



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Aboriginal Affairs and Northern Development**

---

AANO • NUMBER 024 • 1st SESSION • 41st PARLIAMENT

---

**EVIDENCE**

**Thursday, February 16, 2012**

**Chair**

**Mr. Chris Warkentin**



# Standing Committee on Aboriginal Affairs and Northern Development

Thursday, February 16, 2012

• (1535)

[English]

**The Chair (Mr. Chris Warkentin (Peace River, CPC)):** Colleagues, I'm going to call this 24th meeting of the Standing Committee on Aboriginal Affairs and Northern Development to order.

Today we are hearing witnesses as we continue our study on land use and sustainable economic development.

We have three witnesses, as you can see, before us today. We have witnesses from the Atlantic Policy Congress of the First Nations, represented by Mr. Paul. We have the Mohawks of the Bay of Quinte, represented by Chief Maracle, as well as Mr. Kring.

Thank you so much for being here. We appreciate what you're going to bring.

Today we'll ask you to begin with opening statements. We'll start with you, Mr. Paul. We'll give you approximately ten minutes. Then we'll have Chief Maracle give his opening presentation, and then we will begin with the rounds of questions.

Mr. Paul, we'll turn it over to you.

**Mr. John Paul (Executive Director, Atlantic Policy Congress of First Nations Chiefs Secretariat):** Thank you, Mr. Chair.

I speak to you today from a position of great potential and opportunity for our communities in Atlantic Canada and the 38 communities who are members of our organization.

As a policy research advocacy organization, we have worked closely with our communities, the economic development officers in communities, and others in the communities since 2005 to develop and implement measures that support the key goals of our chiefs' economic development strategy.

The chiefs' Atlantic aboriginal business strategy has several key objectives. First is to increase property and resource development of lands for all of our first nation communities. Second is to promote and support aboriginal business. Third is to promote an educated and skilled workforce. And fourth is to document progress and results over time for the first nations.

Our first nation communities are ready to make their full contribution to the economic future of our country. We believe that the future of the entire Canadian economy and the economy of Atlantic Canada are directly tied to the essential role of our first nations people. But to take our place in the economic future of the country and our region, we need fundamental change and economic

reform, led by first nation leadership and our aboriginal business community. These various changes are needed to empower our young people. And they will allow us to move away from a learned mindset of dependence to economic independence and self-reliance.

First nation government leaders must continue to be strong, accountable, and transparent in all efforts in economic development. A key element of development is additional access and use of lands for economic benefit, both on and off reserve. We now have in front of us a great opportunity. Aboriginal youth are the fastest growing population in Canada. In Atlantic Canada, the first nation population is expected to continue to grow by at least 25% over the next 12 years, specifically among those aged 25 to 44.

As the private sector, governments, and each province search for human resources, our communities must be ready to provide a highly skilled and educated supply of people to join the workforce in every sector. We need to start early to provide our children with a solid foundation at home and at school. Learning must be grounded in our cultural values, traditions, and languages to ensure that children grow into youth and adults who become contributors to our society and future leaders who can make tangible improvements for all our people. We need to provide our youth with the required support to choose training programs and post-secondary education that will help them take their place in Atlantic Canada's growing economy.

Our Atlantic aboriginal economic development integrated research program, one of the activities we do, was created to improve the knowledge base of aboriginal economic development to improve the lives of aboriginal people in the region. It was formed through a partnership between our organization, the Nunatsiavut government of the Labrador Inuit, and 12 universities in Atlantic Canada. The research we do is relevant to the Atlantic aboriginal communities and the organization, and it is done using community-based, participatory research methods.

An MOU with the universities to support this collaborative partnership and the development of aboriginal research capacity in economic development has been in place for a number of years. This approach is unique in Canada. It's our sixth year of operation. The AAEDIRP continues to provide evidence-based research to support decision-making on economic development in the Atlantic region. Broader issues related to economic development have also been explored. They include education and lifelong learning and how these support economic development; the link between one's aboriginal language and education and employment success; and indigenous knowledge and the role of elders in economic development and research.

The research projects all enhance aboriginal capacity-building efforts, provide much needed baseline data, and bring together Atlantic Canada literature on aboriginal economic development. An Internet database on aboriginal economic development resources from across the region, for use by communities, governments, and researchers, is also being created.

The AAEDIRP has begun its sixth year and continues to support community-based research with the communities and university partners. The research projects enhance our capacity and develop a useful database of economic development research that is used by communities, practitioners, and university researchers.

In Atlantic Canada, we have already made incremental improvements in education since 1988, especially in Nova Scotia, under the historic education sectoral self-government agreement. More first nations youth are doing better in class and staying in school longer. In fact, aboriginals' high school completion rates are among the highest in Canada.

Our youth are going on to higher education in universities and community colleges in ever-increasing numbers. In Atlantic Canada alone right now, we estimate that over 1,400 students are attending universities and community colleges. Education is a lifeline for our young people and a way for them to take their place in the world as proud Mi'kmaq, Maliseet, Passamaquoddy, and Innu peoples.

We must continue to do this good work. We can do that by working together.

Beyond education, we need to ensure that our young educated people have tools, skills, and access to opportunities. Megaprojects in our region, like Lower Churchill Falls in Newfoundland and Labrador and the federal shipbuilding contract awarded in Halifax, will require hundreds, if not thousands, of skilled workers over the next 30 to 40 years. These are ideal opportunities for first nations people if appropriate actions are taken early in the process.

A partnership focus must ensure that first nations youth connect and stay with training and have access to all these employment opportunities. Our first nations youth require supports for making the transition to an urban centre, which is often where the good jobs and opportunities exist. We need the solid outcome-based partnership at all levels of government, and with employers, first nations, and all employment and support agencies, to provide these needed supports.

We've seen very recently how successful this approach can be to produce results from ideas to permanent jobs. The Sydney tar ponds project in Cape Breton provided an innovative approach to create

real jobs and business opportunities for first nations. Mechanisms to facilitate this process have been under a collective structure called the Unama'ki Economic Benefits Office, which is a collaborative effort of five Cape Breton communities and now one mainland community.

Over 24 months, this project's efforts have produced \$71 million in contracts for aboriginal companies. The project has trained over 213 people and has led to over 60 permanent jobs.

The federal government, through Human Resources and Skills Development Canada, provided a multi-year investment in first nation capacity and leadership to support economic and business opportunities and targeted training for specific jobs and skills required for this project, with the support of first nations and research to identify and provide long-term supports to people before, during, and after training, and as they move through the career process, to ensure that those who participate become long-term, highly skilled, and exceptional employees.

However, to access these opportunities, our children and youth need support at the basic level. Our youth need positive programming to ensure that they grow up to be healthy, well-adjusted adults and do not face the serious challenges of addiction and suicide. We need them to have hope. Programming, services, and supports must empower our young people. There are serious gaps in youth programming at the community level. These gaps need to be fixed.

Our elders and seniors also need support, recognition, and programming so that our youth can continue to learn languages and cultural knowledge from them. There is an urgency to learn from the elders, as we are losing them very rapidly, day by day.

Promoting and supporting the transition from income assistance to real opportunities in the form of training, education, and employment is a very significant challenge. A collaborative partnership based on a first nations approach needs to be created in each regional centre in Atlantic Canada. This will ensure that efforts result in meaningful outcomes that produce opportunities for clients, for individuals, and for families. In order to accomplish this partnership, like the Unama'ki benefits model in Cape Breton mentioned earlier, this could be replicated throughout the region.

● (1540)

It is critical to everybody involved that real supports need to be provided to people. Actions taken need to be incremental to allow the steady transition for people from social assistance to employment to take place over time. Long-term targeted supports of at least one or two years are needed for every client. This will ensure that challenges faced by clients can be addressed and changes can be made in order to allow permanent entry into the labour market. This will increase the likelihood that these clients retain permanent employment over the long term and it becomes a career.

For lands, the recent addition of three first nations in the Atlantic region under the First Nations Land Management Act allows those first nations to move forward on plans to develop their lands regime based on the extensive experiences of other first nations in a manner consistent with their values and vision. It allows and supports further economic development opportunities and creates greater clarity around the lands required for various business arrangements and financing. This effort gives control to first nations communities themselves to develop and implement land regimes that work for the communities and allow real development opportunities.

We still have a great deal of work ahead of us, but by working together we know that our first nations youth are poised to succeed no matter what the barriers.

Thank you for your time today.

● (1545)

**The Chair:** Thank you, Mr. Paul.

Chief Maracle, we'll turn to you now for your submission. Then we'll have some questions for you.

**Chief R. Donald Maracle (Chief, Band No. 38, Mohawks of the Bay of Quinte):** *[Witness speaks in his native language]*

Good afternoon, everyone. Bonjour.

On behalf of the Mohawks of the Bay of Quinte, I would like to thank the Standing Committee on Aboriginal Affairs and Northern Development for the opportunity to make a presentation today on the topic of land use and sustainable economic development.

Today I am here to talk about the challenges that the Mohawks of the Bay of Quinte experience with respect to land and environmental management. I would first like to provide some background information about our first nation.

The Mohawks of the Bay of Quinte are part of the Mohawk Nation within the Six Nations Iroquois Confederacy. The Tyendinaga Mohawk territory is situated along the north shore of the Bay of Quinte and is currently 15 kilometres east of Belleville and 65 kilometres west of Kingston. Currently, the Tyendinaga Mohawk territory encompasses approximately 18,000 acres of land and roughly 20 kilometres of shoreline. Our total membership is 8,351 people, with approximately 2,125 members living on the reserve.

