



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

---

# Standing Committee on Indigenous and Northern Affairs

EVIDENCE

**NUMBER 081**

Thursday, November 2, 2023

---

Chair: Mr. John Aldag





# Standing Committee on Indigenous and Northern Affairs

Thursday, November 2, 2023

• (1540)

[English]

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

Welcome to meeting number 81 of the Standing Committee on Indigenous and Northern Affairs.

We're going to be in a hybrid format today, with members online. All of our first panel guests are present in the room with us, so I'd like to welcome everyone.

Everybody has the ability to use the language of their choice. We do have official-languages interpretation, as well as Inuktitut today. For those witnesses who are here, our team will turn your microphones on and off. You just need to choose the language of interpretation on the console.

We're going to jump right into our first panel.

From Chiefs of Ontario, we have Glen Hare, Ontario regional chief, and Scott McLeod, chief of Nipissing First Nation. From Grand Council Treaty No. 3, we have Grand Chief Francis Kavanaugh. From Nishnawbe Aski Nation, we have Grand Chief Alvin Fiddler. Welcome to all of you.

Mr. Hare, do you want to go first? You have five minutes.

Before you start, we have to be somewhat rigid with our time, so we can get through all the material. I'm going to show a yellow card when there are 30 seconds left in the allotted time, and a red card when time is up. Don't stop mid-sentence, but we'll try to wind up the conversation when you get the red card, and we'll move to the next person.

**Grand Chief Glen Hare (Ontario Regional Chief, Chiefs of Ontario):** If I speed up, I'm not singing. I'm trying to deal with—

**The Chair:** We also want to say don't go too fast, because we have our hard-working interpreters, who need to be able to keep up, so go at a nice steady pace and we'll cover lots of material today.

When you are ready, the clock will start, and you'll have five minutes.

**Grand Chief Glen Hare:** Good day, everybody.

Thank you for the introduction. I welcome being here with you all today. I'm Ontario regional chief Glen Hare, from Manitoulin Island.

Chiefs of Ontario is a first nations political and advocacy organization that represents 133 first nations in the Ontario region. I am

proud to hold the office of regional chief. I am grateful for the opportunity to speak to Bill C-53 here today. As I am sure you all know, there is a high level of interest from first nations to participate in the study of this bill. That is because of the massive impact we believe Bill C-53 will have on first nations rights. Those rights were given to us by the Creator, and they are very sacred to us.

Our primary concern is that the Métis Nation of Ontario is one of the groups included in this proposed legislation that will be recognized as having section 35 rights. The MNO has been asserting that they have historic Métis communities that completely overlap with our ancestral and treaty territories. Our leadership and elders assert that those communities never existed, or else they would remember them. The MNO is claiming a history on our lands that never happened.

If passed, this legislation will set a dangerous precedent. The MNO will be emboldened to keep asserting land rights and jurisdiction in our territories, in our consultations and in our agreements.

First nations continue to be left completely in the dark about the factual and legal basis for the recognition of MNO communities. We were not consulted at all throughout this entire process about the assignment of aboriginal rights to a group making assertions in our ancestral and treaty territories. This is going to impact our rights, so it's very much our business.

We are calling for Bill C-53 to be withdrawn. We are urging parliamentarians to take our concerns seriously and stop this process before further irreparable damage is done.

We came to Ottawa twice for peaceful demonstrations opposing the passing of Bill C-53. That was in both June and September of this year. We were joined by hundreds of family and community members, first nations youth, elders, knowledge-keepers, drummers, dancers, grassroots people, technicians and first nation leadership from Ontario, Manitoba and Quebec, as well as the interim national chief. All were there to oppose the passing of this bill. People travelled hours to attend these demonstrations. Our rights are of the utmost importance to our people.

Second, I know my time is limited, but I think it's really important for this committee to know that it's not only Ontario first nations that are opposing the passing of this bill. We have absolutely taken a unified stance in Ontario on this issue. You can see that here today. You have the Chiefs of Ontario, Nishnawbe Aski and Anishinabe nations, Grand Council Treaty No. 3, the Association of Iroquois and Allied Indians, the Mohawk Council of Akwesasne, independent and unaffiliated first nations, and the Wabun and Matawa tribal councils. The Ontario region is very large. We do not always agree on everything, but this is something we've all come together on because it is so important. As I said, it's not just us. First nations across the country are worried about the impacts of this bill.

In July, at the Assembly of First Nations annual general assembly in Halifax, the chiefs in assembly unanimously passed a resolution entitled "Protect First Nations Rights and Interests from Unfounded Métis Rights Assertions". First nations in every province and territory agree that this bill cannot pass. We have also received support from the Manitoba Métis Federation, which shares our concerns with the MNO's claims, stating, "Bill C-53 Rewards Indigenous Identity Theft".

False claims to indigenous identity are not just some phenomenon happening in academia and the arts. This is it right here, in action, and this legislation, this House and this government will enable these false claims.

I see that the card has gone up already. I would like to close.

• (1545)

**The Chair:** You still have 30 seconds left.

**Grand Chief Glen Hare:** I'll use my 30 seconds just to share and echo that it really hurts me, as a leader in this province, to sit at the table with the federal government to try to move things in the time that I have been given here today. We all have five minutes on what we potentially could be losing for a lifetime.

Thank you.

**The Chair:** Thank you for those opening comments.

I know that five minutes is a pretty rigid and short amount of time to cover so much material, but the point is to allow us to get into a good conversation, and that's what we hope to do.

Who would like to go next?

We have Chief McLeod.

When you're ready, the floor is yours for five minutes.

**Chief Scott McLeod (Nipissing First Nation, Chiefs of Ontario):** *[Witness spoke in Anishinaabemowin and provided the following text:]*

Aanin kina wiya. Zoongaabwi ndizhnikaa. Nbiising ndoonjibaa. Shagi ndoodem.

*[Witness provided the following translation:]*

Hello, everyone. Zoongabwi is my name. Nipissing First Nation is where I'm from. I am Crane clan.

*[English]*

Good afternoon, everybody.

My name is Chief Scott McLeod of Nipissing First Nation.

I'm grateful for the opportunity to appear before you today to speak about Bill C-53.

I'm proud to stand here today with our regional chief, grand chiefs and leadership in the name of protecting first nations' inherent and treaty-protected rights. I want to echo the regional chief's comments that first nations in the Ontario region support the legitimate claims of indigenous peoples but note that the recognition of unfounded claims undermines legitimate and inherent rights holders.

I'm here on behalf of the first nations of the Ontario region to voice our concerns about the Métis Nation of Ontario being recognized as section 35 rights holders in Bill C-53. We are calling for Bill C-53 to be withdrawn until there is proper due diligence on the part of Canada to verify whom the Métis Nation of Ontario represents.

The communities represented by the MNO did not exist historically. We have been saying this for decades. The communities did not exist historically. They do not meet the legal criteria set out in Powley and, therefore, cannot have section 35 rights.

Section 35 is to protect the rights of indigenous groups that existed on the land prior to the establishment of Canada. Section 35 is about protecting the rights of pre-existing nations on the land that they occupied. We now have academic research that demonstrates that the so-called MNO historic communities did not exist.

Robinson Huron Waawiindamaagewin, a treaty-level organization representing the 21 first nations of the Robinson Huron Treaty, signed the treaty in 1850 and recently released a report titled "An Exploratory Study of Métis Nation of Ontario's 'Historic Métis Communities' in Robinson-Huron Treaty Territory". The report examined the MNO's own documentation in their verified Métis family lines report. These are public to check if the so-called communities met the criteria set out with Powley.

The MNO is reimagining family lines and manipulating census records to create a history that never happened in our territories.

The Supreme Court of Canada has ruled that, in order for a Métis community to qualify as having section 35 rights, it must have their own distinct language, culture, customs and family descendants living in a given geographic area for multiple generations prior to the effective European control.

The findings in this report demonstrate that the MNO Métis root ancestors and their descendants are not recorded in the Métis community prior to effective control. The MNO so-called Métis root ancestors are not primarily identified as Métis in the historical records, and many of the Métis root ancestors are never identified as Métis in the historical record.

I would like to take a moment to examine the MNO's McLeod-Riel verified Métis line. It provides us with an example of an important regional Anishinabe family that the MNO has transformed into a Métis family for Killarney.

We will focus on one individual, Gregor McGregor, a Métis root ancestor descendant. Please bear with me. I will be speaking about the census records, as this is what the MNO uses to form the foundation of its so-called historic communities. Gregor was listed as Scotch and living with his parents and younger sister in the 1881 census for Killarney. The four of them are the only ones on the census pages for Killarney not listed as Indian.

Ten years later, in 1891, Gregor was listed with his wife and their two children as French Canadian in Killarney. The family appears to be living exclusively among the Anishinabe families again. In 1901, Gregor, Véronique, their four children and his parents living next door are listed at the Whitefish reservation on Birch Island, today known as Whitefish River First Nation, as a French breed under "Colour", and Chippewa Canadian under "Racial or Tribal Origins". They are all recorded as speaking Anishinaabemowin, along with the five of the six remaining households listed on the census page.

• (1550)

Ten years later, again, in 1911, Gregor, Véronique and their now eight children were listed at the Whitefish River Indian reserve as Ojibwa and speaking Anishinaabemowin, along with 27 other individuals on the same page of the census. Ten years later, in 1921, Gregor, Véronique and five of their children were once again listed on the Whitefish River reserve as Ojibwa and speaking Anishinaabemowin, along with everybody else on the census page.

What all of this tells us is that the grandchildren and great-grandchildren of McLeod-Riel Métis root ancestors were all integral members of the regional Anishinabe communities and there was no distinct Métis community there. According to public documentation produced in February 2023, Gregor McGregor and Véronique's descendants continued to be a significant presence in the Whitefish River First Nation, and those with the McGregor last name represent over 16% of the 730 adult citizens we all know today as the McGregors from Whitefish.

