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# Standing Committee on Indigenous and Northern Affairs

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Chair: The Honourable Marc Garneau





## Standing Committee on Indigenous and Northern Affairs

Tuesday, April 26, 2022

• (1530)

[*Translation*]

**The Chair (Hon. Marc Garneau (Notre-Dame-de-Grâce—Westmount, Lib.)):** Good afternoon.

I call the meeting to order.

Welcome to meeting number 15 of the Standing Committee on Indigenous and Northern Affairs.

[*English*]

Welcome to all of you who are replacing members who can't attend today.

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

Before we get started, I would like to deal with a couple of quick housekeeping matters. The first has to do with the budget for the third study, which is on the non-insured health benefits program. I would like to get your feedback on whether that budget proposal is acceptable.

**Mr. Vance Badawey (Niagara Centre, Lib.):** I so move.

(Motion agreed to)

**The Chair:** It's unanimously accepted.

The second thing is the approval of the work plan for that third study on non-insured health benefits. You will have received that work plan. As you will have noted, witnesses are scheduled to appear for the first five sessions. Six sessions are reserved.

I should point out that in the first session we have ministers Hajdu and Vandal. Minister Vandal's office, at this point, is not scheduling his appearance, but Minister Hajdu has agreed to come. If it's judged to be appropriate, perhaps members from Minister Vandal's office will be able to come as well.

Other than that, I would like to see if you will so move the work plan for the third study? Are there any problems?

**Mr. Vance Badawey:** I so move.

(Motion agreed to)

**The Chair:** That is approved.

Thank you to the committee.

[*Translation*]

Today we are wrapping up our second study, which focuses on the effects of the housing shortage on indigenous peoples across Canada.

[*English*]

Today we will be hearing from Mr. Garry Bailey, president of the Northwest Territory Métis Nation, and from Mr. Joseph Quesnel, senior research associate at the Frontier Centre for Public Policy.

At 4:30 we will have a steering committee meeting, which will be in camera.

Just as a reminder, I think we're expecting the bells to ring at 5:15.

[*Translation*]

Keep in mind the Board of Internal Economy's guidelines for physical distancing and mask use. I trust that everyone will follow the rules.

[*English*]

To ensure an orderly meeting, we have the usual reminders.

Members or witnesses may speak in the official language of their choice. Interpretation services in English, French and Inuktitut are available for the first part of today's meeting. Please be patient with the interpretation. There may be a delay, especially since the Inuktitut has to be translated into English first before it can be translated into French, and vice versa. The interpretation button is found at the bottom of your screen. You all know where that is.

Before speaking, please wait until I recognize you by name. If you're on the video conference, please click on the microphone icon to unmute yourself. For those in the room, your microphone will be controlled as normal by the proceedings and verification officer. When speaking, please speak slowly and clearly. When you are not speaking, your mike should be on mute. As a reminder, all comments should be addressed through the chair.

We'll do the usual rounds. First of all we'll hear from the two witnesses. They will speak for five minutes each and then we'll proceed with the first round. That will consist of six minutes for each of the four parties.

Without further ado, I would now like to invite Mr. Bailey to start us off.

Mr. Bailey, you have five minutes.

**Mr. Garry Bailey (President, Northwest Territory Métis Nation):** Thank you.

As president of the Northwest Territory Métis Nation, I am pleased to have the opportunity to appear before the standing committee on aboriginal peoples.

Here is some historic background on the indigenous Métis of the Northwest Territories.

We have a distinct history, culture and way of life separate and independent from the Dene people, with whom we share relations. Indigenous Métis helped establish Fort Resolution in 1786, which is the oldest community in the Northwest Territories, as well as other NWT communities. The Métis nation was the backbone of the Hudson Bay Company trading network throughout the NWT and beyond, including Fort Rae, Fort Resolution, Fort Smith, Hay River and area, Rocher River, Fort Reliance, Fort Fitzgerald, Salt River, etc. Languages spoken by the indigenous Métis include Chipewyan, Cree, French, Slavey and Michif.

The Métis nation has constitutionally protected aboriginal rights. Our aboriginal rights are based upon our inherent rights as indigenous people organized as sovereign nations prior to government control. The indigenous Métis, historically and continually today, harvest wildlife, fish, migratory birds, trees and plants, in harmony with other aboriginal people.

We have three Métis councils: Fort Resolution Métis government council, Hay River Métis government council and Fort Smith Métis government council. Members of the Northwest Territory Métis Nation comprise a significant portion of the communities of Fort Smith, Hay River, Fort Resolution and Yellowknife. We estimate our membership throughout Canada to be over 3,000 members.

Regarding differential treatment in housing, our indigenous Métis members constitute a large percentage of the population in our three communities. We do not have reserve lands in our communities, thus we have never benefited from federal housing programs for first nations. We have a shortage of housing as well as overcrowding in all of our houses—particularly in affordable housing and elder housing—in our members' communities. Our neighbouring first nations cousins have benefited from ongoing annual funding from the federal government for housing. While our people are proud and have been self-sufficient, our members still have the right to be eligible for federal housing program funding.

