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Ms. Yasmin Ratansi

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•(0905)

[English]

The Chair (Ms. Yasmin Ratansi (Don Valley East, Lib.)): Committee members, we have today the Auditor General, Sheila Fraser, accompanied by Anne Marie Smith, the deputy legal adviser. That will be our first panel, from nine to ten.

Before we begin our meeting, we have with us Senator Nancy Ruth. I'd like the committee's approval to ask the senator to join us at the table.

Some hon. members: Agreed.

The Chair: Nancy, can you join us? Thank you.

We have the Auditor General for one hour only. We are already seven minutes behind, so we need to move along.

Madam Fraser, do you have a presentation? You know the drill—for ten minutes.

Welcome, and thank you.

Ms. Sheila Fraser (Auditor General of Canada, Office of the Auditor General of Canada): Thank you, Madam Chair.

We are very pleased to appear before this committee today. As you mentioned, I am accompanied by Anne Marie Smith, who is the head of our legal department. We are pleased to be here to speak to you about our role and mandate and about how we undertake our work at the Office of the Auditor General.

I'm also pleased to discuss the mandate of the Commissioner of the Environment and Sustainable Development with you today. As I understand, the committee may be interested in how a similar model could be applied to gender budgets.

As many of you know already, the Auditor General is an officer of Parliament. We audit federal government operations and provide Parliament with independent information, advice, and assurance regarding the federal government's stewardship of public funds. We cannot, as an audit office, comment on policy choice. While we may comment on policy implementation in an audit, we do not comment on the policy itself. We do, however, advocate for good, sound management of a program. Madam Chair, this is key to our effectiveness. By not delving into the merits of government policy, we can maintain our independence and objectivity, and therefore our credibility.

[Translation]

Basically, we are in the business of legislative auditing. We conduct performance audits of federal departments and agencies, annual financial audits of the government's financial statements, and special examinations and annual financial audits of Crown corporations.

Our financial audits provide assurance that financial statements are presented fairly in accordance with Canadian generally accepted accounting principles and other relevant standards.

Our special examinations assess the management systems and practices of Crown corporations and provide opinions on whether there is reasonable assurance that there are no significant deficiencies.

Our performance audits examine whether government programs are being managed with due regard for economy, efficiency, and environmental impact. I would like to emphasize that we do not do program evaluations — that is, we do not measure the effectiveness of programs.

[English]

The results of our performance audits are presented to Parliament three or four times each year, for a total of about 30 audits or report chapters per year. Chapters may cover topics that are specific to a department or agency, for example military health care, or that are government-wide in nature, for example the use of acquisition and travel cards. Each audit is framed by audit objectives and criteria that are discussed with the departments at the beginning of the audit. Usually an audit process takes between 12 and 18 months to complete. All of our audit work is conducted in accordance with the standards set by the Canadian Institute of Chartered Accountants. It is guided by a rigorous methodology and quality management framework.

[Translation]

The Auditor General Act gives our Office the discretion to determine what areas of government to examine through performance audits. We do risk assessments of federal departments and a number of management areas (such as human resources and information technology) in order to identify the most significant topics for audit.

Since 1995, the Office has also had a specific environmental and sustainable development mandate, which was established through amendments to the Auditor General Act. The Commissioner reports to the Auditor General and leads a group of 40 auditors. All work conducted by the Commissioner's group is subject to the same standards as the rest of the Office.

On behalf of the Auditor General, the Commissioner reports to the House of Commons on any environmental and sustainable development matters that he considers should be brought to its attention. The Commissioner uses essentially the same process for his audits that we use for our performance audits. Again, the emphasis is on sound management of an environmental program as opposed to the merits of the policy.

● (0910)

[English]

The commissioner is also responsible for monitoring, auditing, and reporting publicly on the environmental petitions process and departmental sustainable development strategies. The petitions process is unique, in that Canadians can get timely answers from federal ministers on specific environmental and sustainable development issues that involve federal jurisdiction. Petitions have prompted action by federal departments and agencies, such as new environmental projects, follow-up on alleged violations, and changes or clarifications in policies and practices.

Madam Chair, this has been a very brief overview of our role and mandate, including that of the Commissioner of the Environment and Sustainable Development. We would be pleased to discuss these issues and answer any questions committee members may have.

Thank you.

The Chair: Thank you.

We'll go to the first round of questions.

Ms. Neville or Ms. Minna.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Ms. Minna will start, and then I'll pick up.

The Chair: Ms. Minna, for seven minutes.

Hon. Maria Minna (Beaches—East York, Lib.): I'm going to be very short. I'm sharing with Ms. Neville because I know she has to go, if it's okay with you, Madam Chair.

The Chair: That's fine.

Hon. Maria Minna: Thank you.

Welcome to our meeting. You and I have met at different committees in the past.

I have some very specific questions in this area, because we're looking at the possibility of a commissioner for this and a piece of legislation. I want to understand the audit your office does. Is your audit specific to policy the government has already enunciated, or at least specific programs, and whether they meet the intended target and the expenditures are above board and all that stuff, but not the merits of the policy?

First of all, I see legislation legislating GBA, and then a commissioner who would ensure.... A commissioner wouldn't have

that kind of overarching ability if they were under your auspices, would they? I'm just trying to understand. How does it work with the Commissioner of the Environment, for instance? How broad is it? I know you've mentioned some things. They can't comment on the government's overarching plan, whether or not it's....

Ms. Sheila Fraser: Thank you, Chair.

As we mentioned, we cannot comment on specific policy. So we cannot say this policy is good or bad; we believe that is up to parliamentarians. We can talk about the implementation of policy. We can point to areas where there may be policy gaps.

If I take the example of the Commissioner of the Environment, if you talk about gender-based analysis, for example, I can equate that to the strategic environmental assessments. Most recently the Commissioner of the Environment did an audit to say these things weren't being done. We could probably look at their quality, but we couldn't say this program.... Once a program has been decided, if the analysis has been done and the program is decided, if people say we haven't taken that analysis into account, we can't comment on that.

I guess that's pretty much it. We can't promote.

Hon. Maria Minna: So if there's a piece of legislation that says GBA should be done, and the government plan doesn't have a proper GBA, can you comment on that or can you not?

Ms. Sheila Fraser: Yes, we can do that. We don't even need legislation. For example, the strategic environmental assessments are not a requirement under legislation; there was a cabinet directive to do them. If there is some policy in government, and it doesn't need to be in legislation, that says gender-based analysis should be done, or even quite honestly a commitment—and I read some of the testimony before this committee that would certainly seem to indicate that government officials are saying there is a commitment by government to do it—we could certainly say that government has committed to doing this. Are you actually doing it, but there is no requirement? If there is no requirement, it's difficult for us to say they haven't followed this. If they've committed to it, we could use that.

Hon. Anita Neville: Thank you, again, for being here today.

As you're aware, we're looking at a proposal for a commissioner. To set up a commissioner and an office takes time. You have the infrastructure in place already.

First of all, what does a good implementation plan look like for a broad-based, cross-department policy initiative?

•(0915)

Ms. Sheila Fraser: We have looked at this, obviously, in several areas. I would say, obviously, clarity around the objectives, clear roles and responsibilities, and someone who is held to account. Too often we see broad-based initiatives across government, but nobody is really accountable for the success of that project. It could be a central agency, it could be a department, but somebody who clearly has the responsibility and the accountability to make sure the program is implemented. Beyond that, it obviously depends on the scope.

It would require proper resourcing, proper funding, that the program be sustainable. We also like to see clear action plans with definable benchmarks along the way so you know if you're making progress. Far too often we see policies and objectives that are five or six years out with no interim steps to know if progress is being made or not.

Hon. Anita Neville: And does the Auditor General's office work with whoever is responsible in establishing those parameters, or do you wait until after the fact?

Ms. Sheila Fraser: We are consulted fairly regularly on implementation of programs and will give comments on them. Obviously, then, government is free to take those comments or not. We have to be careful that we don't slide over into what we call the consulting, or become involved in the management of programs, or become too close. But we do provide comments on policies, largely financial policies, internal audit, those kinds of things, that the Treasury Board would be issuing.

Hon. Anita Neville: Do I have time?

The Chair: Yes, you have about one minute.

Hon. Anita Neville: Thank you.

What value would the Auditor General's department bring in doing a performance audit on gender-based analysis?

Ms. Sheila Fraser: I was obviously thinking last night, before I appeared here, what we could actually do in this area. We could look at whether government is actually doing gender-based analysis, and I guess we could look at some of the quality around that analysis.

If a policy decision is made that doesn't take that analysis into account, we obviously can't comment on the policy itself, but we could look at the departments: are they actually doing this analysis in their design of policies and programs?

Hon. Anita Neville: In regard to the definition of gender-based analysis, how would you determine it? We've heard variations on that.

