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# Standing Committee on Indigenous and Northern Affairs

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Chair: Mr. John Aldag





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• (1545)

[English]

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

Welcome to meeting number 87 of the House of Commons Standing Committee on Indigenous and Northern Affairs.

We recognize that we meet on the unceded territory of the Algonquin and Anishinabe peoples.

Pursuant to the House order of reference adopted on June 21, 2023, and pursuant to the motion adopted by the committee on Thursday, October 26, 2023, the committee is meeting to proceed with clause-by-clause study of Bill C-53, an act respecting the recognition of certain Métis governments in Alberta, Ontario and Saskatchewan.

Our meeting is taking place in a hybrid format today. For those members who are online, you know the drill, so I'm not going to spend a lot of time on that. For those in the room, now that we've started, no photos or screenshots are allowed.

I'd like to welcome back our officials. From the Department of Crown-Indigenous Relations and Northern Affairs, we have Martin Reiher, senior assistant deputy minister, treaties and aboriginal government.

Welcome.

We have Michael Schintz, federal negotiations manager, negotiations—central, treaties and aboriginal government, and Blake McLaughlin, director general, negotiations—central, treaties and aboriginal government.

Finally, from the Department of Justice, we have Julia Redmond, legal counsel.

Welcome to our officials.

I'd also like to welcome Eric Melillo, and Jenica Atwin is here for the duration of this one. It's good to see you.

Colleagues, I'm going to go through a bit of a script here so that we know what we're up against.

To begin, I would like to provide members of the committee with some instructions and a few comments on how the committee will proceed with the clause-by-clause consideration of Bill C-53.

As the name indicates, this is an examination of all the clauses in the order in which they appear in the bill. I'll call each clause successively, and each clause is subject to debate and a vote.

If there are amendments to the clause in question, I will recognize the member proposing it, who may explain it. The amendment will then be open for debate. I have double clerks here today to help keep speaking order lists.

When no further members wish to intervene, the amendment will be voted on. Amendments will be considered in the order in which they appear in the bill and in the package each member received from the clerk.

Members should note that amendments must be submitted in writing to the clerk of the committee. That's an important consideration. We are allowed to take amendments from the floor, but they need to be in writing to the clerk.

The chair will go slowly to allow members to follow the proceedings properly.

Amendments have been given an alphanumeric number in the top right corner to indicate which party submitted them. There is no need for a seconder to move an amendment. Once moved, you will need unanimous consent to withdraw it.

During debate on an amendment, members are permitted to move subamendments. These subamendments must be submitted in writing. They do not require the approval of the mover of the amendment.

Only one subamendment may be considered at a time, and that subamendment cannot be amended. When a subamendment is moved to an amendment, it is voted on first. Then another subamendment may be moved, or the committee may consider the main amendment and vote on it.

Once every clause has been voted on, the committee will consider and vote on the short title, the title and the bill itself. If amendments are adopted, an order to reprint the bill may be required so that the House has a proper copy for use at report stage.

Finally, the committee will have to order the chair to report the bill to the House. That report contains only the text of adopted amendments as well as an indication of any deleted clauses.

With that as the instructions for today, we're going to move right into the agenda.

I have a couple of comments here to give you before we get down to business.

Pursuant to Standing Order 75(1), consideration of clause 1, the short title, and of the preamble are postponed.

(On clause 2)

**The Chair:** I call clause 2. Now, since there are a couple of amendments to clause 2, the interpretation clause, I suggest that we postpone the study of clause 2 until the end. This will allow us to first consider and make a decision on amendments that could have an impact on the definitions.

As a reminder, *House of Commons Procedure and Practice*, third edition, states on page 773 that:

The interpretation clause of a bill is not the place to propose a substantive amendment to a bill unless other amendments have been adopted that would warrant amendments to the interpretation clause.

Therefore, clause 2 will be considered after the schedule.

(Clause 2 allowed to stand)

• (1550)

If anybody has anything related to clause 2, hold that until we get near the very end. I have it in my notes and I will be bringing us back to that.

Is there agreement that we skip to new clause 2.1?

Go ahead, Arnold.

**Mr. Arnold Viersen (Peace River—Westlock, CPC):** It's not so much on this. Just before we get into the clause-by-clause consideration, I was wondering if we could get some clarification around our supplements motion and the ministers appearing at the committee. Do we have any word that the minister is coming and do we have it scheduled?

I expected that before we got to this meeting, we'd be hearing something, but I didn't hear anything.

**The Chair:** The ministers—there were three in the motion—have been invited. We have not received a response at this point. They've indicated that they will try to send us their availability by tomorrow.

We were told that this week was out of the question, so we are aiming for either Tuesday or Thursday of next week. That's what we've given them and that's what I'm hoping to be able to announce as soon as we can confirm the three ministers.

**Mr. Arnold Viersen:** Okay. Hopefully it's Tuesday.

**The Chair:** Now we're going to new clause 2.1 and CPC-1.1.

Does the member want to move the amendment?

I see Mr. Viersen.

**Mr. Arnold Viersen:** You just said you're skipping clause 2.

**The Chair:** We're skipping clause 2 at this time, but we have new clause 2.1, which is amendment CPC-1.1.

**Mr. Arnold Viersen:** Okay, but that's also part of clause....

It's a new clause.

**Mr. Jaime Battiste (Sydney—Victoria, Lib.):** I think maybe it's best if we deal with the other two before we get to that. Why don't we start with CPC-1.2?

**Mr. Arnold Viersen:** We're dealing in the definitions here, are we not?

• (1555)

**The Chair:** This is Mr. Viersen's CPC-1.1.

Have you found it, Mr. Viersen?

**Mr. Arnold Viersen:** I have it.

**The Chair:** I'll ask if you want to move it, and if you do, I'll give you a brief opportunity to speak to it.

**Mr. Arnold Viersen:** Thank you, Mr. Chair.

I do want to move this motion to add a new clause into the bill here.

This comes from a number of Métis folks who showed up at our committee and were concerned about their communities being represented by the national Métis association of Alberta and that their right to be represented by their own community may be reduced. They want to ensure they could pursue their self-government separately from from the Métis Nation of Alberta. They asked for this.

I wrote in to the drafters. I didn't necessarily expect it to be worded quite like this—an abrogation or derogation clause—but I know that Jaime mentioned this several times as well.

This would allow for folks like the Métis of Cadotte or the Métis of Fort McKay to pursue their own self-government agreements with the federal government in light of that. That's what this motion is hopefully doing.

I would maybe ask our officials if they have any opinions on whether this amendment would indeed achieve that.

Would this allow the Cadotte Métis or Fort McKay Métis to pursue self-government separate from the MNA?

**Ms. Julia Redmond (Legal Counsel, Department of Justice):** I understand the CIRNA position to be effectively that they already have that option, regardless of whether this clause is in here, so this doesn't change the reality of the statute or the bill as it is already. They still have that option.

**Mr. Arnold Viersen:** Would this allow for greater clarity for those folks who were concerned about that?

**Ms. Julia Redmond:** It doesn't change the reality of the bill, which is that this option is available to those other Métis groups, whether or not this amendment is included.

**Mr. Arnold Viersen:** Okay, that's my amendment as moved. I hope to get support from other groups here.

**The Chair:** Okay, on my speaking list I have Jaime first, and I'm looking to see if anybody else online or in person has their hand up.

