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• (1100)

[*English*]

The Chair (Hon. Marc Garneau (Notre-Dame-de-Grâce—Westmount, Lib.)): I call the meeting to order. Good morning, everyone.

[*Translation*]

Welcome to meeting number 33 of the Standing Committee on Indigenous and Northern Affairs.

[*English*]

We are gathered here today on the unceded territory of the Algonquin Anishinabe nation.

We have a few items of housekeeping before we get to our invited witnesses on Bill C-29.

[*Translation*]

First, we must approve the proposed budget for consideration of Bill C-29, which you all received.

Do the committee members agree to approve the budget?

Some hon. members: Agreed.

[*English*]

The Chair: Second, is there agreement for the clerk to submit the draft budget for the committee's proposed travel for the period from January to March 2023 to the clerk of the liaison committee by October 21? You should have received this as well.

Some hon. members: Agreed.

[*Translation*]

The Chair: Finally, today we have Émilie Thivierge, who is a legislative clerk, and Alexandra Schorah, who is a legislative counsel. They are here to explain how they can assist us if we wish to propose amendments to Bill C-29.

Ms. Thivierge and Ms. Schorah, you have the floor.

[*English*]

Ms. Alexandra Schorah (Senior Legislative Counsel, Legislative Services, House of Commons): Thanks very much for allowing us to speak to you today.

All I want to say is that I exist. Maybe it's an existential question for a Monday morning, but I'm the legislative counsel on this bill, and I'd be happy to assist you.

The main message today is that, if you have instructions for amendments, please let me know as soon as possible so that I can get them drafted and determine whether there are any legal or legislative drafting issues with them. Please rest assured that solicitor-client privilege applies, so I won't disclose any of your amendments unless you authorize me to do so, not even to someone in your own caucus.

The amendment drafting process does take time. If you've ever been involved in a private member's bill, you'll know that we have to allow time for revision, translation, etc., so please bear with us if we don't get back to you right away.

That's pretty much all I wanted to say.

Even if you don't have clear instructions yet, don't hesitate to call me to discuss how best to frame something. We have documents and templates that may assist you in organizing your thoughts.

Thanks very much for your attention.

Ms. Émilie Thivierge (Legislative Clerk): In just a few words also, my role as the legislative clerk assigned to Bill C-29 will be to assist the committee during the clause-by-clause consideration of the bill. If members of the committee have any questions about the procedural admissibility of any amendments they would like to submit once they have been drafted by Alexandra or if you have any questions concerning the clause-by-clause study of the bill, please don't hesitate to contact me at your earliest convenience.

In order to assist the committee in conducting an orderly clause-by-clause study, I will organize all the amendments that members submit to the clerk into a package of amendments. I will also prepare an agenda that includes each clause of the bill and any submitted amendments. This will be circulated to all members of the committee shortly after the deadline to submit amendments. I will also be present in the room for the clause-by-clause consideration of the bill.

[*Translation*]

My contact information can be found in the memo the clerk has already sent to all committee members.

I will be happy to answer any questions committee members may have regarding the procedural admissibility of amendments they may wish to make to Bill C-29 and to provide advice in a confidential manner, as my colleague Ms. Schorah said.

Furthermore, I encourage all members to contact my colleague to have their amendments written in both official languages as soon as possible.

Finally, if members have any questions, I encourage them to contact me without hesitation.

[*English*]

The Chair: Thank you, Madame Thivierge and Madame Schorah. I don't see any hands raised, so thank you for those brief words of introduction about the process of doing amendments and then subsequently the clause-by-clause review.

I'd now like to welcome our witnesses from the national indigenous organizations.

From the Assembly of First Nations, we have National Chief RoseAnne Archibald, as well as Julie McGregor, director of justice. They are joining virtually today.

From the Inuit Tapiriit Kanatami, we have Natan Obed, president. He is here in person. From the Métis National Council, we have Cassidy Caron, president. She is here in person as well.

Just to ensure an orderly meeting, I'd like to outline a few rules to follow.

Members and witnesses may speak in the official language of their choice. Interpretation services in English, French and Inuktitut are available for today's meeting. Please be patient with the interpretation. There may be a delay in the Inuktitut translation since it has to be translated into English before it can be translated into French, and vice versa.

For those in the video conference, the interpretation button is found at the bottom of your screen. It's that little round globe. You can listen in one of the languages shown. If interpretation is lost, please inform me immediately, and we will stop the proceedings until we rectify it.

There's also a "raise hand" feature at the bottom of the screen. It can be used at any time if you wish to speak or alert the chair.

Before speaking, please wait until I recognize you by name. If you are on the video conference, please click on the microphone icon to unmute yourself. When speaking, please speak slowly and clearly. When you are not speaking, your mike should be on mute. This will help our interpreters a great deal.

I'll remind you that all comments should be addressed through the chair.

• (1105)

[*Translation*]

I would now like to invite each organization to make a five-minute opening statement. That will be followed by questions from members.

[*English*]

I would now like to invite National Chief RoseAnne Archibald to begin with her opening comments for five minutes.

National Chief RoseAnne Archibald (Assembly of First Nations): Thank you, Mr. Chair.

My comments might go over, so I think I might just jump quickly to the recommendations that the AFN has with respect to this bill.

[*Witness spoke in Cree and provided the following text:*]

Wahcheeyay misiway. RoseAnne Archibald nitishinikahsoon. Taykwa Tagmou ishinakataow kawocheean.

[*Witness provided the following translation:*]

Greetings, everyone. My name is RoseAnne Archibald and the place I come from is called Taykwa Tagmou.

[*English*]

I am happy to be here today to speak to the committee. I'm just trying to find my notes, if you could give me just a moment.

As I said, I'm here to share the AFN perspective on Bill C-29. I'll be providing a summary of AFN's perspective on the legacy of those former residential institutions. I don't call them schools anymore. They were institutions of assimilation and genocide where thousands of our children died.

I'll speak to the implementation of the Truth and Reconciliation Commission of Canada's calls to actions 53 to 56. I'll share with you some of AFN's concerns with Bill C-29.

I'm just going to jump ahead to that, Mr. Chair, because I feel like I might run out of time in terms of the amendments that we have to the bill, and the suggestions.

In terms of the nominations, clause 8 of the proposed act sets out that the first board of directors will be chosen by the minister "in collaboration with the transition committee".

Clause 9 states that the board will have "a minimum of nine" directors and that the AFN, the ITK and the Métis National Council will each nominate one board director. Presumably, the minister would then have the discretion to appoint the remaining six to nine members of the first board of directors. Essentially, the minister has the authority to nominate and appoint two-thirds of the NCR's first board of directors.

Clause 11 requires that at least two-thirds of the directors must be indigenous, but no distinction is made between first nations, Inuit and Métis people.

Given the history of these institutions on our people, it's really of primary importance that the NCR board of directors be truly independent of government and also be reflective of the overwhelming impact that these institutions had on first nations people, so it's very concerning that under Bill C-29, the minister is given the broad discretion to appoint the majority of—

• (1110)

[*Translation*]

Mrs. Marilène Gill (Manicouagan, BQ): Forgive me, Mr. Chair, but I have a point of order.

[*English*]

The Clerk of the Committee (Ms. Vanessa Davies): Mr. Chair, I'm sorry to interrupt. It's the clerk. I apologize.

Madame Gill has a point of order.

The Chair: We'll pause briefly, Chief Archibald, for the point of order from Madame Gill.

Go ahead, Madame Gill.

[*Translation*]

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

On two occasions, the interpreter notified us that the sound quality was too poor for her to do her job well. The first time, she tried to continue interpreting, but the problem occurred a second time and she had to stop. If you could find a solution so that she could hear the witness well, I would be very grateful.

The Chair: Yes, I understand.

[*English*]

We'll pause briefly to see if we can improve the quality. I can hear it extremely clearly where I am, but it's the interpreters who have the tough job of translating it, so they have to hear it clearly too.

Can we pause to see if we can do something? It's over to you, Madam Clerk.

• (1110)

(Pause)

• (1110)

The Chair: Chief, I did stop the clock when this occurred, so you still have two and a half minutes. Please proceed.

National Chief RoseAnne Archibald: We have proposed amendments under section 10.

The AFN is proposing that section 10 be amended to provide for the following nominations of the first board of directors: Assembly of First Nations, three nominees; ITK, two nominees; MNC, two nominees; and the remaining two to five nominees to be appointed and nominated by the minister in collaboration with the transition committee.

This proposal ensures that the majority of nominations to the first board of directors remains with the AFN, ITK, and MNC, and not the federal government.

The second part that we speak to is with regard to representativeness. Clause 12 of the bill—

[*Translation*]

Mrs. Marilène Gill: I'm very sorry, Mr. Chair, but I have to raise another point of order.

The Chair: I am listening, Mrs. Gill.

• (1115)

Mrs. Marilène Gill: I wish I didn't have to interrupt Chief Archibald. The interpreter tried to do her job again, but this time she had to stop. I prefer to speak for the interpreters at this time. Interpreting is just as difficult as before.

The Chair: Thank you very much.

[*English*]

I'm afraid we're going to have to pause again to briefly see if there's anything that we can do.

From my understanding, the chief is wearing the headset that we provided her.

The Clerk: Is there another headset that the chief might have? Sometimes unplugging the headset from the computer and plugging it back in again works.

Mr. Battiste has a point of order.