Ms. Sheila Fraser: I think we would have to look, obviously, to Status of Women Canada, which has a responsibility in this area. Actually, it could almost be, in a way, in part an audit of them as well as to how they are influencing government. I could see that as being a broader kind of audit, and I think we would use their definition, given that they seem to have the responsibility in this area.

Hon. Anita Neville: Thank you.

The Chair: Thank you.

[Translation]

Ms. Demers, you have the floor for seven minutes.

Ms. Nicole Demers (Laval, BQ): Thank you, Madam Chair.

Thank you, Ms. Fraser and Ms. Smith, for being with us today. We were all looking forward to you coming with great hope because we have tremendous respect for you. We know the work you have done in the past and we hope that your office will help us decide how we can be sure that gender-based analysis is done at all stages of the department budget process.

I know that talking about the policies and measures that are implemented is not, as such, your bailiwick, but I would still like to know whether you think there have been changes or improvements in recent years in terms of measures that could advance the status of women. For example, we know that there is a law requiring the Department of Citizenship and Immigration to apply gender-based analysis. I assume that when your group analyzes that Department's budgets, it can see whether those rules are applied.

Is that how it works?

•(0920)

Ms. Sheila Fraser: That law is sufficiently specific that we do not need to do any evaluation ourselves. We can ask the departments whether they have done it and what the results were. In cases where they have an obligation, under the legislation, to produce a result, or to do the analyses, we ask them whether they have obtained specific results, performance indicators, and whether they have done evaluations to determine whether their programs are meeting those objectives. I have to say that when we ask those questions, in some of the departments where we do audits, we are told that the evaluations that are required have not been done.

Our Act states very specifically that we do not do evaluations. Doing evaluations to determine whether changes or improvements have to be made to programs and policies is considered to be the responsibility of managers. However, we can certainly tell a department, for example the Department of Citizenship and Immigration, that it has this obligation, under the legislation that governs it, to determine how it is meeting that obligation and whether it is achieving the objectives set.

Ms. Nicole Demers: The subject of my question may not come within your authority, but I would like to know whether you think that the best way to ensure the success of gender-based analysis would be to have a commissioner or whether other tools might be used. For example, would your office be equipped to do those analyses? Would you have everything you need if you were working in collaboration with Status of Women Canada?

Ms. Sheila Fraser: We can't do those analyses. That really is not our role. On the other hand, we can ascertain whether they have been done. I believe that Status of Women Canada has sent the Minister a code of best practices or procedures for determining whether they are using those tools and taking them into account in developing policies or programs. We could audit that aspect, but it would be impossible for us to do the analyses ourselves.

Ms. Nicole Demers: We have talked about appointing a commissioner who would be responsible specifically for gender-based budgets. In the case of the Commissioner of the Environment and Sustainable Development, some 40 people are involved. Do you think that 40 people would be needed to handle this work?

Ms. Sheila Fraser: I might want to have a clearer idea of what kind of workload you would want to assign to that commissioner. Obviously, I think it would be hard for a commissioner to take on the analysis of all programs, given that program managers are required to do that themselves. If the intention is to assign the commissioner a role as auditor, and ask him or her to ensure that the analyses are done, I don't think that could be within the authority of the Commissioner of the Environment. That Commissioner has a statutory duty to audit all departments' sustainable development strategies and manage the petitions process. As well, he does about six or seven audits every year, on a variety of subjects. In any event, it depends on the size of the job you want to assign to the commissioner.

Ms. Nicole Demers: Are there other methods or tools we could use to achieve our objective — that the analyses be done and budgets be prepared from a gender-based perspective?

Ms. Sheila Fraser: I don't think it is obvious that the government has to do that under any clear obligation or policy. Is this simply a desire, or is it a policy? You may know, if it is a policy that requires that departments do it, that would be a first step.

What we could do is check from time to time to see whether the analyses are being done. If there was an obligation or a policy, you could approach the Department of Finance, which develops the budget and is responsible for this. That Department could report to Parliament every year, for example, on the fact that the analyses were or were not done and taken into account. This might be a lot less elaborate or complex than deciding what duties to assign to a commissioner.

• (0925)

Ms. Nicole Demers: Thank you very much, Ms. Fraser.

[*English*]

The Chair: Ms. Davidson, for seven minutes.

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Thank you, Madam Chair.

Thank you very much for appearing before us this morning. It's certainly always a treat to hear from you and to have you here with your expertise.

I think you can get a sense of the confusion and the problems we're facing on this committee in trying to ensure that GBA is being done. We've heard from a tremendous number of witnesses. We've been doing this for quite some time. We're hearing varying degrees of what is expected and what actually is being done and who actually is being responsible for it.

We're now down to the stage where we really need to know how we can determine whether or not it is being done. We're considering, do we need a commissioner? Do we need legislation? Is your office able to perform these tasks? That's really what we're looking for this morning.

I think you said that legislation may not be necessary, that if it were a clear policy or a commitment from the government, or from the cabinet—I'm not sure where this will come from—we could accomplish the same thing without legislation. Did I understand you correctly?

Ms. Sheila Fraser: I was referring to the basis on which we could do an audit. For us it's usually important that there be some clear direction. Before we hold government departments to account and say they should be doing something, we like to have somebody somewhere telling them that they should do it, other than us. It's much easier to say "Here's what you're supposed to do", and "Are you doing it or not?"

It does not require legislation to do that. I gave the example of strategic environmental assessments. There is no requirement in law. It was a cabinet directive that departments should do it, and as the Commissioner of the Environment just reported in February, departments aren't doing it, which is not a good thing.

So if there was a clear policy that said departments should be doing this analysis, and our role is really to provide parliamentarians with information, we could then say departments are supposed to be doing this, and they are or they aren't.

I know I have some people in the office who won't be happy with me, because we're probably going to change all our planning, but what we can do for this committee, if the committee wishes, is to say "What is the state of this? Is there a policy?" I've seen some testimony where people are saying yes, they do this. Well, on what basis...? Are they really doing it? Who's doing it and who isn't? And perhaps we can even look at some of the quality of the analysis, although that might be a little difficult for us to get into.

We can certainly give parliamentarians a perspective on what is actually happening with gender-based analysis. I would think we would obviously have to work with Status of Women Canada in that, because they have a very important role to play in this.

That will take a little while. As I said, our audits take anywhere from 12 to 18 months, but that is the kind of information we could provide for you.

Mrs. Patricia Davidson: I will continue on, then. When we're talking about the environmental issues, and there was a commissioner for that specifically, was the policy established and then the commissioner appointed? Is that how that works? Further to that, if we did have a policy and a commitment from the government, without legislation, and you were to come in and give us some feedback and some information and so on, is that without having a commissioner, or is somebody in your department or office called the commissioner for this?

Ms. Sheila Fraser: Actually, the evolution of the Commissioner of the Environment and Sustainable Development probably has an interesting parallel. The Office of the Auditor General started doing audits on environmental issues in the late eighties, early nineties, and it was really about environmental management. So there were a number of issues done, probably on the more obvious areas—fisheries, management of natural resources, things like that.

In the mid-nineties there was obviously a lot more attention being paid to environmental issues, and government, I presume, would have had some policies in place around environmental management going back into the eighties, at least. But in the mid-nineties there was a statement by government or a will by government to strengthen environmental management, and at that point there were modifications to the Auditor General Act, which required the departments to produce sustainable development strategies every three years, which instituted a petitions process, and which created a Commissioner of the Environment in the Office of the Auditor General.

Now, in the work that the commissioner does—the audits—there is no change. We didn't need to have a commissioner legislated in our act to do those audits because the office had been doing them already for several years. What it did change was the requirement to audit the sustainable development strategies, which were new, and to manage this petitions process.

So we don't need a commissioner per se in legislation to go into these areas.

● (0930)

Mrs. Patricia Davidson: Perhaps I could just cut in for a second. So the Commissioner of Official Languages, does that have anything to do with your department?

Ms. Sheila Fraser: The Commissioner of Official Languages is a separate officer of Parliament. There are six officers of Parliament: official languages, information, privacy, Chief Electoral Officer, me, and the Public Service Integrity Officer, and he has a specific act and specific responsibilities.

Mrs. Patricia Davidson: Thank you.

The Chair: We have less than a minute, if you want to ask a short question.

Mrs. Patricia Davidson: I know you said that through your office you can't comment on the merits of a policy, but would the Commissioner of Official Languages comment on the merits?

Ms. Sheila Fraser: The Commissioner of Official Languages has a broader role than we do, because there is a specific law he deals with, and he has the role of promotion of official languages. He would go further than we do. We are more into the management of programs. He would comment on legislation.

The Privacy Commissioner too would obviously comment on legislation, because she has a specific mandate that she has to carry out.

Mrs. Patricia Davidson: Thank you.

The Chair: Thank you.

Ms. Mathysen, for seven minutes.

Mrs. Irene Mathysen (London—Fanshawe, NDP): Thank you, Madam Chair.