This is whom the MNO is claiming to represent, and they have people signing up to be members today who will benefit from section 35 rights based on being a descendant of Gregor McGregor.

This is only a glimpse into the findings of this report. There are many more examples just like this one. I have included this report as part of my submission for today's appearance. I sincerely hope you will take the time to review the information and findings while this committee studies Bill C-53. This is why first nations in Ontario and across Canada, the Manitoba Métis Federation and even the governing members of the Métis National Council all have seri-

ous concerns about the MNO's claims that they represent people who come from the historic Métis communities. No MNO should be recognized in Bill C-53.

Also, I will add to that Jean Teillet's report, which represents the firm—

**The Chair:** I'm sorry. Could you wrap up this part of your opening statement, so we can get to the other chiefs?

**Chief Scott McLeod:** Okay. I didn't see the yellow card.

**The Chair:** It happened a couple of minutes ago.

**Chief Scott McLeod:** Anyway, in her report, she says that indigenous identity fraud causes harm. This is uncontested. She also goes on to say, "Self-declared organizations are appearing almost daily. Their existence does not, by itself, provide proof of community or Indigenous identity."

This is what we are saying.

**The Chair:** I know it's a tight time frame. You covered a lot there.

Thank you so much for that.

Grand Chief Kavanaugh, if you're ready to go, we'll turn the floor over to you for your five-minute opening statement. I will start the clock when you're ready to start talking.

The floor is yours.

**Grand Chief Francis Kavanaugh (Grand Council Treaty No. 3):** [*Witness spoke in Anishinaabemowin*]

[*English*]

Good afternoon, members of the Standing Committee on Indigenous and Northern Affairs. My name is Francis Kavanaugh. I am from Naotkamegwanning First Nation, and I am the *ogichidaa* or grand chief of Grand Council Treaty No. 3.

I am honoured to be appearing before you today to raise concerns of the Anishinabe nation in Treaty No. 3 regarding Bill C-53.

Grand Council Treaty No. 3 is the traditional government of the Anishinabe nation in Treaty No. 3. This includes 26 first nations in northwestern Ontario and two first nations in southeastern Manitoba. We are a nation with a common language, Anishinaabemowin. We have a shared creation story of the larger group of Anishinabe peoples living on Turtle Island, which is thousands of years old, and a migration story of how we came to be a nation at the height of land where the waters flow north into the Arctic watershed. This may be as long ago as 1200 A.D.

There are many concerning aspects of this bill that could be discussed. My focus today is on the concerns that relate directly to Treaty No. 3.

From our perspective, this bill must not pass. Seen in the context of previous agreements between Canada and the Métis Nation of Ontario, this bill provides a legislative pathway to reopening Treaty No. 3 without our involvement, let alone our consent. This bill is premised on a rewriting of history within our homeland, Manito Aki. It creates new section 35 rights within the 55,000 square miles of Treaty No. 3, absent of any historical or factual underpinning for such bestowal.

On misunderstandings of Treaty No. 3, we have several struggles with the Métis Nation of Ontario and their claims to represent some of the descendants of Treaty No. 3. These are based on narratives around an 1875 adhesion to Treaty No. 3. The misrepresentation stems from a racially problematic word used to describe mixed-blood Anishinabe. I'm talking here about the term "half-breed". To be clear, Treaty No. 3 is only between two peoples, the British and the Anishinabe, in the presence of the Creator.

Euro-Canadians, believing in racial superiority, described our mixed Anishinabe kin as "half-breeds" only because they had the promise of white blood. British policy allowed these mixed Anishinabe to work in fur trade posts for salaries.

This is fact one: There were individuals with actual Métis cultural connection who intermarried with the Anishinabe well after 1873, and 1873 is a key date for the Powley case, developed by the Supreme Court of Canada. We have several modern-day citizens of the Anishinabe nation with a diversity of racial backgrounds. We are an inclusive nation and have been so because we have our own citizenship laws.

This is fact two: The Indian Act has caused many problems, including the issue we have today. So-called "half-breeds" in 1873 were affirmed as Anishinabe in 1875 because of Treaty No. 3 and the Anishinabe's citizenship customs and law. This 1875 adhesion to treaty is sometimes called the "half-breed adhesion".

Then the Indian Act produced non-status Indians in the 20th century because of Euro-Canadian views of caste and race and policies of enfranchisement. These colonial policies have separated our families for far too long, alienating our kin who do not have status under racist and exclusionary Indian Act provisions.

The Grand Council Treaty No. 3 would like to have the same powers of citizenship that we have exercised since time immemorial. Contrast our long fight for self-determination with that of the so-called Métis in Ontario. In the 1990s, we start seeing our Anishinabe but non-status kin—kin who lost status because of enfranchisement and discriminatory provisions of the Indian Act that have repeatedly been found unconstitutional—turning to Métis groups for hunting and fishing rights and belonging.

• (1555)

If we had the means, we may have been capable of helping them with their fight for justice to keep their status and membership in our first nations, but we did not have the means in the 1990s. Our poverty forced us to be on the sidelines as these individuals fought for status and resigned themselves to using their great-grandparents' half-breed identity to belong to the Métis groups.

These so-called half-breeds were not part of a distinct Métis community; they were part of the Anishinabe nation, as affirmed during treaty negotiations in the 1873 adhesion to Treaty No. 3.

**The Chair:** If you have a brief conclusion, please go to that, and then we'll hear from Grand Chief Fiddler.

• (1600)

**Grand Chief Francis Kavanaugh:** There is no historic evidence of ever having Métis communities in our territory. Even the half-breed adhesion does not mention Métis in the adhesion.

*Meegwetch.*

**The Chair:** Thanks very much. *Meegwetch.*

Grand Chief Fiddler, when you're ready, you'll have the floor as well for five minutes.

**Grand Chief Alvin Fiddler (Nishnawbe Aski Nation):** *Meegwetch.*

[*Witness spoke in Oji-Cree*]

[*English*]

Good afternoon, everyone. It's great to be back here on the unceded, unsundered lands of the Algonquin nation.

My name's Alvin Fiddler, and I'm the grand chief for Nishnawbe Aski Nation, one of the PTOs in what is now called Ontario. It's one of the largest PTOs in the country, covering almost two-thirds of the province of Ontario. There are three distinct languages in NAN: Cree in the eastern side, Oji-Cree to the west, and Ojibwa in the central south area.

I stand before you today to reiterate our position, which we set out in a letter we sent to Minister Anandasangaree, the new CIRNAC minister, on October 10. The message in that letter was clear. It was to ask Canada to withdraw Bill C-53 and to say it is reckless for Canada to rush through this legislation without meaningfully engaging with first nations, ensuring there is a proper basis for what Canada is doing and getting a thorough understanding of the consequences.

Canada's current attempt to force through Bill C-53 will do nothing but damage first nations' rights for generations to come, and I am here to tell you it is likely to cause damage to our relationship with you. The Métis Nation of Ontario has repeatedly made public statements and demands to our communities that it intends to impose itself on first nation lands and displace our rights. Given that reality, which Canada is choosing to ignore, what choice will we have? Giving aboriginal and treaty rights to groups on our territories that do not have a legitimate entitlement to rights diminishes those rights.

What we're asking for is transparency and meaningful consultation. We are also asking that you do proper due diligence on MNO's claims.

I want to be very clear: We're not here to oppose the legitimate rights of the Métis people as set out by rigorous legal test, for example in the Powley case. We support their aspirations in seeking to correct the historical injustices they faced and the processes established to get there. We have no issues with that.

What we are opposed to, however, are the six new illegitimate Métis communities in Ontario as represented by the MNO. The recognition of these communities is baseless, non-factual and not supported by genealogical evidence. One of the six, the Abitibi Inland Historic Métis Community, is deemed to be situated in Treaty No. 9 territory. This community does not exist. The neighbouring communities and elders have never seen such a community. I would invite you as members of this committee and ministers to visit this community—you will not find it. It's a fictional community simply designed to assert rights that are non-existent. I wanted to bring an elder here with me today to testify to this, but because of the short notice, he wasn't able to be here.

There are a number of other things we have issues with relating to this bill: one, the territorial rights assertion of Métis rights; two, future treaties with the Métis have been discussed by members of this government; three, undefined references to concepts such as mobility rights and activities incidental to harvesting.

• (1605)

In the last 15 seconds I have, I want to say that I hope you read all this material that we've given to you, and I hope you recognize how colonial this is, that you're sitting up there contemplating giving recognition to another group that is not legitimate in our view—at least the settlements they're claiming in our territory are not. We do have treaties—I brought the treaty documents with me—that were signed by my ancestors and your ancestors. That's the relationship we want to maintain.

*Meegwetch.* Thank you for inviting me to be a part of this.

**The Chair:** Thank you so much, all of you, for your opening statements.

Again, I apologize that things are rushed, but doing that allows us to get into the conversation now that is also important to these hearings. I think we should be able to get through a full first round and perhaps a short second round with the time we have. Our next panel has two people, so we will have a bit of time to play there.

We'll jump right into it. First up, for six minutes of questioning, is Mr. Vidal.

When you're ready, the floor is yours.

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

I want to thank you all for being here today. You all have very significant responsibilities and roles and it's our honour to have you here representing the people you represent and to have this conversation, so thank you.

Specifically, Ogichidaa Kavanaugh, I want to send greetings to you from Eric Melillo. He was hoping to be here today to engage with you on this but isn't able to be here. I want you to know that I send greetings on his behalf.

I'm going to start with Ogichidaa Kavanaugh. In a May 4th press release from your office, there were quite a number of elements about the lack of consultation, about the fact that Chief Perrault, in fact, from Couchiching had literally written to the minister back last October and didn't even get a response. You referred to that. You went on to say, "We are being kept completely in the dark, as Canada reopens our Treaty. This conduct is dishonourable and completely unacceptable." I don't want to read the whole thing, just because of the time.