Mr. Jaime Battiste (Sydney—Victoria, Lib.): Mr. Chair, we have the president from ITK and the president from MNC here in person. Perhaps we can have our technicians call National Chief Archibald while the other two leaders present, hoping that we can carry on with the meeting, and any kind of technical issue specific to the chief, whether it's restarting her computer or getting new headphones, could be done in the time that we listen to ITK and MNC.

National Chief RoseAnne Archibald: I'm sorry; I have limited time today. I have to leave immediately after I finish my presentation. I'm in a community meeting with the chief and council very shortly, so I'm hoping that we can try my trusty other headphones and see how they work.

The Chair: Chief, does the AFN's director of justice, Ms. McGregor, have the same script as you do? Could she complete it? Is she willing?

National Chief RoseAnne Archibald: Probably. Can you hear me now? Can you hear me with these headphones?

The Chair: Please say a few more words so that the interpreters can check.

National Chief RoseAnne Archibald: These are my personal headphones, and I will hopefully be able to complete my short presentation with the committee with these headphones. I'm hoping that everyone can hear me.

As I said earlier, I have to leave shortly after my presentation as I'm in 'Namgis, or Alert Bay, B.C., meeting with the chief and council shortly.

The Chair: Can the interpreters hear Chief Archibald?

The Clerk: Yes, they said it's a little bit improved, so they'll try again.

The Chair: Okay, go ahead, Chief Archibald. Perhaps speak a bit more slowly than you normally do, and I'll book extra time.

National Chief RoseAnne Archibald: Do you want me to start over, Mr. Chair, with my recommendations? That's the end of my presentation, really. The interpreters can get the recommendations that the AFN has.

The Chair: Yes, please.

National Chief RoseAnne Archibald: In terms of the recommendations from the AFN, we feel it's inappropriate for the federal government to grant itself the discretion to appoint the majority of the board of directors responsible for providing this independent oversight of its own actions. This is not within the spirit and intent of reconciliation, and it's very paternalistic.

The AFN proposes that clause 10 be amended to provide for the following nominations of the first board of directions: Assembly of First Nations, three nominees; ITK, two nominees; MNC, two nominees; and the remaining two to five nominees to be nominated and appointed by the minister in collaboration with the transition committee. This proposal ensures that the majority of nominations to the first board of directors will remain with the AFN, ITK and MNC, and not the federal government.

The second part of the recommendation is an actual amendment we're suggesting. The second recommendation is around clause 12, which deals with representativeness. It says that the board of directors "must, to the extent possible", include first nation, Métis, Inuit, and other peoples in Canada. What we're saying as the AFN is that it is of the utmost importance that the NCR board of directors include first nation representation. It should not be "to the extent possible", but that there must be first nation representatives on the board of directors.

I will wrap it up there—oh, sorry. There is an actual proposed amendment: The AFN proposes that clause 12 be amended to provide that the council's board shall include representation from first nations.

The third portion is not an amendment. It is around funding. Bill C-29 actually includes no provisions with respect to funding or operational budgets; it simply states that the NCR must fulfill financial reporting requirements. Again, we have a proposed amendment under funding. In order for the NCR to be truly independent and adequately resourced, the AFN recommends that Bill C-29 be amended to include guaranteed funding provisions to ensure that the important work of the NCR be sustained into the future.

I want to thank you, despite some of our technical problems. We will submit the full speech that I have prepared in writing.

I want to say *meegwetch*, thank you; *ninanâskomon*, which in my language means, "I'm grateful, I'm thankful, I thank you"; and *kisâkihitin*, which means, "I love you".

• (1120)

The Chair: Thank you, National Chief Archibald.

We'll go to our second witness, President Natan Obed.

President Obed, you have five minutes.

Mr. Natan Obed (President, Inuit Tapiriit Kanatami): *Nakur-miik*. Thank you, Mr. Chair.

It's good to see everyone here in person.

We are pleased to offer our views on Bill C-29 and the creation of a national council on reconciliation.

The work of the truth and reconciliation commission, the national inquiry on murdered and missing indigenous women and girls

and many other initiatives have been foundational to identifying and describing the widespread trauma inflicted upon indigenous peoples during the colonial era and its connection to the current situation of indigenous peoples.

While Inuit Nunangat, our homeland, comprises over 40% of Canada's land mass and 72% of Canada's coastline, it is remote and often removed from the consideration of policy-makers, government officials and most Canadians. We appreciate the broad scope of the act and provisions designed to address reconciliation measures.

In some cases, Inuit have shared experiences with other indigenous peoples, yet in many cases, the impacts of colonization have affected Inuit in a distinct fashion. We have worked with the Government of Canada for a distinctions-based approach to reconciliation for justice but also for the work moving forward with the Government of Canada. Some examples of this—and many of these initiatives have flowed through the Inuit-Crown partnership committee—are things such as ensuring Inuit inclusion for those who are excluded in the Indian residential schools settlement agreement, further and greater federal recognition of and actions with respect to the Qikiqtani truth commission, securing recognition and an apology for the Ahlarmiut relocation in central Nunavut, and completing long-standing work on the Nanilavut initiative for families to identify the graves of loved ones who had been taken south for treatment in sanatoriums for tuberculosis. If they did pass away, their families and loved ones weren't notified and were not told the place where they had been buried.

A challenge with many pan-indigenous exercises is that the specific impacts of colonization of Inuit and the specific means of moving forward could be lost. We note that the proposed body is mainly focused on reporting and awareness raising. It would not be in a position to provide meaningful redress for the ongoing impacts of colonization. This is the reason ITK has proposed an indigenous peoples human rights tribunal through the United Nations Declaration on the Rights of Indigenous Peoples and the implementation of that act to ensure that government accountability is clearly catalogued for recourse and remedy for all those situations in which Inuit human rights have not been upheld or have been violated.

This particular piece of legislation aims to do something completely different, and therefore there are many different pieces that are needed. Tribunals, boards, or bodies need to be created during this time to ensure that we implement not only the calls to action from the TRC and the calls for justice for the MMIWG inquiry but also implement the legislation on the UN Declaration on the Rights of Indigenous Peoples.

For these reasons, ITK often advocates the inclusion of Inuit representatives within and on federal bodies that have an impact on Inuit rights, and, further, that Inuit should be able to determine Inuit representation.

We do not have specific amendments for you today. We are still in the process of understanding this legislation and talking it through with our board of directors, but the principles raised by National Chief Archibald are very similar to the ones that I believe we would be making to ensure that the council is composed of representatives of first nations, Inuit and Métis and that these appointment processes will be very different under this proposed legislation because it is the creation of a not-for-profit society versus a governmental agency.

I look forward to further conversations with you all on this particular bill in the time that has been allotted.

• (1125)

The Chair: Thank you, President Obed.

We will now go to President Cassidy Caron of the Métis National Council for five minutes.

Ms. Cassidy Caron (President, Métis National Council): Thank you.

Tansi, everyone.

My name is Cassidy Caron. I sit before you today as the president of the Métis National Council, which has been the recognized national and international representative of the Métis nation in Canada since 1983.

The Métis National Council, for those of you who may not know, is composed of, and receives its mandate from, the democratically elected leadership within provincial Métis governments currently within the provinces of Ontario, Saskatchewan, Alberta and British Columbia.

In 2017, the Government of Canada and Métis governments entered into the Canada–Métis Nation Accord. Among its objectives, the accord seeks to advance reconciliation of the rights, claims, interests and aspirations of the Métis nation. Four of five Métis governments recognized as signatories to this accord are the governments that currently compose the Métis National Council.

Our Métis governments, through their registries and democratically elected governance structures at the local, regional and provincial levels, are mandated and authorized to represent Métis nation citizens within their respective jurisdictions, including in dealing with collectively held Métis rights, interests and outstanding claims against the Crown.

Since 1983, the Métis National Council's priority has always been to advance the distinct Métis voice at the national and international levels, and we will continue to advance issues of collective importance and serve the Métis nation as our original founders intended.

I want to begin this morning by extending my gratitude for the work that has been done by the transitional committee to date in developing this legislation and to the interim board that sat in 2017 and 2018 to provide guidance to this transitional committee, and to all those who participated in and contributed to the Truth and Reconciliation Commission, where this idea of a national council for truth and reconciliation was first articulated as an accountability mechanism. A significant amount of work by a significant number

of individuals who have dedicated their time and effort has brought us to this point today. Their efforts must be recognized.

While a significant amount of time has passed since the release of the recommendation to establish the national council, we would rather not dwell on the time that has passed but rather focus our attention now towards the significant amount of work that lies ahead on our journeys toward reconciliation. Fulfilling TRC call to action 53 will be a significant step in the right direction on our collective journey forward in this country, and Bill C-29 is an important piece of legislation that can serve to support our ongoing and continued efforts on the journey of reconciliation.

While Bill C-29 will support this through the creation of this independent, non-political, permanent and indigenous-led organization, we believe that in some circumstances the legislation does not go quite far enough to provide for the federal government to truly lay the foundation to also address call to action 55, which is a piece that is critical to setting this national council up for success and ensuring that progress is made. Call to action 55 calls on the Government of Canada to provide key information to the council to support its mandate, including reports or data requested by the national council.

As it's currently written, the legislation fails to provide for mechanisms or enablers, such as a subpoena power, to ensure that this government or subsequent governments into the future cannot shield or refuse to provide full access to reports or data required to meet its mandate. It is important to ask how this council will successfully monitor the state of reconciliation without legislated powers to access this critical data.