The Northwest Territory Métis Nation is mandated to negotiate a land claim agreement and self-government agreement with the Government of Canada and the Government of the Northwest Territories, and to seek recognition of aboriginal rights. The Métis Nation is recognized by the GNWT and Canada as an aboriginal government. Despite this admission, the government does not provide core funding to the Métis nation as it does to other first nations. To date, Canada has not provided funding to the Northwest Territory Métis Nation in order to deliver programs and services, as mandated by the Daniels decision.

Regarding land claim and treaty negotiations, the Northwest Territory Métis Nation Land and Resources Agreement-in-Principle was signed in 2015. On May 19, 2021, our self-government framework agreement was signed, which includes a commitment to nego-

tiate arrangements for housing programs. The Métis nation is actively negotiating a land claim and self-government agreement with the Government of Canada and the Government of the Northwest Territories.

Under article 21 of UNDRIP, the Métis nation has a right to the improvement of housing conditions. Article 21 states:

(1) Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

(2) States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions.

The Métis nation is still seeking to be involved in the implementation of the 2016 Supreme Court of Canada decision in Daniels v. Canada. To achieve reconciliation, the Northwest Territory Métis nation is requesting to engage in nation-to-nation discussions to address the implementation of the Daniels decision, including the provision of federal housing programs and several services for the benefit of our indigenous Métis members.

• (1535)

At a minimum, the Northwest Territory Métis Nation must be treated on an equitable basis with Indian bands and status Indians in respect to all aspects of federal housing programs and services and associated funding envelopes.

The Métis Nation does not receive annual or core funding for the delivery of housing programs and services to indigenous Métis members.

Last year, the Métis Nation did receive an initial amount of \$6 million over four years to assist with distinction-based housing funding for our members. While this amount is appreciated, this does not adjust the gaps between our members' housing needs and the amounts appropriated annually for first nations.

We note that our membership population is at least 80% of the Akaitcho First Nation and other first nation populations in the region, yet we are receiving substantially less funding than the first nations on a per capita basis. This differential treatment must end.

The Northwest Territory—

• (1540)

**The Chair:** Thank you, Mr. Bailey. Would you just wrap up at this point?

**Mr. Garry Bailey:** Yes. I have just a couple of more points.

In our recommendations, the Northwest Territory Métis Nation seeks access to federal housing programs and funds on a par with first nations to address the housing needs of our Métis members and communities.

The Métis Nation is requesting the Government of Canada to take meaningful steps to provide annual distinction-based funding to the Northwest Territory Métis Nation so that the Métis Nation can provide adequate housing programs and services to our indigenous Métis members.

That being said, it's unfortunate that I didn't get a chance to be part of the previous panel, when they talked about health care. I just want to throw this out there to Minister Hajdu that I hope she is looking at the health benefits for the Northwest Territory Métis Nation to put it on an equitable footing similar to the Akaitcho, which is throughout all of Canada and not just the Northwest Territories.

Thank you.

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

We'll now go to Mr. Quesnel.

Mr. Quesnel, you have five minutes.

**Mr. Joseph Richard Quesnel (Senior Research Associate, Frontier Centre for Public Policy):** Good afternoon.

My name is Joseph Quesnel. I'm a Métis research associate with the Frontier Centre for Public Policy.

Adequate housing, especially in remote and northern locations, is an intractable problem facing first nation communities. The high cost of housing in these locations and the never-ending cycle of backlogs plague reserve communities across Canada. The federal government must pledge to make housing a commitment on the same level as safe drinking water for reserves or the availability of broadband Internet.

The government's emphasis on indigenous housing seems to be on the amount of housing pledged and spent, or the number of housing units built. It's obviously good that the federal government is rolling out specific targets, however, the real focus should be on working with indigenous communities to deal with the policy and governance problems that prevent access to mass levels of market housing on reserves.

Until the government removes restrictive landownership policies on reserves, first nations and governments must find clever ways to roll out market housing. Only the private sector can deliver the high quality housing that reserves need. Government waiting lists will simply never catch up to need, especially with burgeoning populations in many communities.

One of the main difficulties is that the consensus within government circles is to transfer the management of housing, rather than fix it. First nations should lead this transformation and challenge the conviction held by many in government and many first nation leaders that the government should provide, fund and manage reserve housing. There's nothing wrong with social housing to ensure affordable access on reserves, but the answer is to move toward a shared responsibility model that brings in local governments and private lenders. Governments have a role to play in ensuring that

this happens. This includes creating the legal and regulatory framework for housing markets to operate in.

Many indigenous communities have also found an optimal balance between private and public involvement in housing, such as Westbank, with its innovative lease-to-purchase housing program. These cases need to be studied.

In 2008, the Institute on Governance, a non-profit think tank—and I can provide the link—released a paper on how to improve first nation housing. Many of its insights still hold true and I believe the committee should re-evaluate those.

