that were signed in 2005, how many spaces have been created from that? Have you received the data, or are those the reports you're still waiting for?

Ms. Glennie Graham: The information we have in terms of space creation that's probably the most accurate is the data in early childhood education and care in Canada. The figures in 2004 were around 745,000 spaces. Our estimates—and we've done it just by looking at what the announcements have been since that time—are that in 2006 that will increase to 786,832 spaces.

Ms. Ruby Dhalla: So from the early learning and child care agreements that were signed by the former Liberal government, we're looking at about 786,000 spaces being created?

Ms. Glennie Graham: Not necessarily only from that money, but the multilateral framework as well, because in 2004 I think there was very little money out the door. That particular agreement, the 2003 multilateral agreement, started out with a very small amount. It was \$25 million. This year it's going to be \$350 million. Some of that increase is due to the multilateral framework money that was in place before.

Ms. Ruby Dhalla: So with the multilateral framework that was, again, signed by the Liberal government, in addition to the early learning child care, we're looking at the creation of approximately 786,000 spaces.

Ms. Glennie Graham: No, it's the difference between what was there in 2004, so it's some 40,000 spaces.

Ms. Ruby Dhalla: About 40,000 spaces. So with the Conservatives, we're still trying to figure out when the dialogue starts in terms of how many spaces the provinces will have to create with that money that has been transferred to them, if any spaces at all.

Ms. Glennie Graham: We haven't begun discussions with provinces yet on the \$250 million that was announced in the last budget.

Ms. Ruby Dhalla: I have one last question.

We've heard varying figures from all the stakeholders we've heard, in terms of the actual cost for a child care space. We've been quoted everything, I think, from about \$4,000 to \$6,000 to \$8,000 to \$16,000. The issue that many of us around this table have heard is that with the taxable \$1,200 that's being given per year, many parents find it frustrating—to be able to pay for an actual child care space.

Since you're from the department, we can perhaps get some objectivity around this. From your research and your particular data, what is the cost of a child care space, on average, in the country?

The Chair: That's the last question for right now. We can come back and put Ms. Dhalla on the list. But if you could finish that question up, we'll move on to the next questioner.

Mr. Shawn Tupper: I hate to say it, but almost all of those estimates are correct. It really does depend on the type of space you're creating—if you're creating spaces for infants, which are more costly, versus for older kids—and it absolutely depends on the region and the market in which you're building your space.

Certainly we can say that in Montreal, Toronto, or Vancouver you're going to see much higher costs for creating a space than you would see in a rural community or some smaller cities. I think, by and large, we would estimate that in the higher, more expensive markets you're looking at something, we've heard, as high as \$40,000 to create a space, and in the lower-end markets, on average, you're looking at something in the range of \$10,000 to \$15,000.

•(1550)

Ms. Ruby Dhalla: So \$1,200 wouldn't be able to compensate for the \$10,000 space or the \$40,000 space.

Mr. Shawn Tupper: I think the cost of creating a space would be different from the cost to a parent for accessing that space.

Ms. Ruby Dhalla: Thank you.

The Chair: Thank you very much.

We have Ms. Yelich and Mr. Lake.

Mrs. Lynne Yelich: Thank you.

Early learning and child care, of course, is important to us, but what isn't possible, I think, is for this bill to be modelled on the Canada Health Act and the way it is implemented.

So would you comment on how it could be modelled on the Canada Health Act, if that's even feasible with all the work you'd have to do with the provinces? You deal with the provinces a lot; how do you come to an agreement dealing with the provinces? Can the Canada Health Act even be a model for early learning and child care?

Mr. Shawn Tupper: Neither of us is an expert on the Canada Health Act, so it's difficult to comment on that act specifically. Certainly our experience in working with the provinces is one where we try to establish collaborative and partnership arrangements with the provinces in terms of pursuing our goals. Indeed, it would take some time. I know you've heard from other experts over the course of your hearings here who have made comments with respect to the Canada Health Act, and I would offer you their views ahead of mine.

Mrs. Lynne Yelich: Thank you.

The Chair: Is that all, Ms. Yelich? Okay. We can come back.

I have Mr. Lake and Ms. Dhalla.

Mr. Mike Lake: I'll start with a jurisdictional question. On the development of child care spaces or child care programs under the Constitution, can you elaborate a little bit? Would that be more a federal responsibility or a provincial responsibility? Which level of politician should be held accountable for the production of child care spaces?

Mr. Shawn Tupper: I think clearly the production of support to programming for early learning and child care falls to the provinces and the territories.

Mr. Mike Lake: Okay. So ultimately those politicians should be held accountable for, I guess, the performance on child care within their jurisdiction?

Mr. Shawn Tupper: Indeed.

Mr. Mike Lake: Okay.

I was wondering if you could give us an overview, maybe the timeframe, of the negotiations that have gone into previous FPT arrangements on child care and compare those to the amount of consultation that was involved in this proposed legislation?

Mr. Shawn Tupper: I certainly can't compare it to this legislation. I should say that we have an ongoing relationship with the provinces and territories. I think that's part of what's really important in terms of what has been achieved so far. In terms of arriving at agreements, we have worked hard at an ongoing relationship and we've established working groups, so those dialogues and exchanges of information can occur in a relatively fluid way.

Ms. Graham was involved in some of those.

Ms. Glennie Graham: I was. I would just say that it's hours and hours and hours of discussions. In terms of the agreements that we've negotiated in the past, all jurisdictions look at every word of every agreement and are very much involved in crafting the words. So it takes as long as it takes, I guess, is one way to put it.

Often we're driven by timelines that are imposed on us. For example, if provinces want to ensure that we have secure money in a budget, then when we start and when we finish is determined by what the timeline is that we have to produce something. So it can

take anywhere, I guess, from a year to a year and a half to negotiate agreements.

Mr. Mike Lake: Okay.

We've heard a lot about the Quebec child care model, and I'm wondering if you can tell me about the conditions that the federal government has currently put on Quebec in terms of their own child care model. Obviously they receive money under the social transfer, and we've heard many witnesses say that the federal government has to have conditions on to have good quality child care.

What are the conditions currently that the federal government has placed on Quebec to come up with this child care model that they currently have?

The Chair: That's the last question of this round, Mr. Lake.

I'll get you to answer that, and then we're going to move on to Ms. Dhalla and Mr. Brown.

Ms. Glennie Graham: In the 2000 ECD agreement and the 2003 multilateral agreements, Quebec very clearly stated that while it agreed with the principles of those agreements, they wanted to reserve sole responsibility for this particular area. That was respected by all jurisdictions, so in those agreements there was a footnote that indicated that they agreed. They reported to their own citizens, and they received their own share of funding, so it was a non-issue for the other jurisdictions. That is the arrangement that was in place.

In terms of the 2005 bilateral agreements, this was a similar situation, where we—"we" being the federal government—recognized that their system of child care was highly developed, and so there was an agreement that they would invest their share of funds in areas that would improve families and that they would report to their citizens. So that's basically how Quebec participated.

I would say at the social services table and at the officials level, they do participate with us as observers. They're happy to talk about their child care programs, so they participate in that multilateral environment.

● (1555)

The Chair: Thank you very much.

I now have on the list Ms. Dhalla, Mr. Brown, Ms. Chow, and Mr. Lake.

Ms. Ruby Dhalla: I wanted to find something out from your experience, Mr. Tupper, as the director general for social policy development, and Ms. Graham, as the director for child and youth policy division. You probably have some of the statistics, having worked in this particular area for a long time. There have been many figures quoted to us, that if we invest in x number of dollars in early learning and child care, the economic return of those moneys is going to be significant. So for every dollar invested, we've heard everything ranging from \$2 to \$8 in terms of that investment contributing back into our economy and back into the future of our country.

What does your research show? If we invest, say, \$1 into early learning and child care, what type of return are we going to be able to get?

Mr. Shawn Tupper: Wow, that's a good question.

Ms. Glennie Graham: I'll take a stab at it.

Some of the early research—You're quoting the Perry preschool project, which was in the United States, and that was for severely disadvantaged children. They did come up with a figure of \$7 or \$8 return for every dollar invested. Gord Cleveland did a cost-benefit analysis that led him to suggest that for every dollar you invest in child care, you get \$2 into the economy.

We haven't done that sort of research. Obviously it's well accepted that good-quality early learning and child care programs are good for children, but one of the most important aspects is also good parenting. You can't look at programs in isolation; many factors contribute to child development.

Ms. Ruby Dhalla: I would agree with you, because many of the individuals I speak to supported the early learning and child care agreements that ensured there was quality, universality, accessibility and affordability.

My next question is in regard to determining the number of children aged zero to six who are presently in a child care facility in Canada. Do you have those numbers?

Ms. Glennie Graham: I do. Let me find them, because I don't have them off the top of my head.

Do you want to speak to that?

Mr. Shawn Tupper: She can look those up, and—

The Chair: Sure. That's all the time we have for this round, but finish the question. We'll move on to Mr. Brown after you guys have given us the answer. We'll give you a chance to look up the source.

Mr. Shawn Tupper: One thing I'll say while she's getting the specific numbers is that it's very difficult. The data are very incomplete in that regard. We know a lot about kids who are in regulated child care; we don't know a lot about those kids who are in unregulated and informal child care arrangements, and we don't know why those choices have been made. It is a research area that needs to be filled in.