The establishment of the Tyendinaga Mohawk territory occurred at the end of the American Revolution, in recognition of our ancestors' military alliance with the British during the war. We were granted a tract of land, approximately 92,700 acres, roughly the size of a township, on the Bay of Quinte. The crown promised to protect

the land through a treaty, and in 1793 Lieutenant Governor John Graves Simcoe issued Treaty 3 1/2, or the Simcoe Deed.

In the 1990s, the Mohawks of the Bay of Quinte conducted research into an illegal land alienation referred to as the Culbertson Tract and submitted a claim to the specific claims branch in November 1995. The claim sought compensation for the wrongful alienation of the Culbertson Tract of land and the restoration of the lands to the Mohawks of the Bay of Quinte control. Canada accepted the claim and the Mohawks of the Bay of Quinte have been in negotiations regarding the Culbertson Tract since 2004. The claim is yet to be resolved and there are other potential claims relating to illegal land surrenders following the Culbertson transaction.

The Tyendinaga Mohawk territory is primarily a rural community that houses seven provincially significant wetlands, a nesting area for waterfowl, plants, and plants that provide habitat for a large number of aquatic organisms. There is also a nesting area for great blue herons, situated in the central part of the territory.

The geology consists of shallow bedrock with the presence of fractured limestone and shale, which is also prone to horizontal and vertical fracturing. This composition has a negative impact on water quality in community wells.

The Mohawks of the Bay of Quinte receive funding through the reserve land and environmental management program, RLEMP, which means that we manage our land under the Indian Act. RLEMP is formula-driven, based on land transactions, natural resource transactions, population, and the area of the reserve.

The current land tenure system employed is through the issuance of certificates of possession to individual registered members of the Mohawks of the Bay of Quinte. Communal land is also held by the Mohawks of the Bay of Quinte and controlled by the Mohawk Council, which has the authority to make decisions related to communal land for its use and allotment. The majority of the land, however—90% of it—is held by individuals with a certificate of possession, which is a limiting factor for future development.

The two fundamental issues that the Mohawks of the Bay of Quinte face with respect to land use and environmental management are adequate funding and environmental regulatory gaps for projects on reserve.

In Tyendinaga, development is hampered not only by the lack of sufficient program funding, but also by low development capability due to the limited communal land, by efforts to protect fragile ecosystems identified as significant, by the lack of access to potable water for both residential and commercial development, and the lack of a sufficient land base to benefit from land and natural resources.

Planning is crucial to community development. The land-use planning process must be comprehensive and take into consideration the community's need for the land through awareness and community engagement, commercial development, residential development, agricultural uses, recreational uses, and the traditional relationship that we have with the land, including acknowledging and fostering our responsibility for stewardship.

There are significant wetlands, plants, and animal species on Tyendinaga that need to be protected, while still meeting the identified community need for development. Such a plan will require new studies on environmental impacts and updates to past studies on hydrogeology and capital planning.

The cost for a meaningful land-use planning process far exceeds what may be available in funding from Aboriginal Affairs and Northern Development Canada. Tyendinaga Mohawk Council is forced to choose between undertaking the cost of this type of project or allocating resources to other programs and services established to improve the social determinants of health.

● (1550)

As mentioned, our membership is 8,351 people, and each of these members is entitled to live on the territory. The Mohawks of the Bay of Quinte is the ninth-largest membership among all first nations in Canada. The membership has had a significant growth following the implementation of both Bill C-31 and Bill C-3. However, our land base has remained the same, a land base that has eroded to less than a fifth of its original size outlined in the Simcoe Deed. The Culbertson Tract has never been surrendered, nor the claim settled, and we need the land to accommodate our population growth. With only 10% of the territory held in common, MBQ will have to develop a process or mechanisms to acquire land for development.

A significant portion of the communal land is comprised of wetlands and the Mohawk airport, which means low development capability. According to the MBQ's capital plan study in 2002, the Mohawks of the Bay Quinte do not hold enough land to accommodate growth beyond a certain threshold.

With regard to environmental regulations, section 88 of the Indian Act specifies that all provincial laws of general application are applicable to and in respect of Indians of that province. However, the courts oftentimes have excluded section 88's application to reserve lands and land use. This creates a gap between environmental regulations on reserve and off reserve.

As a whole, environmental regulations are divided between the federal and provincial governments with respect to off reserve land. Federal regulations that apply fall under the Canadian Environmental Protection Act 1999.

On reserve, provincial environmental regulations do not apply, but federal regulations do apply, including the first nations bylaws adopted pursuant to the Indian Act. The difficulty arises because the applicable regulations and bylaws do not necessarily address all aspects of the environmental issues that are subject to regulation off reserve, nor is there an adequate mechanism for enforcement.

This gap creates a negative environmental impact and potential health risk to first nations people living on reserve. Our experience with the provincial Ministry of the Environment and Environment Canada is that if a proposed project does not impact fish there are basically no options to prevent the destruction of ecologically sensitive areas or the protection of human health.

There are few restrictions for individual holders of certificates of possession in terms of how they use the resources on the land described in their certificate of possession. For example, an individual may harvest timber on the land described in their

certificate of possession with little regard to responsible and sustainable harvest. The only provision is that the timber is to be used on the reserve. Any restriction comes into effect when the individual tries to remove the timber from the reserve without ministerial approval under section 93 of the Indian Act.

Tyendinaga Mohawk Council has to be in position to pass and enforce band council resolutions to shut down operations if need be. There is no mechanism for this to occur. The Tyendinaga Mohawk Council can develop bylaws to address gaps in environmental regulations; however, the law must receive ministerial approval, which limits the scope of the bylaw making authority.

Once approved, the challenge becomes enforcing compliance. The Tyendinaga Police Service has the authority to enforce the bylaw and lay charges, but there is no prosecution mechanism within the local court system. The expectation is for MBQ to hire a federal prosecutor or federal justice of the peace to follow the process, which conflicts with competing interests for community financial resources.

Under the Indian Act, penalties are also minimal, and again require a federal representative for enforcement.

Along the same lines, if MBQ adopts provincial standards, the question or concern remains that the federal government will devolve its responsibilities directly to the community. Ultimately, whatever standards are adopted for environmental management, there is a need for the federal government to adequately resource the implementation and enforcement of the regulations.

With regard to consultation, under the duty to consult, proponents off reserve are required to consult with first nations communities prior to any development that will have an impact on first nations lands. Proponents are becoming more active in consulting first nations.

Unfortunately there is also a lack of resources to ensure meaningful participation in the consultation process. Adequate funding is required for the costs of research and professional environmental assessments, and interpretation services to review the proponents' environmental assessment reports.

The turnaround time is critical in this process, and without the security of funding, participation will simply be a gesture, at best. Some proponents exercise goodwill and provide a limited amount of funding for this process, but this is not a requirement under the duty to consult.

Lack of clear environmental regulations on reserve could also act as a deterrent for proponents. Without clarity on what regulations apply, economic development opportunities may be missed in the confusion.

The Mohawks of the Bay of Quinte incurred extremely high costs for environmental assessments when dealing with the closure of the Richmond landfill site. The financial resources required to participate were provided through reimbursement by Waste Management to the Mohawks of the Bay of Quinte after we waited for nearly ten years. Absence of this funding would have precluded MBQ's participation in the efforts to close the landfill.

● (1555)

There are no funds for environmental cleanup on past federal land. During the Second World War, the federal government established an airport on Tyendinaga Mohawk territory that served as a training facility. As a result, the area was contaminated, and there is no recourse except long protracted litigation to bring the federal government to task to complete an environmental cleanup of the area it damaged.

Turning to recommendations, our first is support for the development of guidelines for individual certificate of possession holders regarding land stewardship. The guidelines should be developed internally to foster a cultural approach to land-use planning and stewardship and respect the natural environment.

The second recommendation is to establish a central agency that is dedicated to enforce compliance with environmental laws. The central agency could develop regulations that serve to close the gap, ensuring a safe environment for on-reserve community members.

Third is to establish a protocol to ensure that land claim areas have a special designation and developers are informed of areas under dispute prior to purchasing or planning a project to develop land with disputed aboriginal title.

Fourth is to improve the bylaw enactment process for first nations to develop and enact bylaws that will protect the land base and environment. The federal government needs to support an improved process to ensure bylaws are enforceable and compliance is mandatory.

We'd also recommend that committees such as this one allow additional time for witnesses to this committee that will enable first nations leadership and relevant program staff to participate in preparing the presentation and allow time for translation services.

**The Chair:** Thank you very much, Chief.

We appreciate both of your opening statements.

We'll begin the questioning with Ms. Duncan, for seven minutes.

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Thank you very much.

Thank you, gentlemen, for appearing today. It is very important testimony, and we appreciate having that on the record.

We've heard a number of witnesses who have raised somewhat similar issues, but I have some questions first for Chief Maracle. Then I would like to talk to Mr. Paul about his very interesting perspective on the various economic developments.