The first area is ensuring that housing is treated like a business. This means that day-to-day housing decisions are divorced from community politics, and it means instituting a variety of housing tenure from quasi-home ownership, to rental regimes, to rent-to-purchase, to rent subsidies. Well run indigenous housing policies also correctly view housing as a problem of governance.

In the report, which I mentioned before, the authors concluded that for housing to work on first nations, they need political will, community support and managerial and technical capacity. Indigenous communities need to accept housing as a local issue. However, housing is often the responsibility of other entities. The vast array of federal programs and policies surrounding housing on reserves means it's still viewed mainly as a government responsibility. This needs to fundamentally change.

The government must stop smothering bands with controlling policies and its “we know best” mentality. The best run indigenous housing programs have firewall policies separating elected politicians from independent housing authorities. The federal government must also reopen the conversation about market housing and private ownership on reserves. This doesn't have to be a scary conversation, like it was when the previous government opened it up, but one in which the government will help bands every step of the way. There are first nation entities and the first nation tax commission.

The IOG report, which I mentioned earlier, proposes an outside accreditation system for first nation housing in which bands would have to adopt certain governance and managerial standards to enter a housing regime. The key is that indigenous bodies run these entities and the federal government simply gets out of the way.

Governments should make way for a much more prominent, private role in housing on reserves and should encourage first nation bands to seriously address the governance problem that is at the heart of the housing issue.

Thank you for your attention.

• (1545)

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

We'll now proceed to the first round.

I have Mr. Viersen up for six minutes.

**Mr. Arnold Viersen (Peace River—Westlock, CPC):** Thank you.

I want to thank the witnesses for joining us here today.

Mr. Quesnel, I recently read an article that you wrote, but the article, I think, was written over a year ago about the Fisher River Cree Nation. You were talking about how they had success in pursuing a land code and how that helped them to get out from underneath the Indian Act and pursue building houses and homes in their community.

Can you talk a bit about that community and how other communities can follow that model?

**Mr. Joseph Richard Quesnel:** First, I'll just stress that what I've been talking about is mainly first nations on and off reserves. That's mainly what I do. I'll let Mr. Bailey deal with any types of Métis issues.

Regarding land codes, for Fisher River First Nation, like it is with a lot of first nations that wish to enter into the First Nation Land Management Act, a lot of the challenges that come with that deal with community buy-in. It's about explaining to the community what's going on. What the First Nation Land Management Act does, which allows a community to adopt a land code, is that it allows a first nation to voluntarily opt out of 44 land management provisions of the Indian Act so that, basically, the first nation can manage its land, its management decisions and its environmental decisions.

One thing that the first nation had to work on in Fisher River and other places is convincing the membership that the first nation is still a reserve. The land can't be sold or transferred. You can't buy land; the Crown still owns it.

The other thing is that it doesn't affect treaty rights. This in no way infringes on treaty rights. It's a long process; it takes a couple of years. There's a ratification vote that has to be required on the first nation.

In Fisher River, it happened in 2020. We all know what happened around 2020-21 with COVID. The issue there was about mail-in ballots, making sure that people were able to vote. Finally, when they were able to do that, the first nation was able to ratify its own land code.

We do know that KPMG, which has done research on first nations that have opted into the First Nation Land Management Act regime, found that first nations that come under the First Nation Land Management Act and that have a land code tend to do a lot better in terms of employment and economic opportunity. The indicators show they do well over time.

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

Your organization has published a study on the seven habits of the success of first nations, which showed that some of these indicators get a lot better. The seven things are recognizing the economic potential of land, taking advantage of local opportunities, remaining flexible through diverse investments, respecting and supporting effective leaders, running a businesslike economic government, taking control of decision-making away from INAC and a willingness to co-operate with others.

I'd like to focus on number six a little bit, on bringing decision-making more local. I think that's really where we have to go.

How have you seen first nations really take control of their own destiny in terms of housing and other areas as well?

• (1550)

**Mr. Joseph Richard Quesnel:** I would say first of all that the land codes themselves, the First Nation Land Management Act, are a form of sectoral self-government. It just applies to land management.

There's a whole range of ways that a first nation can leave the Indian Act. The most common that we see in Canada right now is first nations that have opted out of the Indian Act in regard to elections. The majority of first nations in Canada follow band custom elections, so they follow their own procedures. The only thing is that they lose access to the appeal process that the Indian Act provides under the indigenous and northern affairs department, but with that they can develop their own institutions.

For first nations that are still under the Indian Act, you have many governance agreements. They sit down with Ottawa and the province they're in. They're able to take back jurisdiction over some areas. As an example, in northern Ontario, in the Anishinabe governance agreement, a multitude of Anishinabe nations came together and voted on a deal. I don't know exactly how many areas there were, but they are areas that are very intimate to first nations culturally, like language, culture, education and defining who a member is whom the first nation can take back.

Working in this area for about 15 years now, we've worked with a lot of first nations, particularly on the Prairies. We've always found that for first nations, even under the Indian Act, as problematic and anachronistic as that legislation is, there are always ways they can take back control by adopting policies. First nations can pass band constitutions that allow them to create accountable institutions that can act as checks and balances, and then often, when those things are contested in court, the court will recognize those institutions that were established by the first nation. The big thing is that the first nation needs to accept these institutions and buy into them.