Okay, Michael is second.

**Mr. Jaime Battiste:** I think it's important that we do figure out how to ensure that the Métis settlements of Alberta and their concerns in this are properly reflected. There has been some discussion, and we feel that the better time to do that is in NDP-4.2, where they're talking about,

For greater certainty, nothing in this Act is to be construed as abrogating or derogating from the right to self-determination of Métis collectivities that are not represented by a Métis government set out in column 1 of the schedule, including the inherent right of self-government recognized and affirmed by section 35 of the Constitution Act, 1982.

We had some conversations with stakeholders as well as with the NDP, and we feel that this could be made clearer with a paragraph amendment: "For greater certainty, nothing in this Act is to be construed as abrogating or derogating from the right to self-determination of a Métis collectivity that has not authorized a Métis government set out in column 1 of the schedule to the act, on behalf of, including respecting the inherent right to self-government recognized and affirmed by section 35 of the Constitution Act."

That's a long way of saying that we would rather see that change in NDP-4.2, and that's why we will be voting against.

**The Chair:** I have Michael and then Jamie.

**Mr. Michael McLeod (Northwest Territories, Lib.):** Mr. Chair, I thought we had a fairly good discussion on it with the Alberta Métis communities when they raised this issue. We also had it brought up when the minister appeared before us, and he was quite clear that this agreement, this treaty, would not be the sole agreement for that area, for Alberta. I believe our officials also clarified that, so I'm not sure why we need to go to this extent.

It's been clear all along that this agreement is not the sole agreement for any jurisdiction, and that includes Alberta. The door is still open for the Métis settlements to move forward. The arguments that they used were that their own agreements, their own claims, were not moving fast enough, and that's where we should maybe make some recommendations to support them in that fashion.

• (1600)

**The Chair:** Thank you.

Next I have Jamie and then Marilène.

**Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC):** I have a question, through you, to the departmental officials here.

One of the comments or concerns that we heard during testimony was specifically around land that some chiefs in northern Ontario thought could be challenged, either in court or through forced negotiations—their words, not mine.

Does this NDP motion, NDP-4.2, address some of those concerns that the chiefs brought forward in testimony?

**Ms. Julia Redmond:** The position is the same on both. It's essentially that neither changes the legal effect of the bill. Those rights are unaffected regardless of whether CPC-1.1 or NDP-4.2 are included.

**Mr. Jamie Schmale:** If this bill passes and then the treaty process starts, which I think was more of a concern from the Ontario

chiefs, what comes next? What does the treaty mean? What happens?

It does, to my knowledge, trigger the duty to consult at that point. Once that is triggered and that starts, do you anticipate, with or without this clause here, land potentially being on the negotiating table, as was claimed by some of the chiefs at the committee earlier?

**Mr. Michael Schintz (Federal Negotiations Manager, Negotiations - Central, Treaties and Aboriginal Government, Department of Crown-Indigenous Relations and Northern Affairs):** Can you ask the question again? I missed a part.

**Mr. Jamie Schmale:** Yes, that was a long question. I'll try to remember it.

In testimony, we had some Ontario chiefs, specifically in northern Ontario, concerned that if this bill passed—and we're just talking particularly about Ontario at this point—it would trigger the treaty process. In that treaty process, the chiefs from northern Ontario are alleging that MNO has laid claim to land that was already either in treaty or subject to a land claim with first nation negotiations. Would the first nations, then, have to challenge the MNO in court? Would there be negotiations on whether that land is up for grabs?

If yes, depending on this very long question, which probably should be broken up into many segments, would this clause help?

**Mr. Martin Reiher (Senior Assistant Deputy Minister, Treaties and Aboriginal Government, Department of Crown-Indigenous Relations and Northern Affairs):** Maybe I'll answer.

The relationship with our indigenous partners in general is an ongoing relationship, and the treaties that we enter into are living documents. We cannot determine in advance what will be negotiated in the future.

What we know at the moment, based on discussion with our partners, is that the next step is to negotiate a treaty on core governance on the basis of the agreements that have been entered into and are available to review now. That is what we know.

There is no intention at the moment to negotiate more than that, but the relationship will continue to evolve. If and when there is jurisdiction contemplated on land in these treaties, there would be a consultation phase that will allow indigenous partners that might be affected to provide comments and to be accommodated as needed under the obligation of the Crown for the duty to consult and accommodate.

• (1605)

**Mr. Michael Schintz:** Can I just add one point?

I think part of the question was whether or not this legislation coming into force or the core governance treaties that we'll be negotiating as a next step would change in any way the requirement of first nations. They gave testimony that they've had to do some amount of consulting with Métis governments already. The status quo that exists before this legislation and after this legislation would not change in that respect.

**Mr. Jamie Schmale:** Can you repeat that one more time, please? I'm sorry.

**Mr. Michael Schintz:** Yes.

First nations, as part of the testimony that was given to this committee, have made the point that they are having to consult. The Chiefs of Ontario made this point about the MNO. They're having to consult regarding land selections.

I wanted to make the point—because I had thought it was part of your question, MP Schmale—that the status quo in that respect will not change after this legislation, nor would it change on the basis of the self-government treaties that we intend to be negotiating consistently with the 2023 agreements.

**Mr. Jamie Schmale:** Thank you.

I just want to clarify one thing that was just brought up in your comments. Were you referring to Bill C-53 as potentially a living document?

**Mr. Martin Reiher:** I referred to the treaties that we'll be entering into.

**Mr. Jamie Schmale:** Okay.

Maybe I'll let Ms. Gill go, then I'll probably come back with more questions.

**The Chair:** Madame Gill, we'll go to you.

Then I have Mr. Viersen and—

[*Translation*]

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

Before addressing Ms. Redmond, I'd like to ask a question of a committee member.

Mr. Viersen, you said that amendment CPC-1.1 was redundant, since it talks about making a clarification that is already included in the bill. I can imagine that the same is true of amendment NDP-4.2.

Ms. Redmond, both amendments propose a clarification. However, if I understand correctly what you're saying about amendment CPC-1.1, it wouldn't add anything. We want to reduce the fears of certain groups or individuals, but the adoption of these amendments would not change anything to the content or affect the substance of the bill.

Did I understand correctly?

[*English*]

**Ms. Julia Redmond:** Yes, you understood my point correctly.

There are, among the amendments before the committee, certain ones that concern a more universal non-derogation clause and others that appear to be more specific. As I'm sure you're already aware, there is a legislative initiative dealing with a universal non-derogation clause—that's Bill S-13—that would apply to all federal statutes. This would be included within that, of course. Including a non-derogation clause in this bill is not strictly necessary, assuming Bill S-13 becomes law, because it would already be covered by that.

A broader non-derogation clause would cover everything that CPC-1.1 and NDP-4.2 are trying to cover. Those are a narrower statement of the same idea, which is not to abrogate or derogate from the rights of other indigenous peoples.

**The Chair:** Madame Gill, are you good?

[*Translation*]

**Mrs. Marilène Gill:** Yes, Mr. Chair.

Thank you.

[*English*]

**The Chair:** Next up I have Mr. Viersen and then Ms. Idlout.

**Mr. Arnold Viersen:** The witnesses, when they were here, were concerned that we... I guess what this bill is trying to do is... In the Constitution there is the word "Métis", and we're trying to define who that is. Who are those rights-bearing people? There was a bunch of concern around who gets to decide that. There were concerns around whether one community gets to decide it.