To confirm, you specifically asked the minister to engage on this and you didn't even get a response. Is that correct? I want to make sure that's true.

**Grand Chief Francis Kavanaugh:** That's correct.

**Mr. Gary Vidal:** Thank you. I wanted to make sure I wasn't assuming things.

According to the legislative summary that's been provided by our analysts, under the framework for this bill, there's going to be "no additional legislation...needed to authorize the Governor in Council to give effect to future treaties or self-government agreements with listed Métis governments." That is the interpretation of the legislation.

Is the fact that future treaties or self-government agreements will require only the approval of the Governor in Council, which is the Prime Minister and cabinet, and not Parliament, a cause for concern for you, based on what seems to be a broken trust at this point?

**Grand Chief Francis Kavanaugh:** We've asked why we haven't been involved in these discussions. Back in 2017, when former premier Wynne signed an agreement with the Métis, our chiefs directed me to write a letter to Canada requesting that we be involved in these discussions, but they never occurred.

Over the last several years, we've often said that we should be at these tables when they're talking about acquiring rights in our territory. There's never been a response. That's what really bothers us—the lack of engaging us in these discussions.

Recently, when Marc Miller was still the minister, he was asked a question regarding Métis. He walked away from the person who asked that question. He said, "I don't want to be talking about this matter because they're not here to discuss." But where are we in the discussions?

That's where we're coming from—

**Mr. Gary Vidal:** Thank you. I don't want to cut you off, but my time runs out very quickly here and I want to get to one more question.

I'm going to go to Grand Chief Fiddler, but I want Grand Chief Hare and Chief McLeod to be ready to answer this question as well.

In the information you've provided, which you asked us to read—and I have read the information—there's talk specifically about the Abitibi Inland Historic Métis Community. Grand Chief Fiddler referred to that, and that territory overlaps with several nations in Treaty No. 9. In the material provided, you talk about the experience of damaging consequences, including the interference in treaty rights, the curtailment of harvesting rights and the diminishment of benefits that are coming to you under impact and benefits agreements.

Starting with Grand Chief Fiddler, can you speak a bit more specifically to some of the ways in which you feel your rights have been impacted and how that has specifically already been happening?

• (1610)

**Grand Chief Alvin Fiddler:** Yes. I'll try to be as brief as I can.

We can talk about this issue alone all day. That's why we're here. It's important for us to defend our interests and our rights, not just for the treaty, but our inherent rights given to us by our Creator.

There are some, I think, new realities now that we find ourselves in, because of this process. It's now in some of the agreements—for example, resource development agreements—that our communities are now being asked to consult with Métis groups in the region. Meanwhile, there is no one there. To me, that shows us how absurd this is—we're being asked to consult with people who aren't there.

**Mr. Gary Vidal:** Thank you, Grand Chief.

Grand Chief Hare or Chief McLeod, do you want to respond to that question quickly as well?

**Chief Scott McLeod:** Yes.

As far as the impacts that are happening currently are concerned, the minister keeps telling us it's not going to impact us. But it already is. Some of those can be found as recently as several months ago.

We have the MNO releasing information that they have \$4.5 million for social housing in Sault Ste. Marie, that they have money for child welfare and education. They're accepting an impact and benefits agreement from industry in our territories. If you're not aware of the policy of Ontario for hunting and fishing in this province, if some of these fine gentlemen to my far left here were to come into my territory, Ontario requires them to get a shipment letter that has my permission on the letter to allow them to hunt in my territory. The Métis can go anywhere in Ontario and hunt, and they don't require our permission with these shipment letters.

**The Chair:** That's the end of the six minutes, so I'm going to have to go to our next speaker.

We'll go over to Mr. Powlowski.

When you're ready, you have the floor for six minutes.

**Mr. Marcus Powlowski (Thunder Bay—Rainy River, Lib.):** Thank you all for being here. I very much appreciate it.

Let me tell the others of the committee that much of my riding is the traditional territory of Treaty No. 3. NAN's headquarters are in my riding as well, and lots of people from NAN communities live

either part time or full time in Thunder Bay. The only one missing is Fort William First Nation, which I'm pretty sure has the exact same perspective on this issue.

Let me say that my perspective on this bill will largely reflect what your positions and your viewpoints are on this, so I'm very eager to hear what you have to say on this.

With that in mind, I have a question for Grand Chief Kavanaugh.

I understand from your opening remarks that there's a concern within the Anishinabe nation of Treaty No. 3 that the Métis Nation of Ontario has gained momentum, at least in part, from the problem of non-status Indians created by the Indian Act, where essentially the non-status individuals have been able to take on the identity of Métis in order to access rights such as hunting and fishing.

Can you help me understand better how this relates to Bill C-53? You already kind of mentioned it. Am I wrong that you seem to be saying that if you could determine your own membership, you would rather have a lot of these people, who are claiming to be Métis, incorporated as part of Treaty No. 3 nation?

**Grand Chief Francis Kavanaugh:** *Meegwetch* for the question.

There's no clear historic evidence that there was a separate Métis nation in Manito Aki. That's Grand Council Treaty No. 3. We have never known a historic and separate Métis community within Manito Aki. We have never consented to the establishment of their narrative in the 1875 adhesion. We also never consented to the Indian Act and the creation of this group of non-status Anishinabe, some of whom found refuge in taking on a claimed Métis identity.

It is important to ensure that colonial laws stop acting as a means to cut off non-status individuals from rightful belonging, but Bill C-53 is not the right way to do it. In fact, it's a dangerous and unprincipled way forward. It is inconsistent with our treaty relationship, and I would say unconstitutional by Canada's standards. Those people are Anishinabe, and their hearts and their minds will tell them if they are truly indigenous and live within the indigenous law, like we do as Anishinabe.

• (1615)

**Mr. Marcus Powlowski:** You are saying, then, that the people who have lost their status who still live within the community... You are saying that you would rather they be recognized as part of Treaty No. 3 in your community than as Métis.



**Grand Chief Francis Kavanaugh:** I think so, yes. We have the adhesion that was signed in 1875, which came about because prior to the signing by the Grand Council Treaty No. 3, there were actual mixed-blood Anishinabe people living among us, and they were part of the communities. Then, after our treaty was signed, one of our chiefs asked them to become members of the community, and that's what happened. They were absorbed into one of our communities because they were truly Anishinabe. They had mixed blood, but they lived the way of our people, and they practised the way we practised our culture and traditions.

**Mr. Marcus Powlowski:** Maybe I could ask the same question of Grand Chief Fiddler.

Are there people in your community who've lost their status and who may have declared themselves part of the Métis Nation of Ontario? Do you think that the people you represent from the various first nations would prefer—rather than being recognized as Métis—to be able to have the power, themselves, in order to become citizens of your communities?

**Grand Chief Alvin Fiddler:** I don't know of any specific case, but I just want to say that our communities are very welcoming. When we talk about this issue, for example, we do have what has been historically called “half-breeds”. Because of a trader who came into our territory, there are half-breeds in our nation, but they are welcomed into our nation. They become part of our nation. We're not excluding them. We don't kick them out of our communities. They become part of our communities. That's always been our position.

**Mr. Marcus Powlowski:** Do you think that first nations communities should have the power to determine their own membership rather than be subject to the Indian Act in determining membership?

**Grand Chief Alvin Fiddler:** For sure.

**Mr. Marcus Powlowski:** Maybe I can ask the rest of you the same question.

**Chief Scott McLeod:** I'm sorry for being so eager, but I'm the only community chief here. These guys are leaders of the political territorial organizations, and they work for us.

To answer your question, yes, Nipissing is currently under the Anishinabe nation governance agreement, which was signed between Canada and our first nations and territories—five first nations, three more in the queue, and more coming. Literally, it speaks to what you're talking about here. It takes band membership out of the Indian Act and places it back into our hands so that we can determine who our citizens are.

We are a nation. We're not an organization. We have the right to determine who our people are, and that was taken away, which forced a lot of our people to go to these organizations to try to get some recognition of indigenous ancestry. What we're seeing is that there are some who can come to us and look for citizenship based on our laws and what we determine to be our citizens, not to have some foreign government bestow that upon us. It should, rather, work with us to be able to determine who our citizens rightfully are.

*Meegwetch.*

• (1620)

**The Chair:** Thank you.

We'll now move to Madame Gill.

[*Translation*]

Mrs. Gill, you have six minutes.

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

I would like to thank all the witnesses, Mr. McLeod, Mr. Hare, Mr. Kavanaugh and Mr. Fiddler, for being with us today. I should say that I'm grateful to all the witnesses who have spoken to us since our study of this bill began. I want to emphasize that I think this discussion is very difficult for everyone involved.

Mr. Fiddler, earlier you talked about colonialism. As members of the Canadian Parliament, we're especially sensitive to that too. We're really in a place where we need to have those discussions, but all the witnesses said there hasn't been adequate discussion or consultation.

You raised many different issues. We play a little devil's advocate with all the witnesses and ask them what their position is and what recommendations they want to make. You mentioned consultations several times.

You said you weren't consulted, so what I want to know is, had there been consultations, how would that have changed the recommendations you want to make to this committee?

All the regional chiefs and Chief McLeod are of course welcome to answer my question.

[*English*]

**Chief Scott McLeod:** *Meegwetch.* Thank you for that question.

What we want is to be able to take the time to look at the facts and the evidence to actually determine whom we are actually speaking to. Currently, this whole approach has been “recognize first and verify later”. What we are saying is that we want to be at the table to look at whom exactly we're speaking to when we talk about this legislation, because from our standpoint, there's a facade of whom these people represent. Some of them are, in fact, our own people. They are using our own history to basically hijack the identity of a nation that never existed.

