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• (1550)

[English]

The Chair (Mr. John Aldag (Cloverdale—Langley City, Lib.)): I call this meeting to order.

Welcome to the 86th meeting of the Standing Committee on Indigenous and Northern Affairs. We acknowledge that we meet on the unceded territory of the Algonquin Anishinabe people.

Pursuant to the Standing Orders, today's meeting is taking place in a hybrid format with members online but no witnesses.

I think everybody knows, now that we're in session, that there are no photos or screen shots allowed. That's for everybody at the table as well as anybody in the audience.

Today we're continuing our study of Bill C-53. We are delighted to have our minister with us. We have the Honourable Minister of Crown-Indigenous Relations and officials. I understand, although we've had a late start, that the minister will be able to stay for an hour.

We'll get into the opening statements, and then for the second hour we'll invite the officials to remain with us and we'll continue on for the second hour.

We have secured extra resources, so we should be able to go the full two hours. In fact, I was able to get resources beyond that—we haven't received approval yet—but I did want to make sure, given all the testimony that we've heard, that we have the full two hours. I know many of us have flights booked for tonight, so we'll respect that.

Minister, I'm not sure if you're going to do opening remarks, but if you are, you have five minutes. I'm going to use my handy card system, with the yellow card meaning there are 30 seconds left on the clock; red means time's up. Don't stop; finish your thought, and then we'll move on to the next person.

Go ahead when you're ready.

Hon. Gary Anandasangaree (Minister of Crown-Indigenous Relations): *Tansi*, hello, *bonjour*.

I'm here today on the unceded traditional territory of the Anishinabe Algonquin people to speak about the proposed legislation to recognize a Métis Nation of Alberta, Métis Nation of Ontario and Métis Nation-Saskatchewan and their right to self-governance.

[Translation]

This is my first appearance before this committee in my new role. Thank you for all the work you've done on this bill, and I look forward to working with all of you in the future.

[English]

Before I proceed, let me thank all of you. I've been on this committee for many years, and I miss the collegiality and co-operation this committee offered. I want to thank each and every one of you for the work you do.

I want to speak today about the opportunity that is in front of us. This legislation is an opportunity to realize Métis visions for self-determination where Métis self-governance rights are recognized in law. It is an opportunity to set right a long-standing wrong, when Canadian laws and governments failed generations of Métis. It is an opportunity to work towards reconciliation based on nation-to-nation relationships.

For centuries, the Métis have fought for their rights. They've registered as non-profits and lobbied governments. They've built their governance structures and institutions and they've turned to the courts to advance their legitimate rights and claims.

The Constitution Act of 1982 included section 35, which recognizes and affirms the existing aboriginal and treaty rights of three distinct aboriginal peoples, including Métis.

Since then, court decisions have served to clarify these rights and have established legal tests to determine the scope and content of aboriginal rights and which groups hold them. This includes the Powley decision of the Supreme Court of Canada in 2003, which offered further guidance on Métis membership.

Last February, Canada signed updated self-government agreements with the MNA, MNO and MN-S. These agreements affirm each of the Métis governments as indigenous governments with jurisdiction over their core governance matters.

The proposed bill would recognize these Métis governments as indigenous governments. It would provide a legislative framework to give legal force and effect to future core governance treaties, including over citizenship, leadership selection and internal administration.

This legislation does not deal with harvesting rights, and it does not deal with land-related rights or with the self-government treaties of MNO, MN-S and MNA that are contemplated to have either harvesting or land use rights.

The proposed legislation would impact only those who have elected to be citizens of the Métis governments. Let me be clear: It does not affect the section 35 rights of any other indigenous group in any way.

• (1555)

[*Translation*]

This does not affect the rights conferred on any other indigenous group under section 35 of the Constitution Act, 1982.

[*English*]

If future treaties impact other section 35 rights holders, they will be consulted, and that's a legal obligation.

Consultation and recognition of self-governance are both grounded in the United Nations declaration, a road map to reconciliation. The UN declaration act is not just a promise: It is an obligation for the government to support self-determination and self-governance for all indigenous peoples. This legislation is what the UN-DA looks like in practice.

I acknowledge that some have raised concerns that are largely based on misconceptions, and today I'm here to clear those up. I'm committed to continuing our collective work with the MNA, MNO and MN-S.

The fight for rights has been a long one, and it hasn't been easy. In this committee room alone, Métis people have listened to some try to deny their existence as a distinct people. I urge the members of this committee to come together to recognize that the fight for rights is an important one and one that should be bipartisan.

The proposed legislation was co-developed, and it's based on Métis needs, priorities and visions for a better future. It is a product of their many, many hours of work and advocacy. A future in which these Métis rights are recognized in legislation and are respected by the Government of Canada is within reach.

I look forward to answering your questions, and I want to thank the officials at the table and many who are not here for their enormous work in getting us to this point.

[*Translation*]

I will be happy to answer any questions you may have.

Thank you.

[*English*]

The Chair: Thank you, Minister, for your opening comments, and I would like to now introduce the officials who are with you.

We have Martin Reiher, senior assistant deputy minister, treaties and aboriginal government; Michael Schintz, federal negotiations manager from negotiations—central, treaties and aboriginal government; Blake McLaughlin, director general, negotiations—central, treaties and aboriginal government; and we welcome Julia Redmond, legal counsel from the Department of Justice.

With that, we're ready to move into our first round of questions, which is going to be six minutes for each of the four parties represented. I have Mr. Schmale up first.

When you're ready, the floor is yours.

Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC): Thank you very much, Chair.

Thank you to the minister for appearing.

This is a bill that we've had a great interest in as we continue to work through the process, and we thank all those in attendance today for their keen interest in the path.

One thing that we've been hearing, Minister, quite a bit from Métis and first nation voices is the fact that consultation was not done properly. I do understand that this piece of legislation affects the governing of MN-S, MNO and MNA in how they govern their members, look after the children, etc.

Having said that, leading up to this process, there were groups—the Chiefs of Ontario for one, and Métis groups—that were raising kind of a red flag, if you will, for lack of a better word, that the consultation was not done properly in order to ensure a smooth passage of this legislation.

Given the fact that this legislation was delayed a number of times, how was consultation missed in those key months?

Hon. Gary Anandasangaree: Thank you, Mr. Schmale. I'll say Jamie afterwards.

Thank you for that question, and I think it's one that I heard as well when I met with many of the individuals and groups that you talk about. Let me say at the outset that this is essentially a framework governance legislation that ensures that the Métis nations of Ontario, Saskatchewan and Alberta are recognized as governments. In effect, it doesn't confer rights beyond that scope, and it in no way abrogates or derogates from the rights of any other section 35 rights holders.

The duty to consult, as I indicated earlier, will be triggered when there is a treaty, and it would have been triggered had this process been different or the scope larger. I'm very comfortable in confirming that there was no particular need on a duty-to-consult basis; however, we've had extensive conversations over the years with many different partners to look at the Métis landscape. For example, in Manitoba, we have a very particular process that is ongoing and that is at a very mature stage, and we feel that there will be a similar type of legislation that will come forward there.

In terms of other Métis groups, some may not be in the same position to advance—

• (1600)

Mr. Jamie Schmale: I do have to cut you off, Minister. I'm sorry; I know your job is to keep talking, but unfortunately I don't have much time.

Hon. Gary Anandasangaree: I want to give you a comprehensive answer, but I would be glad to—

Mr. Jamie Schmale: That was very comprehensive, and I do appreciate that.

Would you be comfortable with a non-derogation clause just to clarify for those groups that have concerns, if this were put forward in the process?

Hon. Gary Anandasangaree: The intention has always been to ensure that this legislation doesn't abrogate or derogate from any other existing rights. We will look at every proposed amendment that comes forward. At this point I can't comment, but we will definitely give due consideration to every issue.

In terms of the derogation clause within the agreements, they are already embedded, but I think, to your point, if it does come forward as an amendment, we'll give it every consideration we need to.

Mr. Jamie Schmale: Some of the concerns brought up from the Chiefs of Ontario—and you may have heard their testimony—weren't so much on the piece of legislation about the governance, because I think that speaks for itself, and I don't think there was one witness who denied the Métis their rights. I am paraphrasing, of course.