That's what my amendment is trying to get at: It's not just the MNA in Alberta that gets to decide who is Métis, essentially. That's what my amendment is trying to achieve. Is that not correct?

• (1610)

**Ms. Julia Redmond:** I understand our position to be that those Métis groups you refer to in Alberta are already unaffected by this bill. The status quo is that those other Métis groups are welcome to pursue their own path to self-determination, and this provision is not required to make that true.

**Mr. Arnold Viersen:** The direct quote I remember was that they said that we don't want to have competing Métis identities. That's why I put this forward. That was the quote I used when I was trying to draft this amendment to say that we don't want this bill to create a competing Métis identity. Does that make sense?

**Ms. Julia Redmond:** I understand what you're saying, but I have nothing further to add unless anyone else does.

**Mr. Arnold Viersen:** That's just some of the logic behind building my amendment, which is around Métis identity. The abrogation and derogation...I think the drafters like that terminology. That's where we're trying to get to.

**The Chair:** Thank you.

Ms. Idlout, the floor is yours.

**Ms. Lori Idlout (Nunavut, NDP):** Thank you.

You're saying that my NDP-4.2 amendment is basically a duplication of something else that already exists in Bill C-53. Where can we find that specific clause that's a duplication of it?

**Ms. Julia Redmond:** What I'm referring to are some of the other amendments that have been tabled. For example, NDP-2, which you've also put forward, is a broader non-derogation clause. It would effectively cover the same scope as NDP-4.2

**Ms. Lori Idlout:** If I didn't add either of my amendments, then those non-derogation clauses would have been in this bill.

**Ms. Julia Redmond:** I am saying that given ongoing work on another legislative initiative with S-13—

**Ms. Lori Idlout:** [*Inaudible—Editor*] assume will pass.

**Ms. Julia Redmond:** I understand. The intention there is that the Interpretation Act will be amended to include a non-derogation clause that will apply to all federal statutes. The goal of that is to harmonize those non-derogation clauses to ensure that there's consistency and that they're interpreted in a predictable way.

I appreciate that there's a difference in the interim until that bill becomes law.

**Ms. Lori Idlout:** I need to understand this based on a future scenario, so I'm going to ask you to pretend that you're a lawyer in the future that has to interpret Bill C-53 as if we passed both of the NDP amendments. What would be the effect of the interpretation based on what those realities are and not based on what the intent of the past is?

Right now, I understand that intent is one thing, but we know that in law, intent doesn't always result in what the interpretation of it will be. I don't want to base our decisions today on what the intent is but on what the possible legal interpretation could result in at a later time.

**Ms. Julia Redmond:** If I understand correctly, you're asking about the difference between the two non-derogation clauses and whether they affect the interpretation. While it's not for me to provide legal advice to the committee, I can say that I know that NDP 4.2 is more specific to Métis collectivities. It is possible that it could impact interpretation, but again, it's not for me to advise on how a court would necessarily determine how those non-derogation clauses would be different.

**Ms. Lori Idlout:** I'm not asking about the courts. I'm asking about, for example, a Métis nation in Alberta that is not an authorized Métis nation according to Bill C-53, and they are saying their rights are being infringed. The reason that this clarity has been sought is that this concern is out there.

• (1615)

**Mr. Michael Schintz:** I think it's been the position of the department that this bill, without added non-derogation provisions, would not impact the ability of other Métis governments to pursue their own path to self-determination, which we have said. I think it is also our position—and I think this goes to your question—that the addition of one or both non-derogation provisions would be a means of adding further clarity. It is our intention that this bill not have any adverse impact on any other government or, more appropriately, that it not derogate from the rights of another Métis collectivity.

**Ms. Lori Idlout:** Or first nations in Ontario?

**Mr. Michael Schintz:** Or first nations in Ontario—that's correct.

Is that fair to say, Julia? I see it is.

**The Chair:** On my speaking list I have Mr. Carr, Mr. Vidal and Mr. Viersen.

It's over to you, Mr. Carr.

**Mr. Ben Carr (Winnipeg South Centre, Lib.):** Thanks, Mr. Chair.

At this point, we've heard department officials reiterate a few times the legitimate points raised by my colleagues across the way. As Mr. Battiste mentioned, I think most are willing to support a version of this.

Ms. Idlout has put forward a version of this amendment, NDP-4.2, for which I think we will find widespread support when we get to that part of the process. I would like to encourage us to move forward now, as we have a variety of different amendments to discuss. We have heard the points raised. They are legitimate.

There seems to be consensus or support, by and large, that further clarity may help to alleviate some feelings and concerns that folks have vis-à-vis other Métis groups not represented by those listed in the schedule. We're there at that point. I'm not sure if it's even necessary, based on what the officials have said, but we agree that despite the fact it's not necessary, it has an added layer of protection. We're comfortable moving forward with that.

I would just like to encourage us to move forward to whatever amendment is up next. Thanks.

**The Chair:** Okay.

Next I have Mr. Vidal, followed by Mr. Viersen.

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

I want to get some clarity on a technical area.

Ms. Redmond, you were comparing CPC-1.1, NDP-4.2, and then I believe it was NDP-2, which is the same as CPC-2.1, I think.

Just a minute; I had them all in front of me, and now I shuffled.... Did I get the right numbers there? They're the same. Is that right? I just want some clarity.

In your comments you talked about CPC-1.1, which refers to "Métis people", and compared it to NDP-4.2, which talks about "Métis collectivities". Then you talked about the other two being broader, which would basically encompass the first two. I'm sorry. I don't think I'm being very clear, but I'm trying.

I think it was Mr. Carr who said that what we're looking for is some assurance, even though you indicate that maybe it's not necessary, for the people who have expressed their concerns. In your opinion, just for my sake, with regard to the difference between the clause that talks about about Métis collectivities, the one that talks about Métis people and the one that you referred to as the broader one, can you just clarify that for me one more time? I'm sorry. I just want to make sure I'm all the way down this road.

**Ms. Julia Redmond:** It will be easiest if I start with.... NDP-2 and CPC-1.3, as you've noted, are identical. The phrasing there refers to the rights of the indigenous peoples of Canada. That is obviously a broad category that covers first nations, Métis and Inuit.

Métis collectivity—

**Mr. Gary Vidal:** I'm sorry, but can I just...? That's why we have the clause that follows and actually defines "Indigenous Peoples of Canada", while we don't have it in the other two. Is that correct?

**Ms. Julia Redmond:** Yes. My understanding of the intention here is that the phrasing is meant to capture all indigenous peoples of Canada. That's my understanding of what's being proposed.

On my reading of the other suggestions, they're a bit narrower in that they refer only to Métis peoples or Métis collectivities, which are one subcategory within "indigenous peoples of Canada". That's what I mean by saying that one is broader than the other.

• (1620)

**Mr. Gary Vidal:** That's the clarity I was looking for. Thank you.

**The Chair:** Before I go to Mr. Viersen, I just want to check something. Madame Gill, do you want to be added to the list?

No. Okay. I wasn't sure if you raised your hand or not. Thank you.

Mr. Viersen, we go over to you.