Ms. Glennie Graham: I do have percentage figures: 45.9% use care in someone else's home, 27.8% use a day care centre, 21.6% use care in the child's home, and 4.7% use another form of child care. That's our information.

Ms. Ruby Dhalla: Only 21% of children are at home.

Ms. Glennie Graham: This is non-parental care, so it does not include children who are being looked after by their own parents.

Mr. Mike Lake: Can I get her to repeat those figures, if that's possible?

The Chair: Sure. Please repeat those numbers one more time, Ms. Graham.

Ms. Glennie Graham: Okay. The numbers are that 45.9% use care in someone else's home, 27.8% use a day care centre, 21.6% use care in the child's home, and 4.7% use another form of child care. I

should add that these are 2002-03 numbers, and these are non-parental arrangements.

The Chair: Thank you very much.

I have now Mr. Brown, Ms. Chow, Mr. Lake, and Ms. Yelich.

Mr. Patrick Brown: Thanks, Mr. Chair.

Our colleague Mr. Savage mentioned a few meetings ago that the Quebec system was where everyone wanted to go. I'm sure the Bloc would agree with that, but some provinces are very proud of what they're doing and proud of the progress they're making.

Did the Quebec system grow to what it is today through legislation telling them what to do? Was there any process whereby Ottawa told Quebec the way it would be constructed, similar to what we're seeing here today?

• (1600)

Ms. Glennie Graham: No, there was no legislation. There's never been any federal legislation on child care, if that's the answer to your question.

Mr. Patrick Brown: It is. That's interesting.

I have another quick question, which is on funding. We've heard from some groups anticipating that this would bring about new funding. Ms. Savoie, the sponsor of the bill, said there'd be no new costs. Obviously she recognized the significant investment we're making already in child care.

Is it correct that there are no costs involved in this bill?

Mr. Shawn Tupper: Our interpretation of the bill would be that there are implications, at least at a minor level, with respect to establishing the proposed advisory committee and what not, and then it does speak to government funds that are flowed to the provinces. Indeed, it would be up to the federal government to make the choice as to what funds it flows and how much it flows.

Mr. Patrick Brown: Thank you.

The Chair: Thank you very much.

We're going to move to Ms. Chow, Mr. Lake, and Ms. Yelich. I'm going to cut off the questioning after that. We're on a timeframe to move forward to clause-by-clause consideration.

The last few questioners I have are Ms. Chow, Mr. Lake, and Ms. Yelich.

Ms. Olivia Chow: In 2004 five provinces reported out, yet in 2005 they all received funding. In 2005 only one province reported out, yet in 2006 they all received their funding. What specific mechanism or structure do you have in place to make sure the provinces and territories report, as is required in the multilateral framework agreement? They're obviously not doing it. If only one province reported out in 2005, how would you know that the rest of them actually created child care spaces?

Ms. Glennie Graham: I can speak to that.

When I talked about the spaces in 2006, that was based on the announcements that had been made, not on the reports on space creation. That was basically them telling us what they were going to do with the money.

The agreements—

Ms. Olivia Chow: It's what they are going to do next year or in the next 10 years, not necessarily what they have done.

Ms. Glennie Graham: It's what they have done up to 2006.

Ms. Olivia Chow: Okay, but my question was, what have they done because they got the money? Isn't that right?

Ms. Glennie Graham: Yes, but the money goes through the CST, and that is an unconditional transfer. The agreements that they sign are not related to any withholding of funding, so that was never their premise. The idea of withholding funding from provinces was never part of a federal policy objective for these agreements.

I should just add that the premise of our agreements is that governments are responsible to their citizens; they're not responsible to other governments. And that's been the policy direction in the intergovernmental environment since the late 1990s.

Ms. Olivia Chow: So what accountability or mechanism is in place to make sure they do report out, or that they are in fact spending the money on child care?

Ms. Glennie Graham: As I said, I think the reporting regimes and reporting commitments are in the agreements. I know they're late. Our reports are late. We're still committed to reporting, and in my conversations with provinces, I do believe they are also committed to doing the reports.

The idea is that it's also up to third parties to monitor their governments to ensure that they do what they say they're going to do. The idea is that the provincial governments are not subordinate to the federal government, but they are mature systems of government, and that's the relationship those agreements are based on.

The Chair: Thank you very much.

We're going to finish off with Mr. Lake and Ms. Yelich.

Mr. Mike Lake: I have a hypothetical question.

If potentially there was a change in the political landscape in Quebec and, for whatever reason, a government decided that \$7-a-day child care wasn't affordable for the government or wasn't a priority for the government and they decided to do something else, would they still get the money under this bill, even if they decided not to use it on child care?

Mr. Shawn Tupper: The answer on that is the same as the previous answer, which is that the money flows through the CST, so it doesn't have conditions placed upon it. Indeed, it would flow out and the provinces are able to spend it as they choose to.

We have, to date, had commitments from all the provinces, and every indicator is that they are committed to spending those funds in their child care systems. And we are seeing growth.

• (1605)

Mr. Mike Lake: Under this legislation that would change for everyone except Quebec. Quebec would not have to spend the money on child care. Everyone else would under this legislation. Is that right?

Mr. Shawn Tupper: That would certainly be subject to a legal interpretation of clause 4 in terms of how the opt-out provision for Quebec would work.

Mr. Mike Lake: Okay. And I know that in Quebec it's very important to respect the provincial jurisdiction. I mean, the province created a program that sounds, according to my Bloc colleagues, to be very well received. I'm not going to begin to suggest to the Quebec government what they should do in their area of jurisdiction.

I come from Alberta and I know, for example, that in Alberta one of their priorities is autism treatment. It's not a priority anywhere else. I have a son with autism, and it's important to me—\$60,000 a year for a proper autism treatment program. In other parts of the country, parents are mortgaging their homes to cover that. Obviously provinces need to choose what their priorities are.

I want to again reiterate who is responsible ultimately. The Alberta government, I take it, would be responsible in areas such as child care to make the right decisions for their citizens. They would be held accountable for those decisions. Am I missing something there?

Mr. Shawn Tupper: No.

Mr. Mike Lake: Okay. Thank you.

The Chair: Thank you, Mr. Lake.

Ms. Yelich, you have the last questions before we take a quick break to get ready to go to clause-by-clause.

Mrs. Lynne Yelich: I again want to emphasize the provincial jurisdiction and provinces being held accountable. They also want to add an advisory council. Is this something that will help perhaps to make the provinces accountable? I'm not sure. I'm just wondering, in your reading of this bill, what kind of part they play and if the appointment of an advisory council is any measurement of accountability for the provinces. The provinces, you say, don't have to answer to any level of government, whether federal or to each other's government. Therefore this bill couldn't possibly work in making the governments accountable to each other, unless there was perhaps an advisory council.

I'm not sure. I just want to ask about the advisory council and what you saw in that.

Mr. Shawn Tupper: It's hard, really, to interpret the role the advisory council could play without looking at terms of reference and all of the things that would have to be developed to make an advisory council work. And indeed, that would, I guess, be the choice of those who are responsible for the set-up of that committee.

Mrs. Lynne Yelich: So then we'd have provinces, the advisory council, and the federal government trying to address this bill. Would the bill even be supported? It seems to be contradictory and very confusing.

Most of the provinces themselves have spoken out against it. I don't know how we can have a national child care bill without all the provinces being in agreement with it.

Who do you deal with? It's not a question. It's just a thought about the advisory council and what part they will play.

Thank you.

The Chair: I want to thank the witnesses for being here. You're not going too far?

Mr. Shawn Tupper: No.

The Chair: Are you guys going to stick around for a bit?

We'll need about 30 seconds just to change over, so I'll ask the members not to leave their seats, because we may have a hard time getting you back.

Then we'll get started with clause-by-clause.

- _____ (Pause) _____
-
- (1615)

The Chair: We've added 12 amendments that were just brought before the legislative clerk by the NDP. So while they are in order, we're trying to make them sequential, so that we can go through them when the time comes.

If I could get you to take your package, as well as your orders of the day, we can start going through the clause-by-clause.

You'll see as we start going through clause-by-clause consideration that it says that pursuant to Standing Order 75(1), consideration of the preamble and clause 1 are postponed, so we will come back to that when we get done all the rest.

So that will take us to clause 2.

(On clause 2—*Definitions*)

The Chair: I've been informed by the legislative clerk that these motions are not in order. But I would like the member to talk of the thought process and what you're trying to accomplish there. We can have a bit of discussion, but as I said, the legislative clerk has indicated that under clause 2, motions L-1, L-2, and L-3 are not in order.

Ms. Dhalla, if you want to talk a bit about those motions, we can share why they are not in order. Go ahead, Ms. Dhalla.

Ms. Ruby Dhalla: Just one second, Mr. Chair.

The Chair: Sure, no problem.

Mr. Lessard.

[*Translation*]

Mr. Yves Lessard: Mr. Chairman, I don't know if this will make things more efficient, but I have looked at the amendments. On the whole, they deal with the inclusion of aboriginal communities in the bill. There was a guiding principle that applied from the start, announced both by the Liberals and the NDP. In my view, we must determine whether we agree on it. If we do, we could then ensure that all necessary provisions are included.

I don't want to get bogged down in procedure; it's just a suggestion. I don't know whether it will make things easier, but in my view it could speed things up.