I will note, however, that a key role and function of the Métis National Council through its dedicated seat on this council will be to support the implementation of call to action 55, thereby contributing to the success of the National Council for TRC.

As we move down a pathway toward data sovereignty, the Métis National Council aims to support our Métis governments in the areas of information governance and management, and it is working toward being able to collect, analyze, evaluate and govern Métis nation data, including data that will be able to contribute to reports on the progress toward reconciliation.

Furthermore, the purpose and function of the council, as set out in the proposed legislation, are in line with the Métis National Council's understanding of how we, collectively, will continue to advance reconciliation efforts. The research and reports that will be produced by the national council can also provide a very important opportunity to highlight the positive work taking place within our communities as it relates to reconciliation.

• (1130)

I will end by once again thanking the individuals who have contributed to the development of this legislation. As the recognized national Métis voice, I applaud the particular attention in the legislation to ensuring that indigenous voices will be a majority on this council, as well as the protection of the three national indigenous organizations' ability to appoint board members.

It's our hope that the end result of this legislation will be the formation of a national council board that can apply a distinctions-based approach and fulfill its mandate to the best of its ability for all indigenous peoples.

Thank you.

The Chair: Thank you, President Caron.

We will now go to questions, beginning with the Conservatives. For the first round, every one of the four speakers will have six minutes.

Mr. Vidal, you may begin.

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

Thank you all for being here today and providing your contribution to the discussion around this important bill.

I was going to talk about the independence aspect, but you've all indicated some of your opinions towards that already, so I'm going to move on to a different discussion item.

Back in 2018, when the interim board released its 20 recommendations, which included much of the framework for what we're dealing with today, there were a number of recommendations in there. They became part of what is the "Purpose and Functions" section of Bill C-29 today.

What has been added in the legislation that wasn't in those original recommendations is this concept around advancing efforts or "including efforts". The original recommendations talked about actually advancing reconciliation.

I guess my frustration, a little bit, is how we measure advancing efforts relative to actually moving down the road towards reconciliation. Is advancing efforts good enough in the opinion of your organizations?

That question can be for all of you. I didn't direct it to any individual, so go ahead and each have a shot at it.

The Chair: Let's start with the AFN and then go to the ITK and the MNC.

National Chief RoseAnne Archibald: Thank you very much for the question.

Yes, efforts are efforts and results are results. When it comes to reconciliation, I think where we're lacking in Canada is the sense of the truth of that truth and reconciliation report. The truth of what happened in this country is still not widely known and it's not widely taught.

The other part of it is that once we get to the truth, we can start to talk about reconciliation and have acts of reconciliation. One thing

that's missing from this TRC process, in my view, is the reparations that are needed when it comes to reconciliation.

The reparations include things like giving back to first nations the land that was inappropriately taken away or taken from them by nefarious means. All of those lands have to be returned to first nations.

The road to reconciliation.... I would say if we were on a chapter of a book on reconciliation, today we are on the first sentence of that book.

• (1135)

The Chair: Thank you.

Go ahead, President Obed.

Mr. Natan Obed: Thank you for the question.

Legislative drafting is an art that I have not quite yet understood, but in working for decades now on Inuit land claims issues, I certainly understand the concept of fear-based language that allows for government to do less rather than more. This type of wording, where instead of doing an action you "attempt" to do an action, is built into a lot of the different pieces of legislation or programs and policies that we see. Ultimately, it frustrates us when it comes to implementation sometimes, because the spirit and intent often then changes drastically when these new types of words are introduced.

I don't have an official position from ITK on it, but I certainly understand that the introduction of these types of words is often done to the detriment of the implementation.

The Chair: Thank you.

Go ahead, President Caron.

Ms. Cassidy Caron: Thank you.

I too don't know the intricacies of developing legislation and the language that goes into it, but I do know that language holds a lot of power, and it does need to be critically analyzed.

In one sense, it's important to know that reconciliation isn't just one thing that gets done; there are multiple initiatives, actions and steps that need to be taken to advance reconciliation. In that case, if the word "efforts" is interpreted in that sense, then I understand it, but if there is chance for misinterpretation, it does need to be cleared up.

For the Métis nation specifically, moving toward reconciliation does include a number of significant actions, steps and changes that need to be made. We do have some reports that lay out indicators to measure those efforts in those situations.

It's a great question. If we can get clarity around the specific word or a specific interpretation for "efforts", it would only strengthen the legislation.

Mr. Gary Vidal: I have very little time left. I'm going to ask a really quick question.

There's been some criticism by Dr. Littlechild, for example, about the bill not actually being co-drafted with indigenous people. The claim by the minister last week was that it is. Dr. Littlechild is saying that maybe it isn't.

From your perspective—and you've been involved in this process from the beginning—is the criticism accurate that the legislation has not been co-drafted, or would you side with the minister and say that it really was in consultation and conjunction with the input from indigenous people?

Again, that's for all three of you, quickly.

The Chair: You'll have to do this very quickly, starting with Chief Archibald.

National Chief RoseAnne Archibald: No. There was no co-drafting, and it would have been in that transition committee of which Dr. Wilton Littlechild was a member. If he's saying there was no co-drafting, then there definitely was no co-drafting.

Mr. Natan Obed: We had conversations with the department. We certainly did not appoint the Inuk who represented Inuit on this particular transition committee. Codevelopment is something we are trying to create parameters and frameworks around with the Government of Canada, but we have not to date done so. Codevelopment is a term that we just don't ascribe to at the moment in any of the legislation in the past seven years, or that is on the table now, but we do hope to get there.

Ms. Cassidy Caron: We too are in the process of developing principles for codevelopment with Canada so that we can better determine whether or not these things have been actually formally codeveloped. I can't say that I've been involved in the process from the beginning, because I was only elected one year ago.

The Chair: Thank you, President Caron.

We'll now go to our next speaker. Mrs. Atwin, you have six minutes.

Mrs. Jenica Atwin (Fredericton, Lib.): Thank you, Mr. Chair, and thank you to our witnesses for being with us today. I'm incredibly grateful for your voices. It's always amazing to hear from the leadership across this land.

I want to mention that I'm speaking from the unceded and surrendered Wolastoqiyik territory here in Fredericton, New Brunswick.

I'll begin with Chief Archibald. It's really critical that we have these discussions about the representation and the appointments on the council. That's why this feedback is so important at this early stage.

What are you looking for when appointing a member to the board? What might Canadians expect to see as far as the individuals who might be represented on this council?

• (1140)

National Chief RoseAnne Archibald: From the AFN, we would obviously want survivors to be a part of the board. The whole truth and reconciliation process is driven by survivors. It's really important that they are survivors, but then again all of us are in some way intergenerational trauma survivors as a result of that.

Having a real, deep understanding of the trauma-informed approach that these kinds of organizations have to take is important.

Obviously, from a first nation perspective, we want diversity, which would include a female representative, a male representative, or perhaps a 2SL representative. Diversity within first nations also exists. We would like to see the board comprise not only AFN people, whom we appoint, but all people, and that there would be a diversity there. Those would be my top two criteria in terms of the selection process right now.

Meegwetch.

Mrs. Jenica Atwin: *Meegwetch.*

President Obed, and perhaps President Caron as well, is there anything you'd like to add in terms of what you would see as the ideal membership in the council?

Mr. Natan Obed: Judging from the legislation and the purpose, we will need to have not only residential school survivors but also a cross-section of people who work in different fields, whether it be within law or within program and service delivery within community and sometimes at the national level. It also makes it clear that all Canadians must be, to the extent possible, part of the board of directors. We certainly need allies in this space as well. I would imagine that the board of directors will need strong non-indigenous allies from other parts of the Canadian community who can help round out the voice of this particular body and the work it does.

The Chair: President Caron, do you want to add anything?

Ms. Cassidy Caron: Thank you. I'll just build on that.

I agree with everything the national chief and President Obed have shared. One more piece that I think is absolutely critical is that the individuals on the council be accountable to our people and that there is a way to ensure that the individuals who are appointed to do this work have direct ties—for us specifically, the Métis nation—to our communities so that they can do this work with a holistic lens, ensuring that all of our people are represented on this council, and not just an individual with a personal agenda.

Mrs. Jenica Atwin: Thank you very much.

We know that the board will be establishing its own bylaws and practices, but I think it's important to look ahead and get feedback as early as possible in the process.

I'll begin with you, President Caron. How do you wish to see reporting conducted by the board? How would you like to see information shared among the governing bodies?

Ms. Cassidy Caron: I'm sorry. Can you ask that one more time?

Mrs. Jenica Atwin: Yes. It's just around the idea of how reporting will be conducted. What would your ideal process be? What would you be looking for in that relationship when it comes to information sharing?

Ms. Cassidy Caron: I think with our dedicated seat on the council, we could have that direct linkage to the council so that when these reports are being drafted, we'd be able to see them and we'd be able to engage throughout the development so that when the reports are tabled, it wouldn't be a surprise to the Métis National Council or any of our elected officials. It would be done in an open and transparent way.

Mrs. Jenica Atwin: National Chief Archibald, how easy or difficult is it to disseminate this information to the various nations? Chiefs are represented in your organization, but how do you see that communication piece going to membership across the country?

National Chief RoseAnne Archibald: That's a really great question.