It's very good to see you here. We are always delighted with the expertise you bring to our committee.

Ms. Sheila Fraser: Thank you.

Mrs. Irene Mathysen: In talking to some of the women's organizations, I was told that the United Kingdom has developed an implementation plan that has many more indicators than the plan that departments use here. If you were to conduct a performance audit, would you consider looking at some of those international comparisons and making the recommendation that the government comply to that higher standard, if you did see a higher standard internationally?

Ms. Sheila Fraser: At times in our audits we do benchmarking with other countries, and we could certainly point to best practices or other practices. It's not very often that we recommend that government apply it, but we certainly do comparisons. We're cautious in how we phrase these things, but that is the kind of work we could do.

Mrs. Irene Mathysen: Yes, I understand the need for delicate, persuasive, and dulcet tones.

What is your understanding of Canada's accountability obligations in regard to the federal plan for gender equality and the Beijing platform on which it's based?

Ms. Sheila Fraser: I'm sorry, I really haven't gone into this. We would have to do an audit and do work on that area, and we haven't done anything on that. So I'm really not familiar with that.

Mrs. Irene Mathysen: But you would be prepared to take a look at it, so that—

Ms. Sheila Fraser: When committees have a motion—and I know the chair is quite familiar with this from previous experience on another committee—asking us to do audits in certain areas, we certainly try to accede to those requests.

Mrs. Irene Mathysen: Based on your previous experience, how important is transparency in assessing the efficacy of cross-departmental policy initiatives?

● (0935)

Ms. Sheila Fraser: Clear objectives, clear definitions of roles and responsibilities, and clear holding to account, that somebody be held to account at the end of the day for a success or not, is vital to the success of any of these large cross-governmental programs.

So transparency is very important, but underlying that is the implementation and how it's actually working on the ground, and obviously the allocation of resources is also important.

Mrs. Irene Mathysen: Thank you for that.

I think we've heard in a number of instances that there is a concern about the accountability. The department says something is done, but how do we know? We've actually received a GBA analysis from the finance department on 2006 and 2007, and 2008 as well, I think. We've had some concern about where is that watchdog that's going to say no, you need to go back and you need to do better? So I appreciate that very much.

You mentioned funding attached to this work. Is it reasonable, then, to expect that a broad-based initiative such as GBA would succeed better if there were specific dollars attached to it?

Ms. Sheila Fraser: Possibly, though the reality in government departments is that even if specific funding is given, there is often no accountability that the funding has actually been used for that project. It can be transferred to other projects.

It's the realization that if there is an expectation that something be done, you have to provide the resources to have it done well. That is really a commitment from the senior management across government that these things will be done.

Mrs. Irene Mathyssen: When you conduct audits, do you take women's equality into account? Is that something you habitually have as part of your consideration?

Ms. Sheila Fraser: To be quite honest, no. It depends on the issues.

For example, a few years ago we did audits of the Correctional Service of Canada. We looked at the programs in the prisons and specifically at programs for women, knowing they had to be distinct from the programs for the men. When there's a clear division like that, we will look at it, but if we're doing a program such as old age security, we will not specifically look at whether that analysis been done on this program or if there are any unintended effects. We will simply be taking the policy decision and the program and auditing to see if they're being implemented as they should be in the program.

If there is a clear women-related to or gender-specific outcome, we will then look at it, but I don't recall having seen that in very many programs.

Mrs. Irene Mathyssen: Would your mandate have to be amended in order for you to do a gender-based analysis across the board as a general practice?

Ms. Sheila Fraser: No, it would not have to be amended. I think we'd have to think about how we would actually do that if there's no specific requirement in a program, because we often go back to see if they are managing as expected and if they are managing for the outcomes they set for themselves, if they are not considering that.

I suppose we could ask in our audits if they are considering this. We could indicate if they are or not, but in many of the programs I don't think we could go much further than that at this point.

Mrs. Irene Mathyssen: Yes, I see the sticky ground that you'd get into.

Ms. Sheila Fraser: Yes, but it's something we can do. We don't need to have legislation to do that.

The Chair: Thank you.

Madam Fraser, I'd like to exercise the chair's prerogative on something. I've listened to everybody's questions; I have sat on

public accounts and heard you express a lot of frustration about things in aboriginal communities and areas of value for money.

If you're doing value-for-money audit, and the government spends \$200 billion on programs or tax cuts or whatever it does and still we do not have social justice—we still have poverty, we still have drinking water issues, we still have housing issues, etc.—would a gender-based analysis, if it were given a framework that asked all departments to look at eight components to help them in GBA, be a starting point and be a tool if the auditor ever were to do a value-for-money audit on how government effectively spends its money?

We've heard from Status of Women; they do the training. We have heard from central agencies, and they that feel they're doing it, but when we do third-party verification, there is a huge variance of what GBA is and what GBA should be—you know, gender budgets—and its impact.

If you were to do value-for-money accounting or value-for-money audits, and you found a framework, would that help?

• (0940)

Ms. Sheila Fraser: Let me just go back.

As I mentioned earlier, we cannot do evaluations of programs; we can only look to see if government is applying the management principles that they are expected to apply. If there is an expectation—and it could be simply a policy or even a broad commitment by government—that they are doing gender-based analysis in programs and policies, we can audit to see if that is actually happening. We can also ask them if they are doing the evaluations necessary to know if they are meeting the objectives that are set out.

You mentioned aboriginal. Aboriginal is different because the federal government has a clear responsibility. An example is education: they have a clear responsibility to provide education, so we ask them if they are providing it, how they are providing it, and how they know what's happening. We don't actually go in ourselves to assess the educational outcomes; we ask the departments if they know, and how they are producing it.

We could do the same sort of thing on gender-based issues, but we can't ourselves do the evaluation of programs, and I suspect that is where much of the frustration in the third-party groups is coming from; the outcomes are not what they would hope they would be, but to be a little blunt, that's the case with many programs.

The Chair: Thank you.

Mr. Pearson is next, for five minutes.

Mr. Glen Pearson (London North Centre, Lib.): Thank you, Madam Chair. You took my question on the framework.

The Chair: I'm sorry.

Mr. Glen Pearson: Welcome; it's nice to have you with us.

Do a little Politics 101 with me, if you don't mind; I'm a fairly new parliamentarian here. The frustration I think many of us feel around the table is that when we hear from some departments around this issue of gender budgeting, they say they're doing all the things they're supposed to be doing; then, of course, we get witnesses coming in who say the outcomes aren't meeting that.

I'm trying to figure out the parameters you have within your department. If your department did an analysis of GBA and you delivered your findings, is the government bound to follow them?

Ms. Sheila Fraser: No, we have only the power of recommendation.

Mr. Glen Pearson: It is just recommendation; okay.

You talked about parameters. You talked about the Commissioner of Official Languages having broader parameters than, say, the Commissioner of the Environment and Sustainable Development. Who establishes those parameters?

Ms. Sheila Fraser: Those were established by Parliament in the legislation given to each commissioner. It's a little different, I think, for official languages, because the commissioner has a specific act on one issue, whereas the Office of the Auditor General deals with a multitude of acts, and the Commissioner of the Environment does as well. We are really more in an audit role, and when you're in the role of audit, you have to remain objective about, and independent from, the actual policy itself.

We deal with the implementation of policy, the management side. As was mentioned, obviously we can bring in benchmarking to see the best practices elsewhere and those kinds of things, but we can't comment directly on policy.

Mr. Glen Pearson: In this recent budget, budget 2008, an action plan was announced and put in place by the government to further the equality of women across Canada. With that in place, would you be able to evaluate the progress made towards that plan?

Ms. Sheila Fraser: We can look to see how government evaluates the progress. We can say that government has established this particular objective; then we would ask what their performance indicators are to do that, and how they will know where they are in all of it.

I could draw a parallel with work the commissioner did on the Kyoto commitments. There was a clear commitment by government; we then asked how they knew where they were at in all of this, and whether they would actually meet their objective, which was very clearly defined.

We can do that kind of work, but we can't ourselves do the assessment to see where government is. I would expect that another group within government—either government agencies themselves, Status of Women, or some other core agency or central agency—would be responsible for tracking this across government.

• (0945)

Mr. Glen Pearson: Thanks for your patience with my basic questions.

Thank you, Madam Chair.

The Chair: Thank you, Mr. Pearson.

Is there anybody else? We have two more minutes, but if nobody wants that time, I'm moving on.

Hon. Maria Minna: I didn't think I was going to have the time, but it's good to have it.

I just wanted to clarify a couple of things. I know you've made them clear.

I'll be very honest. We are looking at...at least, I have put forward a motion on our side to appoint a commissioner, but we're also looking at legislation.