[*English*]

The Chair: Sure. You know my decisions up here. I rely very heavily on the clerks here, and I don't arbitrarily call things out of order that are in order. I will call them out of order if the committee so decides that they would like to see that happen, and then we could go through that process.

So once again, that's why I'm asking Ms. Dhalla to talk about her motions a bit. I've given you my ruling based on what the clerk suggested, and then we can go from there. We'll have some discussion and see how it goes.

Ms. Dhalla.

Ms. Ruby Dhalla: The amendments that I put forward basically relate to trying to ensure that the bill is inclusive of all of the demographics that we're trying to reach out to. One of the most important demographics in Canada is the aboriginal peoples, including first nations, the Inuit, and the Métis people. We heard from a number of different stakeholders from these respective organizations, who all had serious concerns in regards to the fact that they were not included in the original bill.

When we took a look at the Kelowna accord where there was an investment of almost \$5.1 billion, we realized that within the accord, there was also a substantial investment to the tune of \$345 million over a period of five years for first nations, in particular for early learning and child care. To ensure that this bill is reflective of the needs of many Canadians across this country, we must ensure that we include the aboriginal people, which would include first nations, the Inuit, and the Métis.

I think the hesitation of the AFN, one of the leading spokespeople organizations, to support the bill was in regards to the fact that they had been excluded. I think it's the responsibility of parliamentarians to represent our country, and we must ensure that they are included in this bill, moving forward.

I know the clerk has ruled it out of order because they have deemed it to be out of scope. But I hope that we would have the support of all committee members to have an inclusive bill and include the aboriginal people.

So I would request that the chair please rule it in order. If he is hesitant to do that, perhaps he can put a recorded vote to the committee.

- (1620)

The Chair: Thank you.

She spoke to that motion. I want to give you what the clerk has drafted up for me.

Once again the amendments seek to extend to aboriginal peoples organizations the criteria and conditions that must be met before a child care transfer payment may be made in support of the early learning and child care program. Since the bill, as agreed to in its second reading, only refers to transfer payments made to a province or territory and does not include any reference to aboriginal peoples organizations, I must rule that these amendments are inadmissible on the basis that they are beyond the scope of the bill.

So once again, we can definitely have a vote on that.

I want to mention that the NDP also included as part of the new amendments, with regards to points two and three, which have been ruled inadmissible.... Certainly that is going to be my ruling, as suggested by the legislative clerk, so we can go from there.

If the opposition would like to challenge the ruling of the chair, then we can go for a vote.

Ms. Ruby Dhalla: Could we please have a recorded vote by all MPs to ensure that we include the amendments?

The Chair: Hold on a second. We'll just get some clarification.

I have Mr. Lake and Mr. Lessard.

Mr. Lake.

Mr. Mike Lake: I want to get a little clarification on the order here. We're discussing the amendment, which is fine. Should we be voting on this before we discuss it, or do we vote first and then we go in and discuss the actual amendment itself?

The Chair: That's correct.

What has happened here is that we're talking about amendments I've ruled out of order. If the chair is being challenged, we will have that vote, and then that would determine whether those amendments were going to be left in place.

Mr. Mike Lake: Excellent. Thank you.

The Chair: Mr. Lessard.

[*Translation*]

Mr. Yves Lessard: I don't quite understand, Mr. Chairman. It seems to me that aboriginal communities, for example, are being told that we are creating obligations for them, obligations for which they have no funding, that funding will come later, and that they will then in fact be penalized for not honouring the obligations established by the federal legislation. That is what I understood. That would make the amendment out of order.

Mr. Chairman, if I draw a comparison with other communities or other provinces in the same situation, I find it very difficult to understand. What is there about aboriginal communities that would preclude measures that apply to other communities, measures to enable them to apply the legislation? There is something here that escapes me, Mr. Chairman. Perhaps it is not something important, but I would nonetheless find it very helpful if you could draw a parallel between the two—between the rights aboriginal communities have and the rights other communities have.

[*English*]

Mr. Mike Lake: On a point of order, Mr. Chair, that doesn't seem to be what we're talking about here. I think we should be debating right now whether we're going to overrule you or not. The ruling, I think, is that this is outside the scope of the bill. It has nothing to do with—

The Chair: Mr. Lessard's just asking for clarification as to why we think that is outside the scope.

Mr. Mike Lake: Right.

The Chair: Very quickly, unless you would like some further explanation from the clerk, in clause 3 it says “in support of the early learning and child care program of a province or territory”. Now we're going from “province or territory” and including different

nationalities, so it does change the scope of the bill, according to the clerk.

As I said, once again, I have been challenged, and so we want to have a vote as to whether we want to sustain the rule of the chair.

Do we have someone else?

Ms. Yelich.

● (1625)

Mrs. Lynne Yelich: Mr. Chair, I think it speaks to how flawed this bill is when we've had this ruled out of order.

If I'm reading the amendment correctly, it increases the opportunity for funding for aboriginal services and programs, but it ends up narrowing the choices and the funding for aboriginal peoples in Canada. So I don't think we can support an amendment that really isn't very clear.

The Chair: Thank you, Ms. Yelich.

The vote here is not debatable. I'm just giving clarification: it is not debatable. So now that we've had the clarification, the motion will be that the ruling of the chair be sustained.

Did you want a recorded vote?

Ms. Ruby Dhalla: Yes, please.

(Ruling of the chair overturned: nays 7; yeas 4)

The Chair: Now that I have been overruled on the first three amendments, we can now look at those amendments, each one individually.

Ms. Dhalla, if you would like, you may talk to your first motion, which is on page 1.

Mr. Merasty.

Mr. Gary Merasty (Desnethé—Missinippi—Churchill River, Lib.): I have a point of order on the first. There was a comment made that it does not apply to a racial group. I can't remember what the exact term was, but it—

The Chair: It said “nationality”.

Mr. Gary Merasty: Nationality? It is under federal jurisdiction because the amendment speaks to on reserve. It's not based on a nationality; it is based on federal jurisdiction on reserve. I think that's the difference here, and further to the challenge.

The Chair: I think, once again, that you guys may want to raise that point when this is raised in the House in terms of being beyond the scope of the bill. I won't say I know all the technicalities, but certainly I defer to the legislative clerks when it comes to the technical aspects of amendments.

Mr. Gary Merasty: It would be nice if we could support it on that premise.

The Chair: For everyone's who's looking, we are on the first page, amendment L-1.

Ms. Dhalla, if you'd like to read the amendment, we can have some discussion.

Ms. Ruby Dhalla: The amendment is as follows:

That Bill C-303, in Clause 2, be amended by adding after line 15 on page 1 the following:

“aboriginal peoples' organization” means an organization of First Nations, Inuit or Métis people.

The Chair: Do we have any additional discussion on this?

Go ahead, Mr. Lake.

Mr. Mike Lake: I have a couple of questions, but first I just want to ask the witnesses here if aboriginals are covered by a regime similar to a federal-provincial relationship under current child care legislation.

Mr. Shawn Tupper: Funding flows to aboriginal organizations via my department, Health Canada, and the Public Health Agency of Canada through programming that is specific to supporting child care programming arrangements in aboriginal communities, so it would be a federal government program.

Mr. Mike Lake: So the federal government would have the equivalent of the role of a provincial government.

Mr. Shawn Tupper: In that context, yes.

Mr. Mike Lake: So we're actually restricting ourselves with this amendment, in a sense?

Mr. Shawn Tupper: It's a possible interpretation, yes.

Mr. Mike Lake: I just want to be clear. If I'm not mistaken, the AFN wanted to be exempted from this. To be included in this by Ms. Dhalla's amendment, it would require another amendment like the opt-out provision for Quebec, would it not?

• (1630)

Mr. Shawn Tupper: I wasn't here on the day the AFN appeared. I did understand that their position was that they would look for some arrangement to allow first nations to make their own decisions, yes.

Mr. Mike Lake: So we're going against that idea with this. Her amendment has basically gone against what they're asking for.

Mr. Shawn Tupper: I think it would be subject to interpreting the effect of adding this in against the whole bill. I'm not a lawyer, so I'm not in a great position to offer you advice on that aspect.

Mr. Mike Lake: Is there anyone here who is in that position?

The Chair: Do you mean anyone who will admit it?

Some hon. members: Oh, oh!

The Chair: Sorry.

Mr. Mike Lake: No, who can actually—

Mr. Shawn Tupper: You'd need an aboriginal law expert, and as far as I know, we don't have any aboriginal law experts here.

Mr. Mike Lake: We have this amendment and we have 12 amendments by the NDP. I think we have all of one hour to make all these decisions before we send this back to the House. That seems rather odd to me.

The Chair: Well, we'll continue.

I've got Madame Barbot. Please go ahead.

[Translation]

Mrs. Vivian Barbot (Papineau, BQ): There was a word missing in the French version of the motion. The English version states:

[English]

“aboriginal peoples' organization” means an organization

[Translation]

In French, there is no translation for the word « means ». The French version should read « [...] *signifie une Organisation des Premières Nations* [...] »

[English]

The Chair: Madame Barbot, if you go to page 2 of the bill, it follows with the way the bill is being drafted, so there's some interpretation, so—

Go ahead, Ms. Chow.

Ms. Olivia Chow: I would say, further to amendment L-2, to add “first nation and government”. It's amending the Liberal amendment.