We're trying to work a path that can try to make as many people happy as possible. What is the next step? The chiefs brought up the fact that the next step wasn't entirely clear.

Specifically, the part that talked about the treaty, which you just mentioned, and the fact that as the legislation stands now, there would not be a process in which Parliament could have some kind of oversight.... One step further than that would be a vote in Parliament.

Would that kind of amendment be acceptable to you to ease some of the concerns?

Hon. Gary Anandasangaree: Again, I think, in terms of amendments, that my answer will be consistent in that respect, Jamie. We will look at every amendment that's before us and we will give it due consideration.

I do think it's important to underscore that the treaty process as contemplated within Bill C-53 is one that does go through an order in council process, so it's not a pro forma exercise. It is one that goes through scrutiny, so there is a cabinet process that would have to—

Mr. Jamie Schmale: I think we'd be more comfortable if Parliament had the view on it, rather than... I'm sure you understand that.

The next situation that we were encountering in this line of testimony was the land part. The Ontario chiefs were worried that there would be some kind of claim and that the courts would get in-

involved, that it would be drawn out and cost a lot of money and make a lot of lawyers pretty rich, but it was also pointed out through this process that land may or may not be part of it, and at the same time that there are treaties that don't involve land.

Hon. Gary Anandasangaree: I think we're out of time, but if I can very simply answer—

Mr. Jamie Schmale: I have 30 seconds left, I think.

Hon. Gary Anandasangaree: —land is not part of the treaties that are contemplated here, nor in the legislation.

The Chair: You have 10 seconds, if you want them.

Mr. Jamie Schmale: I can't get anything started.

Thank you.

The Chair: That is the end of the six minutes.

We're going now to Mr. McLeod, who is going to start off with six minutes of questions.

Mr. Michael McLeod (Northwest Territories, Lib.): Thank you, Mr. Chair.

Thank you to the minister and the officials for joining us here today.

I think that the minister is aware that I am Métis from the Northwest Territories, that I have been involved with land claims and self-government negotiations since the 1970s, and that we still haven't settled a claim yet. I've had a long history with all that is involved when it comes to negotiations.

I think everybody is aware that first nations are required to keep membership lists; at least, Indian Affairs keeps a membership list, and I believe it's the same with the Inuit. However, when it comes to the Métis, there is no list. With all three organizations, whether you're Métis, Inuit or first nations, if you're not on a list, it's hard to get onto a list.

During the study, I listened with real interest as this committee was presented with many witnesses who talked about the importance of the enumeration process for Métis governments. Many talked about parts of the enumeration and talked about requirements for independent audits, and some mentioned that this enrolment process is one of the strictest and toughest in Canada to go through, because you need a whole family history before you can get on the list.

I want to ask the minister to speak to the process used by the Government of Canada to ensure the integrity of the Métis governments' membership lists.

• (1605)

Hon. Gary Anandasangaree: Thank you, Mr. McLeod. I'll also call you Michael, if it's okay.

Look, I think Bill C-53 respects Métis self-determination, with citizenship decisions falling under the authority of the Métis government. This is aligned with the principles outlined in the Powley decision, which recognizes the significance of shaping the legal landscape for Métis rights. The tests, essentially as set out by the Supreme Court, are as follows.

The first is self-identification as a member of the Métis community. The second is evidence of an ancestral connection to a historic Métis community. The third is a demonstration of acceptance by the modern community, whose continuity with the historic community provides the legal foundation for the right being claimed.

Essentially, the registrars of the three provinces that we are talking about have gone through and reviewed their processes. In the case of Ontario, some 6,000 citizens who have incomplete records were removed from the list. As a starting point, we're in a very vigorously assessed system that has identified the citizens in each of the provinces and the membership of those who want to be part of these nations. I'm very comfortable in confirming today that this is the process that will continue.

There's also an audit process that's independently undertaken, as well as a cross-reference to registries that are held by the federal government. For example, if somebody is identified under the Indian Act, they would be cross-referenced.

There's a very rigorous process that does enable these governments to determine their citizenship and to ensure that there's continuous scrutiny of who is and who is not a member.

Mr. Michael McLeod: In the Northwest Territories, I think we have 15 tables that include land claim and self-government negotiations. Some are strictly land claims. Some are self-government. Some include the Métis. Some include the Dene or the first nations. Some are with the Inuit communities. Some are joint. In Dehcho, for example, we have the first nations and the Métis negotiating a land claim together and self-governance together.

Can you speak to how different indigenous governments can pursue their inherent right to self-determination in overlapping areas without reducing the rights of others?

Hon. Gary Anandasangaree: Look, many parts of Canada have overlapping claims. At tables, we have been able to resolve many that may be in conflict. I have seen a number very recently at which we've been able to do that. It's about engaging, in the spirit of partnership and in the spirit of reconciliation, with different communities and nations and distinct groups to ensure that we have a fair resolution.

It is rooted in history. There's deep history in many parts across the country, but that's particularly the case when we talk about landscapes that are often a result of overlaying claims. Sadly, it's also part of our colonial history, one that we're trying to move away from and move forward with.

It can really only happen, Michael, when we're able to be at the table and continue the ongoing engagement that you have identified as something that's happening in NWT. It's oftentimes recognized that there are frustrations and delays. Nevertheless, I think the delays are also to ensure that we get to the right results.

• (1610)

The Chair: All right.

[*Translation*]

Ms. Gill, you have the floor for six minutes.

Mrs. Marilène Gill (Manicouagan, BQ): Thank you very much, Mr. Chair.

Minister, I'd like to thank you and, at the same time, publicly congratulate you on your appointment. I appreciate your comments at the outset that this committee is capable of working collaboratively. I hope it will always be so, because that's the way to move forward on all the issues on the table here, including Bill C-53.

I'd now like to come back to what you said about the issue of consultations in discussing things with my colleague Mr. McLeod. You said that, from the perspective of reconciliation, things had to be done in a certain way. At the committee, several witnesses said that passing Bill C-53, or even introducing it, was a step backwards for reconciliation. They also argued that it did not comply with article 19 of the United Nations Declaration on the Rights of Indigenous Peoples.

I'd like to know what your response would be to all the witnesses who raised these two arguments.

Hon. Gary Anandasangaree: Ms. Gill, thank you for your question and your work on this important bill.

I'm still working on improving my French, so I'll reply in English.

[*English*]

Let me start with the notion of consultation. It is absolutely essential when we engage in issues dealing with the indigenous people. It is a core principle that is required in UNDRIP as well as in Canadian law.

The unique—

The Chair: I'm sorry, Minister; we need to pause for just a second. The interpreters are having a problem. If you could slide the mic slightly closer to you and raise it up, that should help a bit.

That's perfect. I'm sorry for the interruption. Please carry on.

Hon. Gary Anandasangaree: Thank you.

I want to highlight article 4 of the UN declaration. It says:

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Essentially, we're talking about an internal structure. Bill C-53 recognizes the three organizations, the Métis Nation of Ontario, Métis Nation—Saskatchewan and Métis Nation of Alberta, as self-governing authorities.

As a result, it is my considered opinion that—

• (1615)

[Translation]

Mrs. Marilène Gill: I'm sorry, Minister, but I have to interrupt you to ask a second question and link the two.

Are you telling me that article 4 would take precedence over article 19? You're placing the two articles in opposition. You mention article 4 and say that we're only talking about governance. This leads me to my second question.

Mr. Justin Roy came to testify this week on behalf of the Ke-
baowek Nation. For him, as for several other witnesses, we're not just talking about governance mechanisms here. You said earlier that treaties wouldn't have anything to do with territory and resources. For these witnesses, however, this goes against their rights and titles, and they have concerns about this. Every nation has the right to have its own governance mechanism and to become a government, but when you're a government, you can negotiate treaties, and treaties affect their rights. That's what they told us.

What would you say to Mr. Justin Roy? Is he right in saying that at some point this could affect the rights and titles of the Ke-
baowek community? What about those of other first nations on their own territory in Quebec? Are you telling us that there's no possibility of this affecting their rights and titles?

[English]

Hon. Gary Anandasangaree: Thank you, Marilène.