Maybe this is not a fair question, but nevertheless I'm going to put it to you. Some of the witnesses we've had have talked about the need for legislation. The U.K. is bringing it in, and a number of other countries have done that. There is the need for legislation for GBA, and then the need for a commissioner, but one who, in order to give it a broader scope, is not tied to the Auditor General's office—one who can comment, a bit like the languages office.

I know it's not fair to ask you your opinion, but maybe you could tell us which of the two would be the more effective, given that the GBA issue is a fairly broad and very specific area that needs a great deal of attention, which it hasn't received.

Ms. Sheila Fraser: I'd be glad to comment, because we've had the same kind of discussion around whether the Commissioner of the Environment should be much more of an advocate and comment on policy and play that kind of role. What I have told parliamentary committees is that it really depends on what you want that person or that office to do. If the goal is to have an advocate to do promotion and bring forward best practices, that cannot be done in an audit office.

Hon. Maria Minna: That would apply to evaluation as well.

Ms. Sheila Fraser: It would apply to evaluation as well. That clearly has to be a commissioner, as distinct from an audit office.

With regard to the role of the commissioner of the environment, we say there are a lot of groups and a lot of organizations that comment on the policy, and you have the policy development, the implementation of the policy, and the tracking afterwards. Very few can actually provide advice or information on how well policy is being implemented, and we say that's the role we as an audit office can play. We can tell parliamentarians, once they have decided on a policy or a legislative framework, how well government is doing at implementing it, and there aren't many other places, quite frankly, that can do that with our independence and objectivity.

It depends on whether you want someone at the beginning of the process who's going to give them more the policy advice, the evaluation, or if you want someone who is going to assess how policy is being implemented and how government is doing. It doesn't mean that there's necessarily one or the other. The audit office can still look at implementation and you can still have the advocate, but if you become an advocate for policy, I think you lose your independence and your objectivity, obviously, in all of this, so you have to be very careful about how you frame the role of that commissioner.

[Translation]

The Chair: Thank you.

Ms. Boucher, you have five minutes.

Mrs. Sylvie Boucher (Beauport—Limoilou, CPC): Thank you, everyone.

Good Morning, Ms. Fraser. It is very interesting to hear what you have to say.

We have talked about an action plan in the 2008 budget. We belong to four different political parties, with different mindsets. From the various testimony we have heard, we saw that there was a political will, regardless of the party in power, but it seems to us that the more we move forward and the more political will... I don't know whether it is because it seems to be too big or too complicated. We have good ideas, but at some point we stop having ideas and it ends there.

I would like to know how we should set about getting benchmarks so that regardless of what party is in power, the benchmarks will stay in place and we will have something to get our teeth into, not just "a dream", but something we could do in the long term, knowing that it is going to take more than two or three months. As you were just saying, it takes longer than that.

What would be the best approach — whether or not there is a change of government, regardless of what party is in power — so that having gender-based budgets on a long-term basis could be automatic?

• (0950)

Ms. Sheila Fraser: That is an excellent question.

I believe that at the bottom of all this, we have to ask ourselves what results we ultimately want to achieve, the outcome, for society.

Is the government — as you said, regardless of what party is in power — clearly defining the results to be achieved? What are the indicators? The results you want to achieve would have to be clearly defined, with performance indicators, and a plan drawn up to achieve them. As you said, this is not something that can be done in six months or two or three years. It is a long-term undertaking.

The analysis is a tool for achieving those results. The analysis is not what is going to achieve them, because we can do the analysis but the government can ignore it in deciding on a policy. It is not obliged to take it into account, necessarily, but if we can make the connection between the analysis, the program and the result we want to achieve, and the results are clear, this might be a possible solution.

Mrs. Sylvie Boucher: So it means having to have a vision that is not for the short term, but for the long term. It means having a goal, an ultimate goal, to achieve this.

Ms. Sheila Fraser: And measuring where you are as you go along, be it annually or periodically, with very clear indicators. I don't know whether it would be the poverty rate. There can be different measurements...

Mrs. Sylvie Boucher: There are a lot of things that can be done.

Ms. Sheila Fraser: And someone has to be accountable.

Mrs. Sylvie Boucher: So when we were talking about a commissioner or someone who could be completely outside the government and do those kinds of analyses, I imagine that...

Ms. Sheila Fraser: He or she could see how the departments themselves want to achieve their goals and how that is put into effect in the departments, because it's all very well to have a national plan, but it has to...

Mrs. Sylvie Boucher: It has to trickle down.

Ms. Sheila Fraser: ... it has to trickle down to the various levels, and you have to be able to see the progress made and whether there are problems or difficulties along the way.

Mrs. Sylvie Boucher: In the last 20 years, have you seen progress, in the course of the work and the audits you do, or is the situation virtually the same? Has there been progress or are we running on the spot?

Ms. Sheila Fraser: In what respect?

Mrs. Sylvie Boucher: In terms of women.

The Chair: That is all. Thank you.

Ms. Deschamps, you have five minutes, please.

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Thank you, Madam Chair.

I would like to welcome you, Ms. Fraser, Ms. Smith. It is always a pleasure to have you speak to the various committees we work on. Your expertise always sheds light on our questions. I have to tell you that I am feeling very frustrated, as Mr. Pearson mentioned a little earlier in his presentation.

The Standing Committee on the Status of Women decided to study gender-based analysis, or gender budgeting. The more we do on this, the more we see its multiple facets. When we decided to invite you here, it was somewhat so that we could study this system, which looks to me like a giant puzzle where each department is a piece and what we are trying to do is fit gender-based analysis into it. We wondered how the Office of the Auditor General could play a role in putting that analysis in place and having some oversight of it.

From what I have heard, in all of my colleagues' comments and questions, the easiest way would probably be for there to be legislation that defines the indicators, the framework and the mandate, so that you would have some authority. It would be easier to have...

• (0955)

Ms. Sheila Fraser: Obviously, it would be clearer if there were legislation. However, we don't need legislation in order to do an audit on a particular question. It can simply be a government policy.

Ms. Johanne Deschamps: For example, starting simply with an action plan, are you able to evaluate the progress made with regard to that action plan?

Ms. Sheila Fraser: Yes. If there is a statement or even a commitment by the government to doing something, we evaluate what it has done to implement that and the action taken to meet the commitment.

Ms. Johanne Deschamps: How can the evaluation process be carried out?

Ms. Sheila Fraser: If it has made a statement about something...

Ms. Johanne Deschamps: Let me give you an example. In its 2008 budget, the government intends to develop an action plan for advancing the equality of women in Canada.

Ms. Sheila Fraser: We will ask what its action plan is. We will study the plan itself, to see whether there are clear responsibilities, whether resources have been allocated, whether the departments have then implemented what they have to do in order to meet that commitment.

What we do is evaluate the management, the activities, and see what the performance indicators that they intend to put in place are, for determining whether they have made progress or not, whether there are measurement bases, whether they do evaluations. In fact, we evaluate the management, the activities for meeting the commitment. We do not do an evaluation ourselves.

The Chair: Thank you, Ms. Fraser.

[English]

Ms. Mathysen, you have last question.

Mrs. Irene Mathysen: Thank you, Madam Chair.

Ms. Minna raised this point with regard to our consideration of a GBA commissioner. I just want to make sure I was hearing what I thought I was hearing from you with regard to the best way to set it up.

I understand that if it is a stand-alone individual, there may be some time factors, in that it would take a long time. Under the auspices of the Auditor General's office, which is already in place, it would be more expedient, but you also said it depends on what kind of commissioner you want. Do we want someone at the front end providing advice, or do we want someone who is simply monitoring?

In terms of having it all, would it make sense, then, to make sure that the NGOs, the equality-seeking groups at the front end, were pushing equality through their research and through their lobbying, and then have the commissioner at the other end evaluate whether the recommendations from the groups had actually been implemented by the government?

•(1000)

Ms. Sheila Fraser: Yes, that's certainly one.... That's certainly the model that exists for the Commissioner of the Environment and Sustainable Development. Civil society obviously has a very important role to play in these issues, and as things evolve, it is really critical that there be input from civil society and from the various groups. The various groups will present differing points of

view on issues, and it's important that government has quite an elaborate consultation policy.

Certainly in the area of the environment and, I believe, in other areas, we have looked at how well they have done those consultations and whether they have actually conducted proper consultations. We've done it as well with aboriginal issues.

The whole consultation aspect is critical to the elaboration of policy, and we'd look as well at how well they do that. Once the policy is established, we'd look to see the implementation of it.

Mrs. Irene Mathysen: Rather than fearing that consultation, government would do well to embrace it and support it in whatever way possible.

Thank you.

Am I good?

The Chair: You have one more minute.

Mrs. Irene Mathysen: In your experience doing audits on behalf of the people of Canada, do you think those audits strengthen the federal government's performance in certain areas? Could you comment?

Ms. Sheila Fraser: I sure hope so.