As I mentioned, because of the diversity of first nations across Canada, we would have to figure out a proper communications plan around what this council is doing, with quarterly reports and reports at our AGAs and SCAs. In order to make a dent on that national landscape that is the AFN, we would need to come up with something that the board would agree to in order to make sure our first nations are aware of what's happening within this new council and the work being done by it.

• (1145)

Mrs. Jenica Atwin: I have a tiny bit of time left, Mr. Chair. I would just ask President Obed if he has anything to add about the challenges in terms of information sharing.

Mr. Natan Obed: Thank you for the question.

In the draft legislation, the obligation is to share an annual report with the minister. It's a very small reporting and feedback loop there. We would need something much more robust that also includes feedback, as both the national chief and President Caron have said, to community and representative bodies.

Ultimately, the scope is so large within this piece of legislation— and nebulous, in some ways—that hopefully we can find ways to have distinctions-based reporting that gets to the heart of certain issues that matter most to indigenous peoples and to Canadians when it comes to reconciliation.

The Chair: Thank you very much.

We'll now go to our next person.

[*Translation*]

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

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

President Obed, President Caron, and Chief Archibald, thank you for your testimony, to which I listened with interest and attention.

Many of the topics that I would have liked to discuss with you have already been addressed. So you can see that this is of interest to the committee, namely the issue of the representativeness of the board of directors and the independence of its members. In my view, the issue of the representativeness of the national council for reconciliation is a key determinant of its credibility and legitimacy, in the eyes of first nations and indigenous peoples.

I was wondering about something that has been less discussed: two-thirds of the board members would be indigenous and one-third would be non-indigenous. What does that mean to you? Mr. Obed, I heard you say that there should be allies on the board as well. I would like to know what your respective positions are on the fact that one-third of the members of the board of directors would be non-indigenous. Also, I am curious as to who you think should appoint these people.

Feel free to adjust your answers according to your respective interests, but I would like to hear the opinion of each of you on this. Ms. Archibald, I know you're going to have to leave us at some point, so I would invite you to answer first. You can answer afterwards, Mr. Obed and Ms. Caron.

[*English*]

National Chief RoseAnne Archibald: Thank you very much for the question.

The composition of non-indigenous people is very key to reconciliation. I talked a lot about these institutions of assimilation and genocide, and people continually say, "Well, genocide happened to you." The thing is, somebody was doing the genocide, so it's a two-way street. It's a relationship. The negative part of that relationship is non-indigenous governments and non-indigenous people. To heal that relationship and move forward, we need non-indigenous people to be walking that road to reconciliation with us. It's important, as the first nation part of the national council, that we are also vetting and being a part of the selection of the non-indigenous people.

We've seen many cases of people not having done proper background checks on certain appointees, and you end up with people who are extraordinarily racist, for example. I think the work of the council is to address that kind of systemic racism, and the overt and covert racism that exist within Canada. Certainly, having somebody who is an outright white supremacist, for example, is not something you would want on this council, so we have to have a say as well in the selection of that person. I think, together with the government and as a group with ITK and the Métis, we want to have the best Canadians on this particular council.

Meegwetch.

The Chair: Go ahead, President Obed.

Mr. Natan Obed: Thank you for the question.

I think it's important to understand what type of body this bill intends to create under the Societies Act, versus a government-structured body that would demand order in council appointments, versus a not-for-profit society, which, most often, chooses among itself once an entity is created.

National Chief RoseAnne Archibald: Okay. I'm sorry. I understood that it was about the legislation process, but if it was something else, I didn't hear properly.

Ms. Lori Idlout: I was asking whether, when you are reading the current bill, you think it talks enough about protecting indigenous peoples' rights and how that would be monitored.

National Chief RoseAnne Archibald: This particular council is not about indigenous rights; it's about a council to implement the TRC. It's to monitor and to ensure that the TRC calls to action are being implemented and that we do have a report on it so we know what's going on. To me, it's not a rights-based piece of legislation; it's more about the process of the TRC.

In terms of protecting our rights, I'm not sure what you mean by our rights. Do you want to be a little more specific?

Ms. Lori Idlout: I think that as indigenous peoples, we experience the deprivation of our rights more frequently than mainstream Canadians do, and I think that it's important that while it mentions UNDRIP, it would seem necessary to monitor through this council whether indigenous people's rights are being sufficiently protected.

You mentioned, for example, that the first nations Caring Society won that decision about first nations children's rights being violated. They are being discriminated against, and whose responsibility is it to make sure that indigenous people's rights are being protected? I'm just wondering if this should be one of those other bodies that helps to make sure that it is being monitored.

National Chief RoseAnne Archibald: That's a really good point. Yes, I think that there could be, under this council, perhaps some kind of report, like a report card, that this council could undertake as part of its work, but in terms of the larger question around rights—first nation rights, inherent rights, aboriginal rights, indigenous rights—I think we require a constitutional table. We need to meet with this government. We need to finish the constitutional talks that happened in the 1980s, to talk about section 35 and to talk about these rights and how they are being neglected. We need a special table for that, in my view.

The Chair: You still have 35 seconds, Ms. Idlout.

Ms. Lori Idlout: Could Natan and Cassidy respond to my question as well?

The Chair: Yes, they can, very quickly.

Mr. Natan Obed: In paragraph 6.2(b) of the UNDRIP Act, there is a specific obligation of the Government of Canada to include recourse and remedy within the creation of the action plan. That is what we are holding on to right now as the best possible place to create an indigenous peoples human rights tribunal and to address the many different scenarios in which indigenous people's human rights are violated or not upheld.

• (1200)

Ms. Cassidy Caron: To your question, I think that there could be a really important role for this council to play. Part of advancing reconciliation from a Métis nation perspective is advancing the reconciliation of rights and claims that have still been unmet by the federal government.

The Chair: Thank you, Ms. Idlout.

That brings our panel to an end.

I'd like to thank National Chief RoseAnne Archibald; Julie McGregor, director of justice; President Natan Obed; and President Cassidy Caron for their testimony today, as well as their opening remarks and their views on Bill C-29, an extremely important landmark piece of legislation. Thank you for coming today and giving us your views.

We will now suspend briefly as we prepare for the next panel.

• (1200)

(Pause)

• (1205)

The Chair: Without further ado, we will begin.

We'll go until 1:05 in order to allow a full hour on this.

I'll remind our panellists who are joining us to use the interpretation buttons at the bottom of your screens for the language in which you wish to hear testimony. There will be questions that could come in English, French and Inuktitut, just to let you know ahead of time. If interpretation is lost, please alert the chair.

Welcome to the members joining us for the second panel. We have, from the Native Women's Association of Canada, President Carol McBride and Allison MacIntosh, legal technical advisor.

We also have Mr. Harold Calla, executive chair, First Nations Financial Management Board.

[*Translation*]

Lastly, we have Grand Chief Gérard Coulombe of the Native Alliance of Quebec.

We ask the witnesses to make a five-minute presentation. Committee members will be able to ask questions afterwards.

[*English*]

Without further ado, I will invite the first speaker, Mr. Harold Calla, to take the microphone for five minutes.

Mr. Harold Calla (Executive Chair, First Nations Financial Management Board): Thank you, Mr. Chair.

First of all, I'd like to acknowledge and thank the people on whose traditional territory we are having this meeting today. I would also like to thank the committee for the invitation to appear before you today.

I applaud the bill's objectives and I hope you'll give the bill thoughtful but speedy consideration. It's a big task. Reconciliation means many different things to many different people. It will require the collective effort and commitments of all of us, including our governments.

What I'm please to see is that Bill C-29 establishes an accountable and legitimate process that I haven't seen exist before, whereby there will be direct reports to Parliament that have to be responded to. I applaud that.

My question, when I read the bill, is this: Do we understand what we're talking about? Reconciliation in our context as indigenous people must mean we're talking about transformative change to the status quo. That will require legislation, regulation and policy changes over time. The indigenous community will require the institutional infrastructure that exists for other orders of government in order to be able to sit across the table as equals engaged in developing strategies to achieve reconciliation.

We need to recognize that it won't be achieved overnight. It will not be achieved through the efforts in Ottawa and the provincial capitals alone. It will occur through engagement, discussions and evolution, but it will begin in indigenous communities and flow from there.

It is critical that the process be supported throughout government and that the need for adequate and stable resources is recognized through statutory funding. Canada should engage indigenous communities now and codevelop a coordinated government-wide change management strategy to meet the challenges that will be faced in the transition to self-governing indigenous communities.

The reconciliation effort needs to respond to the need for modern-day governance and fiscal capacities at the indigenous community level. Free, prior and informed consent requires that communities have this capacity. Indigenous communities will move forward as they feel they are ready. We cannot force them.

For example, a lot of the work that needs to be done is being done by a number of indigenous organizations and institutions today. The council should recognize those and incorporate them in the body of work they undertake. For example, the institution that I chair, the First Nations Financial Management Board, provides services to over 300 Indian Act bands across the country. We've listened to our clients' concerns over the last 15 years and we are producing a report that we're calling "RoadMap" to focus on helping indigenous people see a pathway to eliminate poverty and a pathway to a life of prosperity through good governance, access to capital, economic development and exercising increased fiscal powers. We submitted some material to you today around that. You can have a look at it.

I recognize that the goal of this council is not to displace the voice and responsibilities of rights holders; it is to support them where support is needed and to inform all on the progress that is being made.