**Mr. Arnold Viersen:** I want to pull apart that Métis "peoples" versus "collectivities". I didn't even notice that in my initial reading of these amendments. Can you explain what they mean by "Métis collectivity"? I actually have a series of amendments to remove that word and say "communities". What does the bill mean by "collectivity", and why is that significant, versus Métis "people"? The major difference between mine and NDP-4.2 is that mine says "Métis peoples", which is a smaller group than collectivities. Can we parse what "collectivity" is first?

**Ms. Julia Redmond:** If I can start here, "collectivity" is a term that is generally used when we talk about rights holders in the sense of section 35. "Peoples" can sometimes be broader than that, depending on the context, but more importantly, "collectivities" is what is used elsewhere in the bill, so for consistency within the bill, it makes sense to refer to "collectivities" throughout if we're trying to describe the same concept throughout.

**Mr. Arnold Viersen:** Yes, well, we're not describing the same concept, not in "Métis peoples" and then "Métis collectives". What's the nuance there?

**Mr. Michael Schintz:** I'll obviously give my counsel an opportunity to add after the fact, but I would submit that "Métis peoples" is broader. There are Métis collectivities—and in particular when we're using "collectivities", as Ms. Redmond has said, we mean rights-bearing collectivities—and they comprise.... There are a number of rights-bearing Métis collectivities that make up the broader group that you might refer to as "Métis peoples", which are one of the three aboriginal peoples in Canada protected under the Constitution. I think that there are different layers, that there are broader and more specific references within the suggested amendments.

**Mr. Arnold Viersen:** With my amendment, I was more imagining individuals. When I say "Métis peoples", I'm not....

When I sent this in to the drafters, it was about that competing Métis identification, about an individual having Métis identification through the MNA and then through their local settlement or the Métis of Cadotte. That's not land-based at all. It's a local collective, I guess. It's both broader and narrower in that sense. Is that not correct?

**Mr. Michael Schintz:** On my read, I think it would be reasonable to suggest that this bill is very much about the self-determination of specific collectivities and governments that are component parts of the Métis peoples. Through their non-derogation language, some of the other amendments are trying to clarify that the rights of other Métis collectivities that have not mandated these governments to represent their rights continue to be protected and are not impacted by this bill.

**Mr. Arnold Viersen:** Métis collective.... The word "collective" sounds like a new word. Has it been tested in court? Where did this word come from?

We have Indian "band", which is a long-term thing. Is that what we're trying to do with this term, "Métis collective"? Are we trying to make that equivalent? What is the deal? Where did the term come from and what do we mean by it?

**Mr. Martin Reiher:** What's important is that this is the way these Métis groups are describing themselves. They describe themselves as "Métis collectivities", so in our negotiations with them, we respect that. I think it's in line with the United Nations declaration on aboriginal people. Therefore, this is a term that is being used, and I think it's important to respect this word in the context of a bill that is designed to implement their treaties. It's respecting the way they describe themselves.

• (1625)

**Mr. Arnold Viersen:** I have a whole series of amendments around this as well. Why was it not in the definitions, then? Is there a reason that the definitions don't specifically reference what a Métis collective is? We have "Métis government". That is in there. Can you give me some reasons as to why it is not a definition?

**Ms. Julia Redmond:** A "collective" is a very common legal term used to refer to a rights-bearing group in the sense of section 35 on aboriginal and treaty rights. This is a term of art. Referring to collectives in this way is a common legal term, whether it's Métis or other indigenous peoples.

**Mr. Arnold Viersen:** There would be court cases and things like that in which the use of this terminology would have already been ruled on.

**Ms. Julia Redmond:** This is not the first time this language would be used.

**Mr. Arnold Viersen:** I still think my amendment is substantively different from NDP-4.2. I would suggest that we should pass this amendment to ensure that the concerns of individual Métis people about competing Métis identification are alleviated.

Thanks, Mr. Chair.

**The Chair:** Next on my speaking list I have Mr. Carr, followed by Mr. Battiste, followed by Ms. Idlout.

**Mr. Ben Carr:** Mr. Chair, I want to reiterate two things.

I completely understand where Mr. Viersen is coming from, and Mr. Viersen, you'll correct me if I'm wrong.



You want to ensure, using some form of language, that a group of Métis in Alberta that is not represented, in their own view, by the MNA would not be left out of this bill and would not be excluded from a future agreement with the Government of Canada. I think that is the crux of what you want.

We have been told on several occasions that this is clear, even without the wording that we are currently debating. Before we even get into the debate and the difference between NDP-4.2 and your CPC amendment, we have already had that assurance. The more time we spend debating the difference in “collectivities” versus “people”, which is meant simply to serve as an added layer, the more we are just compounding something that we've already received the answer to.

Perhaps I can ask the officials.

Mr. Viersen, I can't remember the name of the specific group in Alberta you were concerned about.

**Mr. Arnold Viersen:** It was the Métis of Cadotte.

**Mr. Ben Carr:** With the current language in the bill, if we adopt either NDP-4.2 or the CPC motion, may I ask the officials if the Métis of Cadotte would be excluded from the ability to engage with the Government of Canada, should this bill pass, in future treaty negotiations or self-governing agreements?

I mean that group specifically.

**Ms. Julia Redmond:** My understanding of CIRNA's position on this is that it's not necessary to include a provision like this for that option to be available to those other Métis groups.

**Mr. Ben Carr:** Okay, I know you're saying that it's not necessary, but even if either of those two amendments were adopted as an added assurance, would the Métis of Cadotte see a change in a newly amended bill, using either clause being proposed, that would affect their ability specifically to engage in future treaty negotiations or self-government agreements with the Government of Canada?

**Mr. Michael Schintz:** There would be no change. It's our understanding that the proposals may add further clarity or be considered to add further protection, but there would be no change.

**Mr. Ben Carr:** Mr. Chair, this is now the fourth or fifth time that our officials have reiterated this. I ask that we move on to some of the other amendments that we have before us, because I believe that the assurances that Mr. Viersen is quite rightly searching for have been given and will exist with either the adoption of the NDP amendment or of his particular amendment.

Thank you.

**The Chair:** Thank you.

Moving through our list, I have Mr. Battiste next, followed by Ms. Idlout, followed by Mr. Viersen.

Go ahead, Mr. Battiste.

• (1630)

**Mr. Jaime Battiste:** I'll try to be quick here. We've exhausted that discussion point.

There are several amendments here that have all-party support. I almost feel that if we started going through the ones that we all support, we'd be in a better position to talk about the ones that we don't support because we'd have taken care of the others.

I know that might not be the most efficient way of proceeding, but I see that amendments CPC-1 and NDP-1 are very similar, and if we had passed that non-derogation clause we could have saved 20 minutes of discussion on this.

I'm just wondering how we can make this an efficient process by going through the things that we do support and then going back to all the things on which we might have disagreements.

**The Chair:** To respond to that, before I go to my next speaker, there is no efficient way. We need to go through clause by clause. We don't get to leapfrog around the paper.

I have a speaking list. We'll get through the speaking list. We'll vote, and when we're done that, we'll go to the next clause and the next clause and the next clause. That's how the process works in clause-by-clause consideration.

I'm ready to go to my next speaker, who is Ms. Idlout.

**Ms. Lori Idlout:** Thank you, Mr. Chair.

I very much appreciate the line of questioning by the Conservatives, which is rare for me.