Actually, after we do an audit, the departments produce an action plan to address the recommendations. The public accounts committee is very diligent in ensuring that the action plans are serious and well designed. I've seen the committee actually turn back some action plans that they didn't think were sufficiently specific. Then, to see if departments have actually done what they said they would do, we go back and do a follow-up audit based on those action plans.

The results of our follow-up audits indicate that in the majority of cases, government does make good progress. At the end of the day government officials really do want to manage their programs well; in fact, in many cases we see that as we are doing the audit, they will begin taking action as soon as we raise issues with them. We really do believe that yes, we contribute to better management of programs and to stronger institutions.

Mrs. Irene Mathysen: Thank you.

The Chair: Thank you so much, Ms. Fraser, for being here, and Ms. Smith.

Do you have any closing remarks to make?

Ms. Sheila Fraser: I would just like to thank the committee very much for bringing a very interesting issue to our attention. I will certainly commit to looking at this and to seeing what we can do. Perhaps we can get back to the chair and think about doing some sort of audit on how well government is actually doing in all of this, which will provide you with some information across government.

Thank you very much.

The Chair: Thank you.

I would like to suspend the meeting for one minute so we can have the next round of witnesses come in.

- _____ (Pause) _____
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The Chair: Members of the committee, please take your seats.

We have with us Ms. Kathleen McHugh, chair of the Assembly of First Nations Women's Council, who has a small presentation for us. In view of the time, we will have to give everybody a five-minute round of questions, because we have committee business to address after 10:30.

Ms. McHugh, welcome, and the floor is yours.

- (1005)

Ms. Kathleen McHugh (Chair, Assembly of First Nations Women's Council, Assembly of First Nations): Thank you very much, Madam Chair.

Good morning. [*Witness speaks in her native language*]. I bring you greetings in my Blackfoot language.

I want to thank you for giving me the opportunity to address the committee and for the work you're doing in moving towards a greater gender action plan.

I have a very nasty cold. If I have to pause, I apologize; it's something I picked up in Ottawa.

I would like to briefly introduce myself and the role of the AFN Women's Council.

As you know, the AFN represents all first nations men and women, regardless of residence. The role of the AFN Women's Council is to ensure that the AFN is an effective advocate on behalf of first nations women. We have ten representatives, one from each region, who comprise the women's council. As the chair of the women's council, I also sit on the AFN executive committee and provide input into decisions made at that level.

I would like to begin my presentation by presenting the rationale for a culturally relevant gender-balanced analysis. First I will describe the AFN position on GBA.

In 2005 a renewal commission consulted first nations citizens about the role and relevance of the AFN. Coming out of the renewal commission was a clear message that the AFN must ensure that gender is considered in all policies, measures, and programs. It was equally important to the women consulted that gender be looked at from a cultural perspective. As a result, the AFN has developed a first nations gender-balanced framework. It can be applied to research, policy, and program development work.

We firmly believe our GBA will get better results for first nations women than other approaches, because it overlays gender analysis with a historical understanding of our culture. It asks policy-makers to look at the central role women played in pre-contact cultures, and how and why change occurred after contact. It asks them to offer options based on this context. In plain language, it explains how first nations women see themselves and where they want to go from here.

We hope that all federal departments will implement our GBA in work affecting first nations peoples. However, as we are looking at

gender budgeting today, I will concentrate on two examples of why the finance department should apply a culturally relevant GBA.

Next I will discuss gender, federal budgeting, and Bill C-31.

Let me start with an example of a budget decision made in 2006, the cutting of the court challenges program. If the finance department had applied a culturally relevant gender analysis to that decision, they might have asked how cutting this program would affect first nations women. Would it be for their benefit or for their harm? Just asking that question would have led them to the Sharon McIvor case.

Let me take a moment to explain the context through a gender and cultural lens. In many first nations cultures, identity is passed through the female lines, a fact not recognized by the Indian Act. Since 1876, first nations women who marry non-native men have lost their right to live on reserve. They cannot vote in band elections or access the same health services as their brothers.

An amendment to the Indian Act in 1985 corrected this inequity, but only for a small group of women. We believe that about 200,000 are suffering because the 1985 amendment did not include them. Sharon McIvor, a descendant of the Lower Nicola Valley band, is one of them.

Sharon recently won her case in the Supreme Court of British Columbia. The federal government is appealing the ruling of the McIvor case. Because of the cancellation of the court challenges fund in budget 2006, she may not be able to afford the appeal. I believe that if the finance department adopts a culturally relevant GBA, it will be better able to predict the consequences of cuts; even better, it would be able to set goals by asking how it can advance equity for first nations women.

- (1010)

That brings me to a second example: matrimonial real property. This year the budget missed a key opportunity to assist first nations women, and here I am speaking of the matrimonial real property bill.

Under the Indian Act and Canadian law, there is no way to divide matrimonial property between first nations couples living on reserves in cases of marriage failure. The government and the AFN held a series of consultations with first nations women to find solutions. In the matrimonial real property consultations, women told us that they wanted access to timely community-based remedies that fit within their own cultural traditions. Unfortunately, the current MRP bill before the House failed to include these recommendations. Instead, the bill will force first nations women to seek remedies in provincial courts.

Now, if this is the solution the government is proposing, a culturally relevant gender budget analysis might look at issues like remoteness, language, and other barriers that prevent access to the justice system. The budget could also then set aside funding to ensure women in remote communities can have timely access to courts as well as funding to support educating women about their rights under this bill. Finally, finance could address the need for an increase in funding for housing.

In closing, I'll add that at this time the AFN has not been able to secure funding for implementation of our GBA; however, we have approached various departments, such as Health Canada, to begin discussions. We are anxious to see our GBA applied by Health Canada because we can see how applying a GBA to health issues could really benefit our women. For example, we know that across all age groups women have higher rates of diabetes. We believe looking at gender and culture will help us target prevention and treatment initiatives for first nations women.

I would just add that GBA approaches will be a key issue at the 2008 National Aboriginal Women's Summit, scheduled for this summer in Yellowknife. We see the issue of gender balance as critical, as it will assist all of us in creating a more just and humane society, not only for first nations, but for all Canadians.

Thank you.

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

If I give each round six minutes—and you can decide how you want to share it—we'll have 24 minutes at our disposal.

Ms. Neville, are you...?

Hon. Anita Neville: Ms. Minna has a question, and then I have one.

Hon. Maria Minna: Thank you.

Thank you for coming, and welcome. It is good to see you, and good luck with your cold. It's no fun.

I want to ask you one brief question. I agree with what you've said; there's no question that culture is a very important part. We've been talking here about culture and history and traditions of not only first nations people, but also of immigrant and visible minority communities in our country.

From what you've told us, Government of Canada policy is obviously not addressing the GBA properly. I wanted to ask you if you can give us some examples of any specific GBA procedures being applied within the AFN or within programs within first nations as good examples to follow.

•(1015)

Ms. Marie Frawley-Henry (Senior Policy Analyst, Assembly of First Nations): Good morning. My name is Marie Frawley-Henry. I'm am the senior policy individual at the Assembly of First Nations.

I just wanted to comment on that. We've had training within the Assembly of First Nations; as our chair, Kathleen McHugh, has mentioned, we do not have the resources. We do not have the key resources to actually implement this in any full scale. We're looking for opportunities to do that, but we have done initial training with our CEO's office, our national chief's office, key policy individuals,

and other interested staff. We've taken those key initial steps to advance this work, but we need to have key resources to move this, not only within the Assembly of First Nations to be a leadership role but also to our regions and to first nation communities, and to pilot and test these to get adequate markers to proceed.

Hon. Maria Minna: Thank you.

Hon. Anita Neville: Thank you both very much for coming today. I'm intrigued with what you're doing, and I commend you on it.

There have been a number of both initiatives and lack of initiatives by this government that affect aboriginal women. I'm interested in knowing how your GBA process would intersect with the federal government legislation—and perhaps provincial, but we're talking about the federal legislation.

How would you have brought forward your GBA on Bill C-21, on MRP, on the budget bill, and perhaps even on the Speech from the Throne? How would the processes work?

Ms. Kathleen McHugh: I think the work the Assembly of First Nations has done as far as the GBA would have been very instrumental in providing information that would have changed the legislation that was handed down.

In the case of the matrimonial real property, I think it would have been very beneficial in the consultations that took place in the regions if the women had been heard and the recommendations from the first nations women had been included in the decision.

Hon. Anita Neville: But many of the recommendations from the women in the field were incorporated into the special commissioner's report. Those recommendations were not incorporated into the legislation.

Again, I'm interested to know about the intersection. Would it be after the legislation? Would you like to be part of the drafting of the legislation? I'm told the commissioner herself was not always listened to in the drafting of the legislation on MRP. Where would you be on it?