The Chair: I'm sorry, are you proposing a subamendment to the amendment?

Ms. Olivia Chow: That's right. It's just to add the words “first nation and government” immediately after the word “territory”.

The Chair: Could you read it to us and then tell us where you're inserting it? We'll make sure we have it, and I will take names on this as well.

Ms. Olivia Chow: Just so it's clear, basically the amendments that I will be proposing on the first nations are very similar to all the ones that are proposed by Liberals. It's just fine-tuning some of the words. So under clause 2 right now it would read:

“child care transfer payment” means a cash contribution

etc.

The Chair: Ms. Chow, if you were going to propose a subamendment, we would have to be on Ms. Dhalla's amendment. We're dealing with Ms. Dhalla's amendment right now. If that is moved, we can—

Is this part of the two amendments that you proposed to the clerk earlier?

Ms. Olivia Chow: Yes, that's right. It's identical.

The Chair: Okay.

Ms. Olivia Chow: Would you prefer that I do it separately, or do you want me to do a subamendment? It's up to you.

The Chair: If you do a subamendment, it has to be on Ms. Dhalla's amendment. That's the one we're presently working on.

Ms. Olivia Chow: I will do whichever the clerk believes is easier.

The Chair: I have a feeling that nothing will really be easy today, but—

Ms. Olivia Chow: Okay. I'll do a subamendment.

The Chair: Do you want to talk to Ms. Dhalla, just quickly?

Ms. Olivia Chow: No. I'll do it separately; it will be cleaner then.

The Chair: Okay. Is there any other discussion?

Ms. Yelich, followed by Mr. Lake.

Mrs. Lynne Yelich: I don't think we can take it upon ourselves to vote on something that takes constitutional lawyers and lawyers who deal specifically with aboriginal issues. We don't know what we're voting for then. I don't know what we're voting for. The chair has ruled it out of order, so we have agreed to sustain the chair's position.

We definitely believe that the aboriginal people should be included if this is what the aboriginal people have asked for. We understand they haven't asked for that; we don't know. Perhaps we have to have them back. Maybe we have to have the Kelowna accord

The Chair: Ms. Yelich, I think it's clear. I've ruled this out of order, so I'm sure it will be addressed in the House.

Mrs. Lynne Yelich: I don't think we can vote on this without having some guidance on what we're voting for. How can we vote against amendments or for amendments when we don't know what we're voting for? We need legal counsel. We've been told by experts from the department that they can't guide us, so how can we? This isn't small stuff we're doing; we're dealing with people.

The Chair: Okay. Thank you.

Mr. Lake.

Mr. Mike Lake: I want to reiterate what my colleague was saying. This is not the way to legislate. We're going back to the same opposition gong show that we had with Bill C-257. Again, we're dealing with an ad hoc piece of legislation. I cannot believe that the NDP is making 12 amendments to their own bill. That's astounding to me. We're down to 55 minutes to try to go through this all and we're still on the first amendment.

Do we have a copy of the amendments yet? Have we been provided with a copy of Ms. Chow's amendments?

•(1635)

The Chair: We're not on Ms. Chow's amendment right now.

Mr. Mike Lake: Okay, but for us to prepare properly, we should have that now. We look at things as we go. We shouldn't be presented with it when her first amendment comes up. We need to have it now.

The Chair: As I've stated before, it is helpful— We have cut-off dates for amendments. You are a committee that will choose your destiny, and your destiny today will probably be not to finish this bill this afternoon. We'll have to move forward.

We ask people to table amendments, but once again, anyone can table the amendments they want. Right now we're working on Ms. Dhalla's amendment.

Are there any other comments on Ms. Dhalla's amendment?

Ms. Chow, followed by Mr. Lessard.

Ms. Olivia Chow: To make it clear, I will move the subamendment. Apparently it's faster.

I'm adding the words "band government" after Ms. Dhalla's amendment. Ms. Dhalla's amendment is "First Nations", and I am adding two words, "band government".

The Chair: I'm sorry, is it "First Nations" "and government"?

Ms. Olivia Chow: It's "band government".

The Chair: Thank you.

The discussion is on the subamendment. It reads:

"aboriginal peoples' organization" means an organization of First Nations band government, Inuit or Métis people.

Mr. Lake, followed by Ms. Yelich.

Mr. Mike Lake: I have a question, and I want to go a bit outside the box on it. I want to ask Mr. Merasty, because he would know more about the proper wording here. I want to clarify the wording. I think it reads "aboriginal peoples' organization" and then it defines it: "means an organization of First Nations band government, Inuit or Métis people."

Is that what we're talking about, Chair? Is that the wording?

The Chair: That is correct.

Mr. Mike Lake: Do you think that is the appropriate wording?

Mr. Gary Merasty: When it comes to the first nations band government, I would say yes. The Inuit and the Métis work closely with the provincial or territorial governments and they are the receiving entity for the funding, but the first nation bands are usually the receiving entity for the funding. That's why it's "band governments"; there should be an s there.

The Chair: Thank you.

Mr. Mike Lake: Should they all be lumped together in one definition?

Mr. Gary Merasty: No. They're not the same.

Mr. Mike Lake: Okay. So just to clarify, we probably should amend the amendment to the amendment?

Mr. Gary Merasty: No.

Mr. Mike Lake: No? You're saying it's okay?

Mr. Gary Merasty: No, it's okay the way it is.

Mr. Mike Lake: So it's okay to put them the way they are right now.

Mr. Gary Merasty: Yes.

Mr. Mike Lake: Okay, I just wanted to clarify that.

The Chair: Thank you.

Ms. Yelich.

Mrs. Lynne Yelich: I don't understand how we don't—Are the definitions well defined? Legally, are we doing something that's within our purview?

When I looked and listened to the presentation by the representative the other day, he had a six-QUAD suggestion or an action plan for early learning and child care. This person didn't really agree even with the four. He has six because he wants to include culture.

I can't see how we can be voting for something that is out of our purview. I think we need legal advice. I'm sure there are people who can tell us what we are voting for, because we do not know what we're voting for.

The Chair: Ms. Yelich, thank you very much.

Mr. Lessard, followed by Ms. Dhalla.

[Translation]

Mr. Yves Lessard: Mr. Chairman, dealing with this bill is clearly one of our prerogatives. I agree with Ms. Yelich and Mr. Lake, who say that we need to ensure that the wording of the bill reflects reality, that is to say, the real powers these communities have. Where does the power lie? That is something we need to know. We have done our homework and tried to determine whether the wording used so far by the Liberals, New Democrats and Conservatives accurately reflects reality. We thought it did. Today, a new concept, one that is familiar to me, is being put forward. There are indeed band governments, but are those governments recognized by nations as governments *per se* in terms of the powers we want to give them?

I cannot answer that question properly today, Mr. Chairman. Should we accept the subamendment? That's another matter. There are two possibilities. We can check the facts between two stages of the process. We are practically at the final stage here. The next step is the report stage, followed by the study in the Senate. Conservatives and Liberals are both represented in the Senate, and this may be the kind of amendment that could be moved there. Can we include at this time a concept on which we difficulty reaching an appropriate judgment? That is something we should be very careful about. Is there actually a band government? That is the question.

If I understand correctly, Mr. Merasty seems to be saying there isn't. Bands have executive authority, but there is not necessarily a band government *per se*. There is a band council, but that's different.

• (1640)

[English]

Mrs. Lynne Yelich: We should first ask the department.

Mr. Chair.

[Translation]

Mr. Yves Lessard: I invite our colleague to refrain from moving her sub-amendment today and to move it at another stage, if necessary, so that we can do the necessary research in the meantime.

[English]

The Chair: Once again, I would remind the members that we need unanimous consent to remove or to withdraw the amendment.

We're going to move to Ms. Dhalla, followed by Ms. Yelich.

Ms. Ruby Dhalla: The amendment I put forward was done in consultation with the stakeholders within the first nation and aboriginal community, and there were legal experts who looked at the particular amendment to ensure that it was within the purview of the bill.

[Translation]

Mr. Yves Lessard: Mr. Chairman, perhaps I did not make myself clear. I was talking about Ms. Chow's sub-amendment and not the

amendment. We did the necessary checking in the case of the amendments, and there was no problem.

[English]

The Chair: Go ahead. Continue, Ms. Dhalla. Thank you.

Ms. Ruby Dhalla: Regarding the subamendment that was brought forward by Ms. Chow, I have just been informed that this was also brought forward by the AFN and the B.C. aboriginal association in regard to the band government. The AFN, just a few hours ago I believe, took another look at the bill, and they're the ones who have introduced the term "band government".

For both the subamendment and the amendment itself, I think for any type of legislation, whether we're reviewing it or analyzing it and referring it back to the House, it's extremely important that it be reflective of our country. And I think it's imperative that it include the aboriginal people—first nations, Inuit, and Métis—and that we ensure that it be inclusive in nature and not exclusive.

I know all of us here, as we were reviewing Bill C-303, had very different ideas of how child care and early learning would be best delivered in the country. I respect that completely.

Mrs. Lynne Yelich: We don't need a lecture.

The Chair: Hold on a second.

Ms. Ruby Dhalla: It's not a lecture.

I respect that completely, but in terms of the amendment we're looking at today, I think it would be really unfortunate for any member on this particular committee not to support our aboriginal people and to have them excluded. I think we must have them included, regardless of how we feel about this particular bill.

