

## THE STANDING SENATE COMMITTEE ON ABORIGINAL PEOPLES

## EVIDENCE

OTTAWA, Wednesday, June 6, 2012

The Standing Senate Committee on Aboriginal Peoples met this day at 6:45 p.m. to examine and report on the evolving legal and political recognition of Metis identity in Canada; for the consideration of a draft budget; and for clause-by-clause consideration of Bill S-8, An Act respecting the safety of drinking water on First Nation lands.

**Senator Gerry St. Germain** (*Chair*) in the chair.

**The Chair:** Good evening and welcome to all honourable senators and members of the public who are watching this meeting of the Standing Senate Committee on Aboriginal Peoples either on CPAC or possibly on the Web.

I am Senator St. Germain from British Columbia, chair of this committee. The mandate of this committee is to examine legislation and matters relating to the Aboriginal peoples of Canada generally. In addition, we have a specific order of reference authorizing us to explore Metis issues, particularly those relating to the evolving legal and political recognition of the collective identity and rights of Metis in Canada.

The early meetings on this study have consisted of briefings from various government departments which have provided us with information, including facts on current federal programs and services; the status of Crown-Metis relations; general statistical information and current legal issues, among other things.

We then heard from two legal experts on Metis issues who provided a legal context to the discussions. We have since begun hearing from national organizations that represent Metis constituency. Tonight we will hear from the Métis Nation of Ontario.

Before hearing our witness, I would like to take this opportunity to introduce the members of the committee. On my left is Senator Sibbeston from the Northwest Territories. Next to Senator Sibbeston is the deputy chair of this committee, Senator Dyck from the province of Saskatchewan. Next is Senator Larry Campbell from the province of British Columbia, and next to him is Senator Munson from the province of Ontario.

On my right is Senator Salma Ataullahjan from the province of Ontario. Next to Senator Ataullahjan is Senator Patterson from Nunavut. Next is Senator Greene Raine from British

Columbia. Next is Senator Martin, also from British Columbia; and next is Senator Seidman. Last, but definitely not least, is Senator Don Meredith from Ontario.

Please help me in welcoming our witness representing the Métis Nation of Ontario. We have with us the president, Mr. Gary Lipinski. Mr. Lipinski, if you would make a reasonably short presentation so as to leave some time for questions and answers. You have the floor, sir.

**Gary Lipinski, President, Métis Nation of Ontario:** Thank you very much honourable senators. It is my delight, privilege and honour to be here this evening to be able to present to you. My name is Gary Lipinski and I am the President of the Métis Nation of Ontario.

This evening I will provide a general introduction of the Metis reality in Ontario. I will speak about the MNO as a government of the historic and contemporary Metis in communities throughout the province. I will outline priorities here in Ontario, specifically related to building bilateral relationships with all levels of government.

Finally, I would like to address the programs and supports the MNO is currently able to offer to our citizens, families and communities here in Ontario. Due to time constraints, I will try to be brief, but I will also be providing a written submission at a later date for your review.

As a general introduction to the MNO, I find it helpful in my presentations to give a little background about the MNO and who we are as a Metis people. Certainly many people are familiar with First Nations and the Indian Act governance structures; that familiarity always does not exist with the Metis.

The Metis are a unique people of the historic Northwest of what is now known as Canada. While we emerged out of the relations of First Nations women and European men, it is misleading to simply call us a mixed race people. We were born out of a process sociologists call ethnogenesis, which simply means the birth of a people.

In Ontario, this ethnogenesis began in some locations as early as the mid-1700s. A distinct Metis identity along with identifiable Metis settlements emerged around the waterways of Ontario, around the Great Lakes and up to the James Bay. When you look at one of MNO's maps, there is a beautiful logic to where our historic communities are in Ontario. Simply put, they followed the fur trade routes.

One of the most significant Metis populations is at Penetanguishene and the surrounding region of Lake Huron through the network of strategic posts in Ontario such as Sault Ste. Marie; Michipicoten, which is Wawa; Fort William, now Thunder Bay; Lac La Pluie, now Fort Frances; Fort Témiscamingue; and Moose Factory to the all-important waterways that connect our people from

the Ottawa Valley and through the province. It is unquestionable that the Metis have a rich and deep history here in Ontario.

Our communities in the province are certainly part of the larger Metis nation. We share a common national identity as part of the Metis nation, a shared language -- the Michif with regional dialects -- a common culture, extensive kinship connections that connect families here in Ontario all the way to the Northwest Territories.

However, while we are part of the larger Metis nation, our history here in Ontario is unique and just as important as the overall narrative of the Metis nation as events at Red River and Batoche. Similar to our Metis brothers and sisters on the Prairies, Ontario stood up to assert and defend their lands and rights, from the Mica Bay incident in Sault Ste. Marie to petitions and assertions in Penetanguishene, Mattawa, Lake Nipigon, Moose Factory and negotiation of the Halfbreed Adhesion to Treaty 3. Similar to Metis scrip system in the West, dealing with the Metis lands claims in Ontario remains unfinished business in the Canadian federation as well.

Far too often the story in Ontario as part of the larger Metis nation narrative is overshadowed or overlooked by some. This is a mistake, and I am glad to see the Senate committee will not fall into the same trap.

Interestingly, well-respected historians such as Dr. Arthur Ray recognize that you cannot tell or fully understand the story of the Metis nation without understanding what happened here in Ontario first. I hope I can give you at least some context for our part of the Metis nation story in Canada.

Unfortunately, for generations in this province our story was denied and our rights as an Aboriginal people were simply ignored. This led Ontario Metis to resort to the courts to seek fairness, justice and recognition of our rights in the landmark *Powley* case that the Supreme Court of Canada ruled on. It took us 10 years to complete the *Powley* case. We had the opportunity to tell our story to 4 levels of courts and 14 judges. In the end, they all agreed that based on our story here in Ontario the Metis are a full-fledged rights-bearing people who possess constitutionally protected Aboriginal rights. The Supreme Court also held that our rights are equal to other Aboriginal peoples and must be recognized and respected by all levels of government.

As such, our rights coexist with First Nations with whom we shared traditional territories, and while our people do not currently live on defined land bases or reserves, we consider our traditional territories just as much Metis lands as they are Crown lands or treaty lands.

Moreover, since in Ontario Metis were for the most part refused entry into the historic treaties, Metis rights and title remain unextinguished and "existing" in this province. Our rights claims must

be dealt with. Presently, reconciliation through negotiations leading to agreements required by section 35 of the Constitution Act is not happening with the Metis nation generally or the Métis Nation of Ontario specifically.

Like other Metis from throughout the Metis nation homeland, the MNO is waiting for the Supreme Court of Canada decision on the Manitoba Metis Federation case. We are hoping that this case will provide some direction to governments on how reconciliation with the Metis can and will begin.