The preamble to this legislation suggests reconciliation. The context of this bill encompasses a recognition of indigenous self-government, the UN Declaration on the Rights of Indigenous People, as well as the Truth and Reconciliation Commission's calls to action, and, I would argue, section 35 of the Constitution.

However, the indigenous reality today is that the existing federal and provincial policies, regulations and laws that shape, define and govern the relationship between indigenous peoples and the governments in Canada and the provinces do not give indigenous peo-

ple the recognition required to achieve reconciliation. We must then accept, as a starting point, that we are talking about transformative and systemic change in the relationship.

I believe there is a desire to see this in Canada. We have started by acknowledging our history and the harms done, and admitting that the current relationship is not only harmful to indigenous people but to all Canadians. To achieve reconciliation, it is important to accept that we are talking about shared decision-making and sharing the wealth that Canada has. I believe the council will be able to follow these kinds of measures and report back to Parliament on this.

I think it's really important that Parliament understand that this is what transformative change entails. I am not sure we appreciate that reconciliation is necessary to secure Canada's future economic growth and sustain our standard of living. Sustainability standards, together with environmental, social and governance reporting are impacting the ability of our economy to operate as it has in the past.

● (1210)

The international community is moving to improve consideration of the impacts and is doing this through reporting, so that stakeholders can evaluate which economic activities and companies are responding to the international community's concerns. This will influence investment decisions and not only the availability of capital but also the cost of capital.

Canada is blessed with an abundance of natural resources, and indigenous matters are a real consideration within the international movement. Bill C-29 tells the world that Canada understands and is prepared to act. I look at this as an exciting time for Canada. If we can reconcile, we'll make our future more secure and filled with opportunity.

Thank you.

The Chair: Thank you, Mr. Calla.

We'll now go to President Carol McBride and Allison MacIntosh from the Native Women's Association of Canada. You have a combined time of five minutes. Feel free to share it if you wish.

Grand Chief Carol McBride (President, Native Women's Association of Canada): Good morning, honourable committee members, and thank you for inviting NWAC to speak to this important bill.

First I would like to acknowledge that we are gathering on unceded, unsundered territory of the Anishinabe Algonquin nation. I feel very comfortable here today, because it is my homeland.

Bill C-29, an act to provide for the establishment of a national council for reconciliation, is an important bill and one that NWAC has been waiting for. However, we are disheartened to read that indigenous women have not been included in the bill. Clause 10 indicates that the national council for reconciliation includes three national indigenous organizations, as opposed to five. NWAC is disappointed to be excluded.

This bill established a national council for reconciliation as an independent, non-political, permanent and indigenous-led organization whose purpose is to advance efforts for reconciliation with indigenous people. The bill responds to Truth and Reconciliation calls to action numbers 53 to 55. These calls to action are essential, since they will legislate implementation of all 94 calls to action.

As you know, implementation is the most important part of any measures intended to redress harms. The key areas for reporting under calls 53 to 55 are areas in which residential school abuses and colonialism are reflected in intergenerational trauma.

NWAC has a unique role to play as a member of the national council for reconciliation. For example, NWAC offers a missing and murdered indigenous women and girls lens. We offer specific expertise, tool kits such as culturally relevant gender-based analysis that accounts for intersectionality.

At NWAC we are custodians of programs such as Safe Passage. This is a community-driven, trauma-informed and survivor-centred initiative created by NWAC that tracks cases of missing and murdered indigenous women, girls, and two-spirit, transgender and gender-diverse peoples. This project is the first of its kind, led by indigenous people for indigenous people. NWAC is a unique, inclusive representative voice that ensures the MMIWG lens is applied.

Though Canada recognizes five national organizations, including NWAC, only three will be mandated to form the board of directors. Excluding NWAC from national discussions on the implementation of reconciliation is a significant rejection to the organization, as we are recognized experts on matters related to indigenous women and girls. The people represented by NWAC face high rates of institutional betrayal, incarceration, violence and abuse, all issues that should be central to discussion of reconciliation. An NWAC representative on the board of directors of the national council for reconciliation will ensure the process is inclusive and that the voices of indigenous women and gender-diverse people are considered. We are valued leaders, decision-makers and knowledge keepers in our families, communities and governments. Without our perspective, discussions are unlikely to consider gender-based solutions to ongoing systemic discrimination caused by colonialism and patriarchy. This is about equity and claiming matriarchal leadership.

In the Canada-NWAC Accord, Canada committed that they shall consider the distinct perspective of indigenous women and girls and indigenous gender-diverse people. Not including indigenous women in this instance will set a devastating precedent for this country and globally against the current backdrop of a proven genocide against indigenous women and girls.

- (1215)

Honourable members, NWAC is therefore requesting that the bill be amended in clause 10 to include one director for NWAC on the

board of the national council for reconciliation. If the bill remains as is, the Government of Canada will have continued to entrench marginalization of indigenous women, girls, two-spirit, transgender and gender-diverse people in legislation.

With that, I'd like to thank you. *Chi-meegwetch.Merci.*

The Chair: Thank you, President McBride.

[*Translation*]

We'll now continue with Grand Chief Gérard Coulombe, who is the president of the Native Alliance of Quebec.

You have five minutes.

Grand Chief Gérard Coulombe (President, Native Alliance of Quebec): Thank you, Mr. Chair.

This morning, I will begin by speaking on behalf of my national chief, Elmer St. Pierre, who can't be here today, either in person or virtually, due to health problems.

Before I begin, I would like to acknowledge the traditional and unceded territory of the Algonquin peoples where we are meeting today.

For over 50 years, the Congress of Aboriginal Peoples, or CAP, has advocated for the rights and interests of the non-status, status off-reserve, Métis and southern Inuit peoples. We have often been the only voice for the off-reserve indigenous community, and we are the only group that can truly speak for that community.

Reconciliation has always been at the forefront of our work.

Today, more than 80% of aboriginal peoples live off-reserve and in urban, rural and remote parts of Turtle Island. Their voices cannot be ignored.

For CAP's communities, this country has provided very little in terms of reconciliation. The fact that we are falling behind other aboriginal peoples is evidence of this. Lack of culturally appropriate programs and services have led to the further marginalization of our people who are the most vulnerable and who are already suffering historical traumas from residential school and colonial policies.

For years, the Canadian government has failed to recognize CAP's peoples and only after a 17-year legal battle did this question get answered once and for all. Despite this victory, the government continues to divide and cherry-pick those they want to work with. This leaves the majority of aboriginal people out and forgotten, and without access to necessary supports.

We commend the federal government for honouring the Truth and Reconciliation Commission of Canada's calls to action to create a national council on reconciliation. We support this fully. However, reconciliation cannot be just for some; it must be for all.

Bill C-29, if implemented today, would further exclude our people. The bill states that "reconciliation requires collective efforts from all [aboriginal] peoples and ... multiple generations". With no seat on the council, this legislation politically chooses those the government wants to work with and neglects the voice of the majority of aboriginal peoples. If we are to truly have reconciliation, these exclusions must stop.

I'll now speak on behalf of the Native Alliance of Quebec.

I'd like to acknowledge again that we are meeting today on the traditional and unceded territory of the Algonquin peoples, of which I am proud because it is part of my aboriginal ancestry.

My name is Gérard Coulombe, and I am the president of the Native Alliance of Quebec and a board member of the Congress of Aboriginal Peoples.

The Congress of Aboriginal Peoples was never consulted or engaged in the development of this legislation. We have been left out of the bilateral conversations with the government on this issue, despite the Daniels decision and the signing of the Congress of Aboriginal Peoples/Canada political agreement. Our exclusion from the council, as a national indigenous organization, is a political decision that is an affront to reconciliation. This bill discriminates against hundreds of thousands of indigenous peoples, represented by CAP. This does not honour the government's commitment to the United Nations Declaration on the Rights of Indigenous Peoples. True reconciliation can only happen when all indigenous peoples are involved in the decision-making process.

In closing, I'd like to say that the Native Alliance of Quebec is one of 11 indigenous organizations in Canada. The affiliated members of the Congress of Aboriginal Peoples cover 10 provinces and one territory, virtually all of Canada. So we can say that the Congress of Aboriginal Peoples represents off-reserve status and non-status indigenous people, Métis and Inuit, across the country.

Thank you.

• (1220)

The Chair: Thank you, Grand Chief Coulombe.

We'll now move on to questions.

Mr. Schmale, you have six minutes.

[*English*]

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

Thank you to our witnesses. We have some great talent here that we're hearing from, and we do appreciate it.

I'll try to be quick with my questions because I only have six minutes here.

Let's start with Ms. McBride.

I'm guessing you weren't consulted on Bill C-29 as it was being drafted, and, based on your comments, five years is way too long to wait to have a member from your organization on the original board of directors, which then sets the framework for future boards going forward.

Ms. Allison MacIntosh (Legal Technical Advisor, Native Women's Association of Canada): Yes, that's correct. NWAC has not been consulted on this bill, and we have been waiting quite a long time for this piece of legislation to come forward. I think that it's not what this incredibly high-priority bill says; it's what it doesn't say, and the very concerning precedent that it's setting for the ongoing exclusion of indigenous women, girls, two-spirit, gender-diverse and transgender people against the backdrop of an ongoing genocide.