Chief Maracle, you've raised the concern with the regulatory gap, and we've had other witnesses come to testify to that. I'm quite aware of that. In fact, I worked with first nations in Alberta for quite a few

years trying to address that gap. You essentially have two options. One is to provide greater powers to the first nations themselves to be able to regulate and enforce proper environmental and sustainable development rules on your lands, or possibly in the interim, which has been discussed by some witnesses, have the federal government finally step up to the plate and enact these long-awaited laws. Unfortunately, the provincial laws don't apply on your lands.

I wonder if you could speak a bit more to your concern. The issue also would be whether or not you had the capacity. If each first nation is going to set about enacting and enforcing its own individual environmental laws or environmental impact assessment laws, could you speak a bit more about that, about what your preference would be? Where would you prefer the government put its attention? Would that be supporting your nation to develop its own environmental sustainable development regime, or would you prefer that the federal government fill that vacuum?

**Chief R. Donald Maracle:** First of all, in Ontario there is a ministry devoted to environmental protection for everybody who lives in the province. Within that ministry, they have a variety of experts. They have hydrogeologists, air quality specialists, and toxicologists. There is a whole gamut of professional people who advise government leaders on what course of action to take. There are regulations that govern the process.

There is nothing similar to that within the federal government or in the first nations community. Within the first nations community, there is no financial capacity to develop that level of expertise. The federal government tends to focus its efforts on the protection of the environment as it relates to fish, rainbow trout, and daphnia. There is no environmental protection for human health. For example, with the Richmond landfill site, we spent close to \$700,000 to participate in an environmental process, because we were advised by a toxicologist from Queen's University that the viruses and bacteria could pollute the groundwater and reserve. There was a transboundary concern, yet we couldn't get the federal government to step up to the plate with even limited resources. If there happened to be a surplus somewhere, you might get a few dollars, but there was no funding to participate in the process. Still, there were deadlines that we had to meet if we wanted to register a concern. The only thing the government was going to listen to was expert opinion.

We were successful in getting the Richmond landfill closed. However, there is an ongoing monitoring requirement. The federal government is not doing its job. They should be stepping up to the plate to ensure that federal lands on which there are transboundary impacts are not going to continue to be polluted by off-reserve development.

Within the reserve, the industries that pollute and want to escape environmental regulation will migrate to the reserve, because they believe there are no laws there. I think when the Indian Act was drafted and section 88 was put in, it was assumed that in the absence of a federal or community law, provincial laws, if they were of general application, would affect aboriginals, and these laws were incorporated by reference. They have agencies that enforce compliance.

For example, look at the Technical Standards Safety Authority, which inspects gas stations. A gas station can leak and it can pollute millions of gallons of groundwater very quickly. The Technical Standards Safety Authority takes the view that their safety laws don't apply on the reserve. We disagree with that. In a court case, we were seeking compliance with that standard because there was an absence of any other standard. All the federal government requires is that the gas tanks be registered with Environment Canada. There is no inspection. There are no inspectors. Off reserve, those systems would be inspected at least once every three years to make sure they were not leaking and polluting the environment. There is nothing like that in the province. The TSSA will come on the reserve at the invitation of the chief and council to do the inspection, but all of the compliance issues are voluntary.

In 2002 there was a gas station that leaked. The owner didn't want to comply. He simply cut the yellow tape the inspector strung up, had a locksmith cut the lock on the electrical panel box, and the off-reserve fuel suppliers continued to violate the fuel-handling code and supply that station with gas. There didn't seem to be anything they could do. There was a high risk of explosion. I ordered it shut down because nobody knew what law applied, including the Ontario Ministry of Labour and Human Resources and Skills Development Canada. HRSDC said their laws applied to Indians, but not to the non-natives who worked in those stores. The Ministry of Labour said their laws applied only to the non-Indians who worked in those stores. It was a real conundrum. To top it off, there was no money. We had a deficit-financed environmental consultant suggest a proper way forward, which was to order it shut down.

• (1600)

**Ms. Linda Duncan:** Thanks. I would love to follow up with you on all of this. I wish you all had more time.

Mr. Paul, in the House today we have been debating a motion calling for more support for aboriginal education. Your brief contains a different perspective from what a lot of intervenors have. Could you talk a bit more about where there needs to be more investment in education, so that you can move forward with economic development on your land and resources?

**The Chair:** Unfortunately, the time has now expired, but I'm certain that other members will take the opportunity to follow up on this as well. I think there will be an opportunity.

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Take some of my time for him to answer.

**The Chair:** Sure. I'm certain there will be time. It's an important question.

Mr. Rickford, it's your turn, for seven minutes.

**Mr. Greg Rickford (Kenora, CPC):** Thank you, Mr. Chair.

Thank you to the witnesses for being here today.

Chief Maracle, I wish you all the best in your recovery from what sounds like a nasty injury. I appreciate that you're in some discomfort here today.

• (1605)

**Chief R. Donald Maracle:** That's also one of the challenges.

**Mr. Greg Rickford:** I appreciate that.

Mr. Paul, I'm going to focus my questions to you over the next six and a half minutes or so, and my colleagues will continue.

I want to focus first of all on your submission to the crown and first nations gathering. You highlighted a number of issues related to long-term opportunities for an economic renewal. Indeed, today you spoke at length specifically about the Sydney tar ponds remediation project, for instance. You spoke of the innovative means for job creation and what that meant for first nations people.

I was wondering whether, in just over a couple of minutes, you could describe more specifically how you're working with first nations communities in the Atlantic region to create economic development. Perhaps more specifically, what are some examples of specific skills training, for example, that came from HRSDC and that put those communities in the best position possible to participate in this project and then perhaps in economic development in general?

I'll probably limit you to a couple of minutes, because I want to move on, but I would like a little more info.

**Mr. John Paul:** If anybody knows the history of the Sydney tar ponds, they will know it has taken decades to figure out what they were going to do. Once a decision was made to do something, one thing that was argued all along was that first nations should be part of the tar ponds solution.

One of the things they did was take a two-pronged approach, basically. One prong was to engage the communities themselves in the area and talk to them specifically about what the project involves and the range of specific jobs and specific contract opportunities that could be available, in advance of the project actually starting. They took the time to meet with the communities—the leadership, the employment people, the economic development staff—and the business people, basically to tell them that if they wanted to be part of this project, here is what they had to do.

The other thing they did was create a body to coordinate the effort with the communities, coordinate it with the business people, but also force all the people who were working in economic development and employment, including the leadership, to ask what they were going to do. How many people is your community going to supply? Which businesses from your community are going to do this or that specific job or project? They had an ongoing way of doing this. They created a collaborative approach between the government and the people doing the contracting—the communities, the leadership, and the economic development staff—and the business people. Somebody coordinated them all to ask how to put the pieces together to end up with a contract, end up having a business, and end up training them in advance of the contract, giving them the jobs and then employing them for the whole duration of the project.

The interesting part about that was that the companies that ended up being created as part of the project are now doing other projects in environmental remediation beyond what they're doing.... The people who started the businesses and did that went on to do other things, because they now had a track record of performance and standards.



**Mr. Greg Rickford:** We have an opportunity specifically around environmental capacity and its different activities, some of them policy-driven, some of them technical expertise, and this is a concrete example of it. I appreciate that, John.

I understand also that one of your ongoing priorities is to increase first nations participation in the Atlantic fisheries and aquaculture sector, a personal interest of mine. We are aware of the collaboration between APC and Fisheries and Oceans Canada's Atlantic integrated commercial fisheries initiative, which aims to increase first nations capacity to succeed in the harvesting sector.

Can you describe some of the key characteristics of these partnerships and the ways in which they are helping to achieve the goals of an integrated first nation community or communities in this industry and give some examples of where first nations are going with these initiatives?

Thank you.

•(1610)

**Mr. John Paul:** In terms of working in partnership with the Department of Fisheries and Oceans—our nemesis, I'd call them—we have a love-hate relationship that everybody has.... I think one of the things we've been able to do in that initiative is fundamentally focus on what needs to be done to directly support the community in its efforts to strengthen governance, build capacity, take a business approach, and get the job done in order to produce results, which are training and employment—jobs that are sustainable, basically.

We work closely with a team of people called the “business development team”, which we provide to work closely with the communities to help them. The team doesn't tell them what to do; that's not the way it's set up. It provides a challenge function to those communities to get the communities to produce governance, accountability, and a business plan that works.

We've also integrated a fisheries management information system as part of the process, which allows communities, through communal licences, to demonstrate exactly what it is they're doing. What is their performance by vessels? What is their performance by crew? What is their performance by licence, in terms of tracking performance year over year, day over day? What we've created are communities where the commercial fisheries directors go once a year and can now have a complete report that tells them exactly what we did: “Here's our performance. Here's what we've accomplished. Here are how many jobs we've created.”

What it has also done, though, is really allowed communities that have increased their capacity over a number of years to take ideas that were just ideas on the shelf and put them into action in some cases. They have expertise now, over  $x$  number of years, various astute business people working in a very difficult industry, and have developed some very strong professional skills. They've translated those skills to other operations, such as a trucking operation for the community to ship their product to market, including the United States. They've entered into joint ventures with non-native fishermen in the production of ice. Every fisherman needs ice, so one community figured out a way to do a joint venture on ice. Another community did a joint venture with a private sector company in the aquaculture business who provided the help, the capital, and the expertise that built the training capacity in the community. So now

you have the community directly involved in aquaculture in the community; it's a joint venture arrangement, but it's built from what they originally did in the commercial fisheries.