The Chair: Thank you very much.

I will remind the members that it is now approaching a quarter to five, and we are still on the first subamendment of the first amendment of the first clause.

Anyway, Ms. Yelich, followed by Mr. Lake.

Mrs. Lynne Yelich: Mr. Chair, this has absolutely nothing to do with those accusations. That's why we are asking more about this. Is it in the best interests of the aboriginal people?

So can our experts tell us? What does this do? What do these clauses do for the aboriginal people? Do they restrict them, as some experts have said, or do they not? What do these amendments mean to you? What does the bill do for the aboriginal people?

Mr. Christian Beaulieu (Senior Counsel and Team Leader, Legal Services, Information Management and Social Programs Groups, Department of Human Resources and Social Development): First of all, you all know me. I'll refer you to the opening statement that my colleague Mark McCombs made two weeks ago. I cannot advise you. That being said, I can assist.

The limit of my assistance today would be that I would bring you to clause 3, and if the amendment were to be introduced in the bill, clause 3 would read simply as follows: “The purpose of this Act is to establish criteria and conditions that must be met before a child care transfer payment may be made in support of the early learning and child care program of a province or territory or aboriginal peoples' organization.”

• (1645)

The Chair: Thank you very much.

Mrs. Lynne Yelich: I think we will abstain on absence of clear information.

We've got to take Ms. Dhalla's word that she spoke with all these bands, first nations, aboriginals, in the last 24 hours, when this bill has been on the table for quite a while. It took a long time for these amendments to come forward. We're dealing with another government, so in the absence of any really clear arguments on this, I think we'd better abstain.

The Chair: Thank you, Ms. Yelich.

I have Mr. Lake, followed by Ms. Dhalla and Mr. Lessard.

Mr. Mike Lake: It's no surprise that I'm not a big fan of the legislation itself. But I am even more troubled by this approach, to again have this ad hoc way of doing things. This isn't a high school project; this is important legislation that would have a major impact on Canadians, on provinces, and on the relationship the federal government has with its provinces.

Ms. Dhalla says she consulted with many stakeholders from the aboriginal community, but we haven't had a chance to talk to any of them as witnesses—maybe one of them, but we haven't talked to many of the other ones. It's a ridiculous way of doing legislation.

My question for our witnesses has to do with this wording. Is this wording consistent with other legislation, the type of wording used in this? I'm concerned about the consistency, the way we're approaching this thing. Can you comment a bit on other pieces of legislation and this type of wording?

Mr. Shawn Tupper: All I could say is that I've not seen this particular wording used in other legislation.

Mr. Christian Beaulieu: What I can say is that the French version is to be found elsewhere. The English one I've not seen. What we see is “aboriginal organizations”—that's what I've seen—or “aboriginal peoples”, but I haven't found that exact English version anywhere.

Mr. Mike Lake: Are the French and English versions consistent? Are you saying they're different even in the wording of the French and English? We've seen that before in this committee.

Mr. Christian Beaulieu: When I read it, it seems to be saying the same thing.

Mr. Mike Lake: They're the same, okay.

Mr. Christian Beaulieu: But it's drafted differently. I'm not an expert there, but when you look at the two languages, it may be spelled differently. You have words you don't find in one version, but the message is the same.

Mr. Mike Lake: The message is the same, okay.

The Chair: Thank you, Mr. Lake.

We will move to Ms. Dhalla, followed by Mr. Lessard.

Ms. Ruby Dhalla: In terms of clarification for the committee, the amendments I submitted weren't submitted 24 hours ago. They were submitted, I would think, approximately two weeks ago for translation. Once they were translated, they were then forwarded to the committee to the clerk, who I believe forwarded them yesterday. So they were not done in the last 24 hours. They were submitted at least two weeks ago.

Thank you.

Mrs. Lynne Yelich: I apologize for that. It's just that it is frustrating, and we didn't have that. We're dealing with first nations, aboriginal people. I think we have to have more clarification on how this affects them, and I ask the experts again—

The Chair: In all fairness to Ms. Dhalla, these amendments were out here. The clerk set the time she had to look at them. We're dealing with some subamendments as we go, so that's going to take a little more time.

Mr. Lessard is next, and then Mr. Merasty.

[Translation]

Mr. Yves Lessard: Mr. Chairman, it is not fair to say that this issue was raised surreptitiously today. At the beginning of our deliberations, this vacuum that exists with respect to aboriginals was brought to our attention, and we have been studying the issue since that time. We have welcomed native groups. I read the position of the Congress of Aboriginal Peoples and that of the Native Women's Association of Canada. Moreover, Canada's first nations have appeared here. One morning, I believe there were six or seven witnesses who came to give us their opinion.

Essentially, they want to have the choice of opting out of that, as a nation, if they feel it is appropriate, but they want to be a part of it so that their rights will be recognized. No one should tell us today that we are going to speak on behalf of the first nations without having heard them on this issue. These witnesses told us that their traditions are different from those of non-aboriginals, and that as such, they wanted to consult all of their communities, from the smallest to the largest. That is all they want, in terms of tradition. Otherwise, they agree on the content of the legislation. The problem lies in the wording of the provisions.

That is why I find these amendments to be timely and respectful of what the aboriginal groups asked of us. We are concerned about giving them enough leeway so they can opt out. I think we are fully complying with that request.

Mr. Chairman, we have fully discussed the issue, and I would not want to limit the speaking time of our colleagues. I think that we are ready to vote.

• (1650)

[English]

The Chair: Thank you, Mr. Lessard.

If there are no further comments after Mr. Merasty's comments, I would like to call the vote. I think that would be a great idea.

Mr. Merasty.

Mr. Gary Merasty: To bring some clarity, the reason there is trouble with this wording is that any federal legislation in the past has been specific to either first nations, Métis, or Inuit. It has not usually been pan-aboriginal, and that's the difficulty with some of the interpretation. It's been infrequent as well, aside from the Indian Act, which is specific to status Indians, and so on. So the infrequency and lack of specificity have contributed to this.

Now, in all fairness, our side and Ms. Dhalla went through the process of getting legal wording properly done to be included in this, and that's what we've put forward.

On a final note, when the aboriginal members were here they said they would support it if aboriginal people were included. They never said they would not support it outright, but they want aboriginal people mentioned specifically.

The Chair: Thank you.

Mrs. Lynne Yelich: They want to be named in here.

The Chair: That point's not relevant right now. We're talking about the motion that's been brought forward, so it doesn't matter whether they want to be named or not.

Mr. Lake is next, for a last short comment.

Mr. Mike Lake: We heard the sponsor say she consulted widely on this, but apparently not widely enough. Now Ms. Dhalla talks about consulting many groups. We never had a chance to question some of the groups in front of us as witnesses.

I'd like to know the list of first nations groups, Métis groups, and Inuit groups you have consulted. For example, did you talk to the First Nations Summit and the Union of B.C. Indian Chiefs about their views? Which groups did you consult with specifically?

The Chair: Mr. Lessard.

Mr. Mike Lake: No—I want to hear.

The Chair: I'm sorry, were you going to respond to that, Ms. Dhalla?

Ms. Ruby Dhalla: I feel as if we're in question period. It's great to be on the other side.

Some of the groups we consulted were the AFN and the B.C. aboriginal group. There were groups of chiefs as well. We can get a list to the committee, if you wish.

The aboriginal stakeholders we heard from mentioned repeatedly that they wanted to be included in the bill. I think any legislation—and Mr. Lake would know this first-hand—we put forward within our Parliament must be inclusive in nature, must include the aboriginal people.

Mr. Gary Merasty: It's the only hope they have.

Ms. Ruby Dhalla: We owe that to them.

The Chair: Thank you.

Mr. Lessard.

[*Translation*]

Mr. Yves Lessard: Mr. Chairman, this bill has been the focus of more consultations than most. They started well before the Conservatives were in power. When Mr. Dryden was minister, he tabled these measures, and there were broad consultations at that

time. I remember that we, the opposition, often took the floor on this issue in the House of Commons. The debate was also unfolding in the regions, in communities, etc.

Today, with all due respect for Mr. Lake, I think that he is merely resorting to delaying tactics with his questions. He wants to know who has been consulted. I'll send the question back to him and ask who they consulted when, in a single week, they committed to spending \$17.5 billion? Whom did they consult? It is the Conservative Party, the party in power, that has made a \$17.5 billion commitment without consulting anyone, and without there having been any debate. This is a \$17.5 billion commitment in the federal budget that blocks other projects, including the daycare bill.

This is a political choice. Why make political choices without carrying out consultations? When consultations are carried out, for daycares for example, people expect better than the best. There is something very questionable and even very reprehensible about all this.

• (1655)

[*English*]

The Chair: Thank you, Mr. Lessard.

Mrs. Yelich.

Mrs. Lynne Yelich: In all fairness, we went on the good intent of the author of the bill. When she came before us, she talked about how she would consult the stakeholders. We have three provinces that have to deliver the child care, and they're against it. One province said there was no consultation with the author. Quebec is exempt, so I'm not too sure why this member is that concerned. Quebec is exempt, so it's making decisions that are going to affect all of Canada.

This is supposed to be a national program, so I think it is in our best interest to make sure it is all-inclusive. That is what we're trying to attain here, with the good intentions of Ms. Savoie. However, we have to put this into law, and it is our duty as legislators to make sure that law is done properly, in the best interests of everyone, and with all due fairness.