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

Go ahead, Mr. McLeod.

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

Thank you to the presenters today.

My questions will go to Mr. Garry Bailey, the president of the Métis council of the Northwest Territories.

First of all, I want to say thank you, Garry, for agreeing to join us again. It's unfortunate that we couldn't get the sound system to work the last time. I'm happy that you're here to present the situation of the NWT Métis when it comes to receiving programs.

The government has made many historic announcements, when it comes to housing, to the national indigenous organizations, but it seems we never can make it work for the NWT Métis. Even the \$500 million that went to the Métis National Council didn't flow to the Northwest Territories Métis. They were left out again.

I wanted to get Mr. Bailey to tell us how the Government of Canada can improve the design of their housing programs to ensure that Métis governments—like the NWT Métis, but there are also Métis in Alberta that are being left out—are able to access housing dollars when they're not represented by national indigenous organizations.

That's my first question.

**Mr. Garry Bailey:** Thank you.

I think they have to deal directly, on a government-to-government basis, with the Northwest Territory Métis Nation, for one thing. We've been lobbying for a long time. I've been involved in this for 27 years now. I've continually and always put it through that the Métis National Council does not represent the Northwest Territory Métis Nation. We are our own government. We have our own land base. We're negotiating a land claim agreement. We will own our own lands and resources.

I think that's the biggest thing they have to do: Deal with the Northwest Territory Métis Nation directly and change their policy of dealing with the national council. We're in two different territories, for one thing. The Métis National Council does not have a land base. I don't know why they deal with the Métis National Council on the housing aspect directly, but without leaving us....

I think they have to recognize all the aboriginal groups on their own. The Northwest Territory Métis Nation has pushed that issue for a long time. I'm sure the Prairie Métis—they're in Alberta as well—would prefer to do their own rather than deal with the Métis National Council. They received \$500 million. We're going to receive \$6 million over the next three years now, because we got some money just late in the fall. We still have problems we have to deal with as well. We're trying to settle our land claim so that we don't have the policies affecting us, saying that we have to own the land before we can access housing programs.

If we had our money now and we had our land claim settled, we'd be able to be working with the GNWT as well, in partnership, working on all sorts of housing programs for our people, whether it's low-cost housing or affordable housing or elders' programs.

We definitely need to have our own funding. It's almost like we live in two different times. If you come into the north and then

come into the south, it's totally different. We're at the grassroots level. We're sitting there in our communities. We have very, very little capacity—if any at all. We have no affordable housing units available for our people. We're starting at the grassroots level in building our communities.

As I said, they have to deal directly with us. Thank you.

• (1555)

**Mr. Michael McLeod:** I'm going to ask two quick questions. It's important that everybody understands the situation for the NWT Métis. This committee is studying it, so the recommendations will come from here.

First of all, the Métis National Council does get housing money. Is the NWT Métis membership counted in the Métis National Council's numbers?

The second one I think you touched on. Could you talk about how important it would be to settle self-governments and also land claims through your new framework? How would that help address the housing needs for the NWT Métis?

**Mr. Garry Bailey:** I believe our numbers are counted in with the Métis National Council, something that we have opposed. For the 27 years I've been there, we've opposed that. I've made that clear to all the INAC ministers I've met over the years.

Settling a land claim with us is very important for the Northwest Territories. It's beneficial for Canada to have a sovereign country in our territory.

It's very important to the Northwest Territory Métis Nation. As I've said, we haven't received any kind of funding like this for housing. We have to start building our nation so that our government can have a future for our people to grow, to continue on and to co-exist with the governments that are in our territory. It will bring in a lot of opportunities for capacity building, economic development and housing. We have our land available so that we can start building houses and so on, for our people.

Our people have not benefited from government jobs and so on. They go out and get educated. We want to keep our people in our small communities, but we can't keep them. They all move on and that's unfortunate for sure. If we had our government settled, we would have jobs for them to come home to.

We'd have our own Canada, you might as well as say, as far as I'm concerned. We'd be self-sufficient. We wouldn't be as dependent on Canada anymore. We still have to have the relationship to work together on developing our country, which is what we want to do. We want to have a relationship to coexist with one another. It would move forward all the development that is undeveloped in the Northwest Territories as well.

**The Chair:** Thank you, Mr. Bailey. I'm going to have to move on to the next questioner.

[*Translation*]

Go ahead, Mrs. Gill. You have six minutes.

• (1600)

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

Thank you to Mr. Bailey and Mr. Quesnel, the witnesses, for being with us today.

Mr. Bailey and Mr. Quesnel, I'm paraphrasing here, but something you both brought up was the fact that the Northwest Territory Métis Nation did not receive the same treatment or the same opportunities as Métis communities represented by the Métis National Council.

Can you tell us how the needs are different? If you are treated differently, how do the needs differ? Does that mean the communities all have different needs, even taking into account adjustments specific to location?

That question is for Mr. Bailey and Mr. Quesnel.