**The Chair:** Sorry to cut you off, Mr. Paul. We're going to go to the next questioner.

You were commenting about the Department of Fisheries and Oceans. It's nice to know that Canadians are unified from coast to coast, feeling the same way about the department.

**Voices:** Oh, oh!

**The Chair:** Ms. Bennett, it's your turn for seven minutes.

**Hon. Carolyn Bennett:** I'd like Chief Maracle and Chief Paul to finish both Ms. Duncan's and Mr. Rickford's questions.

**The Chair:** Just to refresh, I think Ms. Duncan's question to Mr. Paul was surrounding the issue of education.

**Ms. Linda Duncan:** Mr. Paul didn't get a chance to respond, although I'd love to hear more from Chief Maracle too.

Chief, the question was about...in your brief, I found your perspective very much talked about capacity of education.

**Mr. John Paul:** I think one of the things our chiefs have said for a very long time is that economic development and education are the lifeblood of our communities, so fundamentally, you have to link those things together in terms of what we do.

Everybody used to ask me over the years, how come you never identified education as a priority within the framework of economic development? I said the reason is because it's there. You have to do that to get to economic development in a lot of cases. You need skilled people, educated people, highly skilled people to do economic development. So it's a catch-22 scenario in terms of actually achieving that.

If you look back far enough in our history in Atlantic Canada, a great number of people who were not very educated or whatever migrated to Boston and the United States, wherever they had to go for employment reasons. That went on for years and years. Now maybe we only have to migrate down the road versus thousands of miles, but it's getting people to think like that: if more and more people have a high-quality education from kindergarten to grade 12 and beyond, they become invaluable contributors to the economy, whether it's the economy in the community or whether it's the economy of the town next door. It's like a catch-22 cycle.

We've always made the connection and we're quite lucky to have signed the first sectoral self-government agreement in education a number of years ago. It took a long time to do that, but our chiefs in Nova Scotia believed that the need to invest in education in a systematic way over time was fundamental in terms of creating a better future for them beyond just going to school and creating economic opportunities in things that you like. People like fishing, for example. You have to go with what they like.

Nowadays I find that everybody is looking for employees all over the place. Why not look right next door to get that supply of labour to make your business a great success? I think they have the same interests as anybody else to do a professional job and to have that expertise and contribute to the business enterprise to the maximum potential. If we're in a business, we want to make revenues too.

I had a meeting about a month ago with a bunch of young people, university students, and I asked them, "What kinds of jobs do you want? What kind of jobs are you looking for? Are you looking for 10/42 jobs, or are you looking for permanent jobs?" That's a question, because 10/42 jobs are 10 weeks and 42 weeks of EI, versus permanent jobs being career jobs that are five, ten, twenty years into the future. In the discussions we had with the young people, they really want careers. They want real opportunity that will last for the next twenty to thirty years. It's as simple as that—like anybody else, I think.

● (1615)

**The Chair:** Ms. Bennett, you have a couple of minutes left.

**Hon. Carolyn Bennett:** I wanted to remind the chair that we will move my motion before we go in camera, after we've heard the witnesses.

**The Chair:** Sure. Yes, you'll have an opportunity to move it.

**Hon. Carolyn Bennett:** Mr. Paul, I think it's what we're hearing across the country, jobs without people, people without jobs. This is an amazing human resource, if we could get the training and the apprenticeships and the education.

Chief Maracle, you didn't get a chance to finish Mr. Rickford's question around some of your challenges and the way it is right now. Have you applied to be under the land management act, as opposed...?

**Chief R. Donald Maracle:** On the regulatory gap, I guess the federal and provincial governments have never come to a common understanding on what the laws of general application are. What is the stance of the lawyers and the Department of Justice as it relates to the laws of general application? They have the opinion that it applies to a reserve, so there should be a conference between the federal and provincial government lawyers to come to some kind of understanding and perhaps pass a regulation to make it clear which are the laws of general application that apply to the reserve.

That exercise has never taken place. What they've allowed is just individual opinions that exist in various offices and the whole thing has never gelled. Quite often the provincial government has laws that are developed that seem to regulate and protect the environment to a certain extent, sometimes with an awful lot of input from the public to make them do the right thing. But then again, it's government. I guess that happens everywhere. There is also a need for resources at the community level, because they have to do the coordinating with the reports. They have to schedule the meetings. The environmental experts have to come and do the testing on reserves. There is capacity-building required for the protection of the environment.

I don't think that each community can develop another ministry of the environment with a body of expertise. It would not be cost-effective. There need to be some environmental staff in our community. Currently there is no money at all from the federal or provincial governments for the protection of our environment. I

guess the chief and our limited staff are supposed to be experts in all these areas. No other government, municipal or otherwise, functions like that. It's totally unreasonable to expect that a first nations government would function like that.

● (1620)

**The Chair:** Thank you, Chief.

Mr. Payne, for seven minutes.

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

Thank you to the witnesses for coming.

It's nice to see you again, Chief Maracle. We had an opportunity to have a little visit at lunch. I certainly hope you are going to be careful around the black ice. It sounds like you've had quite an ordeal there.

Anyway, I would just like to ask some questions to the chief in terms of the challenges developing on reserve in the housing market. In fact first nations have had some difficulty in the financing of their own housing because of the mortgage and seizure restrictions found in the Indian Act. Over the past number of years, however, I understand that your community has won several awards in recognition of your progressive housing policies. I would just ask you what challenges your land managers have faced under the provisions of the Indian Act.

**Chief R. Donald Maracle:** It's really a resourcing question. We have a very successful revolving community housing loan fund. We mortgage the houses to our members. We currently have about \$17 million in mortgages to our members.

The problem is with the various pieces of legislation that have been passed over the years: Bill C-31 in 1985 and now Bill C-3. The growth of our membership has quadrupled since 1985, and the resources have not kept pace with the growth in the community. Really, the Government of Canada doesn't have any growth funding to deal with growth pressures, oftentimes resulting from the very legislation that it passes of granting membership to additional people to cure the injustices of the Indian Act.

It is true we won a number of national awards. Also, we had an apprenticeship program in the nineties, where we trained 20 people to become licensed carpenters. Many of those people were able to carry on and set up very successful businesses, where they were able to build homes on the reserve through contracts, and off reserve. They're in the business, much like any other off-reserve builder building homes for non-natives and running very reputable companies and also employing a lot of our people.

There needs to be more training done in the area of the trades. We need electricians; we need plumbers. They're always building roads or installing sewers, or repairing them in the municipalities. There would be work opportunity there if there were proper apprenticeship programs set up in our community to train our people to fill those jobs.

Canada does not need to import people from the far ends of the earth. What it needs to do is focus more effort on training people who are unemployed in this country and first nations people to help fill some of those jobs. As I have indicated, 75% of our members live off reserve in various cities and towns. Our people have been engaged historically on building some of the most prominent buildings in the world, the highest skyscrapers. The Mohawk people were high-steel workers. There is plenty of opportunity through adequate training programs. I think they just need to be organized. You need to get people, find out about the labour market, and maybe find out more information on what the labour market need is out there, where the jobs are. You need to provide the training and then help our people relocate and maybe get established in some of these cities and towns where there are good-paying jobs. Our people do go where those jobs are.

• (1625)

**Mr. LaVar Payne:** Getting back to some of the principles of effective land management, what would you say are some of the key characteristics, and how would we facilitate that on reserve land?

**Chief R. Donald Maracle:** You're asking about challenges. Every community has poor people, people who are very marginalized in their income, who do need social housing. If a person falls into a situation of no longer being able to afford their mortgage payment, there has to be an alternative place to put them, not just in the street, or overcrowding in some other person's home. If there were an adequate social housing program, then people who could no longer afford to pay a mortgage could then move into something in the community that is low rent, and maybe those homes could be bought out by somebody who has a better income and could afford to pay a mortgage.

With our mortgage program, 90% of the people pay on time, all the time. There's never been one default loan at the Bank of Montreal where our people do business. We've guaranteed 30 mortgages there, and there have never been any defaults.

Our people do have good jobs. We have relatively low unemployment in our community. But the challenge is that there are also a lot of people who are just making minimum wage. They're the working poor, as we call them.

**Mr. LaVar Payne:** How much time do I have?

**The Chair:** Two minutes.

**Mr. LaVar Payne:** Thank you.

Continuing under the land management piece, Chief Maracle, how do land management programs affect doing business on the reserve?

**Chief R. Donald Maracle:** I think what investors are looking for is certainty, and I guess what first nations are looking for is that if there's development occurring on land, our people are going to have jobs.

What is the benefit of locating business on the reserve? Perhaps there could be longer-term leases for development without the requirement to surrender or cause an alienation. Maybe the Minister of Indian Affairs could grant a longer-term lease or an economic development lease and call it that. Keep it simple. When you start getting into surrenders and alienation, you embark on a very large consultation process, particularly when we have so many people

who have been added on to the band list under Bill C-31 and now Bill C-3 who are not very well informed about the Indian Act or the regulations or the land regime. So there's a whole extensive public education process that has to go out there to consult with the members on anything that resembles land alienation.

Mohawk people generally do not support land alienation of any kind, simply because we've lost so much of our historic land. But maybe if there were a long-term economic development lease that the Minister of Indian Affairs could approve, that might be more palatable to the people to allow development.

We have more of a private entrepreneurship model of economic development. A lot of our members start their own businesses on their own land and employ people.