Yes, there are people with mixed ancestry. Yes, there are people connected to our nations, but that does not make them Métis. That makes them either part of the Canadian society, as they lived for generations, or part of ours, as they got disassociated from our nations. If they can show the evidence, we would gladly entertain the citizenship within our nations.

**Grand Chief Glen Hare:** It lies with the leadership and the rights holders. Those are the chiefs of our communities, who have to have the say of who belongs in our communities. I know for a fact that if there is one, it multiplies and it multiplies. I know of one who was born and raised in my community. Is that person a Métis today? No, that person is not a Métis. That person belongs in the M'Chigeceng First Nation. That just multiplies. You can imagine how many times it multiplies.

We support legitimate rights holders—first nations, Inuit, and Métis—but the groups that MNO represents are not legitimate. They are not.

I heard here about rights and hunting and that. It's a fact that they've asked to come into the community, and the chief said, “No. Our reserves are small. I have just enough.” Well, they said, “We're coming in anyway.” They are being forceful. That is not how you... Whatever their vision is, that's not how you get there, being forceful like that.

The thing that really hurts me as past chief in my community, grand chief, and now Ontario regional chief, is that we need to consult. We have a problem right now in Ontario, a big problem, because there was no consultation. We don't want to go down that road here. Common sense has to lead here. Nation-to-nation means our first nations, our rights holders, sitting at the table with the government. I specifically asked a person from MNO, “Do you really believe that you need to sit when we sit with the government and talk about funding, compensation settlements or whatever it may be? Do you need to be at that table?” They said, “Absolutely”—wrong answer.

Our history is nation to nation. It's with the federal and provincial governments—no one else. There is no proof. All that we're asking, on behalf of the leadership across the country, coast to coast, is to put this on pause. Let's sit at these tables like this, and see where we can go. We were not given that opportunity.

*Meegwetch.*

• (1625)

[Translation]

**Mrs. Marilène Gill:** I know Mr. Kavanaugh and Mr. Fiddler may not have time to respond. Maybe I can give them some time when it's my turn next round. I would also like to know how consultations can change what we have right now.

Thank you, Mr. Chair.

[English]

**The Chair:** Unfortunately, we are at the end of this six-minute round.

We do invite written submissions of up to 10 pages—the committee has extended the page limit to 10 pages—if there was no time to speak and you have additional information you would like to submit. Written briefs need to be submitted by November 17.

We're going to go now to Ms. Idlout, who will have six minutes.

Ms. Idlout, the floor is yours.

**Ms. Lori Idlout (Nunavut, NDP):** [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you, Mr. Chair.

To the witnesses, thank you for being here today.

What you're talking about is very important to all of us, because we are indigenous peoples. I feel what you feel, and I understand this is a struggle for all of us. If our lands were to be managed by people other than ourselves, it wouldn't be right, so it is good to hear what you have to say today.

As it is today, Bill C-53 proposes to recognize the rights of the Métis nation. The Métis nation wants to have its rights recognized. You, as first nations, and we Inuit have our rights. The Métis nation wants to have the same rights as first nations.

Can you tell us whether you believe the Métis nation has its own rights? Are they included among the indigenous people of Canada? Are they identified in UNDRIP? Can you please elaborate?

Thank you.

**Chief Scott McLeod:** We've always maintained that we believe Métis people in Canada.... We acknowledge their history and the fact that they have rights in their territories. We are saying that. However, we are also saying that they weren't in our territory. That is, we can't speak on behalf of the Manitoba nations. It's for them to speak about that.

What we're saying is that we recognize that Métis in Canada have rights and have a rich history in this country. It just didn't happen in our territories.

**Ms. Lori Idlout:** *Qujannamiik.*

Go ahead, Glen.

**Grand Chief Glen Hare:** Well, again, it is very troublesome when we hear the government wants to sit down and talk to the Métis about treaties. They have no land. We've asked this group of MNO people over the years to show us where their land is. Our treaties are already made. They're historical.

It is very troublesome when the government is opening the doors to them without even, again, consulting with all of us.

• (1630)

**Ms. Lori Idlout:** [*Member spoke in Inuktitut, interpreted as follows:*]

I'm sorry, but can you please...? Do you think the Métis nation should be recognized as having rights under UNDRIP as indigenous people?

**Grand Chief Glen Hare:** As I keep repeating, we need to consult each other. We need to talk about this. UNDRIP says there must be “free, prior and informed consent” for legislation impacting us. UNDRIP should apply to legitimate aboriginal groups that exist historically as distinct nations. That is not MNO.

**Ms. Lori Idlout:** Go ahead, Francis.

**Grand Chief Francis Kavanaugh:** I don't really have anything against half-breeds or Métis. What I have difficulty understanding would be why we are being left out of these discussions. It seems to be that both levels of government are enabling the Métis moving forward with signing these agreements behind our backs without our consultation and stuff like that.

Also, I want to point out that rights acquired through section 35 are not the same as the rights that were confirmed at the signing of treaties. They're not the same. As well, when the Métis say that they are going to be acquiring treaty rights and they're going to call their agreements a “treaty”, to me that is not a treaty. It's basically a memorandum of agreement, and the memorandum of agreement is the least binding of all legal documents. That's the problem I see.

Every time we start an initiative in our territory, like, say, in terms of our economic development, our communities are unable to move forward at an expedited pace because the Métis jump in and say, “We need to be at the table.” But they don't have any rights. They don't have a land base and this and that. That's the problem I have.

*Meegwetch.*

**Ms. Lori Idlout:** [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you.

Alvin, can you also respond, please?

Thank you.

**The Chair:** I'm sorry, Ms. Idlout.

Colleagues, we started at 3:37 p.m., so what I'm going to suggest is that we do an abbreviated second round, which would be five minutes, five minutes, two and a half and two and a half, and then suspend and bring in our second panel, which has only two people. We can get their opening statements, and that will give us a chance for one full round of questions. That should work for today.

We'll jump right now to Mr. Schmale.

I'll start the clock for five minutes.

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

Thank you, witnesses, for being here on this very important topic.

I'm just going to pick up on the conversation, Chief McLeod. I believe—and forgive me as we flesh this all out—you mentioned and listed a few examples, but this legislation, through the lines of text that we're reading, is about the governance organization that applies to members within the Métis of Ontario—specifically because you're from Ontario. In that, if I'm reading it correctly, it

doesn't necessarily affect you right now. Are you saying that the next part, the treaty part...? I just want to clarify.

**Chief Scott McLeod:** I believe it's both. Looking for recognition will then lead to those other things down the road that will impact us, but it also impacts us now—giving them recognition—because they're already asserting those things. It's not about the future. This is happening now. They're getting money from the province for education. They're getting money for child welfare. They're getting housing dollars for social housing. All of that is earmarked for indigenous people.

What we're saying is that this further entrenches their position and their rights to section 35, without any due diligence, without making sure that the people who are given these rights are actually the people who deserve these rights. Some of them may, under our communities and first nations, and should be acknowledged, but to actually say “under the guise of Métis people” is really not the proper channel.

Even the Métis National Council is having difficulty in trying to find whom exactly they represent, as well as the Métis federations of Manitoba, Saskatchewan and Alberta. None of these organizations, to my knowledge, recognize them as being the Métis people of Canada.

What we're saying is that it's now, and it's also down the road. The fight just gets harder for us down the road, because it will be recognized in Canadian law that these people, legitimate or not, are recognized as an indigenous group in our territory.

• (1635)

**Mr. Jamie Schmale:** Could we not use Powley as one of the road maps here?

I'm sorry. I have only two minutes left and I have more questions.

**Chief Scott McLeod:** We certainly could use Powley as a road map, but the MNO is not even using the Powley test in their criteria for their membership. Let's take the time to look at the Powley criteria and see if they match the MNO criteria.

**Mr. Jamie Schmale:** Are there any amendments that any of you at the table, including Chief McLeod, would be willing to accept to make this legislation more acceptable to the four of you?

**Chief Scott McLeod:** Remove MNO.

**Mr. Jamie Schmale:** Regional Chief Hare, go ahead, please.

**Grand Chief Glen Hare:** I want to read the two that I need to share here in regard to it.

One thing the MNO conveniently failed to mention, which was not brought up while they were here last week, is that the MNO has been put on probation before the Métis National Council for not complying with the national definition of “Métis” used by MNC. It appears as though the MNC governing members also have serious concerns about whom the MNO is claiming to represent.

There are a lot of serious questions that we cannot... We need to do our homework, too, to give you a concrete and honest answer. We can't do that in seven minutes.

**Mr. Jamie Schmale:** Okay. I have about 40 seconds left.

**Grand Chief Glen Hare:** Oh, it's even shorter.

**Mr. Jamie Schmale:** Chief Kavanaugh, would you like to comment?

**Grand Chief Francis Kavanaugh:** I guess I have to say that it must not pass. If it becomes legislation, it allows the government to recognize the claim of the Métis groups as having constitutional rights within our homelands, without having to first establish the existence of a distinct, historic Métis community there and without involving us.

We have lived here since time immemorial. In the words of one of our signatories to the treaty, the Creator planted us here.

For me, it must not pass. If they sign a treaty with them, it overlaps all of our treaties in Ontario. It will become the biggest treaty in Ontario and that's not right.

**The Chair:** We're out of time on that.

Now I'll go over to Mr. Battiste, who will have his five minutes.

**Mr. Jaime Battiste (Sydney—Victoria, Lib.):** Thank you, chiefs, for your testimony today.

This is a complicated issue. Ancestry, as we know, is a complicated issue. There is no one way of determining things.

I can share your fear—I can hear it in your voice—as someone who is a Mi'kmaq and comes from the peace and friendship treaties. There are those in the Atlantic who claim they are Métis. They've gone to court and they've lost because they have been unable to show that there are distinct communities in the Atlantic for the Métis.