Look, there is no impact on other indigenous peoples' section 35 rights with Bill C-53. If it comes to a stage—

[Translation]

Mrs. Marilène Gill: Excuse me for interrupting again, but I'd like to clarify my question.

You're talking about Bill C- 53. I'm talking about what this bill— which will not be applied in a vacuum—could lead to. It could lead to something else.

My question is very simple. Is there a possibility of this happen-
ing, or no possibility at all? I'm not saying it could happen the very next day, but is it possible? So you can answer me yes or no, depending on whether there is a possibility or not.

[English]

Hon. Gary Anandasangaree: As it is, there are no implications on other section 35 rights. If and when we get to a point of a treaty that is negotiated by the respective governments, and if there are implications on other nations or competing claims that are not contemplated here, then there is an absolute duty to consult, and—

[Translation]

Mrs. Marilène Gill: You say it's not being considered, but that means it's possible.

[English]

The Chair: We're out of time now.

Hon. Gary Anandasangaree: As it is, no, it's not contemplated in the legislation.

The Chair: Thank you.

[Translation]

Mrs. Marilène Gill: So, it's possible. Thank you.

[English]

The Chair: We're going to move to Ms. Idlout, who is next, for six minutes.

Ms. Lori Idlout (Nunavut, NDP): *Qujannamiik, Iksivautaq.*

Thank you, Chairperson.

Thank you to the minister and his officials for appearing before us today.

This is a very serious bill. We've heard testimony from first nations and Métis. I'm not sure if you've been paying attention to some of what's been shared. Have you paid attention to any of what's been shared during this study?

I see you are signalling yes.

Would you agree, then, that this Liberal government has played a role in dividing first nations, Métis and Inuit against each other by introducing this bill in the way that this government did?

Hon. Gary Anandasangaree: Thank you for the question.

This bill was co-developed by the Métis nations of Ontario, Saskatchewan and Alberta. It comes in the spirit of reconciliation. It's something we've been working on for many years. Essentially, it recognizes the governing structures of these three communities.

Ms. Lori Idlout: I'm asking you about what this Liberal government has done to first nations, Métis and Inuit in introducing it in the way that it did.

• (1620)

Hon. Gary Anandasangaree: There are a lot of issues where governments in the past—and I would admit, even our government—have reinforced colonialism. In this particular case, I don't believe that is so.

I believe this is moving forward in the spirit of reconciliation with the sole objective of ensuring that an existing government structure is codified into law. That is what we're doing. It is in no way impacting the other distinctions-based groups that we have here.

I can assure you, Lori—I think I can call you Lori, if that's okay—that is not the intention. The intention is to ensure that we recognize in legislation what has been in practice for many decades.

Ms. Lori Idlout: We have heard from the Metis Settlements General Council in Alberta, who have their own government. Have you consulted with them in preparation for Bill C-53?

Hon. Gary Anandasangaree: I met with them in my recent visit to Alberta—not with all of the settlements, but I did meet with the major ones. Essentially, the recognition that is happening with Bill C-53 is not for all Métis organizations. For example, the Manitoba Métis Federation is not part of Bill C-53. The ones subject to this bill are the Métis nations of Ontario, Saskatchewan and Alberta.

There are some groups that are going through a process of recognition as section 35 rights holders. At some point, if they choose to organize, we will support them once a recognition is there. Right now, it is these three that are subject to Bill C-53.

Ms. Lori Idlout: Can you confirm, then, that the rights of the Métis settlements in Alberta will not be impacted, that they will indeed continue to be able to work towards self-government? That's what they have been working towards for decades, I'm told.

Hon. Gary Anandasangaree: Look, I met with them. I think they're doing some remarkable work in their communities, and this bill does not impact their section 35 rights, once conferred.

Ms. Lori Idlout: Okay.

In Bill C-53, there are three provisions. The first one is in number two of the preamble. The second part is in paragraph 4(b). The third part is in clause 8, where these provisions specifically talk about self-government, saying that the Métis that have been selected to be recognized to have self-governing rights are "authorized".

In what way have you determined that these three—the MNO, the MNA and the MN-S—are the ones that are the authorized Métis governments whose rights should be respected?

Hon. Gary Anandasangaree: Just to clarify, "authorized" does not mean "sole". In terms of all three, they were the three existing governments that have been doing an enormous amount of work within their areas. They have a defined membership and they have been working and co-developing this legislation with us. We're here essentially because of the work they've done, and at this point—

Ms. Lori Idlout: I'm sorry to interrupt you.

In what ways have you determined that these three are the authorized self-governing nations as opposed to, for example, the Metis Settlements General Council in Alberta?

Hon. Gary Anandasangaree: The difference is.... I'm going to ask Martin to add and to maybe answer this question, if that's okay.

Mr. Martin Reiher (Senior Assistant Deputy Minister, Treaties and Aboriginal Government, Department of Crown-Indigenous Relations and Northern Affairs): Thank you, Mr. Chair.

I would say at the outset that before entering into a treaty with any indigenous group, we look at the history and all the environment, including the case law—

The Chair: I'm sorry. We're out of time.

I'll let you finish, but also, could you move the microphone up a bit and direct it?

Mr. Martin Reiher: Thank you.

We do that to ensure we are dealing with a rights-bearing collective.

The other thing I would add is the fact that the MNO, MNA and MN-S have been identified by Canada as a rights-bearing collective doesn't mean that there are no other rights-bearing collectives. It doesn't prevent any other group from pursuing their own achievement.

• (1625)

The Chair: Thank you.

We're going to move next to Mr. Vidal, who will have five minutes.

The floor is yours.

Mr. Gary Vidal (Desnethé—Missinippi—Churchill River, CPC): Thank you, Chair.

Thank you, Minister. I'm going to call you "Minister", but you can call me Gary, okay?

In your opening comments, you talked about rights, Minister. I'm sure you've been following the committee's work on this bill and much of the discussion around recognition of rights. I think we would all acknowledge that there's a lot riding on the outcome of this bill for a lot of stakeholders who are very interested in this.

A lot of the concerns people have are because of failed relationships in the past. There's a lack of trust. I would say that this bill has tested your government's ability when it comes to some of those relationships. A lot of that is due to communication, or the lack thereof, because that's what builds the trust, if that's a fair comment.

Minister, when we were considering UNDRIP, you were the lead on the government side, and it was the Conservatives who pushed for a definition of "free, prior and informed consent" so there would be clarity in the relationship going forward.

With no definition of consent, we have no clarity. Without clarity, we have a hard time building trust. Without trust, we have a hard time building relationships. I think that's one of the reasons this bill has become so contentious, in fairness. Frankly, Minister, this process has pitted one group of indigenous people against others, and that's frustrating for all of us, I think.

Can you reconcile for me...? In your comments or your answer to one of the other questions, you talked about how there was no need for a duty to consult. Can you clarify for me, maybe, the discrepancy between the need and the desire to consult and maybe how improved communication could have left us in a better place today?

Hon. Gary Anandasangaree: Thank you, Gary.

Look, communication is always important, and I think my particular role requires an enormous amount of communication—particularly listening. I hear—and I think all of us at this table can appreciate—how much distrust there is. Anything that comes from government is from a perspective of distrust and not from a position of trust. I recognize and I acknowledge the concern that you put forward. There's no doubt.

Just to back up a little bit in terms of this particular legislation, this was co-developed by... There are three distinct groups in Canada: first nations, Inuit and Métis. In this particular case, this was co-developed by Métis, the three Métis groups that represent Ontario, Saskatchewan and Alberta—

Mr. Gary Vidal: Minister, I don't want to be disrespectful, but my time is very limited. I know where you're going with this; we've had those conversations.

Hon. Gary Anandasangaree: Unfortunately, it's hard to give you a 30-second answer, but—

Mr. Gary Vidal: I appreciate that. It's hard to ask a 30-second question too, but I do have just a short time.

I'm going to be honest with you. I promised the Métis Nation of Saskatchewan at the very first hearing that I would ask the minister why this took so long, so I want to frame it for you a little bit. If you think about this process, I get that they're going to tell me it started decades ago, but officially this process started in 2018, and there was a 2019 kind of draft agreement. We went on to some amendments and updates, and then in February 2023 there was a new updated agreement.