I just don't see that this is quite the way to do it.

The Chair: Thank you.

I have Mr. Lake and Mr. Lessard.

Mr. Mike Lake: On Mr. Lessard's comment about filibustering, I am due to leave for the airport at 6:15, so I will hardly be filibustering. You can make me miss my flight if you want.

As for asking who we consulted with, in fairness it does appear that we are the only party that actually consulted widely with parents on this issue—with large groups of parents. It's quite clear that although the sponsor says she consulted widely on this issue, she did not consult with first nations and she did not consult with the provinces. So if she didn't consult with first nations or provinces on the issue—those are two pretty big, important groups—who in the heck did she consult with?

The Chair: I have Mr. Lessard, Mr. Brown, Mr. Savage, Madame Barbot, and Ms. Chow.

I'm going to cut off the speakers after that and we're going to vote on the subamendment, whether you want to or not. That's all there is to it.

Mr. Lessard.

[*Translation*]

Mr. Yves Lessard: Mr. Chairman, I am delighted to see that Mr. Lake has finally recognized that there has been a great deal of consultation. They themselves have held some consultations; I am delighted about that.

I was asking him about service engagement. I have yet to get an answer. I do not know who they consulted with, and my friend Mr. Lake did not answer that.

I would like to talk about something that was raised right at the beginning and that, I feel, deserves to be corrected. What are we getting involved in? We could sit on the sidelines and merely observe without saying a word, as far as this bill is concerned. I've said it before. The federal government does not put a penny into Quebec's daycare system, not one red cent. We could just stay out of this—

[*English*]

Mr. Mike Lake: What about the social transfer?

[*Translation*]

Mr. Yves Lessard: —because if the legislation is passed, Quebec will be paying 23% of the costs. And yet, we will gain nothing from it. Why are we intervening? We have said it before, we're acting because this measure will strengthen the entire country. If it's good for Quebec and if it's what the others want, then we'll not stand in the way of it. On the contrary, we will help them. In the end, it will help us as well, because it will consolidate what we already have at home.

[*English*]

The Chair: I want to remind members that debate right now is on the subamendment, not on the actual bill itself.

We'll finish up with our last four speakers, and then we will have a vote on the subamendment.

Mr. Brown is next, followed by Mr. Savage, Madame Barbot, and Ms. Chow.

Mr. Patrick Brown: Thank you.

On the topic of consultation, I want to remind the committee of what Charles Dent of the Northwest Territories, who testified before us on April 26, said:

We're concerned by the manner in which this bill will insert federal influence into an area of jurisdiction that is exclusively provincial and territorial in nature. That this is proposed with no consultation with our territory is unacceptable. Just as our government consults with aboriginal governments when appropriate, such as when considering a wildlife act, we expect and deserve the same consideration from the federal level.

Clearly there is a lack of consultation. Whether we're looking at it with aboriginals or with provincial governments, it's not there. That speaks to one of the underlying problems with this bill. Obviously that's going to be one of the pitfalls.

The Chair: Thank you.

Mr. Savage.

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Thank you, Chair.

It's been an hour and a half, and this is the first intervention I've had. I felt a little bit drawn into it—I don't want to prolong this debate—because it seems to me we're getting off track just a tad. Actually, we're way off track, frankly.

With regard to Mr. Lake's comment about consultation—that they're the only ones who have consulted with parents—I have to take exception to that. The only parent that I've heard from in my province of Nova Scotia who opposed the bill was the minister from Nova Scotia, who appeared before us with concerns about the bill. Her appearance prompted many parents, including, obviously, child care advocates, to call up and say, “We do support this bill.” I have those letters in my office, if people want to see them.

The concern is that there was \$345 million cut over five years for first nations early learning and child care. That was in the Kelowna accord. It's gone, and people are concerned about that. That's why it's important to fix this bill in that respect. Many parents have called me, as they have called all members of this committee—I've got a binder full—saying this is something we need to support.

You know what? There may be some flaws in it, but it's a very good piece of legislation.

• (1700)

The Chair: Thank you, Mr. Savage.

Madame Barbot, followed by Ms. Chow, and then we'll have the vote.

[*Translation*]

Mrs. Vivian Barbot: Mr. Chairman, I would simply like to point out that I find what the Conservatives are doing absolutely unacceptable, in the sense that they are clearly acting in bad faith.

During the hearings, there have been countless attacks against Quebec's bill. Then, it was against the fact that children were going to be cared for, and now, it is against the inclusion of aboriginals. This is completely unacceptable at this stage. We are legislators. It is our duty to take a stand on the bill that is before us, and that is all we have to do. I think that delaying the debate in this way is absolutely unacceptable. I wanted to emphasize that.

[*English*]

The Chair: Thank you very much.

Ms. Chow.

Ms. Olivia Chow: I just want to point out that Denise Savoie said from day one that there would be two types of amendments. One would deal specifically with aboriginal people. She said it very clearly. We knew it was coming. We've been talking about that. It is not a surprise. Secondly, she said there would be a very small amendment that would include home-based child care, which we all like—to regulate home-based child care.

So that's all we're doing today, actually, folks. We can pick at some of the words, but that's all we are doing. We are not making major changes.

As for consultation, since the 1980s there have been consultations on child care. Since 2000 there have been ECDIs, early childhood development initiatives. There have been multilateral framework agreements. There have been bilateral framework agreements. There are the new different agreements that we were talking about. There have been numerous consultations with parents, with child care groups, with governments, with aboriginal people, with the congress, with the AFN, and with all the provinces across the country. I just want to be very clear about that.

The Chair: Thank you.

I was going to cut off debate here with Ms. Yelich, but Ms. Dhalla has indicated she'd like to speak as well. So, Ms. Yelich, you're back on.

Mrs. Lynne Yelich: I just think it's our responsibility to have someone define exactly how this bill will affect first nations. It's incumbent upon us. I don't think we can vote on something when we don't know what we're voting for. This is law; this isn't just a nice little fuzzy idea. We're talking about laws. We did have other people here who were as passionately against this, and they were parents and they were representing provinces, so we still have to deal with those provinces.

I would like to ask the experts just how they see this bill forming now. Now we have this great big national program, and then we exempt one province. Then we have two provinces and a territory that are against it. Then we have an expert who watches this, who has even agreed that the Liberal plan, going way back, was probably not a bad idea to address early learning and child care, but that this was not the way to do it. Bill C-303 is seriously flawed.

My question to the experts would have to be whether they see this becoming law, and if so, how they are going to administer it.

Ms. Olivia Chow: Mr. Chair, I have a point of order.

Can I move a motion that we suspend the debate on this? We've gone around in circles. That question was asked about 35 or 40 minutes ago and I believe they have answered that. We can ask it four or five more times—

Ms. Ruby Dhalla: We should just go for a vote.

Ms. Olivia Chow: —but I think we should go for a vote. We've been talking back and forth about the same thing.

The Chair: That's fair.

I want to remind the members that we're on a subamendment here. I appreciate that everyone feels the need to talk. You are MPs and I know you all have important things to say, but we need to keep to the topic at hand.

Once again, we're on a subamendment. We have had some fulsome discussion and I'm happy to call the vote if there's no one else who has anything to say.

• (1705)

Ms. Ruby Dhalla: Could I have 30 seconds?

I was going to say this in my closing remarks, and Ms. Yelich brought it up as well. The impact this bill is going to have for the first nations and aboriginal, the Inuit and the Métis people, is that it's going to provide an investment in early learning and child care. It's

going to create child care spaces. It's going to provide an infrastructure. It's going to provide investment to ensure that in years to come—we're at number 25 in the study that has just been released by Save the Children—we no longer are at the bottom of the list, that we actually invest in early learning.

And I think each and every one of us has a responsibility to ensure that this bill is inclusive. Regardless of how you feel about this bill, I think it is imperative that all members support the inclusion of the aboriginal people.

The Chair: Okay. We're going to call the vote. There are no other hands up.

On the subamendment, the way it reads is: “aboriginal peoples' organization” means an organization of First Nations band governments, Inuit or Métis people.

Mrs. Lynne Yelich: In the absence of real legal advice—

The Chair: We are voting on the subamendment.

(Subamendment agreed to)

The Chair: We are moving now to the amendment as amended.

Ms. Ruby Dhalla: I would like a recorded vote, please.

The Chair: Thank you.

There is a recorded vote on the amendment as amended.

Ms. Ruby Dhalla: Mr. Chair, I have a point of clarification. I'm not going to do another speech; I have a question.

In terms of the amendments I've put forward, there are a significant number that are all basically the same amendment. For the sake of time, would it be possible to vote on them as a block?

Ms. Olivia Chow: Yes.

The Chair: Let's deal with this first, and then we'll have a conversation with the clerk before we move forward.

Ms. Ruby Dhalla: We'll be sitting here for twelve meetings if we have—

The Chair: Okay. We're on the recorded vote.

(Amendment agreed to: yeas 7; nays 0)

The Chair: We will now move to L-2.

Ms. Dhalla, would like to talk to us about L-2, which is on page 2.

Once again, I want to indicate that the first three have been ruled out of order, so we're moving forward.

Ms. Chow, you also submitted an amendment. I don't know if you've been in consultations and whether you want to make a subamendment to this one. I'm going to leave it with Ms. Dhalla to talk about this first, and then we can come back to your subamendment.