However, in Ontario, for more than 20 years.... The Powley decision came from the area of Sault Ste-Marie. Now, the amendment that you've asked for is for us to exclude MNO. Are you asking us to go against what the Supreme Court of Canada has determined is a Métis community in Ontario?

• (1640)

**Chief Scott McLeod:** The question that I answered was specific to what we could accept right now, as is, which is to remove that because the due diligence has not been done. I directly answered that question. I didn't say anything about the Supreme Court of Canada.

I also said that we can use the Powley test, but the MNO isn't currently using Powley in its own criteria of determining who is a citizen. Also, the Powley test was specific to a very small area and not all of Ontario.

To answer your question, yes, we can use the Powley test. My initial response was what I would accept right now, as is.

**Mr. Jaime Battiste:** I appreciate that, Chief. I appreciate those comments.

The question that follows is this: Does Chiefs of Ontario accept that the Powley case was based out of Ontario and that there should be some reason for valid claims—I am not saying all claims—with in the province of Ontario, based on the Powley test?

**Chief Scott McLeod:** You know, I think the Powley test was through a colonial process. We're not denying what was said. That doesn't negate our beliefs and our knowledge of our territories. My community, at least—I can't speak for every community in Ontario—was not consulted in the Powley case. We had no way of contributing to or arguing that.

I acknowledge that it happened. Do I agree with what was decided? We would have to review that, looking at the information and evidence presented. We can't comment on something done by Canada's court.

**Mr. Jaime Battiste:** Thank you for that.

I've been looking at the purpose of this legislation. When we asked all the presidents of all the Métis organizations that are part of this, all of them agreed this was not about land and resources. All of them agreed this was not about mixed ancestry but a distinct community.

Can you show me where in the legislation you see it recognize Métis' ability to assert claims to a distinct community? Is it anywhere in that legislation?

**Chief Scott McLeod:** You're getting into semantics by asking us those questions. Those questions should have been asked in a forum we can actually participate in.

We already know the impacts of what is happening on the ground in our territories with regard to this illegitimate recognition. The fact that the entire legislation recognizes them as able to govern in our territories is problematic.

**Mr. Jaime Battiste:** I would disagree. It's about internal governance, not governance of an area.

As a last question, chiefs, would you be satisfied if we were able to put a clause in here that says, “Nothing in this act would abrogate or derogate away from first nations treaties”?

**Grand Chief Alvin Fiddler:** I think we'd be satisfied if you killed the bill. If you proceed with this bill, it will make things even more complicated and messy.

I didn't ask to be part of this hearing today. I was asked to come here. Well, I should have been asked a year ago. I should have been asked six months ago. I talked about how colonial this exercise is. That's exactly what it is. The questions you're asking us.... Well, we didn't have time to prepare answers we can share with you on the fly here, in this moment.

That's why our regional chief referenced UNDRIP. Your government adopted it, but you're not following it. That's all we're asking. You need to do your own homework, as well. Do the due diligence all of us need to do. You also need to do it.

• (1645)

**The Chair:** We're at the end of the five minutes.

I want to respect Madame Gill's and Madame Idlout's time.

Madame Gill, go ahead for your two and a half minutes, please.

[*Translation*]

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

I'd like to wrap up the discussion about how consultation could have changed the current situation, so I'll ask the same question I asked Mr. McLeod and Mr. Hare.

It's your turn to respond, Mr. Fiddler, and then you, Mr. Kavanaugh.

[*English*]

**Grand Chief Alvin Fiddler:** Thank you for your question and for the opportunity to speak to this very important issue.

I don't have time to be travelling to Ottawa for rallies or for committee hearings. I was in Kingfisher Lake on Monday, where an 11-year-old girl took her life. I'm dealing with a house fire in Deer Lake, where three lives were lost this past week. I'm dealing with a suicide crisis, a mental health crisis and a drug epidemic. Those are my priorities as the grand chief of NAN.

This is an added headache for me to try to deal with. I hope you'll listen to us, and I hope you read the materials. This bill cannot proceed. We can talk about possible amendments, but I don't know where that would lead us.

I talked about this being our relationship right here. My late father was a witness to the adhesion of Treaty No. 9 in Big Trout Lake. That's what he talked to me about. That's our relationship between my nation and the Crown that you represent. That's the relationship we want to maintain. However, if you want to recognize another group in our region, you'd better talk to us first, and we need to come to an agreement on how that will happen.

[*Translation*]

**Mrs. Marilène Gill:** Chief Kavanaugh, what could consultation have changed?

You have one minute. Thank you.

[*English*]

**Grand Chief Francis Kavanaugh:** I didn't hear the last part of the question.

[*Translation*]

**Mrs. Marilène Gill:** It's the same question.

You said several times that you would have liked to be consulted at the beginning, not after the fact. What changes could have been made had you been consulted before the bill was introduced?

[*English*]

**Grand Chief Francis Kavanaugh:** I'm not quite sure how I would answer that question, but I just want to say that if they're considering establishing a self-government agreement with the Métis and MNO.... We have a process we call the [*Inaudible—Editor*]*—*that's self-government on our own territory. We had discussions that were not terminated but suspended over 20 years ago. If those had not been suspended, we would be enjoying the benefits of self-government in our territory, but now the government is expediting the process to give another group self-government. The discussions that I'm referring to were during the time of Bob Nault.

Why now? Why are you going to provide a self-government agreement to another group beside us? I don't understand that.

• (1650)

**The Chair:** Thank you.

We're going to have to move to our final round of questions, with Ms. Idlout.

The floor is yours, for two and a half minutes.

**Ms. Lori Idlout:** [*Member spoke in Inuktitut, interpreted as follows:*]

First, I want to apologize because I think you will walk out of here angry or frustrated since what we are dealing with is very hard. We are members of Parliament, and we have to deal with what's put in front of us. It's been many years since this has been put on the table. You may think we are not hearing you, but we are hearing you. What you stated will have an impact on the outcome.

The last question I want to pose to Alvin is this. We, as indigenous people, need to stand with solidarity. We have been colonialized by Canada, and we have been put into communities. In that regard, we have to stand together—Inuit, first nations and Métis. How would you perceive moving forward with solidarity?

**Grand Chief Alvin Fiddler:** We have solidarity. We've always been supportive of the legitimate claims, whether it's the Inuit or the Métis. What we have problems with—and we've been very clear in our letters, in our rallies, and in our appearance here today—is the illegitimate claims made by groups that purport to have communities in our region. It's spelled out in my letter. If there was another group of people in our region, we would have seen them. We would have seen their fire. We would have seen their camps. We would have seen their tracks, but they're not there, and yet they claim to have new historic communities. I don't even understand what that means. How can something be new and historic at the same time? Maybe that makes sense to you, but it doesn't make sense to us, and that's what we have problems with.

In terms of solidarity, for sure, absolutely.... I will come to your region any time. If you have a problem, an issue with anyone, I'll be there. I say that to other groups in the country, the Métis, whether it's in B.C. or on the east coast. We've done it. We've shown our support. When our brothers and sisters in the Atlantic were fighting with the racists who were trying to harm them while they were exercising their right to harvest fish, we talked to that leadership. We showed our solidarity with them, and we will do that any time.

**The Chair:** Thank you.

We are out of time now. We do have another panel that we need to hear from. I want to thank all four of you for being here and sharing your thoughts. It is an interesting and challenging discussion that we're having. I do appreciate your insights. Thank you for making time to be here with us today and for sharing your very important insights.

With that, colleagues, we're going to suspend to bring in our next panel.

- (1650) \_\_\_\_\_ (Pause) \_\_\_\_\_
- (1655)

**The Chair:** Colleagues, welcome back for our second panel.

Joining us today online we have Grand Chief Catherine Merrick, Assembly of Manitoba Chiefs. Welcome, Chief Merrick.

In the room, we have Mr. Jason Batise, executive director of the Wabun Tribal Council.

We'll get right into the opening statements. You'll have five minutes. I'll give you a 30-second warning with the yellow card and a "time's up" with the red card. Please don't stop mid-sentence, but finish your thought. We have lots of questions and discussion to get through and it's a bit of a rigid process. Please bear with us as we get through it.

I always like to start with our online witnesses, while we have them properly connected.

Grand Chief Merrick, when you're ready, the floor is yours for your five-minute opening statement.

**Grand Chief Catherine Merrick (Assembly of Manitoba Chiefs):** Thank you so much.

*[Witness spoke in Cree]*

*[English]*

I want to thank the members of the Standing Committee on Indigenous and Northern Affairs for the opportunity to speak to you on the subject matter of Bill C-53.

In my presentation today, I will discuss the impact of Bill C-53 on first nations' individual and collective rights. Through my remarks, I wish to convey the tremendous concern that the first nations in Manitoba have about the federal government's disregard for the inherent and treaty rights of first nations. Given the time restraints, I will refer you to my written brief for additional concerns

about the bill's adherence to the principles of the United Nations Declaration on the Rights of Indigenous Peoples.

Prior to European contact, first nations existed on the lands now known as Canada since time immemorial with our own unique laws and rights derived from the Creator. First nations in Manitoba have since exercised their own sovereignty alongside the Crown's assumed sovereignty through negotiated treaties and in respect of our sovereign nationhood.

Métis people, many of whom are our relatives, arose after contact with the Europeans. Unlike first nations, they have not existed on these lands since time immemorial with their own laws and nationhood. Accordingly, the Supreme Court of Canada has acknowledged the distinction between first nations and Métis section 35 rights, further details of which are also provided in my written brief.

In proposing Bill C-53, your government is supporting Métis colonization and continuing a long history of ignoring first nations' rights. Bill C-53 is simply another method by which the Canadian government continues the colonization project against first nations.