This legislation was promised to be tabled in April; then it was June; then it was Monday; then it was Wednesday, and finally it was Friday. There have been a substantial number of delays for reasons that nobody has been able to get answers to.

As the minister responsible for this piece of legislation, can you clarify for this committee why there have been all the delays and what took so long? What was going on at the time that left us at the point that this was tabled on the very last day before we rose for the summer?

Hon. Gary Anandasangaree: Thank you, Gary.

I'm not going to speak to the past, because I don't have intricate details about that. All I can say is that there's been an enormous amount of work undertaken by Minister Miller and Minister Bennett on this. I personally met with President McCallum in Saskatchewan many, many times.

I recognize the delay and I recognize the frustrations. That being said, we're here. We're here completing the study, from what I understand, and the next step will be amendments.

Let's take the moment, capture the moment, and see how we can move this forward together.

Mr. Gary Vidal: Thank you, Minister.

I'm going to go back to communication for a second.

Reconciliation comes with good communication. Today we saw the example of how there has been a lack of consultation on the carbon tax, which is the subject of the judicial review that the Chiefs of Ontario are initiating. That's just another example.

Can you maybe speak again to the fact that we need to sit down and talk about these things and about how there's been a lack of that communication, and maybe acknowledge that?

• (1630)

The Chair: I'm sorry, but we are at the end of the time. I'll give you time for a couple of brief sentences, and then we need to finish.

Hon. Gary Anandasangaree: Look, of all the committees, I believe the INAN committee has been the most collaborative, and for the right reasons, because this is not about politics; it's about moving forward. I think in that spirit, Gary, it's important that consultation improve at every level. I would acknowledge that. I think as we move forward on this particular legislation, the collaboration around the table here is important.

In terms of what's happening, there are a number of things happening that are outside of our control, and I think we can have that discussion on another day.

The Chair: Thank you.

Next we're going to Ms. Gainey, who is online.

Ms. Gainey, when you're ready, the floor is yours for five minutes.

[*Translation*]

Ms. Anna Gainey (Notre-Dame-de-Grâce—Westmount, Lib.): Thank you, Mr. Chair.

Thank you, Minister.

[*English*]

Thank you to the officials.

[*Translation*]

It's a pleasure to have you with us today for this very important bill.

[*English*]

Minister, we've heard from witnesses—and some of these concerns have been reiterated just now by some of my colleagues in the room—about the impact on the rights of other indigenous peoples. Could you elaborate in a way that would perhaps reassure on the specific steps that would be completed before a self-government treaty with each of the Métis governments could be put into effect through this proposed legislation?

Hon. Gary Anandasangaree: Yes. Thank you for the question.

I'm going to start, and then maybe I'll ask Martin to add to that.

Bill C-53 will essentially recognize the three Métis governments in question—Ontario, Saskatchewan and Alberta. Once the recognition is complete, other discussions will be undertaken at another table regarding a possible treaty, which again will be limited to issues around membership and governance and matters internal to the organization.

At that time, there will be a process whereby there will be consultations. I think in this particular case—and Martin could maybe add to this—once the consultations are complete, if there are things outside of what was contemplated in the agreement—new concerns that come forward—then there will be the process to amend and re-work the treaty. Once it's reworked, then there will be a process of ratification. Once it's ratified, it will come to government for an order in council recognition of the treaty.

I think Martin could maybe add something about the processing, because he's done this many, many times.

Mr. Martin Reiher: Thank you, Minister.

Actually, the minister presented this very well. As a next step, there would be a negotiation of a treaty with the same subject matter already included in the current agreement. Other things would have to be done before a treaty would come into force. Constitutions would have to be adopted by each of the groups. Two of them already have one; MNO is working on one now. Some Métis government laws would be adopted, and a registry would be developed so that the laws would be made available. There would be an implementation plan developed. On the fiscal relationship as well, there is an agreement that will be developed.

All these steps will take place before a treaty would be approved. Obviously, there would be a consultation on any potentially affected groups before the treaty comes into force, and there would be ratification. I think the minister described that.

[*Translation*]

Ms. Anna Gainey: Thank you.

[*English*]

I'm new to this job and this process, so I'm curious. In that process that you've just described, does any of that consultation come back to this committee, or is it the case that once we proceed, the committee's work is complete on this legislation, and for the treaties, the advanced work and the next steps take place outside of this process here?

• (1635)

Hon. Gary Anandasangaree: This is the legislative process that enshrines Bill C-53 into law. It provides a framework for what the next step looks like, which is the treaty process, and ratification of the treaty is contemplated by an order in council. It's unlikely for it to come back to committee, but of course the committee is the master of its own domain, and at any point it can request updates from governments on these processes.

Ms. Anna Gainey: Okay.

Mr. Chair, I don't have the timer going in front of me, and I haven't seen your card—

The Chair: You have 40 seconds left.

Ms. Anna Gainey: Okay.

The other thing that came up a few times is the Powley decision from 2003. Are there any insights you'd like to share with respect to Bill C-53 and how it acknowledges or builds upon the significance of that decision? I know 30 seconds is probably not a lot of time for that, but I'll give you a chance.

[*Translation*]

Thank you.

[*English*]

Hon. Gary Anandasangaree: Maybe what I'll add to what I've already said is that this bill didn't come about very easily. It came after an enormous amount of work by the three nations in Ontario, Saskatchewan and Alberta. It reflects the will that they have presented to us.

Maybe I'll stop there.

The Chair: Sure. Somebody may want to pick that up in a further round of questions.

We're going to go now to Madame Gill. If you're ready, Madame Gill, you have two minutes and 30 seconds.

[*Translation*]

Mrs. Marilène Gill: Thank you, Mr. Chair.

Minister, I'd like to continue in the same vein as earlier. You mentioned the issue of trust, and I'm very pleased about that. It's true that trust must be earned with indigenous, Métis and Inuit peoples.

A chief in my riding, Jean-Charles Piétacho, says—and this is also what we saw at the committee—that it's been centuries, some 500 years, since these peoples have had a voice. Clearly, they are now going to have their say. That's what several witnesses said about reconciliation. They said they agreed that nations should have rights.

They talk about reconciliation, but they'd also like to talk about truth. We also have to agree on truth. I think truth—as my colleague Mr. Vidal also mentioned earlier—is part of the process of gaining trust.

I'd like to come back to my previous question, because I didn't get a clear answer. The Kebaowek community and others maintain that Bill C-53 currently opens up a possibility, not an eventuality as you say, but really a possibility.

I'm not just talking about the present. I'm talking about the future, too. If we project into the future without any time limit, once Bill C-53 is in effect, is there any possibility that there will be any impact on the rights and titles of Kebaowek, for example, or other Métis or first nations communities?

[*English*]

Hon. Gary Anandasangaree: I'm going to ask Martin to answer this.

[*Translation*]

Mr. Martin Reiher: Thank you, Minister.

With your permission, Mr. Chair, I will reply in French.

Ms. Gill, we have a lively relationship with our indigenous partners. As for the first step with our Métis partners, we have an agreement and we're going to negotiate.

Mrs. Marilène Gill: I have 10 seconds left and I think you can answer with a simple yes or no: are the rights and titles of other first nations or Métis nations likely to be affected if Bill C-53 is passed?

Mr. Martin Reiher: They're not likely to be any time soon.

Mrs. Marilène Gill: I'm talking here about a horizon with no time limit, eternal.

Mr. Martin Reiher: The point is that there are conditions. If a treaty is eventually amended so that it affects rights, for example jurisdiction over land...

Mrs. Marilène Gill: Can your answer be summed up with a yes, Mr. Reiher?

Mr. Martin Reiher: We can't, unfortunately...

Mrs. Marilène Gill: Can we sum up the answer by saying that, yes, there is a possibility? Is there no possibility or is there a possibility?

Mr. Martin Reiher: L...

[English]

The Chair: Madame Gill, I'll ask you to allow the witness to respond.

We are out of time, so I'll ask for a very brief response.

[Translation]

Mrs. Marilène Gill: Thank you, Mr. Chair.