To answer your question, five years is too long for us to be waiting to be included in this bill. I think it's concerning, again, as President McBride said, that there are three major NIOs listed on this board, and NWAC has been left out, which is quite confusing to NWAC, given the fact that we do, in fact, have an accord with the Government of Canada. Section 1.1 of the accord explicitly honours a commitment to include indigenous women in ongoing conversations, yet we find ourselves left out again. This is a devastating precedent, to say the absolute least, and it feels like another empty and broken promise by the Government of Canada.

• (1225)

Mr. Jamie Schmale: Just so the witnesses know, we—Mr. Vidal and others on the committee—brought this matter up at the beginning in consultation with the minister a couple of weeks ago. We mentioned that the establishment of this original board of directors was unacceptable to the official opposition, just so you're aware that we're on your side on this one.

Mr. Coulombe, the same question goes to you. Were you consulted? Do you want a seat now, not in five years or whenever the government decides to get around to it?

Grand Chief Gérard Coulombe: Is that for me?

Mr. Jamie Schmale: Yes, sir.

[*Translation*]

Grand Chief Gérard Coulombe: No, the Congress of Aboriginal Peoples wasn't consulted in the drafting of this bill, and we find that very unfortunate.

It's important to remember that the Congress of Aboriginal Peoples fought for 17 or 18 years before the Supreme Court of Canada to have the peoples that make up its membership recognized. The Supreme Court of Canada granted that recognition, but the Congress of Aboriginal Peoples had to defend the cause for 17 years. I'm thinking of Harry Daniels, who devoted part of his life to this case. I even saw a stamp honouring him in a post office this week. Mr. Daniels's work helped us win this case.

In addition, a political agreement was signed between the federal government and the Congress of Aboriginal Peoples. The Daniels decision was rendered in 2016 and, two years later, in 2018, this political agreement was signed. In it, the government commits to working closely with the Congress of Aboriginal Peoples to advance the indigenous cause in Canada.

Despite all this, we weren't even consulted or invited to the table, and that's a huge affront to the Congress of Aboriginal Peoples.

[English]

Mr. Jamie Schmale: Especially, as you just mentioned in your comments, you have large swathes of urban, off-reserve people who are falling behind, as you said, yet you don't have a position on the original board of directors. I do appreciate that.

Mr. Calla, let's go quickly to you. I have about two and a half minutes left, it looks like.

We talked about economic reconciliation, but there's no mention of that in this legislation at all.

Mr. Harold Calla: No, there isn't, but we haven't had a platform whereby we can contribute to a report that goes to Parliament to deal with these issues before. That will come from this legislation. I think that's important. That was part of the reason I accepted the invitation to come here.

To me, reconciliation talks about section 35. There are a lot of impacts that we have experienced as a result of colonization, and we have to deal with those issues. They're very severe, and I don't want to diminish them at all, but we have to look forward. What does the world look like when we have recognition of section 35 and we have reconciliation? What do we have on the ground today, and what do we have to change?

That was the purpose of my coming here today. It is to say to parliamentarians that you're going to get a report. The responsibilities will then flow to you on what those reports say, and it's going to be up to you to make the changes that are going to be required to implement reconciliation and recognition in section 35. This is going to happen in part through indigenous communities, but the result is that you are going to have to make decisions to systemically change the relationship to create capacity and institutional infrastructure in first nation communities that they can manage. If we're not talking about that, it is another broken promise.

Mr. Jamie Schmale: What you're saying is that you should have a seat. There should be someone talking about this economic future.

Mr. Harold Calla: Absolutely.

Mr. Jamie Schmale: Call to action number 56 was talking about the Prime Minister addressing Parliament and being accountable to Parliament. Right now the legislation reads that the minister should be the one reporting to Parliament to address this.

I want to hear from all of you. You have about 20 seconds. What are your thoughts on whether it should be the Prime Minister or the minister addressing Parliament to address the progress?

Ms. Allison MacIntosh: I know it's a very interesting question and I think it's an issue that I will need to canvass our board of directors on before we can provide any sort of conclusive response on that.

Thank you.

[Translation]

The Chair: Grand Chief Coulombe, a brief answer please.

Grand Chief Gérard Coulombe: Can I have the question repeated, please? I didn't quite understand the interpretation.

[English]

Mr. Jamie Schmale: Call 56 and the other calls to action talk about the Prime Minister being accountable and reporting on the progress in the implementation of the calls to action. This piece of legislation, Bill C-29, reads that the minister is to be the one to address it and to be the point person.

Should it be the Prime Minister, as the calls to action have laid out, or the minister, as the government has drafted in Bill C-29?

• (1230)

[Translation]

Grand Chief Gérard Coulombe: It's a very difficult question to answer. We're always talking about one person or the other, when I think the government should be responsible for such an issue, not any one person. All parliamentarians should be affected by what is happening in Canada with regard to indigenous history. It's the people involved in the issue who should be responsible. So I have no preference between the minister and the Prime Minister, for instance.

[English]

The Chair: Very good. Thank you very much.

Mr. Jamie Schmale: I don't think Mr. Calla had a chance.

The Chair: We're quite past the time now. We'll go to Mr. Powlowski for six minutes.

Mr. Marcus Powlowski (Thunder Bay—Rainy River, Lib.): To make up for that, I'm just going to follow on with the questioning by Mr. Schmale. I think he already got the response from Mr. Calla that I wanted.

Mr. Calla, you look totally different, because I'm used to your being that little Zoom character. I didn't even recognize you. I've always been impressed with your testimony.

You talked about the need for transformational change, which I would suggest means, more than anything else, seeing an actual improvement in the standard of living of indigenous people across Canada. I think that's what you and your organization have done, and I really like the fact that whenever we talk to you, I think that's what you're talking about. It's that your organization is trying to do that.

You've already kind of answered this question in saying why you came here. When I look at this and I read this bill and I look at the function of this body, it is to develop an action plan to monitor research, to conduct research and to monitor policies. This is a lot of looking at and reporting, but maybe not a lot of actually doing and making transformational change. You may have already answered it in saying that you support this bill because it is really going to bring substantive results rather than just being another political forum for speaking.

Mr. Harold Calla: There's no single solution here. We need legislation. We need institutions. We need a structure. We need to build the capacity of first nation communities. We need to create an economic development opportunity for indigenous communities because, in my view, it's the poverty that is the root cause of many of the challenges we face.

We do need to be able to find ourselves in a position of seeing marked progress in this. We passed the Constitution in 1982 and we've been fighting in the Supreme Court of Canada for 40 years. This is the first opportunity I've seen of a report by an indigenous-controlled organization going directly to Parliament. It should be the Prime Minister. Part of the problem is that Indians have always had to go through one department or another. This is a government-wide issue that needs to be dealt with through government, through the minister, but the Prime Minister has to lead it. It was the Prime Minister who told us what the importance of this relationship was, and I respect that. It is important.

[Translation]

Mr. Marcus Powlowski: Mr. Coulombe, perhaps you have an answer to this question.

Grand Chief Gérard Coulombe: The Prime Minister certainly has a very important job to do on an issue like this. I think he should indeed be the person who answers many questions and reports back to Canadians on the progress being made in this regard.

[English]

Mr. Marcus Powlowski: I'll go back to Mr. Calla.

Under "Functions", clause 7(a) says, "develop and implement a multi-year national action plan to advance its efforts for reconciliation". I would think that part of that action plan could be to include measures of economic status and economic progress.

Do you think that should be part of the long-term action plans of this sort of committee? Would you make a case for that being part of what reconciliation's all about?

Mr. Harold Calla: Yes, it does need to be, but it also involves the provinces.

With respect, I think there should be a first ministers conference called to deal with some of the issues that were unresolved when the Constitution was created. If we're going to have reconciliation in this country, it's going to involve multiple levels of government, but the provincial government has a key role to play. You can't command them to come, but I think it needs to be recognized that we need to have a first ministers conference around indigenous issues.

• (1235)

Mr. Marcus Powlowski: I take it that you would agree that part of the purpose of this council ought to be to monitor economic development as one of its *raison d'être*.

Mr. Harold Calla: I do. It's one of the reasons I referenced the "RoadMap" project that we're working on. The 300 first nations across the country that have begun to work with us are looking for these kinds of opportunities.

The challenge we all face is that we can't move in lockstep. We're all evolving at different levels and at different speeds. We need to be in a position where those that can move forward should and those who aren't willing or able to move forward at this time should be supported to get to the position where they can move forward to solve some of these issues.

If money itself was a solution, with all of the contributions that have been made through the various departments over the last 200 years, I'd like to think something more positive than what we see today would have happened.

Mr. Marcus Powlowski: Do I still have some time?

The Chair: You have one minute.

Mr. Marcus Powlowski: I have a question for the Native Women's Association of Canada.

You talked about an amendment to clause 10 and allowing NWAC to also nominate one individual. I wonder if you might also consider clause 12. There's nothing really in this bill to guarantee some sort of parity or requiring a certain number of indigenous women as part of this council.

Do you have any other comments in terms of ensuring women's representation on the council?

Ms. Allison MacIntosh: I can certainly say that section 12 is simply not good enough. As President McBride said, NWAC's inclusion must be legislated in the same way as the other three NIOs.

It's not good enough to say that NWAC isn't precluded or that NWAC might be able to get a position on the council's board sometime in the next five years. NWAC fears that without explicit, equitable and inclusive legislation guaranteeing NWAC a spot at the table, the voices of the people we represent, who are already so marginalized in so many intersectional ways, will fall through the cracks and be left behind once again.