[*English*]

**The Chair:** Mr. Quesnel, would you like to start?

**Mr. Joseph Richard Quesnel:** Madam, I missed the first part. I figured out the translation at the last second. I apologize.

[*Translation*]

**Mrs. Marilène Gill:** Mr. Chair, may I repeat the question?

**The Chair:** All right.

**Mrs. Marilène Gill:** Mr. Bailey and Mr. Quesnel, I was hoping you could explain the differences in how the Métis communities are treated—if I can put it that way, but it may not be the right word. Actually, I should say first nations and Métis nations since you don't feel that the Métis National Council represents you.

Could you please explain the inequities or differences between the various groups? Could you tell me whether the funding needs are different or the same, despite any adjustments for location or remoteness?

[*English*]

**Mr. Joseph Richard Quesnel:** I can't speak to the northern Métis; I'll let Mr. Bailey address that.

I know you're talking about Métis communities across Canada. I'm associated with the Métis Nation of Ontario. It's mostly urbanized, so it's not really an issue. You have a lot of Métis who generally live in mainstream communities. You don't have reserves for Métis people.

The closest is...in Alberta, where they have the land base and they have different communities. That's another issue. The federal government has the main responsibility towards first nations and housing and they provide a vast array of programs. Definitely first nation housing would be the main concern.

I'll let Mr. Bailey address the specific needs of his communities.

**Mr. Garry Bailey:** Thank you.

As I've mentioned, the Northwest Territories Métis Nation has never received housing funding. This year is going to be the first time, so we definitely have a lot of catch-up to do. We have first nations in the Northwest Territories specifically on reserves that have received up to \$60 million so they can build up to 10 to 15 houses in their communities. We haven't benefited from that at all. There have been housing programs over the years since the government has signed treaties. There is definitely an inequity. It is unbalanced for sure when we haven't received any.

I wouldn't say that my needs are more than theirs. I think we all have the same needs. We live in the same communities.

We definitely have to have affordable housing in our communities. We have a lot of people who are living in units that have seven people in two-bedroom, three-bedroom units. There is no healthy living there, for sure.

To date, as I said, we haven't received any equitable funding. We haven't received any funding until now. I appreciate the funding we're going to be receiving now—

[*Translation*]

**Mrs. Marilène Gill:** Sorry, but I have to stop you there, Mr. Bailey.

Basically, there is nothing that would explain or justify the inequity between some Métis and Indigenous communities. You said you all had the same needs.

Do I have that right?

[*English*]

**Mr. Garry Bailey:** Yes, we're recognized as Métis people. We have section 35 rights, protected by the Constitution as well. We're part of one of the recognized aboriginal peoples of Canada through UNDRIP, and we haven't received equitable treatment. They've dealt with the Métis National Council over the years, but not with the indigenous Métis of the Northwest Territories.

• (1605)

[*Translation*]

**Mrs. Marilène Gill:** At the end of your opening statement, you began talking about your recommendations. Would you like to go into more detail?



You mentioned the need to settle land claims. That would be a first step. Do you have other recommendations you'd like to share with the committee?

[English]

**Mr. Garry Bailey:** Thank you.

I'd recommend dealing with the Northwest Territory Métis Nation directly and doing a proper assessment, getting us to do the assessment on a needs basis on how we can develop our own program, which will eventually sustain itself. What we're planning on doing with the \$6 million we have is something totally different from how the GNWT has dealt with housing over the years. The way that housing has developed, housing programs are for low-cost housing, and it's basically as case of the less you make, the more you qualify.

I'm developing our program to encourage our people to get into the workforce. If you have a job, you can get a credit rating. We'll help you to get assistance so that you can get into buying your own home. It's fine for a start, but we're finding that there aren't enough homes in our communities to actually get people into, so we actually have to get enough money so that we can build these homes and get our people into them, but to date we don't have the capacity to do that at all.

Dealing with us directly is going to tell you exactly what our needs are, and we'll do our own needs assessments and so on for the future. We're talking about elders as well. It would save Canada money if we had our elders living in their homes as long as they possibly can. We would like to be doing stuff like that as well. We have our own vision for housing, for sure.

**The Chair:** Thank you, Madame Gill.

Ms. Idlout, you have six minutes.

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

Thank you, Mr. Chair.

First, it was a very interesting discussion.

I will ask a question of Joseph. I appreciate your comments on the importance of having indigenous capacity to make decisions.

Do you have any recommendations for us on how indigenous communities may participate on an equal basis so they can work on their own indigenous governance in the implementation or delivery of the housing? This, of course, will require resources that we do not have.

**Mr. Joseph Richard Quesnel:** I think there's a lot that government can do. There are first nation organizations that look at these things. They can provide templates for best practice housing governance regimes that they can provide to first nation communities.