Mr. Martin Reiher: This is not for the territory that the community of Kebaowek might occupy, but, should a Métis group be granted jurisdiction over certain lands and should there be a potential overlap, then that would be a possibility. In that case, there would be consultation and possible adaptations.

• (1640)

Mrs. Marilène Gill: Thank you very much, Mr. Reiher.

[English]

The Chair: Thank you.

I should have mentioned this during my introduction comments. I'd like to remind everybody—this was raised in the House today—that we have two official languages in Canada, and you are encouraged to use whatever one is your language of choice. That's why we have our excellent interpreters. Converse in either language. I just want to make that clear.

We're now going to Ms. Idlout, who has two and a half minutes in this round.

Ms. Lori Idlout: *Qujannamiik.*

To go back to the concerns raised by first nations, especially in Ontario, that have had treaties for generations, they feel they have not had an opportunity to be heard by this government.

How does this government plan to alleviate the concerns of first nations in Ontario regarding the Métis Nation of Ontario?

Hon. Gary Anandasangaree: I have met with the Chiefs of Ontario. I spoke at their AGM last week. I've met with a number of chiefs individually. I have met chiefs in smaller groups. I have lis-

tened to them intently in terms of their concerns. The concerns that were laid out are not what are in the bill.

The assurance I can give them today, and the assurance I can give you, Lori, is that Bill C-53 is essentially a recognition of the governance of the Métis of Ontario. It does not in any way deal with harvesting rights. It does not deal with land rights. The treaties contemplated by Bill C-53, again, do not contemplate either land or harvesting rights.

I don't know how else to give that assurance. It is in the language in the text—

Ms. Lori Idlout: When you met with them, did they respond to you that they felt reassured?

Hon. Gary Anandasangaree: They are frustrated, and I recognize the frustration. What we're trying to do here is to ensure that the Métis nations, the three of them in question, who have long not been recognized, are recognized through a self-governance process. That is what we're trying to do. We're not trying to do anything beyond that.

It's a basic principle of the UN declaration, as well as...

I think that if any people—

Ms. Lori Idlout: They don't feel reassured.

Hon. Gary Anandasangaree: There are times when we can... We need to do more work. Let me put it that way.

The Chair: Thank you. We're out of time.

In this round, there are two five-minute question periods left, and I'm going to start with Mr. Schmale.

When you're ready, the floor is yours.

Mr. Jamie Schmale: Thank you very much, Chair. I appreciate the additional opportunity to chat with the minister.

Minister, I think Mr. McLeod brought it up too. The clarity around membership is something that has come up a few times in the conversation about this bill and what comes next.

You spoke about it a little bit, but I want to drill down to potentially ease some of the concerns of some of these groups around membership. What strategy is being put in place to ensure that the membership holds up to any potential scrutiny?

Hon. Gary Anandasangaree: The way the membership is undertaken is that there's an application process. They have to meet the Powley test in terms of ensuring that the principles as outlined in Powley are satisfied. Then what the registrar in each of the provinces will do is use a third party validation process to make sure that those who were admitted as members are validated in accordance to the Powley decision.

The question, maybe, Jamie, that I'm trying to answer... Let me frame that, because there is a difference between how membership is defined under the Indian Act and how it's happening with the Métis. There is a discrepancy there that I think we need to acknowledge, and it's a discrepancy that requires us to work harder to ensure that we continue to move away from the Indian Act.

The challenge, as you're aware, is that there is a cut-off. There's a second-generation cut-off, and we've had to expand that a number of times, but I think ultimately the issue of self-determination over membership goes particularly to first nations—

• (1645)

Mr. Jamie Schmale: I appreciate that.

As you know, and as everyone in this room knows, first nations don't get to decide their membership. As you mentioned, it's under the Indian Act, but there's a little more flexibility for the Métis. Again, I'm looking for those safeguards in place. I know we have Powley and other guidelines that are followed, but we've heard from Métis organizations and we heard from the chiefs and many other first nations that are looking for solid guardrails, if you will, for lack of a better word, about the membership.

Hon. Gary Anandasangaree: Yes, and this is where the review process is important. There is a review process and there is also a cross-checking with the registrar in terms of the Indian Act to make sure that there's no duplication. Ultimately, if somebody meets all those requirements, then they're admitted as members.

I think the question that we need to address in the future, and with urgency, is the issue of broader issues of definitions under the act that preclude some people from being members of certain communities. I think that's work that we still need to do. It is important, and I acknowledge it, and I think it's something that we need to....

We can't have that cloud the conversation here. The mistakes of the past we cannot repeat in modern legislation where we are trying to avoid and learn from our past mistakes. I think that's really what we're trying to do with Bill C-53.

Mr. Jamie Schmale: Okay. I don't have much time, but I do want to ask you a few more questions.

My time ran out the last time. My last question was about land. We talked about the fact that some treaties don't involve land. Do you see this treaty involving land?

Hon. Gary Anandasangaree: No.

Mr. Jamie Schmale: Okay.

Going back to the parliamentary approval again, those were some of the concerns that the Ontario chiefs were talking about. That's why I was trying to get you to lock down on a commitment towards some kind of amendment for that.

Hon. Gary Anandasangaree: Look, I think I have worked with most of you individually, especially on your side of the aisle, Jamie, and I think you can appreciate that I am quite forthright and straightforward in the way I address things. When I say I will look at every single amendment that's put forward and I will give it due consideration, I really do mean that, and we will work together in collaboration to get to a position that we can all accept. I think

we're very open to amendments that are coming forward from all members.

The Chair: Minister, we were told that we had one hour with you. We're two minutes away from that one hour. I'm hoping you can indulge us for an extra three minutes so we can get to our full last questions from Mr. Battiste for five minutes.

Okay. With your indulgence, thank you so much.

Mr. Battiste, the floor is yours for five minutes.

Mr. Jaime Battiste (Sydney—Victoria, Lib.): Thank you for that, Minister.

We've talked about how we're trying to be consistent with UNDRIP, especially article 33, which gives nations the ability to determine who their own membership is. Is Bill C-53 consistent with UNDRIP as written? Can you talk a bit about some of the things that we did put in place to make sure that we are consistent with UNDRIP?

Hon. Gary Anandasangaree: UNDRIP is, as Gary mentioned earlier, something that we worked on and that this committee worked on leading up to 2019 and 2021. In a world where we're in the process of implementing UNDRIP at every departmental level, as a whole of government, it's very important that the legislation we bring forward is in line with the principles of UNDRIP. It's essential that we recognize what self-determination looks like and what it means for governments to dictate and to control matters. We're now in a generation and in an era where, for self-determination, it is the nations and the people impacted who will make those decisions. I strongly believe this bill does that.

• (1650)

Mr. Jaime Battiste: Thank you, Minister.

Membership aside, on the ability to look at criteria of how you determine your own citizenship in the very distinctive aboriginal communities of first nations, Métis and Inuit, there's been a lot of discussion and a lot of fear that first nations have brought to this table. They said that this could potentially impact land or resources in the future. They argued that every single treaty signed had something to do with land or resources and that there was push-back on it.

Can you elaborate on what you said earlier about land not being part of the contemplation of the treaties under this legislation? Can you give us a sense of what these treaties are about?

Hon. Gary Anandasangaree: I indicated earlier that the treaties are quite narrow in scope. They essentially deal with notions of membership, citizenship, leadership selection and internal administration. I think Martin elaborated that they would include things like what the fiscal frame would be, how the administration would look and what the constitution would be. I think those are the matters being contemplated.

Absolutely, harvesting or land rights are not part of the treaties, and it's quite clear within the text of this bill.

Mr. Jaime Battiste: Thank you very much, Minister.

Since we had this discussion, a lot of the first nations testified that it's unfortunate, within the Indian Act, that there's a second-generation cut-off. Is there any wiggle room in it so that you can report back to this committee on progress to make sure that we're looking at article 33 in UNDRIP for the first nations as well?

Hon. Gary Anandasangaree: I understand Minister Hajdu has already started a consultation in that regard, and I think that will be very instructive for us as we move forward. I was part of Bill S-6 a number of years ago, when we expanded it. I heard from a range of people. The final message for us was that they need to control their membership and to be able to define who their citizens and their members are. It's not up to the federal government to dictate that, especially given the history.