While I have tried to give you an idea of the history and rights claims we have in Ontario, I also want to give an overview of our contemporary history.

Even before the *Powley* case, Metis in Ontario were becoming aware that we needed our own governance structure. As a result, in 1993, by the will of Ontario Metis, Métis Nation of Ontario was created to represent the collective aspirations, rights and interests of Metis people in communities throughout Ontario. The MNO represents the Metis people of Ontario through a province-wide democratic governance structure, which includes the only recognized centralized registry for Metis citizens in the province. I and other members of our provisional council, or the PCMNO, are elected every four years through province-wide ballot box elections, where all citizens over the age of 16 have the right to vote and participate in those elections.

Between our elections, our annual general assemblies are held for Metis citizens to be updated on MNO's progress and to provide ongoing direction to the leadership.

The MNO's governance structure also includes community councils, which work in collaboration with their provincial PCMNO to represent Metis citizens at the local level. As well, our governance structure includes senators, who must be over the age of 55 but younger than 75, veterans, youth and women's representatives, all to ensure a diverse range of views and perspectives are heard through our nation.

We also have the Captains of the Hunt system that is responsible for the management of our annual Metis harvest. Flowing from the *Powley* decision in 2004, the MNO has negotiated an accommodation agreement with the province that recognizes Metis harvesting rights throughout our traditional territories. I would like to note as well as boast, if I could, that this agreement remains the only one of its kind to this day in Canada.

Since 2008, we have signed a historic MNO Ontario Framework Agreement, which is the first time it recognizes the existence of our people in this province and sets a collaborative process to address Metis rights as well as support Metis children, families and communities. This agreement

Comment [es1]: Checked:  
<http://www.metisnation.org/harvesting/captains-of-the-hunt>

has led to several subsequent MOUs with other government ministries and post-secondary institutions.

Working with the Ontario government in some areas and with the federal government, most notably, through the Office of the Federal Interlocutor for Métis and Non-Status Indians, the Service Canada Aboriginal Skills and Employment Strategy and the Public Health Agency of Canada, the MNO has made progress in a number of areas.

Through these partnerships, the MNO offers its citizens a wide variety of services in education, training, healing, wellness and housing, and protects Metis rights and way of life through its more recently created Lands, Resources and Consultation branch that works with government and industry on the implementation of the Crown's duty to consult and accommodate.

Comment [es2]: Checked:  
<http://www.metisnation.org/programs/lands,-resources--consultations>

We continue to have significant gaps in many areas where the federal government could be of assistance, in particular, in the areas of economic development and health. While we have made progress on these fronts with the Ontario government, the federal government remains somewhat missing in action for the most part in these sectors here in Ontario. We hope that your final report can draw attention to these gaps and deficiencies. The area of economic development is one priority for the MNO where we need the federal government to meaningfully come to the table with us and the province.

In 2011, the Government of Ontario signed a memorandum of understanding on economic development with the MNO that agreed to provide \$30 million over ten years to support the work of the Métis Voyageur Development Fund. The Métis Voyageur Development Fund promotes and stimulates Metis economic development throughout Ontario by accessing and leveraging financial resources from Ontario, Canada, the private sector and other sources to make strategic investments in Metis entrepreneurs and businesses in Ontario, which will positively contribute to Metis individuals, families and communities as well as to the overall Ontario economy.

Comment [es3]: Checked.

To date, the federal government has not partnered with us on this exciting initiative, and that is disappointing since the federal government has provided close to \$13 million to each similar Metis organization in the Prairies but has yet to provide support to the Métis Voyageur Development Fund here in Ontario. We are optimistic that that will change, but we want to highlight this gap for your committee and ask that your report note this current inequity for Ontario Metis.

Recently, the MNO completed a comprehensive study with the Public Health Agency of Canada on chronic diseases in the Metis population in Ontario. The study showed significant challenges in the areas of Metis health. For example, diabetes is 26 per cent higher among Metis than the general Ontario population; Metis are 86 per cent more likely to be hospitalized due to heart attack than the general population; and Metis have less access to needed health care specialists than the

general population. This study points to areas where health needs for Metis people are not being addressed. While we are currently working with the Ontario government on addressing Metis health needs, we need to have the federal government at the table to provide support and play a role in Metis health.

Finally, I want to conclude with a success story from the federal government. For over a decade now, Metis Nation of Ontario has worked with the federal government on labour market and training programming. This program is key to addressing the workforce needs of employers in Canada as well as the Metis community. Currently, our Aboriginal Skills and Employment Strategy, ASETS, agreement with the federal government is working to address those needs. This program is win-win for Metis, government and industry. I will be providing literature that is based on results that are being achieved through the ASETS program. Instead of relying more on foreign workers to fulfill Canada's labour needs, we ask that an increased investment be made to ASETS to enable Metis people and other Aboriginal people to fill those needs. Enhancing and expanding the ASETS program would be an important start to making this happen.

In conclusion, honourable senators, I would like to thank the committee for its attention and this opportunity to bring these issues to the floor. I hope you found this presentation useful.

**The Chair:** Mr. Lipinski, thank you for your presentation.

Regarding the Michif language, Jean Teillet, a previous witness, spoke of the fact of community, that people have to come from somewhere, and their identity is often identified by the language they speak. If you are from Poland, you are from a part of Europe, and you speak Polish. If you are Michif, you come from a part of Canada and you speak Michif. What is being done to maintain the language? My father spoke some of it, but it seems to be a dying situation. Is it being kept alive that you know of?

**Mr. Lipinski:** My opinion is that there are very insignificant investments in preserving all Aboriginal languages, and, certainly, the Michif language is one of the Aboriginal languages. Many communities are suffering because, as the older generations pass on, the language is not being passed down. Certainly, as we look across the Metis homeland, depending on the regions, you have regional differences and different dialects of the Michif language. Without question, if I were to assign a grade, it is definitely a failing grade on the preservation of the Michif language. I am not aware of any funding to preserve the Michif language in Ontario right now.

**The Chair:** When did the word "Metis" arrive? When I was a kid growing up, we were either Michif or half-breeds, and I never heard of the word "Metis" until I came to Ottawa, and that scares me.

**Mr. Lipinski:** Over the course of Metis history, a number of descriptive words have been used to define or describe us. Certainly "half-breeds" is and was one of them. "Chicote" was another one. "Tkosin" was part of the Cree Metis. There have certainly been a number of words over history that have been used to describe Metis. I would think that certainly Riel and his provisional government, in some of his elegant speeches, talked about the Metis being a distinct people, and mixed ancestry was part of the description.

**The Chair:** The only other word I heard was Bois-Brûlés.

**Mr. Lipinski:** That is another one.

**Senator Campbell:** Thank you very much for coming today. I found your presentation extremely interesting. The question I have is, what is your relationship with the Metis National Council?