**Mr. LaVar Payne:** Chief, we've heard it before, and you've just mentioned about keeping it simple in terms of the—

**Chief R. Donald Maracle:** There are about 150 businesses on our reserve.

**Mr. LaVar Payne:** We've heard from other witnesses about doing it at the speed of business. I'm kind of making that connection between keeping it simple and doing things at the speed of business. I'm sure that would be appropriate for your reserve.

**The Chair:** You're out of time.

I got an assurance. It looked like the Chief was agreeing with you, but if he wants to elaborate, I'm sure he will make that known.

Monsieur Genest-Jourdain, for five minutes.

**Mr. Jonathan Genest-Jourdain (Manicouagan, NDP):** I will share my time with Ms. Hughes.

[Translation]

Mr. Paul, during your presentation, you often mentioned elders' knowledge and the sharing of traditional knowledge.

I would like to know what you think about the use of traditional knowledge and of the patent on traditional knowledge by the pharmaceutical industry, among others. That use is often detrimental to aboriginals because the nations have had very little financial benefit from those patents.

• (1630)

[English]

**The Chair:** Monsieur Genest-Jourdain, I think we may be having difficulty with the translation.

**Ms. Linda Duncan:** I think he's on the wrong channel.

**The Chair:** Okay.

Was that question for Mr. Paul or—

[Translation]

**Mr. Jonathan Genest-Jourdain:** Yes, my question was for Mr. Paul.

[English]

**The Chair:** Okay.

Sorry about that. Feel free to carry on.

**Mr. John Paul:** I guess one of the important things is our traditional knowledge and expertise. I always tell people that even in today's world, where you have MRIs and modern things, a lot of things that come from our traditional knowledge of plants and practices still override a lot of those different things. They're not complicated things. As you said about the way they've been used, people with the knowledge have been given trust by the community to sustain that knowledge and use it in the best interest of the community to help people.

At no time did anybody think of it in a dollar-value scenario as something we secured from nature that would become a pill, a prescription, or whatever. I think many of our communities have provided their knowledge in a lot of cases more as a contribution to try to help and benefit others than anything. They weren't really thinking about its economic value, a patent, or anything like that. I think that still exists today. We need to fundamentally follow the teachings of our elders in recognizing this traditional knowledge as an important part of our cultural beliefs in terms of where we go now and in the future.

It goes back to the issue of coexistence between ourselves and everybody else in what we do. It's being your friend or cooperating with you. It's like we should have sold it to Champlain instead of giving him the sap from the tree that time. Maybe we should have made him sign a contract to give us all of North America for the sap. But our people were not like that at the time and never thought of it that way. They just thought of helping a friend, or helping somebody, basically.

**The Chair:** There are 40 seconds left.

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP):** You talked about the lack of potable water, Chief Maracle. Is there a lack of potable water in your area? How grave is that? I'm sure there are economic development issues if you don't have that.

**Chief R. Donald Maracle:** There are two problems. There's a lack of potable water: 57% of the wells in our community are contaminated. There are 293 that are hooked up to a municipal system with a contract we have with the town of Deseronto. But in addition to the lack of potable water, many of the wells go dry. We have a very shallow drinkable aquifer that's anywhere from 30 to 40 feet deep. It's very easily polluted because of the fissured rock and layered limestone, with minimum soil cover over the bedrock. So it's very easily contaminated. It's a very fragile ecosystem there.

**The Chair:** Thank you.

**Chief R. Donald Maracle:** It presents a lot of challenges in housing development and the need for adequate water and sewage. People do pay water and sewer bills.

**The Chair:** Thank you, Chief.

We'll go to Mr. Boughen for five minutes.

**Mr. Ray Boughen (Palliser, CPC):** Thanks, Chair.

Let me add my voice to those of my colleagues in welcoming the panel here this afternoon.

In some research work we looked at we ran across the First Nations Land Management Act. We're just wondering, Chief, is the capacity to participate in that regime strong in your neck of the

woods? Is it moving forward in the right way? How do you view that whole act?

•(1635)

**Chief R. Donald Maracle:** The Mohawk Nation has not been very much a taker of the First Nations Land Management Act. We feel that the law has to be culturally appropriate for the people. Anything that resembles alienation of the land is a very sensitive topic to Mohawk people, particularly because there is already such a serious land shortage to accommodate future growth in our community.

**Mr. Ray Boughen:** So are the communities you represent actively involved in the land management framework, or not?

**Chief R. Donald Maracle:** The land management on our reserve is under the certificate of possession system under the Indian Act, so we have private interests, and they can mortgage that interest to the band. So we can set up a mortgage regime to accommodate housing; all we need is the capital to lend them the money.

In 1970 we started the revolving loan fund, and people pay 6% on mortgages. So there's growth in the fund, but the challenge we face is that the growth in funds hasn't kept up with the population growth, so we always have people on a waiting list for a mortgage. Mind you, they qualify for a mortgage based on income, but there just isn't the capital to lend it. Instead of using leveraging like banks use, when we have a dollar to lend we actually have a dollar in the bank account. It's real money, it's not credit.

**Mr. Ray Boughen:** Okay. I guess the types of activities we're looking at through the land management are residential and commercial. You talked earlier in your remarks about those opportunities. Are they feasible? Are they happening? Or are they still in the planning stage? Are we moving those ideas forward?

**Chief R. Donald Maracle:** What ideas did you have in mind?

**Mr. Ray Boughen:** Residential and developmental use of the land in terms of commercialization and—

**Chief R. Donald Maracle:** Regarding the commercialization, each business is going to have different environmental impacts. There just needs to be adequate consultation. In municipalities you have a planning department that holds public meetings, so if the people who live in those communities have a concern about any proposed development, there's a process. In a first nations community there is no process other than just phone the chief up, or see one of the councillors at the hockey arena or in the grocery store, and then vent your concern there.

There needs to be a planning department that can have these hearings, and I think everybody, no matter what community they live in, has the right to be heard. So there needs to be a planning department, but also the plan has to be sound, so there needs to be an opportunity and resources to hire experts to see what the environmental noise level impact is, what the traffic implications of doing business are, what the capital requirements are in terms of putting a road in, or maybe three-phase electricity, or extending natural gas. What are the costs of development to the community? Where does the money come from to pay for all this?

Those are going to be the kinds of questions the communities may be concerned about. And then what is the potential for job growth in the community? So people need to be doing all that legwork, I guess, since it's a combination of our own staff plus some expert opinions, someone able to conduct these public hearings on proposed development. I think development would go a lot better if there were accurate and proper information going to the community. Otherwise, it becomes very reactionary, and I think that's what happens when developments occur in traditional territories or on reserve lands.

Quite often you have to be careful because there are a lot of businesses looking for a place to operate where they don't have to comply with any laws, so they tend to target things that are high polluters, pay low wages, and leave an environmental nightmare for somebody else, like the first nation and the federal government.

**Mr. Ray Boughen:** Those groups have to receive sanctions from your licensing department or from the people who control the land anyway, would they not?

**Chief R. Donald Maracle:** Let's say we looked at a quarry. The Department of Indian Affairs have what they call draft quarry regulations. Under the Indian Act land tenure system—let's call it a deed, so everybody understands what we're talking about—a certificate of possession is similar to an individual freehold deed except it's subject to the reserve system, meaning that you can't sell the land to a non-Indian.

There is no ability for a first nation to put restrictions on a certificate of possession that's issued by the federal government, the Minister of Indian Affairs. So if a band member has a certificate of possession, he may say he is going to open up a quarry on his land and it's going to operate 24/7. There could be noise levels. It might lessen the groundwater of people who depend on their wells. There may be concerns that it may be polluting the river. With the machinery running back and forth, what is the impact of the heavy machinery on the local roads? It's all those sorts of things.

Currently the federal government and the Mohawks of the Bay of Quinte are being sued by a band member. Of course because it's about the control on a certificate of possession on land that's been issued by the minister, it's been very difficult for our lawyer to engage a lawyer from the federal Department of Justice to have that conversation about the need for a regulatory aspect on reserve land.

If we were to pass a bylaw, we could have a challenge. We could pass the bylaw. The local police could lay a charge that there is too much noise coming from there—and we do have an environmental bylaw—but the crown attorney, provincially, and the federal crown attorney could say they don't have the responsibility to enforce band bylaws.

Traditionally, I think the federal government used to look at a band bylaw as having the same status as a federal regulation because it's passed pursuant to section 81 of the Indian Act, which is where the authority is derived to make that law.

The only option we have is to hire a private lawyer, who may cost up to \$400 an hour, to deal with those issues in the court, and there would be appeals all the way up to the Supreme Court. So the process would become prohibitively too expensive.

Really, I think there needs to be some mechanism where the local courts will enforce those bylaws, because that's what courts are for. We don't have courts in our community, or the financial capacity to pay a justice of the peace and to run a court system, to record and render the decisions and look at case law and those kinds of things.

• (1640)

**The Chair:** Thank you, Chief.

Unfortunately, these clocks run faster than we like once it's our turn. Sorry, Mr. Boughen, I'll have to cut you off there.

Mr. Bevington, for five minutes.

**Mr. Dennis Bevington (Western Arctic, NDP):** Thank you, Mr. Chair.

The last bit was very interesting. Of course we're really trying to understand how land management works. I know it will eventually lead to economic development.