Ms. Marie Frawley-Henry: If I could add to that, the Assembly of First Nations, as Kathleen indicated, has developed a framework. That framework is a starting point, but we certainly need to expand on it. It provides certain key questions. We've developed a set of questions that are more culturally relevant and that in an analysis or any legislation or any of these kinds of processes would be key and instrumental in ensuring that this GBA lens is applied. Then we'd have the monitoring and tracking and all of these other processes as well.

Hon. Anita Neville: I'm citing legislation that's specific to aboriginal people: Bill C-21 and the MRP legislation. Are you suggesting that your culturally based gender-based analysis be applied to all legislation? Would you have the capacity, should it be incorporated into government?

Ms. Marie Frawley-Henry: We certainly don't have the capacity right now, but this obviously is the plan. This is why we want to share this plan with all federal departments, and with all governments. We want to present to many of these committees, and future committees, so that these messages and these steps can be incorporated and there is a clear, culturally relevant gender plan, and that policy-making affects all future legislation.

• (1020)

The Chair: Thank you.

Mr. Stanton, for six minutes.

Mr. Bruce Stanton (Simcoe North, CPC): Thank you, Madam Chair.

Good morning. I'm delighted to have you here, albeit for a short time. This is a very important subject.

I have a couple of quick questions. I had the chance, by the way, to read your draft framework dated March 2007. It indicates that at the time it was before the AFN assembly for adoption. What's the status of it now? I know it was adopted by the executive and supported by your council. Has it been adopted?

Ms. Kathleen McHugh: We have been working on this GBA since 2004. In March 2007 there was a special chiefs assembly in Gatineau. The presentation was made before the chiefs of Canada. They fully supported the GBA concept and approved it by way of resolution.

So it has been adopted by the chiefs of Canada. It's very strongly supported by the majority of the chiefs.

Mr. Bruce Stanton: In its form that we have here?

Ms. Kathleen McHugh: Yes.

Mr. Bruce Stanton: Okay, excellent.

Just so I understand, there's another group that represents native women, the Native Women's Association. Do both your associations work in concert? What is the distinction between the two?

Ms. Kathleen McHugh: There are several aboriginal women's groups in Canada. The Native Women's Association of Canada is one of them. We have the Métis National Council of Women. We work with each of the women's organizations to ensure that our voices are heard. And we have worked together. We've done presentations on our GBA to other women's organizations.

Mr. Bruce Stanton: So they're in concert with the themes that you're presenting.

Ms. Kathleen McHugh: Yes, they're well aware of the work we've done.

Mr. Bruce Stanton: Excellent.

So your women's council is specifically for first nations. On the matrimonial real property question, I appreciate your remarks this morning about that. I understand there were fairly extensive

consultations conducted on behalf of the government by an independent panel that was charged with that responsibility.

What is the AFN's overall position on the matrimonial real property question? In other words, is that consistent with the Assembly of First Nations position?

Ms. Kathleen McHugh: Yes, it is.

Mr. Bruce Stanton: There were some inconsistencies. Did you feel it didn't go far enough?

Ms. Kathleen McHugh: There were several inconsistencies to the whole process. For example, the consultation process did not take into consideration the recommendations by the first nations women in the various regions, and because of our relationship with the federal government we felt that pushing our issues with the provincial government would do no justice to our first nations women.

Mr. Bruce Stanton: I can imagine that when a consultation is undertaken and stakeholder opinions are sought, sometimes the recommendations don't necessarily—and can't, in a reasonable sense—accommodate every perspective that is shared with the panel. But that said, does it still not represent an improvement to what you had in the previous regime?

Ms. Kathleen McHugh: No, it doesn't. The way the current MRP bill was presented does not support the—

Mr. Bruce Stanton: There's no improvement at all?

Ms. Kathleen McHugh: No.

Mr. Bruce Stanton: Okay.

That's all I have, Madam Chair.

The Chair: You have one minute, if anybody wants it from your side. If you don't, then I would appreciate moving to the other side.

Mr. Bruce Stanton: Okay, I know we're short of time.

Thank you, Madam Chair.

The Chair: Thank you.

Madame Demers.

[Translation]

Ms. Nicole Demers: Thank you for being here this morning, ladies.

Ms. McHugh, you talked about your balanced approach, the framework you have developed to ensure that you put tools in place for helping first nations women have greater autonomy and better economic security. For some years, the Department of Indian Affairs and Northern Development, like all departments, has been supposed to use and introduce the gender-based budget approach in new programs and in new measures and policies that are developed. You have developed an approach that is specific to your needs and the needs of your communities.

Have you submitted it to the Department of Indian Affairs and Northern Development? Does it take it into account in its new policies and new measures? Have anyone asked to consult you so that this new approach can be taken into account? If not, can you explain why?

Ms. Frawley-Henry said that you needed resources to achieve the various objectives you have adopted. Have you thought about applying your women's programs? This year, one of the goals and objectives is to promote equality. I think that projects can be submitted starting in August. Certainly you will get assistance for setting up your program.

• (1025)

[English]

Ms. Marie Frawley-Henry: Thank you for your question.

If I could answer that, yes, the Department of Indian Affairs does have a GBA unit. We are in the early process of presenting our framework, so that's an opportunity. As I indicated earlier, we certainly want to share our framework and to meet with various departments. Actually, we're meeting today with Health Canada.

We've also met with Status of Women Canada. We worked with Status of Women Canada in preparing our framework. We've also submitted to the community fund of Status of Women Canada without success, so we're hoping that we can have an opportunity to secure funding. As we indicated, we have not been able to secure funds to date.

So we're looking at Health Canada. We're looking to meet them. We know that Health Canada is a huge area—

[Translation]

Ms. Nicole Demers: I'm sorry to interrupt you, Ms. Frawley-Henry, but we don't have a lot of time.

What was the reason for Status of Women Canada's refusal? Its mission is implicitly to help women achieve equality and autonomy.

[English]

Ms. Marie Frawley-Henry: Basically the reason they refused our proposal to date—and there is an opportunity to apply again—is that they wanted to see more long-term outcomes of how this would impact on first nations women in specific communities. We want to test this in pilot communities, but they wanted to ensure there would be more outcomes in this area.

We're hoping to get back to the table and that nothing interferes with this process in the meantime.

The Chair: One more question? If you don't have one, then I can use the time.

[Translation]

Ms. Johanne Deschamps: Based on what you have established from your cultural perspective, to achieve equality between men and women in your communities, what would you advise us to do? You see what we are trying to do here. What changes would you suggest so that we could implement a policy that would be consistent with the kind of access that the women in this Parliament are trying to achieve?

[English]

Ms. Kathleen McHugh: I think the whole point of our culturally relevant GBA is to ensure that it's not about equality but about balance.

When we talk about the roles of our men and women in our communities, prior to European contact the roles were very specific

and complemented each other. Through the various laws that have been imposed upon our people, that has changed to the detriment of our women and our children.

Now we are bringing this educational tool to our young people to teach them the roles of the men and the women. It's not about equality; it's not a male-bashing concept, but it's a very, very important document that will go far in educating our young people about the role of the male and the female in the communities.

• (1030)

[Translation]

The Chair: Thank you.

[English]

Ms. Mathysen, you have a question—and then I'll give you one minute to finish that off.

Mrs. Irene Mathysen: Thank you.

I'm delighted that you're here. I appreciate that you are bringing this important lens to our discussions about GBA

On Tuesday night the House of Commons passed a motion that recommended that the government endorse the UN Declaration on the Rights of Indigenous Peoples. I think you've been very clear here today that Bill C-47, the matrimonial real property legislation, just doesn't provide the remedy that women and communities need. In that debate on Tuesday, the government was very specific that we don't need the UN declaration because we have legislation on matrimonial property rights, and they cited a whole list of things they had done to date in terms of supporting first nations women and first nations communities.

Do the things that the government has done to date in fact approach the same principles as the UN declaration? Are you pleased that Parliament has now passed this motion and indicated that we should move ahead on it?

Ms. Kathleen McHugh: I think we're very pleased that the document has been approved by Parliament. But again, going back to matrimonial real property, as far as we're concerned, it doesn't provide fairness in the issue of a marriage failure. Because the lands we live on are communal lands and they're not individually owned, there is no way that property can be divided between a man and a woman. On those issues we're governed by totally different legislation.

Mrs. Irene Mathysen: Have you done your own gender-based and culturally sensitive analysis of Bill C-47? If so, have you presented that to government and said this is the direction we need to take?

Ms. Kathleen McHugh: I know the Assembly of First Nations has done presentations to the federal government.

Mrs. Irene Mathysen: So we're still hopeful that—

Ms. Kathleen McHugh: We haven't done one on the GBA specifically.

Mrs. Irene Mathysen: Recently—actually about the same time as the 2008 federal budget—the Canadian Centre for Policy Alternatives brought forth its own alternative budget. In that a gender analysis was conducted on the aboriginal peoples chapter. Have you seen it? Could you comment on it? Is this something you think the federal government should use as a model for future budgets?