**Mr. Lipinski:** I like to use the analogy of we have three orders of government within the Metis Nation, similar to how we do here in Canada. Certainly we have in Ontario what we call our community councils, which is our local or municipal governing body, which is connected directly to our provincial government, which is the provincial council of the Métis Nation of Ontario, of which I am the president. Each governing member from Ontario westward is part of the the Metis National Council. That is basically our federal government, if you like. The presidents of Ontario, Manitoba, Saskatchewan, Alberta and British Columbia sit on the board of governors, which is part of the MNC, or Metis National Council. Every two and a half to three years, the Metis National Council goes through a process where delegates from each of the provinces come and elect our national president. We are definitely part of the Metis National Council, part of the Metis Nation.

**Senator Campbell:** The head of the national council, Mr. Chartier?

**Mr. Lipinski:** Yes.

**Senator Campbell:** He was before us, and when he speaks, does he speak on behalf of all Metis from the Pacific to the Quebec border from the point of view of the national leader?

**Mr. Lipinski:** He would be the equivalent of our Prime Minister, speaking on behalf of his constituency, and his constituency would be -- he is a national president from Ontario to British Columbia, yes.

**Senator Campbell:** I do not know whether you can answer my second question. Is there a Metis association in Quebec?

**Mr. Lipinski:** I believe there is a group that is trying to advance Metis rights in Quebec. If I am not mistaken, they have a case destined to the courts later this year, similar to how in Ontario we took forward the *Powley* case. When you go east of Ontario, a number of people in those provinces are trying to assert Metis rights. Some of the provinces have not been successful to this point, and I know there is a group in Quebec now trying to take that same route.

**Senator Campbell:** How do you feel about that? How do you feel about the nation as sort of seen as Quebec west? How do you feel about it when, for instance, someone in Quebec comes and says, "I am Metis"? What is your reaction to that?

**Mr. Lipinski:** My reaction is the fact that the Metis Nation asserts itself based on our very rich and proud history, of which part of our ongoing struggle is to tell our story. Very often it is overshadowed by other events or Aboriginal people. Part of our continued challenge is to tell our story. That is what my presentation tried to bring out. Some of the historic assertions we did here in Ontario include the Mica Bay incident, which is part of the evidence in the *Powley* case, where the Metis said there would be no more development up there until they were dealt with, which led the federal government to send Robinson up there to treat with the First Nations and the Metis. As part of the evidence before the Supreme Court, Robinson said his mandate was only to treat with First Nations and he would have to come back and deal with the Metis. That is just an example. Up in Treaty 3, Metis are specifically part of the treaty, recognized through half-breed adhesion. We have a number of those assertions, certainly in Ontario, where Metis asserted themselves, and we are familiar with the assertions out west.

I say to your question, senator, that I think those people need to tell their story and put their facts before them as well. We had to do it in *Powley*. We took the *Powley* case on and defended our rights all the way to the Supreme Court of Canada. I think it is incumbent upon a people, if you are a people, to tell that story and to show your historic assertions and bring that forward into a contemporary role.

**Senator Campbell:** Thank you very much. There is no question that you have a colourful and important part in the formation of Canada. I think that through this exercise, certainly this committee and hopefully the people who are watching will understand better the cause of the Metis and how you are going forward. Thank you very much.

**Mr. Lipinski:** Thank you very much for that senator. That is so much of the message we are trying to convey. I think it goes back to the days of Riel and to have our rightful place within Canada and confederation recognized and respected. This year, our country will be recognizing and celebrating the War of 1812. Again, certainly in my view, history has not properly recorded and documented the Aboriginal participation in defending our country, both for the Métis Nation but



also for the First Nations as well. Part of our ongoing work is to have our contributions, historic and contemporary, fully respected and appreciated in the development of our country.

**Senator Campbell:** Just to add, with that comes the ability of others in Canada to better understand the past and the history. There is lots of stuff that went on in the past that we do not know about. We need people to tell us about it. We have been quite honoured to have our own Metis chief here as chair of the committee, and I just wanted to note that, and he was instrumental in getting us to look at this issue.

**The Chair:** Thank you again for your generosity, Senator Campbell.

**Senator Patterson:** Thank you for your presentation. I will zero in on the harvesting issue that you referred to and the *Powley* case. I understand that the *Powley* case led to a system that your organization has been very involved in, the Metis Harvester's Certificates. That case occurred quite some time ago. How is the regulation of harvesting going? How are those certificates working? Have they prevented what were earlier complaints about harassment or screening or prosecution of Metis harvesters? Does it apply to fishing as well as hunting under the provincial jurisdiction?

**Mr. Lipinski:** Thank you, senator. Those are excellent questions. I would have to say that the work is advancing at a snail's pace. It is nine years since the *Powley* decision came down. We are fortunate, on the one hand, to have a harvesting agreement with the Province of Ontario. It does recognize MNO's harvesting cards, which are issued by MNO's centralized registry for individuals who are providing sufficient documentation in their personal registry file to show that they meet what is now the law of Canada, the *Powley* test in order to exercise a Metis-specific right to hunt or fish. It is for both.

It is worthwhile and noteworthy for the committee to recognize that, unlike the multimillions of dollars the federal government spends on an annual basis and probably the billions spent over the last century and a half registering First Nations, a pittance is given to the Métis Nation, and certainly the Métis Nation of Ontario, to try to tackle these often difficult and challenging problems about registering and setting up a registry and registering rights holders and Metis citizens. Even adding insult to injury is rather than that pittance of funding that is provided being rolled into a core capacity that is recognized on an annual basis, set up over a multi-year time period, it is referred to as program funding. You have to apply and reapply every year to maintain the capacity of a centralized registry and staff. It is filled with problems in the way the federal government is approaching it, but not approaching it may be better words. These are constitutional obligations of the Crown to identify legitimate Metis rights holders and yet it is being relegated to a minor program.

One of the problems we have had by taking that approach is that our staff goes through a rigorous process of writing the proposals to get funding to support a core program. By the time it works through the system -- in the worst case example of several years ago -- we did not get our funding until 11 months into the year of a program we were supposed to begin April 1. Certainly, a lot of work needs to be done. There is no comparison to the work being done for the Metis as to work and investment that has, and is, being done on an annual basis for First Nations registries.

**Senator Patterson:** What about fish?

**Mr. Lipinski:** Our covered issue is harvesting rights, so it is hunting and fishing. However, when some people apply they will request it for fishing only because of the requirement we have within our own system. If they are going to apply for a harvesting card, they must show knowledge of safe firearms handling and take hunter safety courses. Some people will not want it for that reason and request only a fishing card.

**Senator Patterson:** This may require a generalization, but can you tell me for what purposes Metis people in Ontario hunt? Is it subsistence, commercial, ceremonial or all three?