Having said that, I am curious about the schedule on page 11 of the bill. Under columns 1 and 2, there's slightly different language for “the Métis Nation of Ontario” and “Métis Communities Represented by the Métis Nation of Ontario”. Can you describe why that difference is there?

**Mr. Michael Schintz:** The terminology that's used in column 2 of the schedule mirrors the terminology used by our partners in the way that they describe themselves internally, the way they've decided—

**Ms. Lori Idlout:** Who are your partners? Can you be specific?

**Mr. Michael Schintz:** Yes, specifically our partners are the Métis Nation of Ontario, the Métis Nation of Alberta and the Métis Nation of Saskatchewan. This terminology is consistent with the way they describe themselves as part of their internal meetings with their peoples and also with the constituting documents they have to establish their government. These terms are also the terms that are used in the agreements that are binding as contracts and were signed in February of this year with the three parties.

The forward-looking intention is for these terms to be defined clearly as part of the treaty. Before we would be in a position to finalize that treaty, we would need to consult with any group that thought we had established a definition that was too broad. For example, if Cadotte Lake was of the view that they were being captured by the Métis Nation of Alberta definition in the treaty negotiations, we would need to consult with them and ensure that we weren't adversely impacting their rights. That is how CIRNA arrives at final agreements.

**Ms. Lori Idlout:** I don't know if this a direct response to it, but when we read “Métis collectivity” in the bill, is it because of how it's described in column 2?

**Mr. Michael Schintz:** In column 2 it's also terminology that's used in the February 2023 agreements, and it's used throughout the bill as the preferred terminology of our partners.

**Ms. Lori Idlout:** Does that help answer your question?

I wish I had a word-search thing. If we see the word “collectivity” in here—

**The Chair:** If I could interrupt for a second, I want to also encourage members....

This is a really good discussion, and a lot of the discussion is getting ahead to further amendments down the road. It may help clarify things for them at the point that we get there, but at this point we are on CPC-1.1. I think it's really important that we get the clarification, but when we are done the conversation, we move to a vote so that we can get to the next one.

Anyway, I just want to make sure we're really focusing on this one and that as we move forward, we stay relevant to the clause we're on. I'll just leave that for members to think about as we move forward.

The floor is still yours, Ms. Idlout.

• (1635)

**Ms. Lori Idlout:** We're going to remain on this one and talk about “collectivities” and “peoples”, just to keep on tap what we're meaning, because it could have.... I don't know what kinds of impacts there will be if we're not consistent. I'm quite concerned about how that could create confusion, especially given that, for example, we were told by the Metis Settlements General Council about their concerns with the Métis Nation of Alberta and how this impact could mean that membership might change from the Métis settlements to the Métis Nation of Alberta because of this enabling legislation. I'm trying to think of the reality of what's going to happen to the Alberta Métis and what's going to happen with each of their memberships, based on what happens on Bill C-53.

**The Chair:** Please continue. Get the clarification that you need, but just as a general reminder, as much as possible focus on what we're at. The floor is yours, so please carry on, Ms. Idlout.

**Ms. Lori Idlout:** I was asking about making sure that when we do talk about collectivities and peoples, whatever the impact of that interpretation is going to be needs to be made clear to us so that when we go back to our constituents or people we've been consulting with, if indeed there is a potential for rights to be infringed, the duty to consult is going to be triggered right away. At this point that trigger has not been reached. It is my understanding that this is why there's not been that duty to consult for those other groups.

**Mr. Michael Schintz:** It's correct that it is our position that in the agreements that were signed in February of this year, insofar as they are contracts that are binding on the signatory parties, the contracts did not trigger the duty to consult. Similarly, with regard to the treaties referred to in this legislation, we will have a requirement to consult on the treaties.

**Ms. Lori Idlout:** Thank you.

**The Chair:** Mr. Viersen, you're next on my list, followed by Mr. Vidal.

**Mr. Arnold Viersen:** To go back a bit to Mr. Carr's comments, the challenge in this bill that I'm trying to get at with my amendment—and we may need to amend it—is around competing Métis identification, the point being whether a Métis person can be a member of both the MNA and Peavine Métis Settlement or of both the MNA and the Métis of Cadotte. That was their concern: Were there going to be competing Métis memberships? Will the MNA be competing for their members?

I'm not even necessarily certain that my.... When I quoted and I sent that in, I was saying that we want to make sure we're not setting up competing memberships. What would happen if somebody were a member of both? What does that look like? Maybe we can ask our officials about that as well. If a Métis person were a member of the Peavine Métis Settlement and a member of the Métis Nation of Alberta, there were some concerns around these competitions. I imagine that there wouldn't necessarily be a challenge for that, but there's nothing in this bill that prevents that from being a thing.

**Mr. Michael Schintz:** Under the agreement signed in February of this year with MNO, MNA and MN-S, it is explicit that while it is the right of a Métis individual to choose their government—as long as they meet the eligibility criteria and so on and so forth, they're able to choose which government represents them—there's a requirement that there be no dual citizenship. Those individuals need to choose one government. They're not able to choose both the MNA and Cadotte, as an example.

However, the one exception is the Métis settlements. There's a provision in the MNA agreement signed in February of this year that provides for dual citizenship to the Métis settlements and the MNA. The reason is that this is the status quo today. It was part of the decision of the government to maintain that status quo and to do so explicitly.

I can't recall whether or not it was raised directly by President Lamouche as part of the testimony, but I want to be clear: We do understand that the Métis settlements have raised some concerns about that approach. For that reason, it'll be something we need to revisit in the text as part of finalizing a treaty.

Again, we have a constitutional obligation to ensure we're not adversely impacting the rights of other governments that are not signatories to those future self-government treaties.

• (1640)

**Mr. Arnold Viersen:** You can see where the communities would be concerned about a—I hate to use this term—poaching of members, essentially. These other communities have existed for a long time, and now suddenly there's a new treaty, a new agreement and a desire to switch allegiances, essentially.

Can we protect against that in this amendment?

**Mr. Michael Schintz:** I understand the non-derogation proposals to be protecting the rights of other collectivities. I believe and I would submit that the agreements, the legislation and the future core governance treaties are all enshrining as a principle the right of Métis individuals to choose who properly represents them, so long as they meet the.... I don't want to belabour the point.

It is our position that the right of these individuals to choose their governments is protected within those parameters. Beyond that, I don't have much to offer, Mr. Viersen.

**Mr. Arnold Viersen:** Getting back to this, how do we...?

Your comments don't clarify for me whether we should be using "Métis peoples" or "Métis collectives". That's the crux of whether we go with NDP-4.1 or this one.

You use them somewhat interchangeably, but they come at it from the opposite end of the problem, essentially, which still doesn't solve my problem.

**Ms. Julia Redmond:** If I understand correctly, your intention seems to be to have one refer to individuals and the other referring to groups, at least as they're drafted. The references to "Métis peoples" and "Métis collectivities" can be read in very similar ways, as both referring to groups.

**Mr. Arnold Viersen:** That was not my intention with this amendment. How would we improve it? Would "self-determination of Métis individuals" be a better term to use?

You're not going to commit to that one, right?

**Ms. Julia Redmond:** It's not for me to draft for the committee.

**Mr. Arnold Viersen:** I look to Jaime a little bit on this.

If we amended mine to "Métis individuals" would that...? I don't think we capture the same things between the two.