Ms. Marie Frawley-Henry: I know our office has taken a look at it in terms of a policy, and we've had input into that, but I can't say we've had input into the whole context.

Your latter part of the question was whether government could use some parts of that?

Mrs. Irene Mathysen: Yes, as a model.

Ms. Marie Frawley-Henry: We certainly want to add to that; it needs to have more of that cultural component. But it certainly serves to move some of these issues forward at this point.

•(1035)

The Chair: Ms. Mathysen, are you done?

Mrs. Irene Mathysen: I'm going to squeeze in a little more.

So today you're going to Health Canada to have discussions that you hope are fruitful. Is there any plan to see other ministries? The determinants of health are really housing and the reality of violence against women. Is there any plan to pursue those in terms of seeking to improve the health of first nations women?

Ms. Marie Frawley-Henry: Yes. Kathleen mentioned earlier that we are involved in areas of the National Aboriginal Women's Summit that look at key issues impacting on aboriginal women in Canada. Throughout this summit there will be various provinces at the table. We're looking at GBA, lands. We're looking at violence against women.

We're looking at those areas, but again, we need to do more work. We need more capacity to do this kind of work, to present at varying committees and meet with various ministers. We've sent our more comprehensive proposal, accompanied by our framework, to some of the ministers. It outlines a budget, and it outlines further steps for a more enhanced culturally relevant gender-based analysis.

The Chair: Thank you.

Ms. Boucher, a very quick question.

[*Translation*]

Mrs. Sylvie Boucher: Thank you for being here.

I recently met with some first nations women's groups who told me that they were trying to do things — regardless of the government in power; unfortunately, nothing is perfect in the best of all possible worlds — but they were having problems even within their own communities. They said that your chiefs were impediments to progress for women.

Is that true?

[*English*]

Ms. Kathleen McHugh: In reality, I suppose there's the odd person, or the odd male, who's not in support. We are very confident of the support we have from the chiefs of Canada because the Assembly of First Nations is the largest first nations organization, and when the chiefs unanimously supported the gender balance analysis framework that we had presented, we knew we had the support of the majority of the males. I'm sure that in each community there are discrepancies, but when they come together as one group, we have their support.

Mrs. Sylvie Boucher: Thank you very much.

The Chair: Thank you very much.

I'd just like to let the committee know that the presentation and your plan arrived to the clerk last night, so it's under translation and you will get it. I was going to ask you for the plan.

I'm going to suspend the meeting for half a minute. Ms. Davidson is taking over and you will be doing your motions.

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_____ (Pause) _____

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•(1040)

The Vice-Chair (Mrs. Patricia Davidson): I call the meeting back to order. We still have a fair amount of committee business to finish, so we need to get at it.

Please go ahead, Ms. Minna.

Hon. Maria Minna: Thank you, Madam Chair.

I'll go back to the two motions I presented and had deferred at the last couple of meetings. The first one deals with the commissioner; it is that the government appoint an independent commissioner for gender budgeting analysis. Do I need to read the whole of it into the record?

The Vice-Chair (Mrs. Patricia Davidson): I think everybody has a copy of it.

Hon. Maria Minna: Everybody has a copy. Okay.

What I want to say in connection with this is that the reason I'm saying “independent” and not tying it to the Auditor General is that I thought from the start that it ought to have independence. After listening to the Auditor General this morning and to the expert panel earlier this week, I think it's quite obvious. The expert panel, which had done a great deal of research and study and consultations, have advised that it should be an independent office because it would have a broader reach and an ability to actually oversee and analyze and go in and look at policy directions of government, as well as be a bit of an advocate, I suppose. The Auditor General herself also said this morning that a commissioner working through her office would be limited primarily to evaluating after the fact and would not really be part of the overall process.

I think it's important because there are six officers reporting to Parliament now and women in this country make up 51% of the population. It affects more than women, actually, because GBA is about more than just women; it's about all the population, and the commissioner's office ought to have the strength and powers required to report to Parliament directly. I have neglected to say that the commissioner would report to Parliament; I think it's understood, but if anyone wants to put that in, that's fine.

The Vice-Chair (Mrs. Patricia Davidson): Are there any questions or comments?

Go ahead, Mr. Pearson.

Mr. Glen Pearson: I'm wondering if I can propose a small amendment. I don't know if Ms. Minna is open to that, but I don't think it's just about budgetary policies.

I would like to suggest that we broaden it just a tad to say “that the government appoint an independent commissioner for gender budgeting analysis immediately, to conduct a gender budget analysis of government policies, including budget policies”.

Hon. Maria Minna: That's fine. It doesn't change the intent.

The Vice-Chair (Mrs. Patricia Davidson): Do you accept that as a friendly amendment?

Hon. Maria Minna: Yes, I accept that. Thank you.

The Vice-Chair (Mrs. Patricia Davidson): Does everybody understand the wording that we're now discussing?

Hon. Maria Minna: Maybe Mr. Pearson can repeat it.

Mr. Glen Pearson: It is “that the government appoint an independent commissioner for gender budgeting analysis immediately, to conduct a gender budget analysis of government policies, including budget policies, and that the chair report the adoption of this motion to the House without delay”.

Hon. Maria Minna: I have no problem with that, Madam Chair.

The Vice-Chair (Mrs. Patricia Davidson): All right. Who do we have first?

Go ahead, Madame Boucher.

[*Translation*]

Mrs. Sylvie Boucher: There is something about this motion I want to understand. I may be having a hard time following, today. Do we know what it will cost, and for how many people? We talked about the commissioner, but Ms. Fraser said earlier that it might go farther than that. When you are talking about an independent commissioner, is this a commissioner like the Commissioner of Official Languages? That is what I understand from the motion.

[*English*]

Hon. Maria Minna: Yes, it would be similar in scope. In fact my other motion, which we will be dealing with afterwards, I hope, also deals with the act, so the commissioner would in fact be working with a specific act that he or she would be responsible to administer.

[*Translation*]

Mrs. Sylvie Boucher: I have one more point to raise. Two or three weeks ago I wondered why this motion would not become a recommendation to be included in our final report. It seems to me that if we want it to have some effect, it would be much more

appropriate to make it a recommendation in our report than to make it a motion. I am just trying to understand. When I read it, I thought at first that it was a recommendation for our report. It seems to me that we should make it a recommendation in our report.

•(1045)

[*English*]

Hon. Maria Minna: Madam Chair, I appreciate the member's comments with respect to this matter. If I recall the last time we were doing a report—a report on trafficking—a number of motions came forward from members on the government side and from other members prior to the report's being finalized.

I have to be honest; given the insecurity, if you like, of this Parliament, I was hoping to at least get what I consider to be the core and the essence of gender-based analysis back to the House as early as possible. Of course, these motions were due.... Obviously these motions can and should be incorporated into the final budget if the committee so wishes at the time. I would hope they would be—

The Vice-Chair (Mrs. Patricia Davidson): In the final report.

Hon. Maria Minna: —in the final report, and could be reinstated, obviously. There were motions in previous reports when people around the committee felt quite.... This is not a precedent. Given the time and given the insecurity of our parliamentary system these days, I thought it would be wise to at least have some indicators go back to the House.

The Vice-Chair (Mrs. Patricia Davidson): We're going to move on.

Go ahead, Madam Mathysen.

Mrs. Irene Mathysen: Thank you, Madam Chair.

I'm wondering if I could make an addition to the motion with—

The Vice-Chair (Mrs. Patricia Davidson): Are you proposing another amendment?

Mrs. Irene Mathysen: Yes; it's an addition, yes. At the end of the initial motion, after the word “delay”, add:

and the committee recommends that the Auditor General conduct an audit to review Canada's implementation of GBA using the 1995 federal plan for gender equality as a guide.

The Vice-Chair (Mrs. Patricia Davidson): I'm not going to accept that as an addition to a motion. That's a separate motion, and if you wish to put that forward as a notice of motion, that's fine. We can deal with that at another meeting.

Mrs. Irene Mathysen: Okay.

The Vice-Chair (Mrs. Patricia Davidson): Is there any other discussion on the motion before us?

Go ahead, Mr. Stanton.

Mr. Bruce Stanton: Thank you, Madam Chair.

I'm exploring the direction of this, and I'm sorry I missed Madam Minna's initial comments.

Considering that we haven't finalized our study on gender-based analysis and gender budgeting, that overlay, certainly this is the kind of recommendation that would come in the form of a report. I sense from Madam Minna's comments that because of the frailty of our existing Parliament, we want to jump the queue here a little bit and try to get this out in play, and perhaps that's not such a bad strategy. One never knows.

By the way, I've stopped guessing on when that might happen. To be honest—

Hon. Maria Minna: So have I. I just want to play it safe all the time.

Mr. Bruce Stanton: It's to the point that we're just going to move on until we see what happens.