I think the consultations will be very instructive in terms of how we move forward.

Mr. Jaime Battiste: Thank you.

The Chair: Thank you, Minister.

That concludes our first hour.

Just so the members know, we're not going to start a fresh second round; we're going to do a continuation. We'll get into the third and fourth rounds, and those will be five, five, two and a half, two and a half, five and five minutes. That's the sequence we'll go through until we get to the end.

I will suspend very briefly so that anyone who wants to thank the minister can do so. I will replenish my tea, and then we will resume the meeting.

I ask those online to not go away. We will be back in just a minute or two. For the moment, we're suspended.

● (1650) _____ (Pause) _____

● (1655)

The Chair: We're back in session. Once again, there can be no pictures and no screenshots—just the memories.

We're going to carry on. I also neglected, in my opening comments, to welcome everybody who's joining us today. It's great to see a very full audience. Thank you for making time. I know that many of you have been here often, and it's great to see you.

Mr. Sidhu, thank you for joining us as well.

Let's jump right into the second hour of our panel now. We'll aim to end no later than 5:45 so that we can get members off to their flights.

First off, we have Mr. Vidal, who has the floor for five minutes.

Mr. Gary Vidal: No, it's going to be Mr. Schmale.

A voice: It's going to be Mr. Zimmer first.

The Chair: I'm sorry. We'll change up the sheet.

Mr. Zimmer, you have the floor.

Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC): Thank you, everybody.

Thank you to the witnesses for being here.

A National Post article came out today, which we heard about in the House. It said, "Ontario Indigenous group seeks judicial review of carbon tax", and it went on to say:

An Ontario Indigenous group has launched a legal challenge against the Liberals' carbon tax, arguing it discriminates against people who live on reserve.

Grand Chief Abram Benedict, who holds the group's environment portfolio and is also Grand Chief of Akwesasne....

"The government has boasted that Canadians will pay a carbon tax, but through the rebates, through the subsidies they will actually receive more than...they have paid. That doesn't ring true in First Nations communities," he said.

In the court filing, the group argues that technologies like electric vehicles or heat pumps are not only unavailable, but unworkable in many Indigenous communities....

Benedict said his group has been talking to the government about changes to the carbon tax regime for some time—

The Chair: Mr. Zimmer, I'm sorry, but I'm going to stop the clock for a second. I want to say that it is important that we make the questions relevant to—

● (1700)

Mr. Bob Zimmer: Yes, it's coming.

The Chair: Okay. I will restart the clock. I just wanted to make sure we were on Bill C-53.

Mr. Bob Zimmer: I'm just about there.

Benedict said his group has been talking to the government about changes to the carbon tax regime for some time, but negotiations were going nowhere with officials offering nothing.

He said his group doesn't want to be taking the issue to court, but the government left them no choice.

This is the reason we brought forward the motion last week. With this important development today, I would like to move to resume debate on my motion of November 7, which states,

That pursuant to standing order 108(2), given that [the] Ontario Grand Chief, Abram Benedict of the Akwesasne First Nation says the carbon tax is an unfair policy for Indigenous communities, that the committee undertake a study of five meetings, to examine the impact of the carbon tax on first nations[, Inuit and Métis] communities across Canada, that the Minister of Crown-Indigenous Relations and the Minister of Indigenous services appear, and that the committee seek additional resources in order to accommodate these meetings.

I've spoken with Ms. Gill about an amendment she wants to put forward, and she might want to speak to that now, Mr. Chair.

The Chair: To your point, the motion is order. The clock is still running, but we will dispense with this motion. However, I do have a speaking list already.

Mr. Battiste put up his hand, and then, Madame Gill, if you would like, I can get you on my speaking list next.

Mr. Jaime Battiste: If the committee has decided that we're going to go into committee business, it might be preferable to go in camera to discuss it, if the Conservatives are done. I think it's important for us to have—

Mr. Bob Zimmer: It takes too much time, and we brought it forward in public before.

The Chair: Mr. Battiste has the floor, so we'll hear him out. Then we'll go to Madame Gill.

Mr. Jaime Battiste: I'm not hearing a lot of support to go in camera.

[*Translation*]

Mrs. Marilène Gill: Thank you, Mr. Chair.

I agree with...

[*English*]

The Chair: Just wait.

[*Translation*]

Mrs. Marilène Gill: I apologize, I didn't see that Mr. Battiste hadn't finished speaking.

[*English*]

The Chair: Wait one minute for Mr. Battiste, and then I'll come to you, Madame Gill.

Mr. Jaime Battiste: I do want to talk to the technicians on Bill C-53, so I'd ask that we adjourn debate on this.

The Chair: The motion is to adjourn debate. We need to vote on that. We'll call the question and see what the results are. The question is being put, so I need to ask the clerk to call the vote.

Mr. Bob Zimmer: On a point of order, Mr. Chair, adjourning debate isn't in order. We are to go straight to the vote on the actual motion.

The Chair: I'll consult with the clerk, but my understanding is that the dilatory motion needs to be dispensed with and would override the vote on the motion. Let me clarify.

I stand corrected. The technicality is that in order to resume debate, because it was brought forward before and debate was adjourned, as I understand, we need a vote then to resume debate on that motion. That's the same thing. It goes straight to a vote.

The motion that we have, then, is to resume debate on the motion. That will be the question that we put. If we vote in favour, then the debate continues.

An hon. member: It's the same outcome.

The Chair: Exactly.

If it's voted against, then it still sits suspended.

I'll get our clerk to lead the calling of the vote, which can be recorded.

An hon. member: If it's suspended, they'll just keep bringing it up.

An hon. member: We can dispense with this really quickly and get back to our—

• (1705)

The Chair: We're going to call the vote really quickly.

Mr. Jaime Battiste: What's the question?

The Chair: The question is on whether we resume debate of the motion.

Mr. Jaime Battiste: Who made the motion?

The Chair: It was Mr. Zimmer.

An hon. member: So you're voting yes.

Some hon. members: Oh, oh!

The Chair: I'm not going to give any clues here, but—

Mr. Jaime Battiste: I will be voting no to resuming debate.

(Motion negatived: nays 6; yeas 5)

The Chair: That is not carried. We will not resume debate on that motion. At this time, it remains on the books, and at the next meeting or thereafter it can be brought forward.

With that, we have exhausted the five minutes on Mr. Zimmer's clock—and we've had that discussion before—so we will now move to the next person.

I have Mr. McLeod next on the list for five minutes of questions.

Mr. Michael McLeod: I'm sorry, Mr. Chair, but I didn't hear you.

The Chair: We're resuming the study of Bill C-53 with officials. I have you first up for five minutes.

Mr. Michael McLeod: Is this for the officials?

The Chair: Yes.

Mr. Michael McLeod: I understood that I was second, but—

The Chair: Okay; then we'll move it to Mr. Battiste.

Mr. Jaime Battiste: Thank you.

Some of the concerns we've heard from the Métis in Alberta have to do with the Métis settlements out there.

I'm wondering whether you could comment about what we could do within this legislation to address the needs of the Métis settlements.

Mr. Martin Reiher: Thank you, Mr. Chair, for the question.

This legislation is about recognizing that the Métis collectivities in Alberta, Ontario, and Saskatchewan have the inherent right to self-government, and it's also about recognizing that the Métis governments mentioned are mandated to represent the section 35 rights of those collectives. This legislation is not suited to, at this point, discuss the rights of other bodies, so I think it would be difficult to include in this bill provisions that would address the situation of the Métis settlements in Alberta.

The department—my sector—has a discussion with the Metis settlements governing council, and I think this is the right venue to continue to have discussions with them to continue to pursue their view of self-determination and—

Mr. Jaime Battiste: Thank you for that.

A lot of the discussion we've heard is about the safeguards on the first nations rights and first nations resources and lands. I think the minister was very clear that this treaty is not about or in contemplation of land or resources—that it's about what's described in the purpose—but there are no parts of the legislation that strictly say that.

I'm wondering if you think that putting in a non-derogation clause similar to what we've used in other legislation would help to clarify this. Does it give the proper safeguards that we need to ensure that first nations rights are protected?