**Mr. Lipinski:** Two, definitely. Commercial would not apply to harvesting rights, so it is definitely ceremonial. It is subsistence hunting. It is a way of passing on and teaching traditions, maintaining kinship and family connections. All sorts of important lessons can happen while on the land, whether hunting, fishing, picking medicines, berries or whatever. People are taking babies and infants out on the land and there are all sorts of life lessons about who you are. The values you have innate within you as you grow up happen on some of those harvests. It is more than just about harvesting this particular thing. It is about being able to pass it on to your next generations.

**Senator Dyck:** Thank you for your presentation. Listening to the questions that Senator Patterson asked, I think you said something about being on the land and picking berries. Did you also say picking medicine? The question I would have is: Do the Metis have protection on traditional medicines?

For instance, so-called natural medicines and herbal remedies have become sought after by the general public. There is always a concern that traditional medicines may be subject to exploitation by so-called outsiders. Is there anything within your rights that would say that the medicines on what you might consider your traditional lands are for your picking only? Is that sort of thing covered under harvesting rights?

**Mr. Lipinski:** Not that I am aware of, senator. Certainly, protection of traditional knowledge is a concern for all Aboriginal peoples. That knowledge is often housed in elders and they are doing

their best to pass it on to the youth. How you protect Aboriginal traditional knowledge is certainly an issue within the Métis Nation, as it is with other Aboriginal peoples as well.

**Senator Dyck:** I will ask a more general historical question. In your introduction, you were talking about how the Métis Nation has arisen out of the intermarriage between First Nations women and European men. The European men, at least the way I understand it, were mostly the English, the Scottish and the French. That also included the two companies -- the Hudson's Bay Company and the North West Company -- which at some point in time fused together.

**Comment [EC4]:** <http://www2.hbc.com/hbheritage/history/acquisitions/furtrade/nwc.asp>

In the definition of Metis, do most of the Metis come through the North West Company intermarriage with native women -- with the men that were employed by the North West Company -- and few, if any, through the intermarriage with the employees or the chief actors of the Hudson's Bay Company?

**Mr. Lipinski:** The definition does not explicitly refer to affiliation or association with the company. The definition that has been adopted throughout the Métis Nation talks about Metis ancestry, connection to the historic Métis Nation, and self-identifying as a Metis person. It is not necessarily incumbent upon someone working for the northwest or an ancestor working for the North West. It is to show Metis ancestry and connection to the Métis Nation homeland.

**Senator Dyck:** It is an interesting situation, because there is this sort of gender dimension this to it. It is marriage of First Nation women along with European men, whether the French or the English. It has been deciding on whose rights prevail.

Within the First Nations communities, we had all the bills to address the loss of status with marriage. In essence, what is happening with the Metis is similar, except the Metis definition there is maybe a little stronger. It does not sound like you have actually put on a blood quantum, as it were, as it applies to the Indian Act, which is put on a blood quantum.

**Mr. Lipinski:** Those are two different things. The presentation tried to describe the original ethnogenesis of Metis as a distinct people.

**Comment [EC5]:** Please verify audio.

If you look at the evolution and history of Canada or pre-Canada, it developed because you had people coming over from France, Scotland and so on. The initial relationships obviously would have been between those first European fathers and the First Nations women. Through subsequent inter-generations, Metis people ended up marrying Metis people and clearly they are seen as a different people by both First Nations and Europeans. They see themselves as a distinct people and they rose as a separate and identifiable people with their own language, customs, traditions, territories, et cetera. All the indicators are there which recognize that Metis are unique to Canada and a distinct people.

I think the Supreme Court of Canada has already somewhat addressed the other point you made about blood quantum. I know that is a big issue within First Nations and one they will be aggressively dealing with, I am quite sure. Nowhere in the world does a nation, a state, a people determine their citizenship by a blood quantum.

If you are thinking of peoples as nations, then how is it right that a nation's peoples can be determined on blood quantum? In the case of *Powley*, the Crown lawyers tried to go there and say, "He is only X percentage native blood." It is not about a blood quantum; it is about how you raise your children, in what culture. How do they identify? Are they still accepted in part of the community? That is how any nation-state identifies its citizenship. It is not based on a blood quantum.

**Senator Dyck:** Your last name is Lipinski, which is not English, Scottish or French.

**Senator Campbell:** It could be Scottish.

**Mr. Lipinski:** My Metis heritage comes through my mother's side: Calder, Collins, Sears, Luditz, Monkman. Lipinski comes from my father's side. He was born in Canada, but his parents were Polish immigrants.

**Comment [EC6]:** Please verify - In to be checked file.

**Senator Dyck:** The family then adopted the Metis lifestyle and so that becomes part of your definition. Your family has stayed within the Metis community.

**Mr. Lipinski:** Yes. That exemplifies it a great deal. I grew up with close connections to my mother's side. She had five brothers and there were two daughters in the family, my mother and her sister.

We were a commercial fishing and trapping family. As soon as school was out, we were up to the island, spending summers with my grandparents commercial fishing, and trapping on the weekends with my uncles and grandparents.

That very much goes to the heart of how people define themselves. I grew up in the Metis community as part of the Metis culture. Another road could have taken me to different path where I was not exposed to that culture and that way of life and perhaps would not have identified as a Metis person. That is why self-identity is an important aspect and one of the aspects of helping to define a Metis person.

**Senator Dyck:** Had you not kept in touch with your Metis culture and you self-identified, would you be considered Metis? Would you qualify, I should say, to be Metis?

**Mr. Lipinski:** That is a question that a number of Aboriginal communities grapple with. Certainly there are different examples where some peoples go back three generations or whatever. Right now the Metis nation looks to recognize that. The Supreme Court of Canada in *Powley* talks about the dark era for the Metis people, where we were driven underground; people denied who they were. We still get people applying to a registry, and it creates huge divisions in families. Half the family says, "No, how can you do that. We are not half-breeds; we are not Metis people," and other people are willing to embrace that and be proud of their culture. Historic racist grievances, things that divided people, are still fresh with a lot of people, so I do not think you can hold that from people saying, "You never identified as Metis last year." People are going to their deathbed and finally confessing to their children, "Oh, by the way, we have Metis ancestry."

Some of these things are very emotional and close and personal to people, and that must be considered when people are coming forward and now embracing their culture and making up for some historic injustices.

**Senator Meredith:** Thank you, Mr. Lipinski, for appearing before us tonight. I loved your presentation. A segue to Senator Dyck's question with respect to identification, Metis means a person who self-identifies as a Metis, is distinct from the Aboriginal peoples, is of historic Metis nation ancestry and who is accepted by the Metis nation. Some would say this definition is so broad and that somehow we need a national registry to ensure that people are able to identify and not go to their grave, as you just alluded to, saying, "By the way, I am a Metis," they can be proud of who they are and pass that on to their children. Would you support a national registry? Has the MNO undertaken steps to work with the federal government to create such a registry?