Just as an example, we mentioned Fisher River earlier. The first time I encountered Fisher River as an example.... We at the Frontier Centre had a study for years called the "Aboriginal Governance Index", which involved us travelling to first nations in all three prairie provinces and asking average people about their quality of governance and services. We've talked to hundreds of people over the years and we would find out about these things. One the things I

found out was, for example, that in Fisher River there was a problem with the politicization of housing programs. I talked to a lot of people, housing managers. They were concerned that the decisions being made weren't for the benefit of the situation in front of them. In Fisher River, they felt that how people voted was playing into it.

I don't know if they're still doing this, but what they did at the time is that they had a program where they basically assigned numbers to people on housing. They took out identities, they took out names of people. There was a concern about who you were related to, those kinds of things. They found this was a very effective program. Single parents and up-and-coming families were getting housing and it had nothing to do with politics. So that was something that worked for them.

Communities like that and first nations can provide all these examples, and the federal government can somehow facilitate first nations, knowing about what programs work. Not all of them will be the same. I think that I'd recommend that the federal government provide capacity and funding for first nations to set up the housing governance programs, so that they can set these things up and run them as an experiment.

I mentioned that the Institute on Governance had an interesting system where they had an outside accreditation body that would come in. It's like ISO 9001, that system where they adopt certain financial and management standards. That would actually affect funding and things like that. So for outside bodies that would fund the housing, they would know that the first nation is well run. They would have to provide certain audited statements and things like that and governance systems. I recommend that the federal government look at outside accreditation systems among first nations, because it's not the federal government coming in and telling people what to do: They're usually outside bodies and they can also be indigenous-run bodies.

• (1610)

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

Thank you. I'd like to ask you another question.

In 2022, the housing budget was revealed. Have you read it and what do you think of it? Is it enough to satisfy the housing needs, which are very serious at this point?

**Mr. Joseph Richard Quesnel:** I think that any funding, and the commitment made, are good, as opposed to the previous budget. But I'll just reiterate what I'd said in my statement, that I really don't think the government is ever going to catch up. I think it's never going to be enough. I think the government needs to shift its focus from looking at it in terms of saying, this is how much we spend on indigenous housing, or this is how many houses we're planning to build. Move away from a focus on just saying that and look at more outcomes and say, what kind of policies and what kind of governance changes are we going to make to better facilitate first nations accessing different options? Like I said, I think the private sector has to be leading that process.

But there are different ways. There's a way the private sector can partner with the government. We have that right now with the Canada Mortgage and Housing Corporation programs that they have, or even Habitat for Humanity. That's one thing. I don't think that should be the model, but that's just an example. Non-profit organizations can help, can come in to do it. But rather than focus on numbers, let's look at outcomes. Let's look at how many policy changes we're going to have that are going to improve housing and allow first nations to access better market housing.

**The Chair:** Thank you, Ms. Idlout.

That completes the first round. We have time for the second round and the first four speakers if we stay tight, so I'm going to suggest we go ahead with that.

Mr. Shields, if you would start, you have five minutes.

**Mr. Martin Shields (Bow River, CPC):** Thank you.

I'll be sharing my time with Mr. Viersen.

**The Chair:** That's very good.

**Mr. Martin Shields:** I appreciate the witnesses today.

I have a question for Mr. Bailey.

You talked about self-government. Could you quickly and succinctly describe the model that you're looking at and negotiating for self-government?

**Mr. Garry Bailey:** We don't have a particular model that we're looking at. We're obviously developing our own self-government model where we're going to be running our own programs, our own services, having our own constitution and our own kind of legislative assembly, I guess.

**Mr. Martin Shields:** It would be structured like a territory, a municipality or those kinds of... Is that what you're talking about?

**Mr. Garry Bailey:** We'll be having our own territory, our own land and a resource agreement where we're going to be managing roughly 25,194 square kilometres of land. We'll be managing the lands and resources within that territory, which includes the governance.

• (1615)

**Mr. Martin Shields:** Where are you with those negotiations?

**Mr. Garry Bailey:** We signed our agreement in principle in 2015. We just signed our self-government agreement as well. Next is to sign our final agreement and then we'd get into the implementation.

We're at the final stages. We're dealing with some key issues. We've been trying new ways to get that passed, but we still have opposition from both governments.

**Mr. Martin Shields:** Thank you.

I'll turn to Mr. Viersen.

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

Mr. Quesnel, we were talking earlier about some of the items that can help folks get out from underneath the Indian Act. I was wondering if you're familiar with the financial management board and the First Nations Fiscal Management Act.

Do you have any comments about that act and the board?

**Mr. Joseph Richard Quesnel:** Definitely. I think that's a very good way for first nations to access funding for different projects at good interest rates. One thing that's important about the First Nations Fiscal Management Act is that you have to show that you have proper financial and governance controls before you can borrow from them.

It really allows first nations, who increasingly are accessing own-source revenues, to collateralize—whatever the word is—and leverage those things in order to borrow money on the bond market. You have all kinds of examples. You have some first nations in the south with casino money. You even have some first nations trying to monetize cannabis sales.

I think it's a very good regime. I think I'd strongly encourage you as a committee to... One thing that it can fund is housing projects. Also, it funds other infrastructure. I think it's very important.

