



PART 5/5

**An Act respecting First Nations,
Inuit, and Métis Children, Youth and Families
Does Bill C-92 Make the Grade?**

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Yellowhead Institute generates critical policy perspectives in support of First Nation jurisdiction.

The Institute is a First Nation-led research centre based in the Faculty of Arts at Ryerson University in Toronto, Ontario. Privileging First Nation philosophy and rooted in community networks, Yellowhead is focused on policies related to land and governance. The Institute offers critical and accessible resources for communities in their pursuit of self-determination. It also aims to foster education and dialogue on First Nation governance across fields of study, between the University and the wider community, and among Indigenous peoples and Canadians.

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Part 5 of a five-part series on Bill C-92, An Act Respecting First Nations, Inuit and Métis Children, Youth and Families. *Does Bill C-92 Make the Grade?*, featured on www.yellowheadinstitute.org

Authors

Naomi Walqwan Metallic is a Migmaq lawyer, Assistant Professor and holds the Chancellor's Chair in Aboriginal Law and Policy.

Hadley Friedland, Assistant Professor, University of Alberta Faculty of Law.

Aimée Craft is an Anishinaabe/Métis lawyer from Treaty One in Manitoba and an Assistant Professor at the University of Ottawa Faculty of Law.

Sarah Morales, *Su-taxwiye*, is Coast Salish and an Associate Professor at the University of Victoria, Faculty of Law.

Jeffery Hewitt is mixed descent Cree and Assistant Professor, Faculty of Law, University of Windsor.

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5. DATA COLLECTION & REPORTING

Why is this Important?

DATA COLLECTION CAN PLAY AN IMPORTANT ROLE

in holding governments accountable, allowing for measurements and assessment of government commitments. Effective data collection can also point to improvements that can be made in implementation of legislation.

It was noted in the *First Nation Caring Society* decision that Canada has a track record of not measuring whether the essential services it provides to First Nations is comparable to services to similar provincial services, despite that being the government's stated objective in its policies. The Auditor General of Canada has also called on Canada, on several occasions, to collect this data. Canada's failure to do so has allowed underfunding of child and family services to go on largely unnoticed for over a decade (though it was of course felt in communities).

This presents a strong argument that obligations to collect data should be set out in legislation (and therefore be enforceable).

In this regard, TRC Call to Action #2 called upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Indigenous children (First Nations, Inuit, and Métis) who are in care, compared with non-Indigenous children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.

The *Gowlings/CSFS draft* recommended that the independent Caring Society Institute be charged collecting and managing all data and maintaining all records necessary for administering and publishing annual reports (ss. 17, 29(i), 31). Peoples themselves is the most principled and logical way to address this practical gap.

Why We Give the Bill a 'D' on this:

There is no binding obligation on Canada, or any other body, to collect and publish of the kinds of data identified by the TRC in Bill C-92. Instead, the responsible federal Minister acting under the bill has a discretionary power to collect and disclose information (s. 27). This may include collection and disclosure to "support improvement of CFS services" (s. 28(b)), but this is not mandated.

What is Missing:

Canada's record on the collection and publishing data on child welfare and other essential service delivery suggests that, if given the choice to do this, it won't.

Therefore, Bill C-92 failure to mandate collection and publication of data along the lines of TRC Call to Action #2 is another missed opportunity to ensure greater accountability and transparency.

Although we recognize that there could be some privacy issues involved in the collection and disclosure of such data, generally, the type of information that would be published for public accountability purposes (like the Census) would be anonymized and displayed in aggregated. Thus, we fail to see how such privacy concerns should act as a barrier to collection and publication of such important information.