**Mr. Lipinski:** I believe we have taken steps. Certainly work has been happening within each of the provincial jurisdictions. Métis Nation of Ontario has a centralized registry. Many other governing members throughout the Metis nation are doing so as well, and we have discussions about how at some point they can come together. Yes, we do need to go toward a national registry, or certainly registries that can communicate with each other throughout the Metis nation homeland. It should not be if a person moves from Ontario to Alberta he or she would have to somehow reapply and register with the Métis Nation of Alberta. It should be recognized throughout.

Yes, but I reiterate that the federal government needs to support this initiative and certainly not continue with the piecemeal program process it has taken in the past.

Many challenges come with trying to run and maintain and go through and have a respected credible registry, and I can tell you first-hand that I would love nothing better than to provide the phone numbers and contact information for elected officials such as yourself for everyone who

complains about everything that is not happening within the registry, because you are damned if you, damned if you don't.

If you maintain a registry where people have to provide documentation and credible information to substantiate their claim of Metis identity and not give them their citizenship, then the whole system is flawed and you are discriminating against people, et cetera. If you do not substantiate, then you are nothing more than someone selling memberships in a shopping mall, which is not what the Metis nation is about whatsoever. I think we take a lot of grief away from the federal government by trying to maintain or develop these registries, and I do not think the government recognizes or supports it by any means whatsoever to the level they should.

Adding to a previous response, nobody has really recognized what has happened here in Canada since *Powley* in 2003. Compare where Metis rights have now received proper recognition at the Supreme Court of Canada, hunting rights. None of you have ever heard of any major contradictions or problems associated with implementation or moving forward on that right. Compare that to what happened on the East Coast with Burnt Church over lobster fishing.

The federal government should provide more support in that we have been able to transition or at least move in that direction. Implementing Metis hunting and fishing and harvesting rights has been relatively peaceful compared to what other cases have led to, quite a bit of disruption. It is commendable on behalf of the Metis and governments and citizens for doing that. The federal government should recognize and support us on that a little more.

**Senator Meredith:** Thank you for that. Talk to us about the Metis youth in terms of economic development, jobs for them. You talked about veterans and women and so forth. Where do you see the youth fitting in the Metis nation in terms of community? They would know they are facing various challenges.

Talk to us about that and what you are doing to impact the lives of the youth. It is critical moving forward that the youth are engaged, that they are at the table as well as you are negotiating these rights to fish and hunt and so on. I am glad that certification program is going on, but where do the youth fit in on all of this?

**Mr. Lipinski:** Thank you for asking that question, senator. I was just speaking to all my directors and managers on one of our priorities certainly going forward in this term. I have had this discussion with the premier here in Ontario. Without question, our focus will be on children and youth over the next number of years. As an analogy -- prior to entering Metis politics, I was and am a teacher -- you can look at the education system. There is always a certain number of students who will make it almost regardless of what happens, but you also have a number of students who, for whatever reason, whether it is not having the support structures in place or the proper role

models, run into difficulties. Those are the ones we want to reach out and try to help, because if you can encourage them to get their high school graduation and look at post-secondary the trades as a viable option or, to use the terminology, be the best they can be, we are going to create intergenerational positive effects where they will be able to get into business opportunities or a good job, be able to provide their own housing, live a healthier lifestyle and raise their children in a much better way. That is a priority the NMO will be putting a lot of attention to over the next four years.

Anything the federal government can do to help us in that work would be appreciated. We are waiting for the feds to come and contribute to the Métis Voyageur Development Fund. They have done this in the Prairies. That will help Metis businesses get started or, where Metis businesses are, for them to expand. These supports are extremely important.

**Senator Meredith:** You talk about the federal government supporting some health programs, and then you talked about various things such as diabetes and heart attacks that are affecting your community. Are they accessing these health programs or are they limited and not able to? Is an education piece going on within your community to ensure your people walk into these clinics and take advantage of these programs?

**Mr. Lipinski:** I mentioned the chronic disease surveillance program we just did. We got some funding to do that, but other than that, we get no federal funding for any health initiatives, health promotion, none, zero. It is very disappointing and discouraging. We were receiving some funding several years ago to encourage and support Metis children and youth to go into the health careers, but we do not receive that funding any longer. Without question, the federal government is missing in action to help us support Metis health.

**The Chair:** Thank you.

**Senator Ataulhjan:** I am looking at the written submission that you provided, and I am looking at the healing and wellness branch. You have an action program for children, a pre-and-post natal nutrition program and the healthy babies thing. When I look at the figures, I do not see anything about maternal and infant health. What is the state of maternal and infant health?

**Mr. Lipinski:** Could you repeat or rephrase the question?

**Senator Ataulhjan:** I want to know the state of the maternal and infant health in the Metis community. I see you have a lot of programs, but when I look at the figures you provided, you talk about diabetes and heart attacks, but you do not mention anything about maternal health.

**Mr. Lipinski:** First, those health programs you mentioned are through funding we are able to get with the Province of Ontario. That follows through again on the previous question. We are not receiving any federal dollars to help fill some of the gaps we currently have. That study focused on four chronic diseases, and I do not believe that was one of them. One of the programs we have within the MNO is Healthy Babies, Healthy Children, which would somewhat look after trying to address the issue you are raising.

**Senator Ataullahjan:** There are no figures, and no one has looked at maternal health?

**Mr. Lipinski:** I do not believe so, no.

**Senator Ataullahjan:** In addition to the 2011 MOU on economic development, what other the benefits or opportunities did you see as a result of the framework agreement that you signed with Ontario in 2008, and were there any drawbacks and challenges?

**Mr. Lipinski:** For me, I think it has been a momentous change in the sense that we are beginning to move from an area that I call basically denial. I was at the court when we advanced the *Powley* case, and I can tell you that as Ontarian, as a Canadian, as a Metis person, it was extremely disheartening and discouraging to watch government after government come and take the stand and say, "You do not exist as a people. You might exist in this province, but you do not exist in our province, and you certainly do not have any rights." The framework agreement has taken us out of that era of denial that we do not exist into an era where we are now talking toward reconciliation. It has made a complete change in dealing with the Ontario government. It is leading us toward reconciliation.

Almost immediately, certainly within a number of months, I was able to sign a memorandum of understanding with the Ministry of Education, putting a high priority on supporting Metis learners in the education system. I think within a year, the Ministry of Training, Colleges and University, MTCU, signed on to our framework agreement through the memorandum of understanding so we can support those post-secondary learners, which has developed a number of relationships with colleges and universities across Ontario. We are currently in discussions with Ministry of Children and Youth. Hopefully they will be signing on, and several other ministries as well. It allows us to develop those relationships with the ministries where we have common interests, so it has been very positive.