Any claim that Bill C-53 will not impact first nations' rights is incorrect in two respects.

First is the overly broad characterization of Métis rights set out in precursor agreements that will be recognized by Bill C-53, which reference a historic Métis nation homeland, which includes all the land that is now Manitoba. This has the potential to unjustly recognize Métis as rights holders in first nations' treaty and traditional territories, where they have no connection or rights.

All first nations in Manitoba have entered into treaties with the Crown, which are the numbered treaties, or pre-Confederation treaties, entered into with the Dakota nations. A key component of the numbered treaties was a solemn commitment to set aside reserve lands for the exclusive use and benefit of first nations, and the right to harvest on treaty territories.

To this day, the Crown's treaty obligation to set aside reserve lands for first nations in Manitoba remains unfulfilled. First nations continue to have difficulty or are prohibited from exercising their full treaty harvesting rights. Bill C-53 would impede the ability of first nations to have their treaty obligations fulfilled.

Even before treaties are made with the Métis, they are standing in the way of first nations treaty fulfillment. This is evidenced by the action brought against Canada in 2021 by the Treaty Land Entitlement Committee—

- (1700)

**The Chair:** Excuse me, Grand Chief Merrick. We lost the sound quality for a second there. We need to give it a second and see if it will stabilize for the interpreters. I've paused the clock, and we're just going to see if we can check to make sure we can hear.

The interpreters have your written statement. They will be able to finish this part, but it's going to be very challenging. They may not be able to interpret the discussion, and that becomes an issue for us.

I'll let you continue, with a minute and a half left on the clock for your opening statement, and then we'll see where the conversation goes.

Please continue.

**Grand Chief Catherine Merrick:** Okay.

Even before treaties are made with the Métis, they are standing in the way of first nations treaty fulfilment. This is evidenced by the action brought against Canada in 2021 by the Treaty Land Entitlement Committee on behalf of the treaty land entitlement first nations regarding the significant delays caused by Canada's decision to consult with the Métis before adding land to first nations reserves. Crown land selections, including Wuskwi Sipiik First Nation's Crown land parcels, have been held up by the Métis claim of land use. If treaties are made with the Métis, there will be further conflict.

Second, Bill C-53 may impact first nations' rights through the attempt to legislate the recognition of treaties that have not yet been entered into with Métis collectives. Several first nations in Manitoba have traditional territories that span into what is now Ontario and Saskatchewan—two provinces directly contemplated by Bill C-53. Provincial boundaries have been established in an arbitrary manner that does not consider first nations' sovereignty and land rights, which long predate the creation of Canada and its provinces.

First nations have received no indication from Canada that their voices will be heard in the development process of proposed Métis treaties to ensure that they have not infringed on first nations' rights. Lack of future first nations consultation is likely, given that there will be no consultation of first nations in Manitoba in relation to the Red River Métis treaty. As I speak, this has not happened to this day. There was never any consultation with any of the PTOs in the province of Manitoba.

First nations in Manitoba have been waiting for more than a century to have their treaties respected, honoured and implemented by Canada. As our treaty partner, Canada should be focused on fulfilling its outstanding promises rather than entering into other treaties without our knowledge and consent. Until our sacred treaties are fully honoured, no other group should trust that Canada will honour any new treaties.

For these reasons, the Assembly of Manitoba Chiefs strongly opposes Bill C-53. We ask you, our treaty partner, to ensure that Bill C-53 is not passed.

*[Witness spoke in Cree]*

• (1705)

**The Chair:** Thank you so much for your opening comments.

We'll jump right now to Mr. Batise for his opening statement.

**Mr. Jason Batise (Executive Director, Wabun Tribal Council):** Good afternoon, committee. Thank you for accepting my application to speak today.

My name is Jason Batise. I'm the executive director of the Wabun Tribal Council in Timmins. I represent six first nations in northeastern Ontario.

I'm here today because Canada hasn't consulted us about Bill C-53 and has told us it is none of our business. The impacts to our land and way of life make it our business. Legitimate Métis groups should have their rights protected, but this is not what this bill does. The bill opens the door for a wave of illegitimate claims to alleged Métis rights across Ontario.

The focus of the Wabun Tribal Council and our communities is on protecting our people and lands, which we have occupied since time immemorial. One key way Wabun communities have been doing that is through economic development and reconciliatory action with industry. We are probably subject to the most intensive mining exploration activity in the country. We currently have 10 mines operating within our traditional lands, with three new mines now in development. We also deal with over 80 mineral development exploration permits on a daily basis.

In Wabun territory, we've created a model that works for both first nations and industry, providing benefits for our communities and for all Ontarians. Bill C-53 would severely disrupt our relationship with industry by allowing MNO to create illegitimate communities with section 35 rights on our territory—illegitimate groups that are already demanding that industry pay them for impacts to our land.

Aboriginal rights do not exist in the abstract. They are tied to the land. Canada should not be creating a treaty process for entities that don't have legitimate entitlement. The claim that there are Powley-compliant communities in our territory is ludicrous. MNO keeps repeating the mantra that it has Powley-compliant, independent registry processes. That's false. It can't comply with Powley, because those alleged historic communities never existed. Bill C-53 would recognize the alleged Métis communities in our territory as section 35 rights holders, but we know they aren't. We know this because it's our land. We've been here for thousands of years.

We also know this because we did the research. We hired leading experts to examine the claims of the group in our territory. It shows very clearly that the claims of the MNO communities in the Wabun territory are simply false. We've forwarded it to the committee, but you can also find it on our website. We have nothing to hide. The Red River Métis have called these MNO communities fraudulent, fabricated and not part of the Métis nation, so it's not just us saying so. It's the Métis nation of Manitoba and the Red River people. The Métis National Council itself is starting an expert panel process to investigate the legitimacy of the MNO claims.

We as first nations know everything about our lands. It is not credible that we never noticed a whole other group of distinct indigenous people living where we live. We cannot understand why Canada is dismissing first nations' concerns. Canada refuses to talk to us meaningfully or to disclose any information about the legal basis for the bill.

We also have concerns about the way the bill is drafted. If you look at clause 8 and the schedule of the bill, there is no definition, apparent restriction or clarity on the "Métis collectivity" being recognized in Ontario, other than that MNO gets to decide. This is not like giving first nations control over membership, which we don't have. It's like giving the AFN or the Chiefs of Ontario the power to unilaterally create new first nations. Canada brushes off our concerns with "Don't worry about it. This is just about internal matters."

The bill creates a treaty process for MNO. This is about land. MNO's representatives have looked me right in the eye and told me the land next to my home community of Matachewan First Nation is theirs. They challenged us on our treaty land entitlement claim and asked us to allow them to use our land because it is theirs. MNO has already been making aggressive demands in our territory, attempting to delay projects we already consented to in order to extract outrageous demands for benefits agreements from industry. Margaret Froh is on record saying there can be no electricity transmission development in Ontario without equity participation for MNO.

The long-term consequences of this bill will be catastrophic for our communities and for industry. Once MNO has a legal platform, there will be a massive increase in the financial burden on industry in terms of the cost of doing consultation with an illegitimate group, the cost of accommodating MNO's demands and the likelihood of extensive litigation by MNO. Canada is sowing the seeds of generations of unnecessary conflict by refusing to consult with us.

• (1710)

Canada has not thought through the consequences of this. If our treaty partner thinks it can unilaterally change the promises it made to us in Treaty No. 9 and give away rights to an illegitimate group, then you have another think coming. You don't understand what you're doing, and we implore you to pause this legislation and talk to us about it.

*Meegwetch.*

**The Chair:** Thank you for those opening statements.

Colleagues, we'll get right into our one round of questions now. That's all we'll be able to get through, six minutes for each member.

The challenge we're having with Grand Chief Merrick's audio... We'll have to see. I'll keep my eye on the interpreters. If we can't hear, I would ask the grand chief to perhaps keep track, or we can send out the questions and get a written statement back from those questions, if we're unable to engage, but we can at least pose the questions to her. We'll see how it goes.

Up first, I have Mr. Vidal, splitting his time with Mr. Schmale.

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

I want to thank both of our witnesses in this panel for appearing today. We do appreciate your time and your passion for the challenge we face.

Mr. Batise, I talked to Grand Chief Fiddler about this in the last hour, but I want to pursue it with you as well. The Abitibi inland historic Métis community's territory claim is by far MNO's largest, covering a vast stretch of land approximately the size of New Brunswick. You provided us this map showing the overlap of the different territories, and there are several first nations within that territory. "As a result of the 2017 recognition" by the Province of Ontario, "First Nations in the region of the MNO's claim have experienced damaging consequences". That's the claim in the documentation you provided to us.

My question for you is quite simple. Can you give some very specific examples of the three items that you talk about: interference by the MNO in the exercise of their treaty and inherent rights, particularly during treaty land entitlement; the curtailment of harvesting rights; and the diminishing of benefits to which they're entitled under the impact and benefits agreement? Can you briefly give me a couple of specific examples that would hit those things that were in your brief?

**Mr. Jason Batise:** Like the grand chief of Manitoba, we were made to consult with the Métis Nation of Ontario on our treaty land entitlement that was right beside our reservation, land-adjacent. It couldn't be more simple. Four more square miles adjacent to a nation in the remote part of northeast Ontario.... It took us two years, almost three, to get through a consultation, a useless consultation exercise with an illegitimate group that had no presence in that area, so they did hold up 120-year-old treaty promise that was left out of our treaty entitlement.

On the mining side, just two weeks ago, in talking with the executives from Newmont, the Timmins local Métis Nation of Ontario representatives told Newmont that they would not approve their tailings dam lift, which was an environmental disaster waiting to happen, unless they got an agreement, so not only did they interfere in the agreement that we already have with Newmont, but they're also endangering the environment in favour of economic benefit. If you want to learn more about that, I invite you to talk to the folks and the executives at Newmont mining.