[Translation]

The Chair: Thank you, Mr. Powlowski.

Mrs. Gill, you have six minutes.

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

I'd like to thank Mr. Calla, Ms. McBride, Ms. MacIntosh and Mr. Coulombe for their respective testimonies.

I'd like to ask the representatives of the Native Women's Association of Canada about representation. I often come back to this issue in committee. It is indeed an aspect of the bill that is problematic for many people. It has to do with consultation, on the one hand, but also with representation on the board of directors itself.

Although I'm here to listen to your point of view, I must say that I am concerned by the same elements of the bill as you are. I often feel that women are treated as if they are a minority. However, according to statistics, women make up more than half of the current population. I notice that there is no desire for parity in the bill, and that concerns me. I would like to know what you think about that.

As you've said several times, we should very quickly ensure that your organization is represented on the board of directors. Furthermore, I don't know if there is a will to achieve gender parity on this board. That might be interesting for you. I know that this isn't your association's responsibility, but that's a question I was wondering about.

[English]

Ms. Allison MacIntosh: Again, NWAC'S position is that we need to have a legislated seat on the board. As President McBride has said, our work is unique. We have our own analytical tools, such as a culturally relevant gender-based analysis that is applied to everything we do.

In addition to that, we're a national organization that has been providing advocacy and representation for nearly 50 years. NWAC is expert at this point, and it's insulting that we have not been included. It's also insulting that there are only three national indigenous organizations and that the remainder of the committee's members will be picked by government.

As you said, the best way we can include the voices of the individuals we represent is by permitting NWAC a seat at the table, under subclause 10(1) through the addition of a paragraph 10(1)(d).

• (1240)

[Translation]

Mrs. Marilène Gill: Thank you, Ms. MacIntosh.

Actually, I was adding something to your proposal, even though it goes beyond that. On the one hand, there is indeed the issue of your organization's representation. On the other, should we try to achieve gender parity on the board of directors, which could include up to 13 elected members?

That was the second part of my question. You can answer yes or no, or qualify your answer if you wish.

[English]

Ms. Allison MacIntosh: I'm sorry, but could you present that question again?

[Translation]

Mrs. Marilène Gill: I was asking you if we should also strive for gender parity in the membership of the board of directors. You would like the Native Women's Association of Canada to be represented on the board of directors, but would you also like 50% of the board of directors to be women, ideally, or at the very least respect the parity zone by having 40% women and 60% men?

[English]

Grand Chief Carol McBride: I think what has happened throughout is that the Native Women's Association of Canada has done so much work with the women that we have the heartbeat of the women in general, and I think it would be really horrible if we

were not able to bring the knowledge of what we gathered throughout those years to that table and be part of the national organization.

[Translation]

Mrs. Marilène Gill: Excuse me, Ms. McBride, but I don't think my question was understood.

It's not up to me to take a position on that, but I would say that I agree that your organization should be on the board of directors. Also, do you think women should make up half of the board?

I don't know if my question was understood, Mr. Chair.

[English]

The Chair: Let me offer—

[Translation]

Mrs. Marilène Gill: Yes, thank you, Mr. Chair.

[English]

The Chair: Let me offer what I believe Madame Gill is asking for.

Over and above representation from the Native Women's Association of Canada, Madame Gill is asking whether you are in favour of parity between genders on the whole board—in other words, if it's a board of 12, that there be six women and six men. That's the nature of the question.

Ms. Allison MacIntosh: I think that specifically is something on which we would need to canvass our board of directors. I think what's important to acknowledge is that it goes beyond just having a fifty-fifty split of indigenous men and women or of men and women on the board, and we also need representation for two-spirit, gender-diverse and transgender individuals on the board. It goes a little bit beyond that, and with respect to a specific split down the middle, it's something on which we'd have to consult more with our board.

I hope that answers your question, honourable member.

[Translation]

Mrs. Marilène Gill: Yes, thank you.

How much time do I have left now, Mr. Chair?

The Chair: You have 30 seconds left.

Mrs. Marilène Gill: My next question is for Mr. Coulombe, as well as Mr. Calla, of course.

We talked about representation. I'd like to ask you some more questions about that, because I think it's important to you, too.

Mr. Coulombe, do you have anything to add about organizations that should also be included on the board of directors? As we know, the consultations did not allow us to hear from everyone. As the representatives of the Native Women's Association of Canada said, perhaps all indigenous communities or peoples are not represented.

What can we do to ensure that the National Council for Reconciliation is legitimate and credible and that it represents all indigenous peoples in Canada?

The Chair: Grand Chief Coulombe, please give us a quick answer.

Grand Chief Gérard Coulombe: I think the Native Women's Association of Canada and the Congress of Aboriginal Peoples of Canada are in the same situation. We are specialized organizations, and we represent people across Canada. However, we are being shut out by not being allowed to be part of an organization like that, which is crucial for us. We are a voice across Canada for indigenous people living off reserve. We represent virtually every indigenous nation, and we do tremendous work with them. We believe that both organizations should be at this table.

[English]

The Chair: Very quickly, Mr. Calla, what are your thoughts?

Mr. Harold Calla: Gender equality has become the norm in all boards, and it should be pursued.

The Chair: Thank you.

We'll now go to Ms. Idlout for six minutes.

Ms. Lori Idlout: *Qujannamiik*. First of all, welcome and thank you for your interventions. They were very important.

I have a quick question to either Carol or Allison.

Do you have Inuit representation on your board at the Native Women's Association of Canada?

• (1245)

Grand Chief Carol McBride: Do we have what?

Ms. Lori Idlout: Do you have Inuit representation?

Grand Chief Carol McBride: Yes, we do.

Ms. Lori Idlout: Okay. I'm glad to hear that. It would also be great to see a seat for Pauktuutit, the national Inuit women's association.

Do you have a relationship with them?

Grand Chief Carol McBride: I'm not quite sure. I just came in in July. I haven't had the opportunity yet, but I know it's in the talks that we will be talking to them.

Ms. Lori Idlout: Okay. Thank you so much.

Mr. Calla, it's good to see you.

I was struck by your intervention. You're hoping to see this bill create a transformative and systemic change. You see that as a great opportunity.

Bill C-29, under paragraph 7(d), reads, "monitor policies and programs of the Government of Canada, and federal laws, that affect Indigenous peoples".

Do you think a section like that would create the transformation and the systemic change that needs to happen?

Mr. Harold Calla: Thank you for the question.

There's no guarantee. My hope is that its report to parliamentarians will be what identifies the need for change and will trigger the incentive for change. If indigenous people could do it themselves, it would have been done a long time ago.

We need to have the ability to report directly to Parliament, which I believe this provides, around the issues that are required to achieve reconciliation. We're going to be coming here speaking to you as a result of that report, and it will be the actions that you undertake as parliamentarians that will help us achieve that goal.

Ms. Lori Idlout: I have the same question for Gérard, and NWAC as well.

Do you think that paragraph 7(d) will see that transformative and systemic change that we're hoping to see stem from the creation of this board?

[Translation]

Grand Chief Gérard Coulombe: This provision can certainly be very helpful. There is every opportunity to have discussions to advance indigenous rights, both federally and provincially. Earlier, we talked about the idea of having federal-provincial meetings with the ministers responsible. That's one way to advance the cause.

That said, in some areas such as hunting, fishing and forestry, the federal government has transferred a lot of responsibility to the provinces, and sometimes the provinces make decisions that go against what has been explained to us by the federal government.

So yes, there are big changes and improvements, and that's one way to do it.

[English]

Ms. Allison MacIntosh: Thank you for your question, honourable member.

I think this is certainly a step in the right direction. Again, given the exclusion of indigenous women in such an important bill, I don't think it goes far enough. It certainly doesn't speak to subsection 35(4) of our Constitution. I don't think it speaks to section 20 of the charter. I don't think it speaks to article 22 of UNDRIP. I don't think it speaks to the RCAP report or the calls for justice in the National Inquiry into Missing and Murdered Indigenous Women report.

Yes, it is certainly a step in the right direction, but we still have a very large missing piece here.

Ms. Lori Idlout: Thank you so much for your responses.

I've looked at the bill in terms of what rights could be upheld and the failures that we see in protecting indigenous people's rights. I've been curious to see if there would be responses about how we ensure that this council is also able to monitor whether indigenous people's rights are being protected or whether we continue to be deprived of our rights.

I asked the previous witnesses about this example, and I would love to hear a response from each of you as well. I used the example of the Human Rights Tribunal's decision on the first nations children who were discriminated against. Their rights were being violated, yet the federal government is still fighting that decision.

I wonder if you would see an improvement in this bill in terms of taking a rights-based approach to monitoring some of the work that's going on with regard to reconciliation.

I'll start with Gérard.

● (1250)

[Translation]

Grand Chief Gérard Coulombe: Personally, I believe that these are functions and responsibilities that will have to be given to this board. I think this board will have to intervene with the government so that we never accept that indigenous people lose any rights. In fact, some rights have been lost or forgotten because the government ignored them or tried to circumvent them. Yes, I think this board should be responsible for making recommendations, but I think it should have a little more power; this board should also be the body that represents the indigenous people in Canada before the federal government.

[English]

Mr. Harold Calla: I believe it can protect our rights. The council will have that opportunity. If it has government-wide access to information and data, it can bring that forward in ways we've not been able to do before, so I think it can help. It doesn't mean that the issues we have today don't require alternative measures to deal with those kinds of things, but, as I have said several times when I've come here before, whatever you do, you have to have a picture in your mind of what you want to see 20 years from now. We can't expect an overnight solution here.