I'd be open to a friendly amendment that would say "self-determination of Métis individuals".

**Mr. Jaime Battiste:** You're getting there. Ask more questions. You'll get there.

**Mr. Arnold Viersen:** What's that?

**Mr. Jaime Battiste:** I said to ask some more questions. You're getting there. You're almost there.

**Mr. Arnold Viersen:** Well, I want you to support my amendment.

**Voices:** Oh, oh!

**Mr. Arnold Viersen:** I don't think they're the same.

**The Chair:** I'm going to jump in here for a second.

Just to be clear on procedure, you're not allowed to amend your own amendment. You can't offer a subamendment.

Colleagues, what I'm going to do is—

**Mr. Arnold Viersen:** That's why I was asking for a friendly amendment from—

**The Chair:** I'm going to suggest that we actually pause for three minutes so that each side....

We've had some really good discussion here, but I think it may be worthwhile for each group to reflect on where they want to go with this.

I'll come back with the same speaking order. I have Mr. Viersen, Mr. Vidal and Mr. McLeod on the list, but I'm going to suggest that—

First we'll go to our witness, to Mr. Schintz.

**Mr. Michael Schintz:** I just want to offer this point before the further contemplation of this during the break.

We don't typically refer to self-determination on an individual level. We don't tend to refer to the right of individuals to self-determination as part of implementing bills. It's a collective right.

• (1645)

**The Chair:** I have Mr. McLeod....

I am going to pause here, though, so everybody can put their heads together for a second.

We'll come back in three minutes with Mr. Viersen still having the floor. Then it will be Mr. Vidal and Mr. McLeod. That's my speaking order.

Let's suspend. You guys can have the discussion briefly and we'll come back in three minutes. For now, we're suspended.

• (1645)

(Pause)

• (1655)

**The Chair:** That was a little longer than three minutes, so I'm happy to carry on.

Mr. Viersen, you have the floor, and we'll see where you're at. Then on my speaking list I have Mr. Vidal and Mr. McLeod. That's the order we have.

**Mr. Arnold Viersen:** Ms. Idlout and I had quite a conversation. Again, it goes back to.... I suppose I'll continue to ask for the friendly amendment to perhaps change it to "individuals" from the word "peoples". There is a challenge around how individual Métis would play through this whole process. I'd like this bill to recognize that, and I think that my amendment pursues that ideal, somewhat.

I'll leave my comments there for now, Mr. Chair.

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

We'll go to Mr. Vidal and then Mr. McLeod.

**Mr. Gary Vidal:** Ms. Redmond, earlier in your answer to Mr. Carr, I'm not sure you were unequivocal. You said it was the opinion of CIRNA, I believe, or the position of CIRNA, if I'm not mistaken.

Just to flesh this out a bit further, some of the concerns we heard in the committee testimony—and I'm referring back to Alberta specifically—were around the constitution of the MNA and how it dealt with its membership and some of the concerns of some of the communities that Mr. Viersen is talking about.

A bit after that, Mr. Schintz, you talked about how the status quo is that the Métis settlements are...I don't know if "excepted" is the right word, but very clearly separated out from inclusion in this.

What assurance is there to the other folks in these other communities? You said it's already in the bill, that it's already there, yet we specifically reference in the bill the exclusion of...

Maybe it was in the agreements, not the bill—sorry. It might have been in the February 23 agreements that you talked about the Métis settlements being specifically excluded.

What assurance do these other communities have that they're not going to somehow get swallowed up in this, either by the existing constitution of the MNA or some future change to that constitution? Do we not need something like this for them to have that assurance, then?

I hope I'm making my point.

**Mr. Michael Schintz:** I think so, Mr. Vidal. I will try to respond. There were a few pieces to that.

I'll start with the constitution, the self-government treaty.

While final treaties or self-government treaties that CIRNA negotiates with indigenous partners require that there be a constitution in place, we do not give legal force and effect to those constitutions. Those constitutions are documents that are used for the internal governance of the MNA and the MNA's collectivity.

You asked a question as well, and I think you were asking for some clarification about my earlier comments about the Métis settlements. To try to give some added clarity, what we say in the 2023 agreement signed with MNA is that their laws regarding citizenship will not allow an individual who's eligible for citizenship but is enrolled on either the Indian register or another band list, or enrolled as a member of another Métis government, to be provided citizenship. There is no dual citizenship.

However, we say in the immediate next clause, which is 8.08, that “nothing in this Agreement prevents a member of a Métis Settlement...from registering or being a Citizen” of the MNA. Again, that is the status quo, as we understand it, as it exists today.

In terms of providing added protection or clarity for those who have made clear to this committee that their rights are not being represented by the MNA, I think that is the intention of this committee in bringing forward non-derogation language. I believe we've made our points with respect to that.

• (1700)

**Mr. Gary Vidal:** You believe that selecting one of these various clauses would give assurance to those folks who may not be in the existing legislation.

**Mr. Michael Schintz:** I think that's fair to say.

**Mr. Gary Vidal:** Thank you.

**The Chair:** Mr. McLeod, you're next on my list.

**Mr. Michael McLeod:** I just wanted to speak to the comment Mr. Viersen made about membership in different Métis governments.

I think it was very clear from the witnesses who presented to us that it's up to them to decide who their membership is. As a Métis person, I have had the opportunity to join different Métis governments.

I think the concern is that people who are registered with one government and also with another will get services and benefits from both. I believe—maybe the officials can speak to this—that there is a really clear procedure to follow. For enrolment, family trees and everything else has to be provided so that the government knows exactly who its members are. You cannot be a beneficiary of two settlements or two treaties.

Maybe the officials could speak to that.

Once you register and sign up with one government, you cannot join another one and get the same kind of treatment and benefits, whether it's services, a financial benefit or whatever the case may be.

**Mr. Michael Schintz:** The treaties are going to be based on those 2023 agreements, and those 2023 agreements provide parameters for those treaty negotiations.

We specify that Métis government laws in the area of citizenship cannot provide for an individual who is eligible to be enrolled as a citizen so long as they are on the list of another indigenous government that has a concluded self-government agreement, whether protected by the Constitution or not protected by the Constitution, and is a stand-alone self-government.

It is a parameter placed on the law-making jurisdiction.

**The Chair:** Mr. Schmale is next.

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

Based on what we've been hearing today, I'd like to propose an amendment to Mr. Viersen's amendment. I could probably take some time to write this, if need be

**The Chair:** You mean a subamendment.

**Mr. Jamie Schmale:** Sorry, that's what I meant. Thank you, Chair. See? That's why you're the chair.

**The Chair:** I'm just helping out.

**Mr. Jamie Schmale:** I appreciate that. You're a helper.

Can we change the word “Métis peoples” to “Métis individuals”?

**The Chair:** You have to word it in the form of a statement, not a question. We're not on *Jeopardy!*.

**Voices:** Oh, oh!

**The Chair:** Give me a subamendment to deal with, and then we will....

**Mr. Jamie Schmale:** Okay. We're in the process of writing that up right now.

For CPC-1.1, remove the words “Métis peoples” and replace them with “Métis individuals”.

We're just going to send it in writing here. It should be coming momentarily.