• (1710)

Mr. Martin Reiher: Thank you.

The agreements as they stand include a non-derogation clause, and nothing in the agreements as they stand would impact the aboriginal rights of other indigenous groups. Similarly, the treaties will include a clause of that nature, and including a clause in the bill to the same effect would reinforce the message that nothing in the act affects the aboriginal rights of other groups, whether they are Métis or first nations or Inuit.

Mr. Jaime Battiste: Just for greater certainty, do you think that the non-derogation clause provides those safeguards adequately so that first nations can be assured that this is not what's on the table currently?

Mr. Martin Reiher: What's on the table is legislation that provides a framework to bring into force treaties. The treaties that are contemplated are core governance treaties, which would deal with citizenship, as the minister described, leadership selection and internal governance, with no jurisdiction over lands. That's what's contemplated. Any treaty includes a non-derogation clause about the rights of other indigenous groups.

I believe that these are two separate questions. I think a non-derogation clause would certainly reassure first nations and other indigenous groups that whether future treaties are limited to core governance or include additional jurisdiction, there would be no impact on their aboriginal rights. To that extent, I suppose it might help.

Do you have anything to add, Michael?

Mr. Jaime Battiste: Did you want to add anything to that?

Mr. Michael Schintz (Federal Negotiations Manager, Negotiations - Central, Treaties and Aboriginal Government, Department of Crown-Indigenous Relations and Northern Affairs): No.

Mr. Jaime Battiste: All right. I think I'm done.

The Chair: Thank you.

We're now going to Madame Gill for her two and a half minutes on this round.

[*Translation*]

Mrs. Marilène Gill: Thank you, Mr. Chair.

Mr. Reiher, I wish we could continue along the same lines a little. We've talked about consultations several times during the hearing of various witnesses. We're talking about amendments. The question of fairness also came up today.

I'd like to get your impression, since we can only talk about impressions at this point. Do you have the impression that certain amendments could promote acceptance of Bill C-53 by all the witnesses we've heard from so far? Is this possible and, if so, what would these amendments be?

Mr. Martin Reiher: Thank you.

Mr. Chair, I don't know if it's my place to present a position on this issue.

I think the minister has indicated that he is willing to hear about the amendments that will be proposed and that he will examine them carefully. Our role will then be to support him in this work.

At this time, our position, as public servants, is that the current version of Bill C-53 achieves the objectives pursued. These objectives are essentially to recognize the inherent rights of certain communities in Alberta, Saskatchewan and Ontario, and to recognize that the indigenous governments mentioned represent these communities in terms of the rights protected by section 35 of the Constitution Act, 1982. The bill proposes a mechanism for approving future treaties.

Mrs. Marilène Gill: Thank you very much, Mr. Reiher.

I understand your situation and you certainly understand mine. I want to make sure that everyone is happy with Bill C-53. That will be all for me.

[*English*]

The Chair: Thank you.

We're moving right along.

Now we'll go to Ms. Idlout for two and a half minutes.

Ms. Lori Idlout: *Qujannamiik, Iksivautaq.*

Thank you, Chairperson.

I wonder if you could very quickly explain the connection between the enabling legislation of Bill C-53 and the self-government agreements of the three provincial nations. How does that connection work?

• (1715)

Mr. Martin Reiher: Thank you for the question.

The connection between the legislation and the agreements is that on the basis of the current agreements, Canada and these organizations will negotiate treaties that will deal with the same elements of the agreements. The legislation provides a framework that will allow for the adoption of these treaties. That's a main component of the bill. That's the interplay.

Ms. Lori Idlout: Just as an example, 15.04—I don't know which agreement this is—with the MNO, says that:

If a court of competent jurisdiction finally determines that any Aboriginal People, other than the Métis Communities Represented by the MNO, have rights under section 35 of the Constitution Act, 1982 that are adversely affected by a provision of this Agreement: (a) the provision will operate and have effect to the extent it does not adversely affect those rights.

Can you describe that, please?

Mr. Martin Reiher: Yes, and I will invite others to provide additional details.

My understanding of that clause would be that it would provide for what we would call a reading down of the agreement to make sure that no rights are actually affected.

Is that clear enough?

Ms. Lori Idlout: I'm being told as well that one group of Métis, because of who they choose to have within their membership, might have their rights adversely affected because of, for example, the recognition of the Métis Nation of Alberta.

Have you anticipated what it might look like when the Métis Settlements in Alberta have existing governance, whereas the Métis Nation of Alberta would...? How would that relationship work so that Métis in Alberta do not become divided and so that they are indeed able to work together and still have respect for relationships with the federal government?

The Chair: I'm going to jump in.

We are out of time. I'll allow a brief response, and then we'll move on. Ms. Idlout will have one more round of questions, so if she wants to come back to it, she can.

Could we have a brief response, please?

Mr. Martin Reiher: Thank you.

The position we adopt with our partners is that it's for them to choose. Individuals can decide to become members of these organizations. There's a strict process to ensure that only those entitled are accepted. That's the basis of their choice. Who will represent them depends on who they want to represent them.

The Chair: Thank you.

We're going to go to Mr. Vidal.

Mr. Vidal, the floor is yours for five minutes.

Mr. Gary Vidal: Thank you, Chair.

I'm sorry. I need to dispense with something. I gave notice of a motion the other day. I think we have agreement on this, so we can do this very quickly, hopefully.

There's a statutory requirement for the ministers to appear within four weeks of the supplementary estimates being tabled in the House. I think we have an agreement that we'll give an extension of some time here, rather than what's in my motion, and we can all agree on this.

I'm going to read my motion as amended. I reads, "That, pursuant to Standing Order 108(2), the Standing Committee on Indigenous and Northern Affairs invites the Minister of Indigenous Ser-

vices Canada, the Minister for Crown-Indigenous Relations, and the Minister of Northern Affairs to appear before the Committee prior to rising for Christmas to discuss the Supplementary Estimates (B), 2023-24, and that the meeting be televised.

I've taken out that hard stop of December 7 to free up the minister next week.

The Chair: Is there any discussion on that?

There isn't. Okay, we'll go right into the vote.

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

The Chair: You still have four minutes on the clock.

Mr. Gary Vidal: Thank you, Chair. I'll cede the rest of my time to Mr. Schmale.

Mr. Jamie Schmale: Thank you, Chair. Thank you, Gary.

Thank you, officials.

There is a point of clarification we're working through, and it has been brought up a few times in the testimony over the past few weeks. What would change once this legislation passes, given the fact that Bill C-92 is already an avenue for Métis governments to have control over their children and family services?

• (1720)

Mr. Martin Reiher: The first change would be that these Métis governments would be recognized as indigenous governments for the collectivities they represent. Obviously, the act would also recognize the inherent rights of these collectivities.

Second, there would be a process in place for future approval of treaties.

Mr. Jamie Schmale: That said, with some of the concerns we heard from a few of the Métis settlements and a few others, there is nothing that would stop any other group or organization from proceeding in the same fashion as MNA, MNO, MN-S or others. Is that correct?

Mr. Martin Reiher: That's right. The approach we would take would be to sit down with our partners and co-develop with them an approach geared toward achieving their vision of self-determination once we start discussions of that nature. Nothing in this bill or in the eventual treaties would prevent other groups from pursuing a similar approach.

Mr. Jamie Schmale: I'm sure you've been following the committee quite regularly as we discuss this. There were some Ontario chiefs who came in to testify. I asked a similar question to the minister about the land issue that was brought up a few times in testimony. If the self-government bill, Bill C-53, passes, and I know a treaty is next, could this also proceed without treaty, or is treaty the next logical step after that? Do you get my question?

Mr. Martin Reiher: I'm not sure. I'll try to answer.

Mr. Jamie Schmale: You're not sure. I'm not sure I understand what I just said either.

Mr. Martin Reiher: As I said in answering a previous question, our relationship with our partners is evolving, so we evolve together. We work together on the path towards self-determination. The next step that Canada and these three organizations have agreed to pursue is the negotiation of a treaty on core governance, which is along the same lines as the agreements signed in February, but as treaties. That is the next step.