**Senator Ataullahjan:** No drawbacks or challenges?

**Mr. Lipinski:** Certainly they would be outweighed by the positives. I was able to meet for an hour with the premier a week and half ago. The agreement was for five years. We are going to turn



our attention this year to renewing it, and we will be looking at areas where we can add further improvements into it over the course of this year.

**Senator Martin:** Many of my questions were answered, but I did have a personal question from years ago, which I think has been somewhat answered in this committee. I am really happy to be here to hear your presentation. My husband's grandmother was a halfbreed. When my daughter talks about her ancestry, she says she is half Korean, one quarter this, one eighth this, and one sixteenth First Nation. By the definition, it is interesting. I had wondered. Is she Metis because of the grandmother being of Metis ancestry? It is not something taught in the schools. It has not really been part of my repertoire, and I am from B.C. as well. I am happy to hear you talk about partnerships with the ministry, particularly the Ministry of Education, and how important that curriculum content would be for the kids who have that ancestry. That is just a comment. It is very interesting to see the explanation, and perhaps I will do more exploration after this. Thank you for your presentation today.

**Senator Raine:** The whole history of the Metis people is fascinating and how, by being a separate community, in a way it made it easy to leave them out, which is being rectified now. I have to challenge you and say that one of biggest challenges you will have is to educate the rest of Canada. This is a fascinating history, and there is no doubt that the people are unique.

One of the things that I grapple with is this numbers game. You are obviously challenged in somehow trying to register all of your members to prove you have these members. In Ontario, I believe you have 1,500 registered citizens, but there are 73,000 people who are estimated to have Metis heritage. How important do you think it is that everybody be registered? Would a registry serve a purpose other than to provide the legitimization of providing the hunting and gathering rights that you have as Aboriginal people?

**Mr. Lipinski:** Senator, our registry currently has about 15,000 adults. Again, one of challenges we have had, as I have stated a number of times, is the gross inadequacy of funding we are provided to support our registry. We do not get any provincial funding to support our registry, so the limited amount we get through the federal government is all we have to maintain and run a registry. We have been down to as little as two staff to run a provincial registry. Right now we are currently up to about six. We never even had the opportunity to register our children, for the most part. Very few have gone through the registry process. According to Statistics Canada, there are about 2.3 children per adult, so our registry is capturing 45,000 of Ontario's Metis currently. You are right. In the last census that was done, Ontario had the second largest Metis population, somewhere around 72,000 or 73,000.

Certainly not all people will decide to apply to MNO's registry. The government has a constitutional obligation to identify Metis rights holders. The Supreme Court has already said that. I do not think you can expect enforcement not to have a means to identify people who are out in the bush hunting and asserting a Metis right. There needs to be a legitimate means of identifying those legitimate rights holders, and MNO is doing that through its registry and through the issuing of its harvesters cards, which is avoiding conflict in the bush, in the forests.

You ask what other reasons there would be for people wanting and need a registry. It is not all just about hunting and fishing. It goes to the identity of a people as well. It also, on another level, plays itself out in the delivery of programs and services. Obviously the governments make a lot of investments in helping to bring Aboriginal people up to the same level as mainstream society, so if you do not have a means of identifying who the beneficiaries are for your programs, how do you know you are getting proper return on your investment. For all those and many more reasons, there is ample reason to support credible and identifiable registries within the Metis nation.

**Senator Raine:** The other thing that is very important is the sense of pride in being a Metis person and having people come out of the woodwork, if you like, and want to join in, not necessarily for any financial entitlement but just because of their pride of belonging and knowing who they belong with.

I think that is a very important thing you should promote because the old expression, "Ask not what your country can do for you but what you can do for your country" is true in this sense, as well as in terms of pride.

**Mr. Lipinski:** The other point about community you mentioned as well, senator, is a challenge we have. Certainly people look at map and they say, "I can see the First Nations." If you look at a map, there is a reserve there, so where is the Metis? That was actually part of what we had to bring forward in *Powley*, when you look at the development of our towns and cities throughout the homeland. Prior to 1850 in Sault Ste. Marie there was an identifiable First Nations community and Metis community, and those were the dominant communities in that area.

Comment [EC7]: <http://www.city.sault-ste-marie.on.ca/>

Many of the towns and cities that make up our province and our country originated as Metis communities. When we talk about Sault Ste. Marie, people do not say, "That was Metis community." However, the reality is – and as the Supreme Court of Canada agreed -- it was a Metis community that grew into modern-day Sault Ste. Marie. We can say that about a number of cities in the province. That is part of challenge of telling our story about the history and contributions our people have given, because our people are still there.

**Senator Raine:** On that train of thought, when I look at your map I see all your different community councils and where they are located. Are they all historic Metis communities? Are

some of them where there just happens to be enough Metis people that they wanted to gather together to have a council?

**Mr. Lipinski:** In Ontario, we have historic and contemporary Metis communities. We have a Metis community council in Toronto for instance. We are not in a position to say there is a historic Metis community in Toronto. Toronto developed 200 or 300 years ago, so we do not have the facts to say there is a historic community.

For the most part, our communities can be traced back to historic Metis communities. If you are looking at that map, the communities are not site-specific. If you are looking at say the Thunder Bay community that extends to a much larger geographic area. Much like when the Supreme Court looked at *Powley*, it did not see Sault Ste. Marie proper; the community actually extends to Batchewana Bay, Goulais Bay and into the States. They talk about large regional communities. Our community councils are not site-specific. In some cases they take up a number of smaller communities in the one council area.

**Senator Raine:** That is the fascinating thing about the Metis culture and history. It went from following the fur trade route and the people moved back and forth a lot. I wish you all the best promoting that, especially the culture.

**Senator Munson:** Thank you for being here. I have a brief question but before that, I just want to answer the chair's own curiosity of the word "Metis." It has to be explained from the perspective that it was my curiosity got to me and I went on Yahoo! It is from an old French word "mestis," which is from a Latin word which means "mixed." That is what the word Metis really means. I thought I would throw that in because I would hazard a guess in an educational program to young Canadians and did a survey on the streets of this country, they would ask what a Metis is. I just thought I would throw that into the debate in terms of educational process.

In terms of education, you talked about partnership agreements with the Ontario provincial government. Did I hear you say that the Ontario government was also missing in action? Were those your words? You talked about the federal government not partnering, but you said the Ontario government has gaps and is missing in action. What can the Ontario government do more of or where?

**Mr. Lipinski:** I am not sure, I would have to review and see if I was talking historically. Without question, through our history we have had many challenges with both the province and the federal government. Touch wood, I think we have set a new course for relationship with the Ontario government. We have a number of positive things happening. There will always be things for us to work on.