Finally, as more and more of these members, these illegitimate members, show up in our territory, there are fewer animals. They are everywhere, and they hunt without regard to our treaty rights. I know folks. I live beside them. I know these MNO folks who carry the cards. They do it, and they do it all the time. They do it with impunity, and it's not right.

That was promised to us in our Treaty No. 9. That game, those animals, they belong to the folks, my ancestors, and nobody else. They're not legitimate. We've done the research.



• (1715)

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

I did a very good job of splitting my time, but my colleague is telling me to keep going, so I'll keep going.

Mr. Batise, you made a very bold statement. This is something that's been debated at this table over the last couple of weeks. This is about land, you said. We've had many discussions with many witnesses about the fact that there's nothing in the legislation that would specifically reference land. You made a very bold statement, and I want you to just take a moment to expand on why. You obviously believe very strongly that this is about land. How does this legislation link to that outcome in the longer term?

**Mr. Jason Batise:** Ignoring the myriad of examples I could give you on what's going on today with the interference in mining companies and with the interference in our treaty rights to harvest, the bill itself, the title of the bill, says it's "to give effect to treaties with those governments". What does that mean? I know what "treaty" means. We have Treaty No. 9. That means land. Don't tell me it doesn't. I'm not buying it. It's right in the title and mentioned at least a dozen times throughout the bill—treaty, treaty, treaty. You're talking to a treaty Indian. That's my land.

There is no possible way that this is just about internal governance matters, about just the administration. If folks want to meet and they're like-minded and they meet somewhere, fine, have at it, but this is about the places of the traditional folks of Treaty No. 9. The Abitibi homeland of the Métis does not exist. It never did. It's not a historic community. I'm sorry.

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

I'm just going to quickly jump in here and build on what Mr. Vidal was talking about.

To your point, would the potential treaty process, were it to take place should this legislation pass...? Right now, according to our reading, it could be approved by an order in council. Would an amendment to have it voted on in Parliament after the fact be more acceptable to you so that the process or the final decision is clear?

**Mr. Jason Batise:** I suppose if there's more veracity and investigation in their process, that's better.

Do I accept that Canada is going to do right by the Treaty No. 9 nations, by Matachewan? I don't. I think the bill needs to die. I think it needs to go away. If there are ways that we can work together to amend it through consultation, then let's get at it. We haven't been consulted to this point, as many of my colleagues have said.

Do I think it should just go to a small committee in a back room, which is how most of it has been done? We've had to file freedom of information requests just to learn what's going on, and we've been denied. We've spent half a million dollars through our little tribal council trying to get at why this bill is, and nobody wants to tell us. Nobody wants to tell us a thing. The government is protecting the information under cabinet privilege. Imagine that, treaty partner.

**The Chair:** That's interesting.

**Mr. Jason Batise:** Why is it so secret? What's the gig? Why is it secret? Let's talk.

**The Chair:** We're going to have to end it there and go to Mr. McLeod, who is next on my list, for his six minutes.

Mr. McLeod, the floor is yours.

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

I need to ask if both witnesses are available for questioning.

• (1720)

**The Chair:** Try, and we'll see what the sound quality is.

If we can't get a response from Grand Chief Merrick, we'll ask for a written statement.

**Mr. Michael McLeod:** Okay. I'll start with Mr. Batise.

I come from the Northwest Territories. I've worked with indigenous people my whole life. I'm indigenous. I'm part of the land claim process. I fully understand the treaties. I've heard all my life about how the treaties are peace and friendship agreements and are intended to allow us to coexist. I've heard about the Métis signing the Métis scrip. In fact, my grandfather signed the scrip. I know the challenges that all indigenous peoples face in trying to get justice and trying to get these agreements honoured.

Mr. Batise, I hear you saying that this is an illegitimate claim and that the Métis in the Ontario region are not legitimate. Can I ask you if you could tell us if you believe that the Métis have rights as nations across the country? I heard you mention the Métis in Manitoba not recognizing the Métis people in Ontario.

**Mr. Jason Batise:** As I said in my opening statement, we recognize and affirm that there are Métis nations, that there are Métis rights, section 35 rights. They have those in their homelands, in their places.

I'm here to tell you it's not in Ontario. I'm here to say it's not in Matachewan. I'm here to say it's not in Treaty No. 9. I'm here to tell you that it's not the Abitibi homeland. It's not the entire width and breadth of the province of Ontario, as the Métis Nation of Ontario would like it to be. It shouldn't be incumbent on me to tell you where they are or how they came to be. You should do that research yourself. We did. We filed it. We sent it. We begged folks to read it. We came to Parliament Hill and we pleaded, "Pay attention."

I have no doubt that there are legitimate Métis people in this country, and I have no doubt that in the nations they're neighbouring in Manitoba they have peace and friendship agreements and they're getting along just fine, but that's not where I am. That's not the Métis Nation of Ontario. Don't be fooled. It's not.

**Mr. Michael McLeod:** Thank you for that.

Is there any type of process that would satisfy you that these people in Ontario claiming to be Métis have a claim? Is there a process, like through the Powley case or if the due diligence was done? I know other regions where land claims are being negotiated with Métis. Land claims are being negotiated with the Dene and the Métis together. The enrolment process is very stringent. It takes years and tracking of family history and origins.

Is there anything that would satisfy you that there is a legitimate claim happening here in Ontario?

**Mr. Jason Batise:** I would like to think that I'm a reasonable person and that an avenue to a discussion on what's real and what's not real is a way forward, but it can't be this bill. It can't be just the open acceptance of a broad Métis nation in Ontario. It's not that. First, you have to do the homework. As Chief McLeod mentioned, find out who you're talking about first.

A lot of the people on that list—when you do your research—are former chiefs of our communities and their descendants. I'm not talking about a hundred years ago. I'm talking about people from 50 or 60 years ago. They're people I knew, who have passed on to the spirit world. They're claiming them as Métis people, yet they were chiefs of first nations communities.

How does this circle get squared? Do you want to talk about that first and then decide whether or not it's legitimate? Then, if it is, how do we deal with it? If the test is Powley, as my good friend Scott McLeod has said, let's deal with that. Let's talk about Powley. Let's talk about the small community in Sault Ste. Marie. Let's take that small community and suggest that it's all of Ontario. That's exactly what's happened. A tiny group of Métis people proved their rights in Sault Ste. Marie and all of a sudden it's everywhere. I don't get it.

My father, an 85-year-old elder from our community, was asked if he remembered if there were any Métis people. My dad speaks Ojibwa fluently. He has no clue what we're talking about—none at all. I wish you would ask him. He couldn't be here today, but he wanted to be.

• (1725)

**Mr. Michael McLeod:** I have one more question, if I have time.

I heard you mention impact and benefit agreements and resource development.

How much does that whole concept of resource sharing or resource development and impact and benefit agreements play into what you're talking about?

**Mr. Jason Batise:** Listen, there's only so much indigenous pie—let's call it that—from the industry to go around. If you're giving it to illegitimate groups, then that takes it from me.

As the justice said in Quebec in a recent decision in Maniwaki and the one in Ontario, you can't take from one and give to another without a reduction. There is going to be an impact. If you take from the aboriginal pie and give it to an illegitimate group or some other group of folks claiming to be indigenous from my area, that means I get less. That's not okay.

**The Chair:** Thank you.

We're going to jump to Madame Gill, who has six minutes.

[*Translation*]

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

I have several questions for Ms. Merrick and Mr. Batise. I'll start with Mr. Batise.

Thank you for being here. I'm going to ask you three questions. If we run out of time, maybe you can respond in writing later.

The word “illegitimacy” came up a lot in your remarks. It was also used earlier during the first hour of testimony. You also talked about the Powley decision and who gets to decide what's legitimate. That can be talked about in very general terms.

Then, and I'm being objective here, you say the government is making a mistake by introducing this bill. How did it make that mistake? Why did it introduce this bill?

I would also like you to talk to us about inequity, which you also mentioned several times, inequity for the Métis and the first nations with respect to concrete, tangible territorial rights.

Mr. Batise, please start with the question about legitimacy.

[*English*]

**Mr. Jason Batise:** Somebody in this room should have maybe done the work we did and not relied on the very nation that's trying to get forward. They're going to tell you whatever it takes to get where they need to go. You can't blame them for that; they're advocating for their own thing.

We did our own research on the Abitibi homeland. The little Wabun Tribal Council spent about a quarter of a million dollars with academic experts examining their own registry of where they're saying the Métis people in our area are from, and it turns out they're not from there. We did an examination of 22 of their executives and the ones who say they are from where the Abitibi homeland is—not one of them is from there. So how do they get rights there? They can have rights somewhere else, I suppose, if they're from Red River, but how do they become land-bearing rights holders in Timmins, in Matachewan, where I'm from? It makes no sense.

That's why I'm talking about legitimacy. I'm not talking about Métis folks who are the rights holders in Manitoba, where they're from. I'm talking about when they try to make connections of half-breeds through a twist and some fallacies about examining historical records and cherry-picking, absolutely cherry-picking. Half-breed me, even though it says Ojibwa underneath, half-breed must be Métis.

It's there for you. We provided that to the committee. I hope you read it, because it is absolutely a revealing read. I couldn't believe it when I read it myself. The Robinson-Huron work confirmed and actually goes into a little more depth than the work we did, so we know the claims are not legitimate.

[Translation]

**Mrs. Marilène Gill:** You said determining legitimacy is the government's job and it should be the one doing the work. I just want to check that that's what you're saying. The government should have done the work.