• (1705)

**The Chair:** Do you want to speak to it?

**Mr. Jamie Schmale:** Quickly, while we're waiting for the email to arrive, I think this addresses—or at least somewhat addresses, or aims to address—some of the concerns that Mr. Viersen is hearing in his riding specifically, because he has a number of settlements in his constituency.

From what we have been told, he is hearing from the people in his area that there is some interest in having the individual Métis recognized, as opposed to a collective, because everyone is an independent thinker and an independent individual who can have the ability—or should have the ability, I guess—to choose who is representing them. If an individual wants to be part of a settlement, or maybe doesn't at all, they would still have that ability to access the same standards as those belonging to, in this case, the MNA.

I hope that addresses the concerns that Mr. Viersen is talking about and allows us to keep moving along. At the end of the day, I think we are really trying to find a path forward and address the concerns that we are hearing on the ground, because it's important that we get this right.

I know the email should be coming.

**Ms. Lori Idlout:** Could I ask a question while we are waiting for it? I would love to know, from the legal counsel, what the legal impact of that change would look like.

**Mr. Michael McLeod:** Mr. Chair, do we have a speaking list?

**The Chair:** I'm sorry; I'm just getting a technical clarification on something before I go to you, Lori. Just wait one second.

Lori, do you want to be on the list? I have Mr. McLeod, then Mr. Viersen, and then you on the list.

Let's go to Mr. McLeod.

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

I think Lori was raising a concern or a question along the same lines as I am.

As indigenous people—as first nations and the Métis, and the government that I belong to—we tend to think as a collective versus as individuals. We've lived our lives that way. Our culture is based on that. I'm really nervous about what it means when we start moving away from the collective approach and start talking about Métis individuals versus what the agreement is about. I just about need a lawyer sitting beside me here to interpret what is being discussed. I would have to ask what that means, and how much of a change that would be.

**The Chair:** If you are posing a question, please pose the question to our officials.

If someone wants to respond to the member's question, or if you need it reframed, I can get it—

**Ms. Julia Redmond:** I'll take my cue.

The right to self-determination and the inherent right of self-government are rights that are normally described as collective rights, so to make reference to individuals in the context of rights that are collective rights would be a bit unusual. It would make more sense to refer to a collective when talking about collective rights, which self-determination and self-government are.

**The Chair:** Okay.

Mr. McLeod, after you I have Mr. Viersen.

• (1710)

**Mr. Arnold Viersen:** Thank you, Mr. Chair.

Around, say, for example, harvesting rights, currently Métis have harvesting rights as individuals, I assume. How is that organized at this point? Could you explain that to me?

**Ms. Julia Redmond:** Without getting too far into discussion on aboriginal rights today, there are rights that are held collectively and can be exercised by individuals. Something like rights related to self-government, such as elections, are collectively held rights. They go to the right of a community to organize themselves, but obviously some component of that has an individual exercise—an individual citizen voting for the leader of their collective, their government, for example. Harvesting rights would be one example of that: a collectively held right that can be exercised by an individual. It depends on the context.

**Mr. Arnold Viersen:** Currently, Mr. McLeod is exercising his harvesting rights. If he hypothetically chooses not to join MNA in Alberta, would he continue to be able to exercise those rights without being a member of the MNA?

**Ms. Julia Redmond:** This is something that's sort of outside the scope of the treaties we're discussing right now. Harvesting isn't before us, so a jurisdiction like that would.... It would depend on the terms of the treaty how that right might be exercised.

**Mr. Arnold Viersen:** I guess so, but the challenge we're going to run into is that after this bill passes, we will have defined Métis governance, in which Métis identification is then going to come through those governments. If folks identify as Métis but choose not to join the MNA, will they continue to have...? I don't quite understand how the harvesting rights are currently organized. Would they continue to have harvesting rights if they choose not to join the MNA? Does that make sense?

**Mr. Michael Schintz:** The first part of your question, Mr. Viersen, seemed to suggest that this bill was establishing something other than what it establishes. What it recognizes is that the MNA, the MNO and the MN-S are indigenous governments that have been mandated to advance the collective section 35 rights of their collectivities.

It provides a legislative framework in which to give legal force and effect to future treaties that will cover their right to govern themselves and organize themselves internally. It does not establish parameters for Métis identity in the way that I understood the beginning of your question to suggest.

I agree with Ms. Redmond that we're not here today to speak as experts on Métis harvesting regimes. This bill doesn't touch on that.

**Mr. Arnold Viersen:** That's what my amendment is trying to get at. Nothing in this.... That's what we're trying to clarify around this. On the individual rights to harvest, for example, that won't be derogated by this bill. That's specifically what this amendment is trying to get to. That's why we've moved it to “individuals” rather than “peoples”.

**Mr. Michael Schintz:** I understand the Powley decision to say that the rights that individuals exercise are derived from the historic collectivity that they were a part of as Métis people prior to effective control.

I think the rest of the answer goes to what Ms. Redmond has already stated about individuals being able to exercise certain collective rights. I think the non-derogation language...and there are several examples in front of us that all offer a variation of added protection or added clarification that there will be no derogation of others' rights. I think individuals are captured insofar as their rights are inherently collective. That's what I understand the courts to have set out.

**Mr. Arnold Viersen:** Yes, but that was prior to having a codified government, right? Once this bill passes, suddenly we have codified governments that we didn't have, unless I'm mistaken, prior to this.

**Mr. Michael Schintz:** We've recognized as part of the 2023 agreements that these are indigenous governments and that they are functioning as governments and that they are exercising law-making authority. I think the distinction you're touching upon is the difference between an asserted right and a right recognized under an agreement or a treaty that is given the force of law.

• (1715)

**Mr. Arnold Viersen:** I hope, Jamie, that you're coming to my logic here and we'll get your support shortly.

**The Chair:** Next is Ms. Idlout.

When you are ready, Lori, the floor is yours.

**Ms. Lori Idlout:** Thank you.

To repeat my question—I don't think I was heard—if Mr. Viersen's recommendation is to allow the interpretation of Métis individuals asserting those types of things, what could be the potential legal impacts? When I look at Bill C-53, I see it as good protection against identity theft. We know there are a lot of “pretendians” out there.

Because of our status, our beneficiary list and the registries, we are able to confirm, through our collectives and through our governments, who indigenous peoples are. I wonder if opening that interpretation creates a loophole for those people who might not be indigenous to try to assert indigeneity. I wonder if that could be allowed to happen in this legislation.

I don't know if I am interpreting it correctly, but is it a possibility that this would happen?

**Ms. Julia Redmond:** I think I can give at least a partial answer to your question.

To reiterate what I said before, the right to self-determination and the inherent right of self-government are collective rights. It would be unusual and a departure from how these rights are referred to in other statutes and in other treaties and agreements for those rights to be referred to as relating to individuals, despite the exceptions, of course, whereby certain collective rights that can be exercised have a component of individual exercise.

Therefore, it's not really clear how that would be interpreted, because that would be, as I understand it—on my understanding of it today—a novel way to describe that in law.

**Ms. Lori Idlout:** Then keeping it as collective rights—because that is how colonial governments have learned to recognize indigenous peoples' world view as always taking care of each other—for instance, through harvesting rights—is that acknowledgement. I don't know that we need a whole history given to us about how we came to ensuring collective rights when it comes to indigenous peoples.