**Comment [EC8]:** <http://www.aboriginalcanada.gc.ca/acp/community/site.nsf/eng/fn198.html>

**Comment [EC9]:** <http://www.aboriginalcanada.gc.ca/acp/community/site.nsf/eng/rn06181.html>

My personal belief and philosophy is as long as we continue to make improvements then we are going in the right direction. We have had a lot of successes through the MOU. Metis in Ontario are now in the grade 10 curriculum in the new textbook. We have developed major inroads with various school boards across the province, and attended and participated very extensively and in meaningful ways in conferences. The Ontario government puts on conferences where they bring in thousands of educators across the province to look at First Nations and Metis issues in an educational context; a lot of steps in the right direction.

In tying things up to another question as well, what can we do to support where there are gaps? There certainly are gaps in the educational attainment levels for Metis youth. Aboriginal people are the fastest growing population within Ontario and Canada, and within the Aboriginal population Metis are the fastest growing segment or population. We are one third of Ontario's Aboriginal population and I can guarantee you 100 per cent we do not get one third of the attention or funding on any issue. Yet, we are still able to make significant successes.

Many people do not even know the reality that our community councils are 100 per cent volunteer driven. They do not get funding like band councils do, where the chiefs are paid. They do not get funding to support their offices. They have to look at other means to get dollars to support community council offices. Our children do not get any funding to go to post-secondary education until unless they get bursaries, have jobs or parents to support them.

Where are the gaps? Those are just a few. Yet, we will do all we can do to support every Metis child to be the best they can be. We hope we will have partners at both levels of government.

**Senator Sibbeston:** Thank you Mr. Lipinski, I am from the Northwest Territories and I am a Metis. In the North, the Metis have a very distinct, proud history and their role has essentially been a go-between the White early settlers and the First Nations people who live in the North, who are called **Dene** in the North.

They have had a very practical and essential role doing things like interpreting, guiding river boats, guiding people and also working with the first White people who would have come to the North, the churches, the government, the RCMP and Hudson's Bay Company. That is the role that the Metis have had a real go-between.

In many of the communities, people live together; a lot of intermarriage. In a community like Fort Simpson where I live let us say there are 1,000 Aboriginal people, and everybody essentially is related through marriage and so forth. You get a community of Dene and Metis.

In the three Aboriginal rights settlements we have had in the Northwest Territories, they all involve the Metis and the Dene. In two of the claims, the Metis are recognized but to a certain

**Comment [EC10]:** <http://www.aadnc-aandc.gc.ca/eng/1100100031147>

extent they have been swallowed up. They are recognized as citizens of that group, but no more than that.

In the Sahtu claim the Metis -- perhaps because they were more numerous and better organized -- are recognized beyond just being citizens. They also have their own corporations and so forth.

Comment [EC11]: <http://www.aadnc-aandc.gc.ca/eng/1100100031147>

I am just wondering, in Ontario, what is the future of Metis people in terms asserting their rights?

Is it always going to just be hunting and fishing rights on Crown land? Will there ever be rights to lands where they will settle? Will they ever cast their lots, as it were, with First Nations to have a settlement that involves lands?

I would be curious to know what the future is of Metis people. Will they ever be recognized in almost like a settlement area? At the moment you are kind of dispersed in any community, because of your characteristic of being very independent and basically making your own way. You are not dependent on government in any way. I do not know the Ontario situation. Perhaps you can help us on that.

**Mr. Lipinski:** Thank you, senator. Without question, Metis people have land rights here throughout their homeland and certainly in Ontario. I think that is some of the unfinished business we have with the federal government.

Ideally, we would not need to wait for the Supreme Court of Canada to rule in the Manitoba Metis Federation case. The federal government would step up to the plate and say we need a Metis claims process like we have created for the Inuit and First Nations on how to deal with these historic grievances that exist. They have just been sitting on the back burner waiting for people to stand up and say, "Okay, we need to finally deal with this." It looks like it will take the Supreme Court of Canada to force the issue, to recognize that the process is missing.

Certainly, there have been some successes north of 60, but some time ago the federal government, for whatever reason, decided they can deal with these issues north of 60, but below the sixtieth parallel they will not advance on them.

As I mentioned in my presentation, Crown lands certainly are available to Ontarians and Canadians. Those Crown lands in many cases are also Metis traditional territories. I am sure First Nations would say they are also treaty territories. The federal government has, for a lot of Ontario, already dealt with or are dealing through the treaty process with First Nations. That still remains unfinished business with the Metis. Again, that was alluded to in the Supreme Court of Canada in

*Powley*, where Robinson comes to that area around 1850, following the Mica Bay Incident and says, "My mandate was only to deal with First Nations. I will have to come back and deal with the Metis."

**Comment [NP12]:** mentioned here after note 12: <http://www.aadnc-aandc.gc.ca/eng/1100100028974>

Metis Aboriginal title has not been dealt with, for the most part, to the vast parts of Ontario. Without question, that still remains unfinished business that we need to deal with.

I have never heard any Metis person say we think we should all move on to reserves, like First Nations. I do not think that is the answer. Clearly, there is a much-needed negotiations process that needs to take place to deal with these historic grievances.

**The Chair:** President Lipinski, you handled yourself, as I expected, with diplomacy. We thank you for your presentation and for the straightforward answers. As a Metis person, I am proud to be associated with you.

**Hon. Senators:** Hear, hear!

**The Chair:** So is Senator Sibbeston, and I am sure Senator Martin's daughter is also pleased.

Thank you again, Mr. Lipinski, for being here. We appreciate it. Hopefully, we can come up with a report that meets with your expectations and your performance here tonight.

(The committee continued in camera.)

(The committee resumed in public.)

**The Chair:** Colleagues, we are back with television coverage and we will continue the meeting. We will continue dealing with business that we have dealt with in the past, Bill S-8.

We will now commence clause-by-clause consideration of Bill S-8. Is it agreed that we proceed?

**Hon. Senators:** Agreed.

**The Chair:** Carried.

Shall the title stand postponed?

**Hon. Senators:** Agreed.

**The Chair:** Agreed.

Shall the preamble stand postponed?

**Senator Dyck:** I would like to make some comments with respect to the preamble.

**The Chair:** All right.

**Senator Dyck:** We had 11 First Nations organizations that appear before the committee, and four that support the bill. However, all had concerns and virtually all the First Nation organizations were concerned about their role in consultation. The preamble says that the Minister of Indian and Northern Affairs and the Minister of Health have committed to working with First Nations to develop proposals for regulations to be made under this act, and virtually all the First Nation witnesses asked that that be strengthened and said that they would have preferred something like "to consult."

For those First Nation organizations that provided conditional support to the bill, they all mentioned that there should be adequate consultation on the development of the regulations. I just wanted to put that on the record because they said the preamble is weak, and they would have preferred to have a clause that has a legal obligation. However, as a committee, we have discussed it and have come to a consensus that we are satisfied with the preamble, but I just wanted to make sure that people knew that there was significant concern expressed about the preamble.