Mr. Paul, one of the goals is to build the net worth of aboriginal communities by increasing aboriginal control of land, resources, and property throughout Atlantic Canada.

You represent 38 separate communities. Do they share any common management structure?

**Mr. John Paul:** Some operate under the Land Management Act, some operate under the Indian Act, some operate under their—

**Mr. Dennis Bevington:** Would there be a guy who would take care of a couple of communities in terms of their land management?

**Mr. John Paul:** Not really.

**Mr. Dennis Bevington:** So they're all pretty separate?

**Mr. John Paul:** The communities operate pretty autonomously in terms of land management; I don't know how, but it kind of ended up happening that way. As the chief said, the focus in the past has basically been about how to manage housing, certificates of possession, and land use in the communities. But it's never looked at it from the other perspective of whether there is a land-use plan for the community.

A number of years ago we were engaged in a process with many of our communities called comprehensive community planning. We worked with most of our communities in the region, setting up a formal process to go through comprehensive community planning: develop the expertise, engage the community, engage the leadership, and engage anybody and everybody, basically, in how you would go about a community planning process. But it was only perceived as a project, not as a process. You need more than just a process; you need the capacity, including the planning department and the land-use department, and you need the infrastructure to be able to do those things. Whether it's with one community or 38 communities, you need the capacity, the expertise, and the knowledge to be able to do the regime in a manageable way that works.

From my perspective, I have 38 communities in five provinces and one community in the United States, so creating a consistent land regime among those 38 communities will be quite a challenge: crossing all of the Atlantic boundaries into the Gaspé, into Quebec, and down into Maine, and coming up with one regime for all of those communities that works. But fundamentally, it comes down to capacity and setting up a process that works.

● (1645)

**Mr. Dennis Bevington:** How many of those communities would you say have the resources to initiate a land management regime and actually carry it out over a long time?

**Mr. John Paul:** Very few. I'd say less than 1% of those communities have the capacity, and even the ones that got in under the First Nations Land Management Act will have to develop that capacity and engage the community to come up with a regime that's workable for the community. As the chief said, in most if not all of our communities, the issue of land in the community is a very sensitive issue. How you discuss it, how you play it out, whether it's for development or just general use, you have to have the conversation with the citizens. You have to talk to them and explain to them what you're going to do, why, what the short-term and long-term implications are, and what the potential legal implications are. You have to really explain all of that and have a discussion. If there's no process to do that, then you're kind of leaving it to chance as to what might happen.

The proponent meets you at the rink and he wants to build a nuclear power plant on your reserve, and you tell him, "Yeah, no problem—I'll give you a certificate. The federal government might not come around for a few years."

**Voices:** Oh, oh!

**Mr. John Paul:** You know what I mean; somebody comes up with some of these ideas that are pretty over-the-top to do, which don't make any sense to the community, and which you'd never be able to sell in the community. You'd never be able to convince people to do something that puts the land at risk, because that's against who we are. Putting the land at risk is not something communities feel comfortable doing, in a lot of cases.

Unless you're able to go to the community and clearly explain exactly what you're doing, engage them in a discussion, and do it through a process, everybody will have their own version of what it might be. The only way to get around the mystery of it, whether it be with a non-native private sector person or in the community, is a factual, evidence-based process.

**The Chair:** Thank you. Unfortunately, your time has expired and gone even further.

Mr. Clarke, for five minutes.

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

I'd like to thank the witnesses for coming here today. It's nice to see the chief again; I think this question could be directed to him.

Chief, what we see with Westbank First Nation is how they've moved out of the First Nations Land Management Act regime and moved more into self-government. Seeing their progress in how

they've moved into self-government, I'm hoping you could further clarify the types of steps that other first nations, currently operating under the First Nations Land Management Act, are going to need in order to move out of this act toward self-government.

**Chief R. Donald Maracle:** I think there has to be a capacity. That's the first issue, and there has to be a law-making authority with the ability to enforce the laws in the jurisdiction. Without that being in place, it's going to be pretty difficult to meet challenges.

**Mr. Rob Clarke:** Do you feel that some of the first nations will just maintain the status quo and stay under the First Nations Lands Management Act?

**Chief R. Donald Maracle:** The First Nations Land Management Act may work very well for some communities, but there's no cookie-cutter approach that what's good in British Columbia is going to be good and appropriate in Ontario or in Atlantic Canada or in Quebec, for example. So it has to be appropriate to the culture and circumstances of the people.

If a community is focused on the harvesting and development of natural resources, then there's going to be a model for that. If it's agricultural, there may be a different model. If it's manufacturing, something that goes into the marketplace, the model may be different. So it will all be driven by the circumstances of the local jurisdiction, the policies and laws that are appropriate.

● (1650)

**Mr. Rob Clarke:** When you see a first nation community under the First Nations Land Management Act, where do you see some of the communities 10, 15, 20 years down the road under this regime?

**Chief R. Donald Maracle:** I don't know enough about the communities under the First Nations Land Management Act to have an informed opinion, especially for this committee. I can tell you in terms of rights, Mohawk people believe that first nations people have certain rights, and I think the right to be tax-exempt was certainly contemplated by the treaty commissioners when they came out to get land. So this whole question of taxation is a stumbling block. There are people who are very much opposed to the notion of taxation of their members on reserve lands. A lot of people believe they have a right to be tax-exempt.

So when we saw, for example, the GST-PST-HST harmonization project in Ontario a few years ago, first nations rose to the forefront to oppose it because of the belief in the treaty right to be tax-exempt.

So under the First Nations Land Management Act a taxation system would probably come into play.

**Mr. Rob Clarke:** So you're looking more not at taxation, but maybe a user fee?

**Chief R. Donald Maracle:** People do pay user fees in our community. If they're receiving a direct service, like hydro or water and sewer, they will pay those fees because they're deriving a benefit; but if it's something that's just taxation, there would be opposition to it. In our case, Treaty 3 1/2 says that no rents, fines, or services will be paid. So there are treaty provisions in some of the specific treaties.

**Mr. Rob Clarke:** What do you see as the potential under the First Nations Land Management Act—say now down to 15 years?

**Chief R. Donald Maracle:** Again, I don't know enough about where it has been implemented. I haven't read too many reports on how it's working. When communities came under that regime, it was heralded as a major step forward, but the follow-up report to make sure people are satisfied that it's working well, how it has affected jobs, or how it has bettered the conditions of the people.... To a large extent, you still see stories about poor housing and lack of water. So it hasn't generated the wealth to better the circumstances of the people.

**The Chair:** Thank you, Mr. Clarke. Your time has expired.

Ms. Hughes, for five minutes.

**Mrs. Carol Hughes:** Thank you.

You mentioned education. That's something that I think is extremely important. It's something I raised during my speech today as well, the education piece, the training piece, to be able to fill the skills shortage we are facing now and in the future.

You've indicated here that you've made incremental improvements in education, especially in Nova Scotia, under this self-government agreement. I'd be interested in hearing a little about that.

A little further on you indicate that our youth need positive programming to ensure they grow into healthy, well-adjusted adults, and do not face the serious challenges of addiction and suicide. Then you go on to say there are serious gaps in youth programming at the community level and these gaps need to be fixed. Could you elaborate on that a bit? What is your vision? What has worked and what hasn't worked?

**Mr. John Paul:** Probably the most important part of the sectoral self-government act that was signed a number of years ago is that it really gave jurisdiction to the communities in terms of what to do in education. It fundamentally allowed communities themselves to figure out what to do. The other important part is that they worked extensively with the communities to actually figure out what was going to be involved in this so-called jurisdiction.

The other big component of the agreement is a multi-year funding agreement, or a grant agreement. I'm not sure what type of agreement it is, but there is an agreement that has built-in escalators that tie directly to the number of students and inflation on an ongoing basis since the agreement was created. This is fundamentally important in order to keep track of your populations over ten, twenty years. It does match relative to the volume of people in the system and your actual cost in terms of delivering those things.

The other part is that it has also allowed the communities to work among themselves to focus on strategies that improve linguistic immersion programs in the communities, as one aspect. But also it has put in a number of support mechanisms throughout a whole system that have allowed us over ten years—it's been quite a few years—to really focus on making sure people stay in the system.

• (1655)

**Mrs. Carol Hughes:** Are there still some challenges with respect to education?

**Mr. John Paul:** Yes.

**Mrs. Carol Hughes:** What are these?

**Mr. John Paul:** In terms of education, in the communities I'm aware of, like my own community, they found that integrating the linguistic and cultural component into schools from kindergarten through grade 5 and beyond to grade 12 has had a significant influence in terms of student success rates. Your ability to perform in math and science, or whatever the course, is better because you're a proud Mi'kmaq or Maliseet person and you have a better view of who you are. That's really shown over the years in terms of how it's actually played out, where the retention rates were the same as those of everybody else before this.

As I said, over 10 or 15 years it has actually incrementally changed and improved in our communities over that amount of time. It's taken people in the system, working with parents, working with the leadership, to actually change the system.

The province has an act, the “we'll leave you alone” act, I'd call it, basically. That's what it says: “We'll leave you alone. We'll work with you and collaborate with you.” I call it the “we'll leave you alone” act, basically, even though the province has all the jurisdiction.

**The Chair:** Thank you, Mr. Paul.

Mr. Seeback, for five minutes.