What I'm saying to this committee is that we need to be very careful when we are considering this, because of the world view that indigenous peoples—first nations, Métis, Inuit—had before colonialism, as Michael McLeod was saying earlier. That is why we've always talked about collectives. That is why we've always talked about families. When we talk about a family, we're not just talking about a nuclear family; we're talking about extended family, our grandparents and our aunts and uncles. Because of that, these can be seen as protecting that sense of nation within those indigenous families.

I know it is a difficult question. I understand what he is trying to do, but I think that we need to be very careful.

I know you are being bureaucratic when you say that this is unusual. To me, it is not just unusual, but it is the potential for Pandora's box opening. It is a sincere concern, which I know Michael shared briefly in his testimony.

We need to be careful. We need to make sure that we don't do it just because it's not unusual.

• (1720)

**Ms. Julia Redmond:** Yes, I appreciate what you're saying, and I don't think I can say more beyond “collective rights apply to the collective”. For that reason alone, aside from perhaps others that you've raised—and I leave those to you—it makes sense for collective rights to refer to a collective.

**Ms. Lori Idlout:** Okay. Thank you.

**The Chair:** Mr. Carr, the floor is yours.

**Mr. Ben Carr:** Mr. Chair, I would like to refer back to something that I've now raised for the third time.

Mr. Viersen, I believe you were here for the duration of a very long set of testimony that we have all been a part of over the course of this study. These questions have been dealt with time and time again. I am starting to question the legitimacy, perhaps, or the root cause, of where some of these questions are coming from, as I'm having a difficult time understanding what's missing from the clarification that's needed vis-à-vis the amendment you've put forward.

Is there anything, I ask our officials, that has changed since I last intervened vis-à-vis what you have heard, including what you've spoken to in regard to the subamendment, that would lead you to believe that the group for which Mr. Viersen—rightly so—has raised concerns in search of reassurances, a group in his home province, would lose out in any way, shape or form on the ability in the future to enter into a self-governing agreement or a treaty agreement with the Government of Canada by virtue of the language that's been put forward in these amendments?

**Mr. Michael Schintz:** No. The only thing that has changed is that we've raised our concerns with the subamendment. Nothing has changed from the last time that we answered the question, Mr. Carr.

**Mr. Ben Carr:** Okay.

**The Chair:** Mr. Viersen—

Oh. Are you done?

**Mr. Ben Carr:** No, I'm not quite done yet.

Mr. Chair, we have until what time?

**The Chair:** We have until 5:30.

**Mr. Ben Carr:** Okay.

Is there any language that you think could be added that would provide the type of assurance that Mr. Viersen or others are seeking at the moment?

**Mr. Michael Schintz:** I think the other non-derogation proposals that have been put forward offer different versions that I understand to be similar, if slightly different—wanting to be fair to Mr. Viersen—in terms of text, but that offer the kinds of protection that I understand the committee to be looking for.

**Mr. Ben Carr:** Can I ask if the department has had any conversations directly with any of these communities throughout the course of this study to answer any of the concerns they may have raised, including the same concerns raised by Mr. Viersen specific to this community in his home province or any others?

**Mr. Michael Schintz:** I've had discussions with a number of the communities that have appeared before this committee on the basis of the agreement and the legislation that's now before us, but to your question, not since this study began, Mr. Carr.

**Mr. Ben Carr:** Okay.

Can I ask that same question of other officials present?

**Ms. Julia Redmond:** I've nothing further to add.

**A voice:** Nothing to add....

**Mr. Ben Carr:** Okay. Is there any—

Chair...?

**The Chair:** Sorry; I assumed incorrectly that you were done.

**Mr. Ben Carr:** No, no. I'm not done.

Do you believe that there is any other area currently in the wording of the legislation, whether pertaining to the amendments put forth by Mr. Viersen and Madam Idlout, that would in any way, shape or form take away from the right of any Métis government not mentioned currently in the bill, should this bill pass in this cur-

rent form? Are there any other areas of the legislation not specific to the amendments they put forward that concern you vis-à-vis that?

• (1725)

**Mr. Michael Schintz:** I'm not certain I follow the question, Mr. Carr, but I—

**Mr. Ben Carr:** Sure. I'll rephrase it. My apologies.

The amendments that my colleagues have put forward are specifically in relation to all of the things that we've been talking about specific to these groups. Those amendments aside—what they're trying to deal with—are there any other areas of the legislation, aside from those they are seeking to amend, that you feel merit our attention in regard to a potential threat to the pre-existing or future rights of Métis governments or any indigenous governments?

**Mr. Michael Schintz:** No. Absent these amendments, and absent even the amendments before us, we have an obligation to ensure we don't adversely impact the rights of other Métis or first nations communities and collectivities.

**Mr. Ben Carr:** Okay.

Ms. Redman, could I ask you to respond to that as well, please?

**Ms. Julia Redmond:** I have nothing further to add.

**Mr. Ben Carr:** Okay.

Mr. Reiher, would you comment?

**Mr. Martin Reiher:** I would say the same. Nothing in this bill, in and of itself, would have an impact on the rights of other groups.

**Mr. Michael Schintz:** I would just add that in fact we are trying to recognize the rights of the partners who have helped us co-develop this legislation.

**Mr. Ben Carr:** In that same line of questioning, should this legislation not pass, what future impact do you foresee that having on the Métis governments in question?

**Mr. Michael Schintz:** I don't know that it is for me to say what the impact is for the Métis governments. I think they've tried to answer that question a number of times in providing testimony to this committee.

I can speak to the practical facts, if that would be helpful, Mr. Carr. We would not have legislation, for which we are ultimately seeking royal assent, to give effect to future self-government treaties to recognize the self-government rights of our partners who were recognized in the Constitution Act in 1982 and who still do not have recognition in federal law.

**Mr. Ben Carr:** I will ask that question of the others as well, if they have anything to add.

**Ms. Julia Redmond:** The only thing I would add is that those agreements signed in February 2023 between Canada and the MNA, the MN-S and the MNO would remain in force regardless of whether Bill C-53 becomes law.

**Mr. Ben Carr:** Okay.

That is good, Mr. Chair.

**The Chair:** Next we'll have Mr. Viersen.

**Mr. Arnold Viersen:** Mr. Carr is concerned about my motivation for this.

The Library of Parliament has put together a list of recommendations put forward by a host of folks that this bill be withdrawn. They all have issues with the bill. My amendments are in response to that, to try to make sure that we can get some of those things fixed. Folks came here because they had grave concerns with this bill.

One concern was around competition between Métis organizations and Métis groups for Métis identification. I still say that my amendment and subsequent subamendment are trying to tackle that issue around a Métis person who does not find that there is a Métis government that represents them or that they want to join. How do we ensure they do not lose their Métis identity?

• (1730)

**Mr. Ben Carr:** That's a question they have answered five times.

**Mr. Arnold Viersen:** Yes, they said that it was not the case, but I still say that for the clarification of those individuals, we need to pass an amendment that definitely codifies that in the bill.

**A voice:** That's the same as Lori's.

**Mr. Arnold Viersen:** No, Lori's is about Métis collectivities, which we had a long conversation—

**The Chair:** Colleagues, I'm going to jump in here for a second.

We have reached 5:30. I have been advised that there has been a deal reached by the whips that we will end at 5:30 today. I will keep the speaking order that we have, with the floor being Mr. Viersen's, and for now, folks, we're adjourned.

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