We have to deal with the realities of colonialism. We have to deal with the suffering and the poverty that exists in our communities. It has to be reported to Parliament, and parliamentarians have to weigh in on the progress that's being made.

Too often when we establish policy, we can't wait five years for a census to determine the effectiveness of the policy change. We need a real-time process of evaluation of whether it's working. There are initiatives under way through a number of organizations and institutions in this country that are working with the departments to help achieve that.

I think it can help, but we need an opportunity to be able to report to this council so that the report can go back to Parliament.

The Chair: Thank you.

President McBride, do you want to add anything, very quickly?

Grand Chief Carol McBride: This is a step in the right direction, but again, without representative representation on the board, I don't know how it could achieve any rights-based approaches at the end of the day.

I think a culturally relevant gender-based analysis needs to be applied to everything this committee does. I think consultations with indigenous women and two-spirit, transgender and gender-diverse people within the communities as to how this legislation and this board are effectively responding are important and very relevant and, beyond that, with canvassing, what specific rights could be upheld within the legislation. NWAC hasn't been consulted on the bill. We would need a lot more time to be able to review this bill in detail.

The Chair: Thank you.

Colleagues, we're going to have time for a very shortened second round, providing we all show discipline because of the time.

We will start with Mr. Melillo for three minutes.

Mr. Eric Melillo (Kenora, CPC): Thank you very much, Mr. Chair.

It's great to be back with you and with committee members here in INAN.

Thank you to all our witnesses for taking the time to join us and to share your thoughts. We really appreciate all of the comments you have made so far.

With my limited time, I want to pick up, Mr. Calla, on an answer you gave in response to a question from my friend Marcus Powlowski, my neighbour over in northern Ontario. That's around the funding aspect when we're talking about reconciliation and indigenous services.

I think we would all agree that in many instances, government funding is required and necessary to help address some of the concerns that indigenous people are facing. We see that in my riding, but we've also seen over the years and in this recent Parliamentary Budget Officer's report that the dollars the current government has been spending aren't leading to an equal increase in the organizations' meeting their objectives. To that end, I think there's clearly a disconnect between the rhetoric and the announcements in Ottawa and the results that are being experienced on the ground.

The question I have is this: Do you have any thoughts or specific suggestions for us as a committee to consider to ensure that the government can make sure it's getting value for its money, that the dollars it's spending are going to improve the lives of indigenous people across the country?

● (1255)

Mr. Harold Calla: I think you have to invest in indigenous-led solutions. Government-led solutions haven't proven to be successful.

If you were to look at the results of the First Nations Fiscal Management Act, at the 300 communities and the work that the financial management board has done even in communities that are in financial trouble, what you see is that bringing governance and administrative and fiscal capacity to those first nations has increased their own-source revenue and their index of well-being.

I think that some wise investments have been made in fiscal institutions and other organizations like ours to start creating indigenous-led solutions. I'm hoping that's what this council will be able to seize, which is that you need those kinds of solutions.

I think the important thing for this council is to be adequately resourced. It will need a secretariat. It will need to be able to do the due diligence necessary to allow it to report to you in a way that isn't filtered.

Mr. Eric Melillo: Thank you. That's pretty much all my time, so I'll end there.

The Chair: Thank you, Mr. Melillo.

We'll go to Mr. Weiler for three minutes.

Mr. Patrick Weiler (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.): Thank you, Mr. Chair.

I'm really grateful to our witnesses for being here and for their thoughtful testimony they've given already.

My first question will be for the Native Women's Association of Canada.

The national council on reconciliation will be reporting on the progress on meeting the Truth and Reconciliation Commission's calls to action. I'd like your opinion on what role you see this council having on reporting on the MMIWG calls to action as well.

Ms. Allison MacIntosh: Thank you for your question.

I think it's important that the calls to action be embedded in pretty much all that the Government of Canada does moving forward. There's certainly a space for it, I think, on the TRC's board of reconciliation. I think there's definitely room for that here.

Mr. Patrick Weiler: Thank you.

My next question is for Mr. Calla.

In our conversation earlier today, you mentioned some of the work you're doing on international ESG standards. This new body is going to be created and incorporated under the Not-for-profit Corporations Act.

What recommendations would you have for this body in terms of how its articles of incorporation could ensure that it's going to have a robust system that will enable it to effectively deliver on its mandate?

Mr. Harold Calla: Wow.

I think the scope of what this council is able to do can't be limited. That's the first thing. It needs to go where the truth needs to be found.

I think that the economic reality of the international community being unhappy with how our global economy has conducted itself over the last years has created a movement called ESG—environ-

mental standards and governance. I actually say it's "ESGI" because there's an "I" in every one of those. "I" is for indigenous.

In part, I think this body can help reinforce that through its annual reports to Parliament about how that's progressing. A lot happens in this country. A lot of conversations are taking place within the federal government on ways to achieve economic reconciliation. I think that requires systemic change and a recognition of the impacts of colonialism on the ability of first nations to have a meaningful place in the capital markets, as an example.

There are lots of ways in which this council could support that so that we can address the poverty in our communities, provide opportunities for our young people and have them come home once they're educated because we've got something for them to do at home. Those are critical things that we need to do.

We just can't continue to feed the symptoms of poverty with money. We've got to find a solution. I believe that a solution is to provide a better opportunity to be self-governing and to develop our own solutions.

The First Nations Fiscal Management Act is the most successful piece of legislation dealing with Indians in the history of this country. There are 345 first nations across the country that have chosen to become involved. The first nations finance authorities provided, by the end of this year, at the request of first nations, \$2 billion worth of funding through debt that they wanted in order to support economic development, create employment in their communities and create that well-being index.

• (1300)

The Chair: Mr. Calla, I'm going to have to ask you to close it off quickly. Thank you.

[*Translation*]

Mrs. Gill, you have the floor for a minute and a half, if you'd like.

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

I have one last question for all the witnesses.

Mr. Calla, there has been a lot of talk about representation. Which organizations do you think should be on the board of directors?

Also, do you think there should be some kind of sectoral representation? Mr. Calla talked a lot about the economy. Of course, we represent all the nations and demographic strata, ideally, but certain sectors should also be represented by first nations.

You have at most 30 seconds to answer, but you can always send additional information to the committee. We greatly appreciate it.

Perhaps you could start, Mr. Coulombe.

Grand Chief Gérard Coulombe: I sincerely believe that there should be representatives involved development. I think that's important. The other sectors should also be represented. Of course, there should also be a place for organizations working in the indigenous community. Speaking out of pure self-interest, the Congress of Aboriginal Peoples should have a place, as should the Native Women's Association of Canada.

[*English*]

Mr. Harold Calla: I don't disagree with a sectoral approach, but I think we need to recognize that this council is going to have to establish a number of its own committees to engage more broadly across the country. I know that I keep reiterating and repeating myself, but this needs to be funded. This is going to replace a lot of the unfulfilled processes that we've seen in my 30 years of coming here.

Ms. Allison MacIntosh: Thank you for your question.

Beyond legislating NWAC specifically into the board of directors, we would have to canvass our board of directors about specific organizations and other sectors that could be included in the legislation.

We do ask this honourable committee this: If NWAC cannot be included and heard here, during the creation of a reconciliation board of directors and against the backdrop of an ongoing genocide, where can NWAC be included and heard? Thank you.

The Chair: Thank you.

Madame Idlout, you will have 90 seconds.

Ms. Lori Idlout: *Qujannamiik*. I just have a very quick question.

I know that in Inuit culture, and from what I've learned with first nations and Métis cultures as well, we all place prominence on our elders. I was struck by the absence of elders in any of clause 12, and I wonder if you would agree that ensuring that there is a representative—an elder from each of the cultures—would also be important.

Qujannamiik.

[*Translation*]

Grand Chief Gérard Coulombe: I agree with that.

[*English*]

Mr. Harold Calla: I think you have to have elders' representation. I recall being in one of my community's meetings where we were asking our elders for some advice, and they turned to us and said, "That's why you're up there", so we have to be careful what we put upon them.

That's my only caution. I think it's always helpful to have elders' guidance, but let's be careful about what we put upon them.

Ms. Allison MacIntosh: Thank you for your question.

Something else that NWAC does, which makes us unique among organizations, is that we do in fact have elders represented on our board of directors and throughout our organization. I think that's a unique perspective that NWAC will be able to bring to a truth and reconciliation board of directors.

Grand Chief Carol McBride: Just to add to that, this morning I wanted to bring an elder with me. I think it's important for elders to play a part in anything we do, especially anything that we do in public.

The Chair: Thank you very much.

This brings our panel to an end. It was a very, very good panel.

Thank you so much to all of the witnesses who came today. We thank Mr. Harold Calla from the First Nations Financial Management Board.

[*Translation*]

I'd also like to thank Grand Chief Gérard Coulombe, the president of the Native Alliance of Quebec.

[*English*]

Also, thanks to Carol McBride and Allison MacIntosh from the Native Women's Association of Canada. It was extremely important for us to hear you as we deliberate on Bill C-29, so thank you for giving us your time today and your thoughts.

With that, committee members, our next meeting will be this Thursday, and we'll continue our discussion on Bill C-29.

With that, this committee is adjourned.

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