**Mr. Kyle Seeback (Brampton West, CPC):** Chief Maracle, I was reading a little bit of your statement. I find it fascinating that 90% of your reserve land is in private possession. Is that what you were saying?

**Chief R. Donald Maracle:** It's been in private possession since way before there was an Indian Act. We had a private land tenure system. There were family farms and things like that. Before there was an Indian Act our people had adopted that system.

**Mr. Kyle Seeback:** That's very different from what we hear from most people who come and talk at committee.

Are you saying that those lands have mostly historically been in the possession of individuals? Or have you, over time, given certificates of possession to—

**Chief R. Donald Maracle:** They had reserve deeds to their property, and when the Indian Act came into being in 1876 there was a land tenure system under that. I think at one time they called it a location certificate. Eventually it evolved into a certificate of possession system.

**Mr. Kyle Seeback:** So that's how land is now used, under a certificate of possession. When somebody has a certificate of possession, are they then able to build a home, and then they go and get a mortgage—

**Chief R. Donald Maracle:** From the band, yes, or we guarantee one at a bank.

**Mr. Kyle Seeback:** One of the things you mentioned, and I'm just curious—

• (1700)

**Chief R. Donald Maracle:** Our security for the loan is that property. It's no different. We foreclose the way a bank would foreclose. If you don't pay, we'll foreclose.

**Mr. Kyle Seeback:** A bank can't really go on to reserve land and realize—

**Chief R. Donald Maracle:** The band would foreclose and pay the bank and sell it to someone else.

**Mr. Kyle Seeback:** Right.

One of things I found interesting in your statement was that you said you're not interested necessarily in the FNLM regime due to land alienation. Can you explain that to me? That was one of the things, not the only thing, certainly.

**Chief R. Donald Maracle:** From what I understand about the First Nations Land Management Act, there is this business of designation, which is really tantamount to surrender of property, and I think because so much of the reserve land base in our community has been lost, from 97,000 acres down to 18,000 acres, anything that resembles alienation is very unpalatable to our people. If there are debts against the property, somebody has to pay that to rid that interest from that property. So people are concerned about whether the lands would be lost forever if it becomes indebted to somebody else.

How would you regain control of your land base? Particularly when you have 8,300 members and there are only 18,000 acres left, there is not much of an appetite to alienate what little bit is left.

**Mr. Kyle Seeback:** I know a lot of native bands look at ATRs, addition to reserve lands. Is that something you have looked at? Are there any benefits to your community taking that approach?

**Chief R. Donald Maracle:** In our case, most of the land has been illegally alienated by the crown. For example, land has been deeded in fee simple to non-Indians without the crown ever obtaining a surrender, which is required by the royal proclamation, which is part of Canada's Constitution, or which is a requirement under our specific treaty, which is Treaty 3 1/2. So there are a lot of illegalities.

Instead of going through the addition-to-reserve policy, we believe that in those cases where the alienation has taken place without a surrender or a consent of the band and the crown acknowledges that it was illegal, the crown should buy that land back and pay the third party non-native interests there and just simply pass an order in council confirming that it continues to be part of the reserve. It still is part of the reserve until we surrender it, and the land we're talking about in our community has never been surrendered to the crown.

**Mr. Kyle Seeback:** That's the claim you mentioned earlier, the Culbertson—

**Chief R. Donald Maracle:** The Culbertson Tract. We implemented that model with another 200-acre piece of land in the village of Shannonville. It was called the Turton Penn lease, and by and large the lessees were treated by the crown as though they had freehold title, fee simple title. It was just a lease interest they had, and they were allowed to sell the land to the Department of Highways at the time in the 1960s and before and to trade that property back and forth for the payment of 30 barrels of flour to the band in September of each and every year.

That arrangement wasn't acceptable. They were in default, so we asked the crown simply to buy them out. Our community needed houses, and there were houses there, so the crown got the houses, and we settled it that way. They returned the land, but we have the loss-of-use compensation issue to resolve with the crown.

**Mr. Kyle Seeback:** I probably don't have a lot of time left.

**The Chair:** You don't. I'll give you a few seconds.

**Mr. Kyle Seeback:** Then there is no point. All right, thank you.

**The Chair:** Now I'm going to annoy everybody and take the chair's discretion to ask a couple of questions, if my committee members will allow.

**An hon. member:** Somebody start the clock.

**An hon. member:** Yes, we're starting the clock.

**The Chair:** I'm sensing that I'm going to lose my committee chairmanship.

Chief, I don't know whether there's a clarification I need, but just to try to understand the issues surrounding your personal circumstances—because we are studying first nations land management and the ways that different communities do it—my sense is that every community over the long term hopes to achieve some method to remove themselves from the obligations or the tying of themselves to the Indian Act. Obviously, there are a number of different ways that can be done.

Through the First Nations Land Management Act, first nations communities have been able to remove themselves from the obligations of the Indian Act through going into a different act. You've said there are some sensitivities within your community and some resistance to going into that particular regime.

I wonder whether your community has ever contemplated what would have to change within that regime for your community to desire to be part of a regime like that, or whether there's a different regime, a different legal framework, that you would opt into. This is just to get a sense for the committee, because we are looking at it and hopefully are going to make some recommendations about what might be an alternative.

Is it the provisions within the First Nations Land Management Act that might lead to a seizure of land, based on the mortgaging of land or the use of land as collateral to financial institutions? I'm just trying to get a sense of what would have to change or whether there's a desired alternative legal framework.

• (1705)

**Chief R. Donald Maracle:** First of all, I want to say that in terms of the protection of the land there is a continuing treaty obligation, under Treaty 3 1/2, that the crown is to protect that land so that we have safe and quiet enjoyment of that property; this is what the crown guarantee was. We interpret that to mean protected from illegal alienation, protected from environmental contamination that would harm our quiet enjoyment of the property.



The other point would be that the certificate of possession is pretty entrenched. People either have inherited from their families those parcels of land or they have bought them from other band members. The certificate of possession is really deeply entrenched in 90% of the land, so to opt out of the Indian Act and call the certificate of possession a “deed” is simply a name change. It still is the same land, with the same purpose. It's going to be confined by the constraints of the Indian Act. As long as it's a reserve, they're only going to be able to sell that interest to another Indian or to the band collectively.

I would favour maybe a long-term economic lease that was voted for by the community, but which doesn't resemble an alienation, like a qualified surrender of the property.

**The Chair:** That's my question. We're going to learn more about the First Nations Land Management Act when we visit with some of the people who have undertaken it. My understanding is that the community then has the authority to do exactly what you're suggesting: enter into long-term economic leases, but having full control and being able to make individual laws.

I guess we'll learn more about that, but I just wondered about the sensitivities that your community has. Clearly, you've found something that works, so I'm not suggesting that things should change, but I was wondering whether there's something that you would suggest you would like to see changed. If not, I—

**Chief R. Donald Maracle:** We're strategically located between the two largest cities in Canada, Toronto and Montreal, and so there could be other economic development proposals struck. For example, if we were to have warehousing, I don't think we would need to alienate the land, as long as there's some certainty that the business could operate that business on that land without going through the alienation process—some sort of enforceable agreement that the lease would continue until, if there's a debt to be paid, it's paid. But there should be nothing whereby there's some kind of alienation, such that we have to provide the money back to the crown, because we may not have it.

**The Chair:** Is it your impression that under First Nations Land Management Act there would be the possibility of an alienation, if...?

**Chief R. Donald Maracle:** The people do see it as an alienation, the designated lands, that it is not really reserve land while that function is going on.

**The Chair:** So it's a perspective.

**Chief R. Donald Maracle:** And I think it's sensitive because there are only 18,000 acres left and there's a growing population, so the alienation of any more interest in reserve land is something that would not fly with our people.

**The Chair:** Thank you. I appreciate that.

Thank you, committee members, for allowing me as chair to ask some questions.

Thank you all for coming today. We appreciate your testimony. Certainly it's been helpful and adds to the different voices that we're hoping to hear as our committee continues this study. Thank you so much.

Ms. Bennett is indicating that she would like to say something.

**Hon. Carolyn Bennett:** As I indicated on Tuesday, seeing that the motion to travel—

**The Chair:** You're moving your motion?

What I'd like to do is not suspend, but just give a few minutes to see our witnesses off and then we'll return and hear from Ms. Bennett. We'll want to do that before we go into a committee discussion about motions.

• \_\_\_\_\_ (Pause) \_\_\_\_\_  
•

**The Chair:** Thank you, committee members. I appreciate your willingness to take that moment to see our witnesses off.

Ms. Bennett, we'll turn the floor over to you.

• (1710)

**Hon. Carolyn Bennett:** As I indicated on Tuesday, when the motion to travel to Attawapiskat was defeated, I decided that, seeing that this wasn't happening, we should move a motion.

I move that the committee invite Chief Theresa Spence, Co-Manager Clayton Kennedy, and members of the council of Attawapiskat First Nation, Grand Chief Stan Louttit of the Mushkegowuk Tribal Council, Third Party Manager Jaques Marion of BDO Canada, and officials from Aboriginal Affairs and Northern Development Canada to appear before the committee and provide an update on the status of efforts to address the state of emergency confronting the community, no later than March 16, 2012.

**The Chair:** Thank you, Ms. Bennett.

Mr. Rickford.