[English]

**Mr. Jason Batise:** Yes, government has no qualms about telling me about who I am. It has no qualms about creating an Indian Act and telling my grandkids two or three generations down the road, sorry, you don't belong anymore. You have no problem making that assumption or assessment, but with the Métis nation you say, you just go ahead. You decide whoever you are, whoever you want to be, and we'll take your word for it. How does that add up? Yes, Canada should look at it. You do it already; you do it to every first nation every day, all day. To me, this is a game-changer. You're giving something to somebody else that you're certainly not willing to give to us.

I'll finish with this. Minister Miller, before he left cabinet, told the Chiefs of Ontario that he knew the Indian Act was a racist document with respect to membership. He knew it, so I challenged him and said, change it. You're the minister; change it.

You were willing to change it for the Métis. You're willing to let them self-identify, whatever that means, but here we sit and I have grandkids who are not going to be able to be members of Matachewan because of that legislation Canada put forward. So I dare say you're good at assessing things.

• (1730)

[Translation]

**Mrs. Marilène Gill:** I have one last question for you. I didn't think of it until you were speaking, and I have to ask you.

You referred to documents that weren't public and that could be game-changers. I know nothing about that, so I'm speaking very objectively, but I'd like to know if that's what you were referring to. What did you want to say about those documents?

[English]

**Mr. Jason Batise:** My apologies. If we're referring to the research we did on the Abitibi homeland, it's absolutely public.

[Translation]

**Mrs. Marilène Gill:** No, you talked about other documents. You said information was withheld by the minister of the department, game-changing information. I'd like you to elaborate on that.

[English]

**Mr. Jason Batise:** Through our legal counsel, we sued under the Access to Information Act to understand what the background research was and to understand why MNO is what they claim. How did Canada come to that conclusion? What evidence did you rely on? What was presented to you? We did our own, so can we see it? The answer was no, you can't have it. It's cabinet privilege, so you can't see it.

**The Chair:** Okay. Thank you.

Ms. Idlout, we'll go to you for your six minutes.

**Ms. Lori Idlout:** [Member spoke in Inuktitut, interpreted as follows:]

Thank you, Mr. Chair.

I want to thank the witnesses.

It's unfortunate that there are some audio problems with the other witness.

Jason, I want to ask you about the 1990 royal commission for indigenous peoples. Were they also participants in the legitimization of rights? I'm sorry. I didn't mean rights.

Do you think the royal commission was involved in legitimizing indigenous peoples?

**Mr. Jason Batise:** I'm not familiar with the clause that you're referring to in the 1990 commission. All I can say is that I'm sure the commission was well intended in recognizing legitimate Métis, first nation and Inuit peoples. I'm sure that was the intent.

I'm here to tell you that what's going on in Ontario is not that. There are things in the commission that are very good. I'm sure it was well intended. I'm here to tell you that I respect legitimate rights holders—Métis, Inuit and first nations. I do.

• (1735)

**Ms. Lori Idlout:** [Member spoke in Inuktitut, interpreted as follows:]

The royal commission that we are referring to has said that in Ontario, the Métis nations were legitimized as indigenous.

What do you think about that?

**Mr. Jason Batise:** I assume you're referring to Powley, because there were none that were recognized officially before Powley. That was done through the Supreme Court. Before Powley, there were no recognized Métis communities in Ontario that I'm aware of. Powley was the first and is still the only one. It's a small place near Sault Ste. Marie.

Since then, Powley has been abused, in my view, to legitimize MNO assertions over the rest of Ontario. They're not using Powley. They're simply not. I don't know what the benchmarks are, but it ain't Powley.

**Ms. Lori Idlout:** [Member spoke in Inuktitut, interpreted as follows:]

Could you please tell us what was determined at the Supreme Court of Canada and how that pertains to Powley? You mentioned Powley.

**Mr. Jason Batise:** Powley recognized a small community near Sault Ste. Marie, Ontario, of distinct Métis people. That's what it decided. It's near Sault Ste. Marie in a small place. It's not near Matachewan, because if they were there, we would have known them. It's the same way as if they were on Inuit lands; you would know it.

My father, who is an elder, cannot describe distinct Métis people, and Chief Fiddler.... Our communities are very remote. They're extremely remote. They're in remote northern Ontario, where you have to fly in 200 kilometres on an airplane. The Métis Nation of Ontario claims that as its land. Just look at the map. It doesn't lie. You can't get there but for an airplane. How did they historically occupy that place? How did they get there? They couldn't. It's absurd.

**Ms. Lori Idlout:** [*Member spoke in Inuktitut, interpreted as follows:*]

Lastly, I want to draw your attention to this. The royal commission on indigenous peoples brought about Powley. The Ontario government has stated that it recognized the Métis nation as indigenous peoples after it did research for 10 years. Powley was mentioned in the Supreme Court. Under this statement, it is said that it recognizes Métis nations as being indigenous.

How do you understand Powley?

**Mr. Jason Battiste:** I understand that Powley is a small community of Métis people living near Sault Ste. Marie.

That's how I understand Powley.

**The Chair:** You have 10 more seconds.

**Ms. Lori Idlout:** That's good, Chair.

**The Chair:** Okay.

We're at the end of our time for witnesses.

Grand Chief Merrick, I apologize that we weren't able to engage you in the discussions. If there is anything from the conversation, please feel free to write your responses and give them to us. We obviously wanted to hear from you. It was just the audio that was the issue. Please feel free to give us your thoughts in writing.

Mr. Battiste, thank you for joining us in person today.

Colleagues, just before we adjourn, I do have two very quick items that I need committee direction on.

The first item is that through the agreement we have, each group is allowed two witnesses. The Manitoba Métis Federation is scheduled to appear on Tuesday. They have asked to bring a third witness in person with them. They said this person would share the five-minute opening statement.

Our routine motion provides for only two witnesses. This is in part because of the financial impacts. We already have to go to the subcommittee of the Liaison Committee for justification of our budget, which is over what we normally get for a study. This would further increase that budget. It would also be inconsistent with other organizations, where we've limited them to two. Just given the nature of this study, where lots of people and lots of organizations would like to put forward their opinion, it would be inconsistent with the message we've given to other witnesses.

I would like to know from the committee if we should consider the request for a third or hold them at two, as we have other organizations. Is there any direction you would like to give on that?

Go ahead, Jaime, and then Jamie.

• (1740)

**Mr. Jaime Battiste:** We heard from chiefs today that they would have liked to bring more people, their elders, if they could have. I just think that if we've made the rules and we've stuck to them thus far, we should stick with consistency throughout the legislation.

**The Chair:** Go ahead, Jamie.

**Mr. Jamie Schmale:** I respect the sensitivity of this. I defer to Jaime and Lori on it.

Is the remote option a possibility, if we wanted to get into that? I don't want to go too far down the rabbit hole, but that's definitely—

**The Chair:** I asked that question. The issue is that, even with that, we have held others to two.

**Mr. Jamie Schmale:** Okay.

Then I would defer to Lori and Jaime on the sensitivity of that.

**The Chair:** Lori, go ahead and weigh in, or Marilène.

[*Translation*]

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

Well, I agree with what Mr. Battiste said. We can't change the rules halfway through because of fairness issues. As Mr. Schmale said, I certainly understand that lots of people would have liked to be here, so I think it would be best to keep it to two witnesses out of respect for all the witnesses.

**The Chair:** Thank you.

[*English*]

Go ahead, Lori.

**Ms. Lori Idlout:** I'm of a different view from Jaime. If we had been given more witnesses that the first nations chiefs had submitted, I would have been okay to have them appear.

We're being asked formally. In each session, we're usually good with three witnesses. If, on that day, we only have two anyway, then we would have time for the third.

**The Chair:** Just to clarify, we do have more than the Manitoba Métis Federation.

That actually gets into my next question. We would have two organizations on that panel, and then two or three on the next one, with one individual for each. It would add up to probably four witnesses for that panel. It would be the Manitoba Métis Federation with two witnesses, and then the third one.

That's the issue. It's not that there would only be one panel with just the one organization and three witnesses.

**Ms. Lori Idlout:** Do you know how sometimes when one witness appears, they also have support staff? Is that what they're asking, to have support staff to help them answer questions?

**The Chair:** No. They have asked specifically for an elder to also join them, so it would be a different kind of perspective they would be bringing. That's the challenge. They have decided on the other two members who would come. It does put us in a bit of an inconsistent position with what we've communicated to other witnesses.

Madame Gill, go ahead.

[*Translation*]

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

I think Mr. Carr wanted to speak.

Obviously, it's the committee's decision, but if there were a lot of requests regarding elders, it would have to be the same for everyone and we would have to hear from each group.

I always keep a door open. I'm sure we still have time to do the study, but I wanted to mention that too.

[*English*]

**The Chair:** Thank you.

Mr. Carr, go ahead.

**Mr. Ben Carr (Winnipeg South Centre, Lib.):** Mr. Chair, if we're going to talk about this any further, it may be advisable to do

it in camera. Discussions of this nature that aren't in camera kind of fall out of the scope of regular discussions about committee business. If we haven't yet reached a conclusion in a moment or so, I suggest we go in camera for this.

**The Chair:** That's a fair comment.

The issue is that we are past our resources. To go in camera, we would need to send out new links, and that takes some time.

**Mr. Ben Carr:** I see. Okay, I missed that.

**The Chair:** You're right. It is a sensitive discussion. The second point related to Tuesday is also a sensitive one that probably would be done more appropriately in camera.

I think I've heard enough, and I'll take this.

The second question was about the composition of the panels for Tuesday, given the sensitivity. I'll work with our analyst team to resolve that, and we will get the notice of meeting out to you. That is what we'll do.

I wish everybody a great weekend. We'll see you next week.

The meeting is adjourned.

---





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

---

### SPEAKER'S PERMISSION

---

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

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

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

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

---

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

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

---

### PERMISSION DU PRÉSIDENT

---

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

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

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

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

---

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :  
<https://www.noscommunes.ca>