One recommendation that you could consider is this. I've heard from very good indigenous business proponents who have called upon the government to consider giving its sovereign guarantee—Canada's credit rating—to that institution for first nations to be able to borrow against. Although some people say Canada's credit rating is not as good as it was in the past, it's still pretty good. That kind of backing would be appreciated.

There still would be those financial and governance controls to make sure that these are well-organized and well-run ventures.

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

**The Chair:** Are you finished? You have 45 seconds, if you want it.

**Mr. Arnold Viersen:** No, I'm good.

**The Chair:** Thank you.

We'll now go to Mr. Badawey.

**Mr. Vance Badawey:** I'll take that.

**The Chair:** He'll have to give it to you.

**Mr. Vance Badawey:** Thank you, Mr. Chairman.

In listening to both witnesses, I do want to highlight two areas, and I want to make a point to Mr. Quesnel and Mr. Bailey that having your testimony as part of our final report is very important to us.

Therefore, I am going to open the door wide for you to give that testimony with respect to housing investments and how important it is to leverage those investments with health care investments, education investments and economic development investments. Equally important as part of overall community planning are the infrastructure investments vis-à-vis the growth-related investments that would be needed to complement housing investments: water, sewer, roads, sidewalks, parks, emergency services, recreation and the list goes on.

I have two questions. One—and Mr. Quesnel, you touched on it, something I'm a fan of—is the First Nations Fiscal Management Act and allowing an opportunity for communities to borrow—“debenture” or whatever you want to call it—to leverage the money the government has given them to then accelerate those investments that need to be made.

First, opening the door to you, is to take the opportunity to comment on that so we can get that into the testimony and how important it is to allow that change to happen under the act and to then leverage those monies.

Mr. Bailey, I'd like you to comment a bit more on health care. You mentioned it earlier, but I want to give you an opportunity and open the door for you to comment on health care because we do know that housing is a key social determinant of health, and I'd like you to comment on that.

Mr. Quesnel, how about we start off with you on the financial levers?

• (1620)

**Mr. Joseph Richard Quesnel:** I suppose they're connected in the sense that, in order for first nations to be able to access own-source revenues that they can use and leverage from the First Nations Fiscal Management Act, you have to open the door to economic development. So you have to unshackle first nations from the Indian Act. You have to encourage them in all kinds of business ventures, and that involves access to capital.

This is circular because, regarding access to capital, the most common, universal complaint among indigenous entrepreneurs and small business owners is the fact that, under the Indian Act, land ownership restrictions prevent them from accessing loans. It's the same thing with the housing. They can't use their own house, their own yard, as collateral.

I think that all of these issues with accelerating economic development and housing are connected. I would recommend that the committee look at reintroducing a first nation property ownership act, which the finance committee under the previous Harper government talked about and never introduced, as a way to provide a means for willing first nations to join that regime so that land title can be transferred voluntarily to first nations. Those first nations in turn, if they choose, can transfer that title to individuals to allow them to hold mortgages, build up credit and build up equity in their own homes. That would unshackle indigenous entrepreneurs.

**Mr. Vance Badawey:** Thank you, Mr. Quesnel.

Mr. Bailey, go ahead.

**Mr. Garry Bailey:** Since the treaties were signed, health care was given to the first nations. They are 100% covered, and the Métis nation has never had that. The Daniels case that was put through the courts in 2016 said that Canada has the obligation for all Métis around Canada. We need that Daniels case implemented, so that the policy states that the Métis will be 100% covered. It affects our health, our way of living and our cost of living.

I want to focus on the housing, as well, including the opportunities that come when you have housing. If you have housing, you have that responsibility to sustain your house. It's going to make you live healthy, get you off the drugs and get you off the alcohol. It's going to get you out working and get you into the economy, so that you can buy yourself a truck or skidoo, and support a family of three or five, whatever it may be. Because of the lack of housing and the overcrowding, people are living a certain way. It's an unhealthy way of life in our communities. It's very noticeable.

It's very important for us to settle these land claims. As it was mentioned, we don't have access to the lands. We talk about early land transfer opportunities. Since we're not settling our claim right now, there should be good faith negotiations on behalf of the governments to give us early land transfer so we can access that land and, as I said, give it to our members so that they can develop a house on that land.

There's also going to be a problem with borrowing money. We may have people who work and stuff, but it's going to take a bit more than us giving them 5% down because the banks always want to know how you got that money. We want to be able to have more of a guarantee, so that the bank doesn't focus on them. The cost of living in the Northwest Territories.... The average monthly rent is \$2,200, which is a mortgage, but it doesn't go to your credit rating. Maybe after five years or something it might, but you're still expected to save that money.

On the health benefits, I definitely need them to recognize that policy from the Daniels court case to start implementing the programs and services on an equitable basis to first nations, which is what that court case was all about. It includes more than just health. It's health, education, housing and everything else.

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

• (1625)

[Translation]

Mrs. Gill, go ahead. You have two and a half minutes.

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

Mr. Bailey and Mr. Quesnel, I have one last question for you. It's about members who leave your communities, sometimes for cities, because of the lack of housing. Obviously, some people want to live in the city, but do you think that people leave the community because there isn't enough housing? Do you have any figures capturing that?