Ms. Dhalla.

Ms. Ruby Dhalla: The amendment reads that clause 2 in Bill C-303 be amended by replacing line 5, on page 2, with the following:

province, territory, institution, aboriginal peoples' organization or corporate

The Chair: Okay. Ms. Chow, you're not adding a subamendment to this one. We'll deal with your amendment separately. Is that okay?

Ms. Olivia Chow: Whichever is easier.

The Chair: Well, nothing has been nothing easy, but anyway—

Ms. Olivia Chow: I'll do the subamendment because that is easier.

The Chair: You'll move it as a subamendment.

Ms. Olivia Chow: I will do that. I so move.

The Chair: Okay. Would you tell us how you'd like that to read?

Ms. Olivia Chow: I would add "First Nations government".

The Chair: Where would you like that added—at the end?

Ms. Olivia Chow: After the word "institution".

The Chair: Did you want that to say "First Nations band governments"?

Ms. Olivia Chow: Yes.

The Chair: Like your First Nations band governments.

Thank you.

Mr. Mike Lake: But it's already included in the definition.

Ms. Olivia Chow: It's in the definition, I believe.

Mr. Chair, that is why I thought it would be a lot easier if you were to deal with them in a—

The Chair: Well, hold on one second.

Okay, Ms. Chow, it was just indicated that this is a new definition. That's why we're going through this.

In the first definition, there was no reference to band governments, and I realize that the definition, if we go back to the first one, was "aboriginal peoples' organizations", and then it goes on to say, "means an organization of First Nations band governments, Inuit or Métis people".

In the second definition, it is slightly different. It talks about "province, territory, institution, aboriginal peoples' organization or corporate". If you want to include "First Nations band governments"...you do refer to aboriginal peoples, which includes first nations, Inuit, etc., so there may not be a need to add that.

But once again, you may want to talk to the Liberals to discuss that subamendment.

•(1710)

Ms. Olivia Chow: Mr. Chair, it's stating the very obvious, I know, so I don't think there is any harm in stating the very obvious. Once the definition is done, then I don't think we need to insert it everywhere. It just makes it a lot faster.

The Chair: Okay. Well, we'll deal with one thing at a time.

You want that definition left in, then? Okay.

Is there any discussion? Mr. Lake, followed by Ms. Yelich.

Mr. Mike Lake: I have no idea what she's asking right now, so could you maybe read that back?

The Chair: On page 2 it will read:

province, territory, institution, First Nations band governments, aboriginal peoples' organization or corporate

Mr. Mike Lake: So we're listing separately something that we just passed a motion to list within the definition in the first place? Why would we do that?

Ms. Olivia Chow: One is payment and one is service.

Mr. Mike Lake: We just included that phrase in the original definition that we just defined, according to the last subamendment.

The Chair: Well, it is a different definition, and once again, once you guys have decided on this, it may be applicable as we move forward. But this is a separate definition.

Mr. Mike Lake: Can you explain what the purpose of this new definition would be and why we would have that outside of something—?

Ms. Olivia Chow: I didn't hear what the chair just said. I think the chair is talking to the clerk.

There's the child care transfer payment. The second one is really a program, and then the third piece is the service. So we're just trying to be at a parallel level.

The Chair: Just to clarify again, the first and second are different definitions. The point of clarification, Mr. Lake, is that it may be a little redundant to include first nations band governments in the second definition because it is covered, but once again, if that's something that Ms. Chow wants... Definitions one and two are different, so it needs to be defined again under this case. Regarding the proposal she has for using the same terminology as we move forward, we'll have that discussion once we've dealt with this amendment.

Yes, go ahead.

Mr. Mike Lake: I still don't understand this.

You're putting definitions in. We define "aboriginal peoples' organization", and it includes band governments, which is what I believe we included in that definition. So now in this next definition it uses the phrase "aboriginal peoples' organization", which we just defined in the paragraph before. Would that phrase, "aboriginal peoples' organization" in the second definition not include the definition we just assigned to it?

Ms. Olivia Chow: It does? The clerk said it's fine, that it does?

You're nodding.

The Chair: Yes, the legislative clerk has indicated that it would.

•(1715)

Ms. Olivia Chow: It would cover it; therefore, you do not need it.

The Chair: Correct.

Ms. Olivia Chow: Okay, thank you. Then I withdraw it.

I just wanted a definitive answer, yes or no. Thank you.

The Chair: Good, thank you.

Now, is there any discussion on amendment L-2?

Mrs. Lynne Yelich: So we're broadening the "peoples"?

I would actually like to ask Mr. Tupper and Ms. Graham, what does this create? In your work negotiating these agreements, where does this put you now? How are you going to negotiate these, with all these definitions? Does this definition get more complicated, or is it better? Is it restricted, is it more complicated? I'm assuming you're going to be negotiating or helping to negotiate these deals. Would you be?

Mr. Shawn Tupper: The funding that we provide to aboriginal organizations for child care would be under the auspices of contribution agreements. Insofar as contributions agreements are concerned, it would be a cash contribution. If that's what's meant by this definition, then indeed it would affect our programming.

Mrs. Lynne Yelich: If that's what's meant. But we don't know if that's what is meant.

You're not sure?

Mr. Shawn Tupper: I'm not sure of the intent of this committee or the drafters, so I can't comment on that. But if the intent is to include contribution agreements, then it would capture programming offered by my department.

The Chair: Mr. Lake.

Mr. Mike Lake: I have a question for the officials as well. Obviously we've pretty much stated that the only purpose—and we'll get to it in my new title for the bill—is to withhold payments, really. That seems to be the only thing you could actually do with this piece of legislation.

So would this then allow the federal government to withhold payments from first nations groups as well, so we could actually be transferring less to first nations groups under this? Is my interpretation correct?

Ms. Glennie Graham: Presumably if the bill were to pass and the interpretation that was given to the criteria and conditions was deemed to be contrary to the way first nations delivered their programs, in theory, or supposedly, we would have to withhold funding.

Mrs. Lynne Yelich: So it's just a badly written bill.

The Chair: I think that's been stated once or twice.

Mr. Lessard, do you have a comment?

Ms. Olivia Chow: That's an understatement over there.

The Chair: Mr. Lessard, did you have a comment? Did you want to speak?

[*Translation*]

Mr. Yves Lessard: I would like to make a brief comment, Mr. Chairman. Even if we agree to review the grounds for this decision, we have already adopted the principle. The choice has already been made.

[*English*]

The Chair: Okay.

Is there any more discussion on this?

Mrs. Lynne Yelich: We're abstaining.

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: Let's move to amendment L-3, then.

Ms. Dhalla.

Mr. Mike Lake: I just want to make a point of clarification. Are we going through all of the amendments and then going clause-by-clause, or are we actually...?

The Chair: Okay, what we will do is just as it's written in the sheet. We will go through the amendments as they relate to the clause, and then go to the clause. Once all the clauses are done, we'll vote on the bill.

Mr. Mike Lake: Okay.

The Chair: Ms. Dhalla.

Ms. Ruby Dhalla: The third amendment states, that Bill C-303, in clause 2, be amended by replacing line 14 on page 2 with the following:

child care program of a province, territory or aboriginal peoples' organization by

The Chair: Is there any discussion, or all we all talked out from the first hour and a half?

Mr. Lake.

Mr. Mike Lake: Again, it's not obviously the way that it's used in each of these clauses. Each of these definitions has an entirely different ramification, so we have to ask every single time we deal with this, what does the insertion of the phrase mean to the definition it's being applied to, because it's different in every case.

So in this case, as you look at that clause, what is the ramification of inserting this phrase?

• (1720)

The Chair: I don't know if anyone else wants to answer it, so you guys are stuck with it.

Mr. Shawn Tupper: Again, in the instance of this clause, looking at what is determined to be a child care service, it's who provides that service. In the context of these amendments, you would need to ensure that you're capturing all organizations that provide child care services to aboriginal people. They're not necessarily all aboriginal organizations that do this. That would be particularly the case in the off-reserve context for the urban-based aboriginal population.

Mr. Mike Lake: Can you maybe give us an example? We've dealt with typical situations in the provinces or in the territories, but what would be a typical service provider in an aboriginal peoples' organization that this would actually apply to?

Ms. Glennie Graham: A friendship centre would be an example.

Mr. Shawn Tupper: A Métis local, indeed.

Mr. Mike Lake: I just want to make sure we're not going to get into circumstances where a friendship centre or different organization would have trouble meeting the criteria for whatever reason and would therefore be exempt from funding, or that it would affect the ability to support those organizations to actually get to where they need to be.

We didn't really see this amendment ahead of time. It's kind of important to get a feeling for how this works within the whole piece of the legislation.

Mr. Shawn Tupper: In an aboriginal context, it would certainly depend on the organization you were looking at. In some cases, you may well be looking at a fairly small service organization that's providing a small amount of programming in a small community, where indeed reporting could be onerous. That is an issue that I think officials are trying to address in the context of looking at whether we can create single windows for reporting with respect to programming that relates to early child development and early learning and child care programming that is delivered across a number of federal departments.

That has been an issue in the context of those discussions, trying to improve the capacity of organizations and agencies to meet the demands of the federal system with respect to reporting on how they expend the funds.