Really, there have been a number of good proposals and suggestions. We heard another direction here this morning about how to improve and how to enshrine the culture of GBA into our policies and decisions. I'm not necessarily speaking for or against this specific idea; I'm just saying we need to look at it in the full context of our ultimate report. I'm just suggesting this might better be left until we finish up.

I see from our work study plan that we're looking at moving on to other business beyond May. I know initially this gender-based budgeting work plan had us going right into June, but I sense from the proposals that have come forward that if we are going to move on to other work vis-à-vis the action plan and begin work on that, we might be wrapping up this gender budgeting study earlier. Certainly members are well able to incorporate these kinds of recommendations into that report.

That was my only thought and suggestion on it.

The Vice-Chair (Mrs. Patricia Davidson): Are there further comments on the motion?

Ms. Minna, would you like to make a closing comment before I call the motion?

Hon. Maria Minna: I have a couple of comments.

There was a side question, and I might as well deal with it directly. There was some concern earlier on the part of some members that this may be considered a confidence motion because it mentions the budget process. I don't believe it is. It's talking about the government appointing a commissioner. It's not about voting on the budget. It's about getting a commissioner—and that would take some time—whose mandate would be to analyze government policies with GBA in mind, and also the pre- and post-budgetary processes. It doesn't affect the current budget. It's not a confidence issue. It's giving a commissioner the ability to evaluate and then report to the House whether he or she believes a gender-based analysis has been done, or is being done in the general planning of the government, and where we're failing. So it's not really about the budgets per se.

•(1050)

The Vice-Chair (Mrs. Patricia Davidson): Ms. Demers, do you have a comment?

[Translation]

Ms. Nicole Demers: Excuse me, Madam Chair.

That is indeed one of my concerns. We are ready for an election. In fact, we have been for a long time. I really hope that we will pass this motion, but I want to be sure that the government will not use this pretext to turn the motion into a confidence vote. If the government fell, it would die on the order paper. I want to be sure that things will not go that way no matter what.

If we have to appoint an independent commissioner right now, that involves money that does not appear in the 2008 budget. In that case, the government is going to have to release funds. That is the only question I am wondering about. I would like to get an answer to that question before voting. I am going to vote for the motion, but I want to be sure that it won't be just wishful thinking.

[English]

The Vice-Chair (Mrs. Patricia Davidson): I'm not sure there's anybody here today who can give you that hundred percent assurance, is there?

[Translation]

Ms. Nicole Demers: I don't know, Madam Chair. I think it would be logical to ask our analysts whether the motion has an impact on the budget. If so, it could be made into a confidence vote.

[English]

Hon. Maria Minna: Madam Chair, may I make a suggestion?

The Vice-Chair (Mrs. Patricia Davidson): Yes, Ms. Minna, and then we'll ask the researchers for a statement.

Hon. Maria Minna: Do you want to hear from them first?

The Vice-Chair (Mrs. Patricia Davidson): Okay.

The researcher is telling me that based on what the Auditor General said here this morning, resources have to be dedicated to this position.

Hon. Maria Minna: But that would be post-budget.

In any case, Madam Chair, to accommodate our colleagues—I don't intend to not accommodate them—and in the spirit of cooperation, I understand that Madame Demers may wish to check with her researchers, and her leadership. And that's fine.

Would the committee agree to have this at the top of the agenda on Tuesday morning?

The Vice-Chair (Mrs. Patricia Davidson): Does the committee agree to defer it to the top of the agenda on Tuesday morning?

Some hon. members: Agreed.

The Vice-Chair (Mrs. Patricia Davidson): The other thing we apparently have an issue with is the French translation. That will be clarified, and we'll bring that up on Tuesday.

Will we deal with your other motion on Tuesday as well?

Hon. Maria Minna: No, I think we can deal with that one now, Madam Chair.

The Vice-Chair (Mrs. Patricia Davidson): Continue with the second motion then, please.

Hon. Maria Minna: Thank you.

The second motion is as follows:

That the government introduce gender analysis legislation as recommended in the 2005 final report by the Expert Panel on Accountability Mechanisms for Gender Equality, entitled "Equality for Women: Beyond the Illusion", and that the Chair report the adoption of this motion to the House without delay.

The Vice-Chair (Mrs. Patricia Davidson): Are there any comments?

Madame Boucher.

[Translation]

Mrs. Sylvie Boucher: Is this motion a response to the Liberals' report? In 2005, it was the Liberals who were in power.

[English]

The Vice-Chair (Mrs. Patricia Davidson): It was the report from the committee.

[Translation]

Mrs. Sylvie Boucher: Right. So it would be a response to that report.

[English]

I feel like.... Okay.

•(1055)

The Vice-Chair (Mrs. Patricia Davidson): Are there further questions or comments? If not, we will be calling the vote.

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

The Vice-Chair (Mrs. Patricia Davidson): We do have a couple of other items of business we must deal with before we adjourn this morning.

Everybody is to be reminded of the special meeting on Monday with the German delegation. It is to be held in Room 214, Wellington Building, from 3:30 until 5:00. I think everybody received notice of that meeting.

I have a note here from the chair on a proposed motion that the committee be authorized to purchase gifts to be presented to foreign delegations visiting Ottawa. Do you wish to add anything to that?

Ms. Erica Pereira (Procedural Clerk): Chair, basically what happens is that you need this motion to get the budget to buy the gifts. Each committee has a \$1,200 hospitality fund for the year. You won't have to use the entire amount.

The Vice-Chair (Mrs. Patricia Davidson): So the dollars are there, but we need the motion to release the money.

It is moved by Madam Minna and seconded by Madame Boucher.

[Translation]

Ms. Nicole Demers: Madam Chair, I would like to ask an ad hoc question about this. You say that we have a budget of \$1,200 a year for buying gifts. We have never used it. Can we combine the unused amounts to go to Yellowknife for the National Aboriginal Women's Summit? We should think about that.

[English]

The Vice-Chair (Mrs. Patricia Davidson): I think that if you wish to move a motion to travel, we can discuss it at another meeting.

[Translation]

Ms. Nicole Demers: No, it would be to use the unspent money for travel.

Ms. Johanne Deschamps: It might be recognized that we have been pretty economical.

[English]

The Vice-Chair (Mrs. Patricia Davidson): I'm not sure that's allowed.

We haven't yet voted on this motion to access the funds.

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

The Vice-Chair (Mrs. Patricia Davidson): The chair has written me some other notes.

There is a reminder that the Auditor General is going to mull over GBA and see how her department can move forward with it. There is also a note to state that we have supplied the finance department with the blues on the testimony that took place the other day from the last couple of meetings, so they will have those before they appear before us at the next meeting. Also, the questions that are compiled for the committee will be distributed on Monday for your Tuesday meeting.

On May 1, I believe we don't have anything on the schedule. It says gender-based analysis training. That's what is on our work plan, and the commissioner can come on May 1 if the committee wants that regarding the GBA training—no, it's the Commissioner of Official Languages, instead of the GBA training. It's to see how that commissioner operates. Do you wish to have that commissioner, the official languages commissioner, here on May 1?

Mrs. Sylvie Boucher: Why?

The Vice-Chair (Mrs. Patricia Davidson): It's to see how that commissioner operates and works. Are we agreed?

[Translation]

Ms. Nicole Demers: Madam Chair, I would like to know how the Commissioner of Official Languages works, but I also want the report to be done after our meetings have moved forward. We are talking about May 1. We leave for the summer in June. We have heard a number of witnesses, and I think we are starting to get a good handle on the subject. The fact that some witnesses are starting to report and comment on what other witnesses have said may tell us that there has been enough testimony.

[English]

The Vice-Chair (Mrs. Patricia Davidson): I believe that on May 1 we're going to be dealing with a summary of the evidence as well. That's on our work plan. The final report is May 27, but the summary of evidence is on May 1.

Is that satisfactory?

•(1100)

Hon. Maria Minna: Is there any chance of bringing forward the summary of evidence when we come back, during the week after the break?

The Vice-Chair (Mrs. Patricia Davidson): We have main estimates on the Tuesday when we come back.

Hon. Maria Minna: I see.

The Vice-Chair (Mrs. Patricia Davidson): The analyst has just said that we can move the report up and not have a summary of evidence, if that would be satisfactory to the committee.

Hon. Maria Minna: I think it might be worth while to see the draft report and go from there.

The Vice-Chair (Mrs. Patricia Davidson): Madame Boucher.

We're going to cut this off in a minute.

[*Translation*]

Mrs. Sylvie Boucher: The Chair had sent us a memo about the action plan.

[*English*]

Hon. Maria Minna: I understand that, but I'm just trying to bring things forward. I would like to get this finished.

The Vice-Chair (Mrs. Patricia Davidson): We're going to do committee business at the beginning of the next meeting. We will ask that the motion from the chair regarding the action plan be placed in committee business at the beginning of the next meeting.

This meeting is adjourned.

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