**Mr. Greg Rickford:** Thank you, Mr. Chair.

I just want to say that with respect to the motion I think this side of the table sees an opportunity here at some point to interview here at committee some or all of these witnesses who are contained in the motion.

We have a bit of a problem with the date that's suggested in the motion of March 16. We understand a couple of important things are happening. First of all, the community leaders and its officers are in an important exercise, with the steady influx of these homes, to ensure that as many, if not all of them, can be brought in. There's administrative, physical, and technical work supported by the band and its officers required to accomplish that.

Moreover, the band is committed to a judicial review process with respect to third-party management, a test that in seeking injunctive relief was not met some week or so ago.

For the benefit of the committee, I would like to read a press release from the nation, if you'll permit me, Mr. Chair:

The Attawapiskat First Nation has reviewed and corresponded with Minister Duncan on February 14, 2012 and have arrived at a mutual working compromise as stated by Minister Duncan in the House February 15, 2012.

That would be yesterday.

The minister and the Attawapiskat First Nation are working together and focusing on the delivery and installation of the 22 modular homes, including site preparation and installation. We are both confident that the success of this project will serve some of the health and safety issues of our membership.

Chief and Council also want to acknowledge the community members for their valuable feedback. Chief and Council wishes to commend their staff on the ground for their continuing diligence in moving the projects forward to successful completion.

Chief and Council also want to acknowledge the government for the support of the modular homes, as well as the many Canadians and organizations who have provided articles of clothing and appliances, to mention a few.

The First Nation's application for judicial review will be heard by the Federal Court on April 24.

Mr. Chair, in terms of closing comments, the sense of this is that this side will not be able to support the motion today because of the date it contains.

I guess there would be two options. We've had a high degree of cooperation today around an opposition motion debated in the House at length today and a willingness to certainly learn and understand more as a committee about some of the exercises that have been engaged in here with Attawapiskat, and we're learning a lot from other first nations. So I would encourage the member tabling this motion to consider deferring it for the time being, in light of the process they're going through, which they're committed to and which their community has asked them to stay committed to. We understand, of course, that as a practical matter this is a complex and time-consuming matter and that in fairness they are embarking on a judicial review sometime later in April.

I think it would probably benefit the committee at or after that time to consider this kind of exercise, which would otherwise demand a substantial time resource from those people who are doing very important things at this point in time.

Thank you, Mr. Chair.

• (1715)

**The Chair:** Thank you.

Ms. Bennett.

**Hon. Carolyn Bennett:** I would like to ask the clerk whether it would be possible to hear these witnesses by Skype.

**The Chair:** I think that on our side the technical capability is there. The question would be whether it is on their side.

**Hon. Carolyn Bennett:** Well, it certainly was possible when we were there. The high-speed really is high speed at Attawapiskat. I think the media was very impressed.

Is that a possibility?

**The Chair:** I think we can safely determine that, on our side, it would be fine. On our side, in terms of the technical capabilities, we would be able to receive a video conference.

Ms. Duncan, go ahead.

**Hon. Carolyn Bennett:** I want to know whether that would be an interpretation of my motion: that to appear before the committee either in person or via Skype is still appearing before the committee.

**The Chair:** Yes.

Ms. Duncan, go ahead.

Point of order, Mr. Rickford?

**Mr. Greg Rickford:** Just to clarify, are you saying that the interpretation of "appear" would mean their physical presence or by Skype?

**The Chair:** That's been the interpretation for all our witnesses, or we've made that available to all witnesses.

**Mr. Greg Rickford:** Thank you.

**The Chair:** Ms. Duncan, go ahead.

**Ms. Linda Duncan:** It's not clear to me, Mr. Chair, whether Mr. Rickford is actually amending the motion.

**The Chair:** He did not move an amendment.

**Ms. Linda Duncan:** Okay.

Certainly we would have no objection to the chief, et al, appearing.

We were trying to recall.... We think Chief Spence was on the list of recommended witnesses at some point anyway. We still haven't been able to have our discussion on how we're going to tie together testimony and visits to communities. So that was something that I—

**The Chair:** May I just jump in?

We're not in camera. All the discussions on possible upcoming stuff was done in camera, so we'll be doing that as soon as we can get through this motion.

**Ms. Linda Duncan:** I don't believe I violated anything that was in camera.

**The Chair:** No, I just wanted to warn members that—

• (1720)

**Ms. Linda Duncan:** I know what I can and can't do, okay?

Committees often do study tours, and it's something that we may well undertake. It may be sensible that you see some witnesses in the study tour and you don't bring them in twice, or whatever. The main thing, from my standpoint, is to make sure that the timing works. Maybe we could hear a little bit more from Dr. Bennett about why March 16.... That's what's not clear to me, about the deadline for that.

Absolutely, our members would appreciate very much being able to hear first-hand—we're all together and we can all hear the same testimony. I'm just not sure about the date and the convenience for Chief Spence and her staff, and so forth.

**The Chair:** Mr. Rickford, go ahead.

**Mr. Greg Rickford:** Thank you, Mr. Chair.

Certainly the person tabling the motion has long experience here in Parliament. I'm sure she would understand what I am about to say.

One of the reasons this date is particularly important to us is that it is fundamentally difficult, if not impossible, for the government to proceed with questions with the same latitude as you would have, given that the matter is at or is going before the courts. We want the same kinds of opportunities to ask substantive questions about this exercise.

So whether it's in person or by Skype, we are not in a position until this has occurred, nor would it be appropriate to proceed with most lines of questioning that I think would be useful for the purposes of this committee, as a general matter or as a matter related to the study.

I would hope, as interest in this matter and in the affairs of this committee in Parliament grows, that the official opposition would understand that difficulty. The appropriate thing would be to defer it until such time. If she is not willing to, then we will have to proceed on a vote, as it stands now.

Thank you.

**The Chair:** Ms. Bennett.

**Hon. Carolyn Bennett:** Mr. Chair, I think it's really important for this committee to understand that the members opposite are not members of the government. They happen to sit on the government side. They are members of Parliament. The parliamentary secretary—I don't know what he sees his status as—would be perfectly capable of withdrawing or recusing himself at a hearing such as this if he felt he was being asked to speak on behalf of the government.

All members of Parliament are entitled to do this work. No one there is speaking on behalf of the government. The difference between government and Parliament is being seriously lost in this Parliament. All of us are elected to do our job to hold government to account. There are no members on the government side, other than the ministers, who when they speak are speaking for the government.

This is not an excuse for us to find out what is going on and whether those homes are arriving. The date on there is because the ice road will melt and there is an urgency to this, which was the reason we asked for an emergency meeting on housing in the fall.

This is serious. If in the travels of the committee there would be assurance that we could visit the community as part of our study, then I would obviously feel that would work, if it were timely.

**The Chair:** Colleagues, I really want to get to the committee business. There are some time-sensitive issues that I want to resolve before we have the constituency week. Our analysts and our clerk would like that time to prepare.

We need your go-ahead. I'm wondering if we could go to a vote.

Ms. Duncan has a point of order.

● (1725)

**Ms. Linda Duncan:** My understanding is that as a committee we extend invitations to people before us; we're not commanding them to appear.

This would be is an invitation to all those parties. Any one of them could turn down that invitation.

**The Chair:** Committees do all kinds of stuff, and they can eventually demand.... But you're right, it's an invitation.

**Ms. Linda Duncan:** So far, it's an invitation.

**The Chair:** Yes, you're right. That is correct. I'm not sure it's a point of order, but it's a point of clarification on what you've received.

Committee members, Let's go to the vote.

(Motion negated)

**The Chair:** Committee members, I'd like to now suspend quickly and then go in camera for a discussion with regard to committee business.

*[Proceedings continue in camera]*

---





**MAIL  POSTE**

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

**Lettermail**

**Poste-lettre**

**1782711  
Ottawa**

*If undelivered, return COVER ONLY to:*  
Publishing and Depository Services  
Public Works and Government Services Canada  
Ottawa, Ontario K1A 0S5

*En cas de non-livraison,  
retourner cette COUVERTURE SEULEMENT à :*  
Les Éditions et Services de dépôt  
Travaux publics et Services gouvernementaux Canada  
Ottawa (Ontario) K1A 0S5

Published under the authority of the Speaker of  
the House of Commons

### **SPEAKER'S PERMISSION**

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Additional copies may be obtained from: Publishing and  
Depository Services  
Public Works and Government Services Canada  
Ottawa, Ontario K1A 0S5  
Telephone: 613-941-5995 or 1-800-635-7943  
Fax: 613-954-5779 or 1-800-565-7757  
[publications@tpsgc-pwgsc.gc.ca](mailto:publications@tpsgc-pwgsc.gc.ca)  
<http://publications.gc.ca>

Also available on the Parliament of Canada Web Site at the  
following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

### **PERMISSION DU PRÉSIDENT**

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

On peut obtenir des copies supplémentaires en écrivant à : Les  
Éditions et Services de dépôt  
Travaux publics et Services gouvernementaux Canada  
Ottawa (Ontario) K1A 0S5  
Téléphone : 613-941-5995 ou 1-800-635-7943  
Télécopieur : 613-954-5779 ou 1-800-565-7757  
[publications@tpsgc-pwgsc.gc.ca](mailto:publications@tpsgc-pwgsc.gc.ca)  
<http://publications.gc.ca>

Aussi disponible sur le site Web du Parlement du Canada à  
l'adresse suivante : <http://www.parl.gc.ca>