Mr. Jamie Schmale: For the Métis settlements, their concern, again, is that if Bill C-53 passes and receives royal assent and it happens, and a treaty proceeds and gets approved, and those kinds of things, then it would neither stop Fort McKay from coming forward to work on the same process—and I want to be clear—nor stop anyone from choosing between one or the other to represent them. Is that correct so far? Could they still be a member of—I'll pick randomly—Fort McKay?

Okay, we see a nod yes. Oh, I'm sorry; maybe we don't. I shouldn't out you like that. I'll wait for Martin to answer.

Could they be a member of both? I guess that was my follow-up question.

The Chair: I'll just say that we are at the end of this question. We'll have a brief answer, please, from whoever can answer it, and then we'll move to the next member.

Mr. Martin Reiher: I think the answer would be that it depends on what these organizations decide when they determine their own rules, but theoretically it is a possibility.

The Chair: Thank you.

Mr. McLeod, you're next for five minutes.

Mr. Michael McLeod: Thank you, Mr. Chair.

I want to go back to the discussion I was having with the minister regarding due diligence to make sure everything is in order when it comes to enrolment.

We heard from some of the first nations that presented to us that they were concerned about the ability of some of the Métis governments and some of their members to be able to trace their ancestry to certain communities. It was quite clear that some of the first nations believe that some of these communities didn't exist, especially when it comes to Ontario.

I come from the Northwest Territories. We know where every Métis community existed prior to the scrip, prior to the treaty. I'm sure Mr. Viersen can do the same for Alberta.

We don't seem to have people who are able to do that—or at least I haven't seen it—for Ontario. Is this something that the government traced? Has the government confirmed that the communities did exist, and their location, and all the information around that?

• (1725)

Mr. Martin Reiher: Mr. Chair, I'll ask Mr. Schintz to answer the question.

Mr. Michael Schintz: I know that our Métis government partners, when they've been up here as witnesses, spoke about this process better than we can, because, really, the Métis governments are responsible for maintaining the registries. Those registries rely on,

in the case of Ontario, seven historic Métis communities. Those registries are audited by an independent third party.

While the agreement that was signed in February of this year and the legislation don't explicitly recognize those seven historic Métis communities, there is an acknowledgement in the appendix to the 2023 agreement that says the Province of Ontario and the MNO jointly acknowledge and recognize those seven historic communities.

We rely on that work of the MNO. We rely on the MNO to maintain the registry. We rely on the auditing to confirm that the Powley test has been met, and we respect the jurisdiction of our partners to do that work.

Mr. Michael McLeod: Also, I think that as committee members, we expect the government to verify that everything is done in order. I know that in the Northwest Territories it's a requirement to submit your family tree. You have to trace down to what community you come from, how long you've been there, how long your family has been there and if they were there before the scrip was signed or the treaty was signed.

On the claim that I belong to, we have to sign off as traditional Métis and the government has to inspect all our records, so I'm hoping that there's some comparison with what we're going through to what, under this bill, the members will also go through.

I do have another question, though, regarding consultation.

It's a little confusing. There's no doubt that consultation is important, and I'm certainly one who would say that loudly. It must take place if one indigenous government could potentially impact another indigenous government's rights. This legislation is creating a framework and is recognizing the rights of three Métis governments. Is there a duty to consult, to simply recognize that another indigenous government has the right to govern themselves?

Mr. Martin Reiher: Thank you for the question.

It is our assessment that the scope of these agreements and of the treaties that will be entered into will be limited to core governance, and therefore it's unlikely that it would affect.... The mere recognition of an indigenous government, as is done in this legislation, does not impact, in our view, the rights of other collectives, and if in the future the treaties have the potential to affect rights of other collectives, there will be a consultation on these treaties.

The Chair: That's the end of that round.

Now, colleagues, we'd be very hard pressed to get in a full fourth round. I also know that there are some members who have indicated that they have flights and that they would like to end now and head to the airport. I'm just going to put the question to everyone, because I haven't had a chance to consult with those online or with Ms. Idlout.

Are we good if we end the meeting at this point?

Ms. Lori Idlout: I want to ask questions too.

The Chair: That's the end of the round, and we wouldn't have time—

Ms. Lori Idlout: Okay.

The Chair: The next round would be 15 minutes. How much time do you need?

• (1730)

Ms. Lori Idlout: Can I have five minutes?

The Chair: Madame Gill, do you have any further questions you want to ask?

[*Translation*]

Mrs. Marilène Gill: I would be prepared to move adjournment, Mr. Chair.

[*English*]

The Chair: Ms. Idlout has asked if she could do one round of questions for five minutes. There's agreement from those in the room. If we can stay five minutes, we will give Ms. Idlout the floor, and then we will adjourn at that point.

Okay, Ms. Idlout, the floor is yours for five minutes.

Ms. Lori Idlout: Thank you so much to the committee for giving me the extra time.

We've been hearing concerns from witnesses about the Métis Nation of Ontario, specifically around membership, as was being asked, and the six historic communities that were recognized by the provincial government in 2017. What sort of background research was done by this department to verify the historical accuracy of the six historic communities?

Mr. Martin Reiher: Indeed, the Province of Ontario has recognized seven communities in Ontario. The Government of Canada has not played any role in that regard, and this legislation does not specify specific communities that are being recognized in Ontario or elsewhere. Therefore, this is not.... We didn't need to look into this.

Ms. Lori Idlout: I am curious. In your opinion, why do you think there have been so many concerns raised about the membership of the MNO? Are you satisfied with the checks and balances?

Mr. Martin Reiher: We know that the Métis Nation of Ontario has done a lot of work on its registry, and it recently actually removed a large number of members from the registry, pursuant to additional work. To this point, we are satisfied that all of these three organizations are doing thorough work to vet their memberships, and we are reassured that there will be verifiable.... They do have an obligation to have and keep objectively verifiable information of their memberships, and there will be third party independent audits.

Ms. Lori Idlout: First nations have been sharing with us as well that they are greatly concerned that with regard to their status Indians, those registries are monitored quite heavily by Indian and Northern Affairs, whereas, when it comes to Métis membership, it sounds like you're taking a completely hands-off approach to it. Could you describe why there's such a disparity between these two different indigenous groups?

Mr. Martin Reiher: This government is definitely moving away from determining who the individual members of indigenous

groups are, consistent with the UN Declaration on the Rights of Indigenous Peoples. Indigenous groups have the right to determine their own memberships.

It is not, at this point, an objective to follow what was done for the Indian registry. Rather, we are turning to a more.... I guess we are moving forward under the basis of the declaration, and we respect that self-governing first nations have the ability, when they enter into self-government agreements, to determine who their citizens are in exactly the same way as under the Indian Act.

Obviously, they also have the ability to take over membership, but I do recognize that the Indian registry still exists. In terms of registry, it is slightly different, but again, the standards that are applied to the creation of the Métis registry are stringent.

Ms. Lori Idlout: Okay.

Understanding that these three Métis nations are considered to be authorized, what mechanisms will be used to make sure that other Métis, like the Métis Settlements General Council in Alberta, are not losing membership because of what's being determined as self-determining, if those Métis might end up moving to the MNA, for example?

• (1735)

Mr. Martin Reiher: I will ask Mr. Schintz to answer that question.

The Chair: It will have to be a brief response, as we are at the end of the five minutes. I will let you conclude with this response, and then we'll adjourn.

Mr. Michael Schintz: Briefly, I think there are two very important things. One is that I know there's ongoing dialogue between the MNA leadership and the Métis Settlements leadership, and that, of course, needs to continue.

I think another important pillar is that when the treaties are developed, and we do.... We have used the word "consultation" a lot, but what consultation really means is sitting down with groups whose rights might be adversely impacted. If that is the Métis Settlements, it's giving them an opportunity to dialogue with us about what aspects of that treaty might impact their rights. If accommodation needs to be made in that treaty, it's having that dialogue both with our treaty partners and with other indigenous governments.

The Chair: Thank you.

That concludes our panel for today. I would like to thank the witnesses for being here for two hours, and probably beyond that with our delayed start today. Thank you for sharing your expertise.

Colleagues, we'll be back here on Tuesday. I wish everybody safe travels and a good weekend.

The meeting is adjourned.

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