Mr. Mike Lake: That's my concern. We've talked a little bit, in terms of some of the non-profits and some of the rural areas and so on, about that onerous reporting standard. What we don't want to do is restrict funding for child care for the people who need it. In any situation, I would think particularly in the first nations situation, we definitely don't want to be hurting or working against what we're trying to accomplish, which is helping families.

So that would be my concern here. Again, we haven't really had a long time to consider this, but I would think that might be a unique situation because of this insertion that we might not have anticipated in the discussions thus far or have had the opportunity to question witnesses on.

Mr. Shawn Tupper: It would seem to be a reasonable concern.

Mr. Mike Lake: Thank you.

The Chair: We're going to move to Ms. Dhalla, followed by Mrs. Yelich.

Ms. Ruby Dhalla: We can all go into the explanation of why these amendments are important, Mr. Chair, but for the amendments that have been brought forward that are similar, would it be possible to have a vote for all of the amendments? That way we don't have to go through this process of having a discussion and a debate over each particular motion.

We've had about two hours at this committee, and we're now on the third or fourth particular amendment. There are a number of others to go. We still have to go through clause-by-clause. No one on this committee, I would hope, is filibustering. This is an important piece of legislation. We need to move forward.

So I would really request that we put a vote to the entire committee to ensure that all of the amendments that have been brought forward and that are similar in nature are voted on together instead of our going through them individually.

The Chair: I certainly think that's not a bad idea. However, that does require unanimous consent.

We're getting close to 5:30, which is when we're going to end today. We're going to have to relook at this issue. Maybe we could have some discussion amongst the parties to determine whether that would make some sense.

You will need unanimous consent to be able to do that, though, as we move forward on that.

On my list I have Ms. Yelich, Mr. Merasty, Mr. Lake, and Mr. Lessard.

● (1725)

Mr. Mike Lake: She made a motion, though. Don't we go to that?

The Chair: We already have a motion we're dealing with right on the floor.

Ms. Ruby Dhalla: Can we go to a vote on this?

The Chair: No, not as long as there are speakers at the table.

Mrs. Lynne Yelich: By no means are we filibustering.

I'm taking this bill quite seriously. This bill could become law, and I think we have to have the people who can define exactly what we're voting for. We do not know. This definition has been everywhere.

Ms. Dhalla just said that she had many motions on the table. She feels that she can lump them together. Well, she wouldn't have put them separately if she felt that she could lump them together. They're separate motions. They all must have certain language or specifics.

One thing that does distress me this afternoon is the suggestion that we are against any sort of child care for aboriginals—far from it. So I would like to see no press releases saying that the Conservatives have voted against something that we believe in and care very much about.

I have met with aboriginal groups. I have some in my riding. I'm very proud of them, and I like what they're doing. They have asked me for child care too. I would like to go back to the riding and ask them what they think of this bill. They would like early learning and child care too. But I don't know if this bill is capable of delivering it.

Furthermore, we should find out what the aboriginal leaders in Quebec think, because Quebec is exempted. I know they're governed by federal law, so there's no confusion there. But now we have this broader definition that we're supposed to put. We will go through the bill very quickly—I'm certain we will—as long as we understand this, because this is huge. These are first nations.

The Chair: Thank you very much, Ms. Yelich.

I have Mr. Merasty, Mr. Lake, and Mr. Lessard.

Mr. Gary Merasty: Mr. Lake and others have made the comment, and I think it's a valid concern, about how the delivery of the aboriginal child care program, whether it's for first nations, Métis, or Inuit, would be done.

In the first nations context, it would be determined by the relationship in those contribution agreements. I remember writing one of the first child care acts in Saskatchewan when some of the initial child care funding came down.

There would not be any compromise there. You would determine, as the federal government, how this would roll out, so nothing would be compromised. Knowing that, I would hope that the federal government, the Conservative government, understands this relationship well enough that they would not vote against something like this.

When it comes to a press release, they're listening and watching. And I know they're watching it very closely, because they want to be included. They know there's a direct federal and first nations relationship here. So to bring in the province on some of the regulations and something like that is not a decent argument. It's actually straying from the reality a little too far.

The Chair: Thank you, Mr. Merasty.

I have Mr. Lake and Mr. Lessard, and I'm going to cut off debate at that and end the meeting.

Go ahead, Mr. Lake.

Ms. Ruby Dhalla: I have a point of clarification, sir, before you move on to Mr. Lake.

You're saying that we want to end at 5:30. On Tuesday, which is our next scheduled meeting, we have both ministers scheduled to appear at the committee. When would this bill be heard?

The Chair: We will have to meet as a subcommittee to decide that. So we'll either have to push some other business back or do whatever we decide. We can talk about that on Tuesday.

Ms. Ruby Dhalla: Otherwise, we're willing to stay past 5:30 to ensure that.

The Chair: We need to talk about that on Tuesday. We'll make sure there's time to talk about that on Tuesday.

Ms. Olivia Chow: On that note, I believe it's responsible for us, before the adjournment of this meeting, to make a decision as to when we would return, because there are hundreds of people—well, probably thousands—who are interested in seeing this bill get through this committee. And we're not that far away from getting this finished. So may I request that perhaps at the next meeting—I know the minister will be here dealing with the estimates—we spend half an hour and get this piece done?

I'm slightly optimistic. I know you can do it, Mr. Chair. So could we do so? Can we make a motion here, before the end of the meeting, that we would come back to it next Tuesday for half an hour and deal with this bill?

The Chair: Another suggestion is that if you want to stay tonight, we can certainly do that. Once again, I have a commitment, so I must go. I know that Mr. Savage had to go. So if you guys want to continue, I'm sure Ms. Dhalla would be happy to get in the chair and we could move forward in that respect.

You're going to have to catch your flight, though, Mr. Lake.

• (1730)

Mr. Mike Lake: That's why I was going to say this is too important not to get right. I resent the implication that there's any filibustering going on. We want to get this right. I will call my wife and my seven-year-old daughter and my eleven-year-old son and I will tell them that we're dealing with important legislation. I will change my flight if I have to, and I'll go back on Sunday if it takes us three days to go through this, but we have to go through this properly. It's too important not to do this properly. I will stay till it's done.

This notion that we would go through and vote en masse for all the Liberal amendments, I think, is very ill-advised. There may be

the same words in a lot of these cases, but of course there is a different context in every case. We have to look at the context every time and address the questions as to whether the change is appropriate, whether the usage is appropriate in each individual case. It speaks to the lack of forethought in planning this bill in the first place, and the fact that we're even having to toss all these amendments into the bill to address the first nations, which I cannot believe would not have been part of the thinking on this bill in the first place.

So once again, if we have to stay to get it done, let me know now so I can change my flight.

The Chair: Once again, I'm going to mention that I have Mr. Lessard, followed by Ms. Dhalla, who are both in a conversation right now so aren't listening to a word I say, so I can just say blah, blah, blah, they won't even know. Anyway....

Mrs. Lynne Yelich: May I ask this? Do we have a legal expert here who can address this? As Mr. Tupper said, there are lawyers who—

The Chair: Once again, Ms. Yelich, these motions are out of order.

Mrs. Lynne Yelich: That was a suggestion.

The Chair: Okay. Anyway....

Just a second. Once again, if we want to end now, the suggestion is that we talk about this on Tuesday. I have no problem setting aside half an hour. If you want to set aside an hour, I'm sure the ministers would be happy to talk for just 15 minutes.

We can set aside some time on Tuesday to either work on a plan to figure out when we're going to get to this and other business we have to move, or we can try to extend the meeting, whatever the case may be on Tuesday.

I have Mr. Lessard and then Ms. Dhalla.

[*Translation*]

Mr. Yves Lessard: Mr. Chairman, I think we have to set aside at least an hour. We could indeed do that on Tuesday. I agree with you, since you have to leave, along with Mr. Lake and perhaps also Ms. Dhalla. I think we must set aside an hour on Tuesday. We agree with you.

[*English*]

The Chair: Ms. Dhalla.

Ms. Ruby Dhalla: If the chair has to leave, I'd be more than willing and more than happy to take over as chair and stay here as long as necessary. I know that other members have expressed the fact that this bill is important, and I think it is important to thousands of Canadians, along with the child care advocates and organizations that have been fighting for many years with regard to this and have been here diligently throughout our process.

Perhaps it would be responsible if the subcommittee met on Tuesday prior to the meeting, if we could perhaps organize a meeting, as an option, for Tuesday morning, or we could stay today after our 5:30 meeting to try to get a game plan formulated. We could come back to the committee on Tuesday. We could go ahead with the ministers' appearances as scheduled and we could see where we could allocate, as expeditiously as possible, the rest of the committee meetings to ensure we do proper diligence on this particular bill and that we get it moved forward.

If we need to stay, I am willing to take over as chair, because I realize the chair has to leave.

The Chair: Sure. I will once again also state that I'm happy to have a subcommittee meeting on Tuesday morning. That's not a problem. So if we want to go that route, we could maybe bring back some suggestions as to a way to fit it in the schedule, even if it means that maybe we talk to the ministers for an hour and we have an hour on Tuesday afternoon.

But we can discuss that at subcommittee. Is that okay?

Ms. Ruby Dhalla: Sure. Our subcommittee works well together and we work really quickly.

The Chair: Sure. All right, then, we'll let you guys go.

This meeting is adjourned.

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