**The Chair:** I believe, senator, that we have a supporting letter that speaks to this. As a result of that, I believe we have consensus.

**Senator Dyck:** Yes.

**The Chair:** Shall the preamble stand postponed?

**Hon. Senators:** Agreed.

**The Chair:** Carried.

Shall clause 2 carry?

**Hon. Senators:** Agreed.

**The Chair:** Carried. Opposed, if any?

Shall clause 3 carry?

**Senator Dyck:** Again, I would like to make comments, if I may.

**The Chair:** All right.

**Senator Dyck:** Clause 3 has to do with abrogation or derogation of existing Aboriginal treaty rights of Aboriginal peoples. Again, this was one of the clauses that First Nation witnesses were

very concerned about, and, because of that, I wanted to make sure that it was brought, once again, to the attention of the public.

First Nation witnesses were all against the specific derogation clause with respect to the safety of the drinking water because the phrase that has been added, namely, "except to the extent necessary to ensure the safety of drinking water on First Nation lands," They say overrides the constitutionally protected section 35 rights of First Nations.

The departmental officials explained that the safety of community members superseded the section 35 rights, but some First Nation witnesses were concerned that this type of derogation clause could set a precedent, and it would be like the thin edge of a wedge. They were concerned about that and that it might be used as a means of eroding treaty rights in the future. That is why they objected to it.

We should also note that provincial legislation, such as in Saskatchewan and Manitoba, does use the standard non-derogation clause without that little phrase in there saying "except with regard to the safety." Therefore, virtually every First Nation witness said we must protect treaty rights. However, as a committee, we have discussed this. The solution in this case, I think, was to make a note in our observations that this was an important issue that should be considered carefully by the minister.

**The Chair:** Fine, Senator Dyck.

Is there any other discussion on this? If there is none, shall clause 3 carry?

**Hon. Senators:** Agreed.

**The Chair:** Carried.

Do you wish to group the remaining clauses or do you want to go through them clause by clause, senators? It is your wish.

**Senator Dyck:** I would like to make comments on clause 5.

**The Chair:** Okay. Shall clause 4 carry?

**Hon. Senators:** Agreed.

**The Chair:** Carried.

Shall clause 5 carry? You have a comment, Senator Dyck?



**Senator Dyck:** Yes, clause 5(1)(b), and this is dealing with regulations. It was suggested by the Indigenous Bar Association that this be amended so that it would replace "confer on any person or body" with "confer on a First Nation water commission."

That particular suggested amendment agrees with what the expert panel recommended in their report. It also agrees with what our own report on drinking water suggested, and I just wanted to note that for the record and to note also that we have mentioned this, I believe, in our observations, which we will attach to the bill.

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

**Senator Dyck:** I have a comment on clause 5(3).

**The Chair:** That is incorporation by reference.

**Senator Dyck:** Yes, incorporation by reference. There was concern with incorporation by regulation of provincial laws, most specifically by the Mohawks of Akwesasne. Because they have their own bylaws, they were concerned that with the incorporation by reference, the provincial law would supersede theirs. However, the research work done by our analyst and also by the department through our committee came back to us with information that indicated that this would not happen, that clause 5(3) would actually allow the Governor-in-Council to make adaptations, if necessary.

In addition, clause 5(4) would say that the regulations may be restricted to First Nations specified in the regulations or exempt specified First Nations from their application. It is possible that the Mohawks may be able to be exempt and that their concerns have been addressed by the information given by the department and by our analyst.

**The Chair:** Thank you.

Shall clause 5 carry?

**Hon. Senators:** Agreed.

**The Chair:** Now, if the senators so agree, shall clause 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 carry?

**Hon. Senators:** Agreed.

**The Chair:** Carried.

Shall the schedule carry?

**Hon. Senators:** Agreed.

**The Chair:** Shall clause 1, which contains the short title, carry?

**Hon. Senators:** Agreed.

**The Chair:** Carried.

Shall the preamble carry?

**Hon. Senators:** Agreed.

**The Chair:** Carried.

Shall the title carry?

**Hon. Senators:** Agreed.

**The Chair:** Carried.

Shall the bill carry?

**Hon. Senators:** Agreed.

**The Chair:** Does the committee wish to consider appending observations to the report?

**Hon. Senators:** Agreed.

**The Chair:** Does the committee wish to go in camera to discuss those observations?

**Senator Dyck:** I think we agreed to the content of the observations.

**The Chair:** Okay. It is agreed upon?

**Hon. Senators:** Agreed.

**The Chair:** There is no further discussion. Are you satisfied?

**Senator Dyck:** I am satisfied.

**The Chair:** Are you satisfied, Senator Patterson?

**Senator Patterson:** Yes, thank you, Mr. Chair. One point, and I am not sure it needs to be raised by the committee tonight, but it was agreed by the steering committee that you would, as chair of

the committee, write to all witnesses and presenters with a letter in a form that we have discussed and approved at steering committee.

**The Chair:** That is correct.

**Senator Patterson:** And that you would attach a recent letter sent by the Minister of Indian Affairs as well about the next steps with Bill S-8, and I would like to put that on the record.

**The Chair:** This pertains to regulations, the establishment of regulations and the consideration that will be given and various other aspects of the bill that were flagged by Senator Dyck.

**Senator Patterson:** Yes. It covers the collaboration with First Nations in the developing of regulations and the funding of that process. It discusses the need for capacity building, infrastructure and the requirement for funding to address those issues as well.

**The Chair:** Fine. Are you satisfied, Senator Dyck?

**Senator Dyck:** Yes, and I just wanted to make the comment that I thought the way we dealt with the bill was particularly good, that having additional feedback from the department through your office, Senator Patterson, was most helpful, and I think that it will certainly help the witnesses as well when they read the transcript or see the broadcast, so they understand better the position of the department. It is a good way for the two sides to see each other's perspective once again.

**The Chair:** I believe, honourable senators, you have a draft of the observations before you and that were circulated earlier. Is it agreed that these are the observations that will be appended to the report?

**Hon. Senators:** Agreed.

**The Chair:** Good.

Is it agreed then, honourable senators, that I report this bill to the Senate?

**Hon. Senators:** Agreed.

**The Chair:** Agreed.

Thank you, honourable senators. I thank all of you for your cooperation. We have dealt with a very important issue to our First Nations people and Aboriginal peoples in Canada, generally, and I congratulate all of you on the cooperation that you brought forward. Senator Dyck, we really appreciate the role you played and, you, too, Senator Patterson as the sponsor of this bill. We thank you, and I thank senators for attending here this evening.

If there is no other business, colleagues, the meeting stands adjourned.

(The committee adjourned.)