Would you say that jeopardizes the community's culture at all, its survival even? I imagine that community members who leave probably go through some level of assimilation.

Those questions are for both Mr. Bailey and Mr. Quesnel.

Mr. Quesnel, you can go first.

[*English*]

**Mr. Joseph Richard Quesnel:** There's one example of the James Bay Cree. They moved from a long-term lease to full home tenure. One of the reasons for that was that you can't stop the allure of peoples' lives. They meet significant others from other communities or they seek educational and economic opportunities, so they go off. People vote with their feet, and that's what we're seeing with the off-reserve population.

The solution, I always say, is to have a fully functioning housing market and a market housing program, as much as you can on reserves. I'll speak to the reserve part in the first nation. Those communities don't feel that they lack what they can get elsewhere. People want to build businesses, they want pride of ownership and houses that they own on their reserve. They want to stay in their communities, and they don't want to....

This issue is completely connected to that. If we don't transform housing toward a more market-oriented system, it's just the system that we all take for granted. Why does housing work in the mainstream? It's because it's mainly based on the price system and all of those things. We try to bring those as much as we can to reserves, so that people don't feel they have to leave.

**The Chair:** Mr. Bailey, you can comment very briefly on that, if you wish.

**Mr. Garry Bailey:** Okay.

Affordable housing is definitely an issue. As we mentioned, people do leave. I've had members leave our community because they didn't have the work and they owed a lot of money for housing because of low-cost housing. They left and moved on to Winnipeg, Manitoba. There are about 250 Métis living in Fort Resolution, which is the oldest community in the Northwest Territories. However, in being the oldest community, we have 3,000 members who are mostly from Fort Resolution and Fort Smith. Assimilation.... A lot of people have moved to the south. They have forgotten their cultures.

What we want to do is keep people in our communities. That's why I mentioned that you have to deal with us directly, so we can build our economy. Settle these land claims, so we can build our own economic development in our communities and so our people will stay there. Have affordable housing. I'm not so keen on market housing, depending on what the rates are. We want to set those rates because we have to develop our communities.

I'm from the oldest community. We still only have 500 people in our community. It was once the capital of the Northwest Territories. There's a lot of work that needs to be done. We can't just be house-poor in paying for a house. We have to build our communities.

One job in our community normally provides for five families because of the lack of employment in our communities. That's why it's so important to settle our land claims—so we can build our communities and continue to live our ways of life and practice our cultures in our communities, where we were born and raised.

Hopefully, that's enough.

[*Translation*]

**The Chair:** Thank you, Mrs. Gill.

Ms. Idlout, go ahead. You have two and a half minutes.

[*English*]

**Ms. Lori Idlout:** [*Technical difficulty—Editor*]

• (1630)

**Mr. Todd Doherty (Cariboo—Prince George, CPC):** I have a point of order, Mr. Chair.

**The Chair:** Just one moment, please. There is a point of order. I believe it probably has to do with the translation.

**Mr. Todd Doherty:** Yes, it does.

**The Chair:** Are you hearing it now?

**Mr. Joseph Richard Quesnel:** The translation came in and out. I apologize. I might have to—

**The Chair:** There was a delay in getting it going, but it should continue now.

[*Translation*]

**Mrs. Marilène Gill:** Mr. Chair, the committee members may need a reminder to wear their headsets. That would make things easier.

**The Chair:** That's a good point.

[*English*]

**Mr. Joseph Richard Quesnel:** I missed the question. I apologize.

**The Chair:** Let's start that one over.

Madame Idlout, please ask your question again. Hopefully, they'll hear the translation this time.

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

Thank you.

Joseph, you responded that private sector involvement is needed to improve decision-making related to indigenous housing. However, you wrote on June 3, 2021, at the Frontier Centre for Public Policy, that Kingdom Construction Limited received \$90 million in federal funding. There were overcharges reported. There was a lot of deficient work, and delays and racism, in the first nations housing projects. There was racism in housing.

How can we trust the private sector, given those kinds of examples having taken place? How can we be sure about the private sector when it does that?

**Mr. Joseph Richard Quesnel:** I don't have the article that you mentioned right in front of me. I was looking for it, and I recognize the reference that you made.

I think part of the problem is not the fact that they're private companies. Whatever the tendering process is, the policy has to be very well done and airtight. This is more of a government problem because, in that issue, they recognize that the criticism was that the federal government was pushing that first nation to adopt the lowest tender, which happened to go with this company that had this reputation. I think it illustrates a problem with the government getting entangled in this. This is where it gets into trouble.

If they are going to have these private companies helping out by doing the construction, they have to make sure that they have good policies, that they're not pressuring first nations to adopt the cheapest bids and that they're looking into the companies.

I recommended in that article that first nations have access to information about construction firms so that they can make informed decisions.

**The Chair:** Thank you very much, Ms. Idlout.

Thank you, everyone.

This brings our second round to a close.

I would like to thank both Mr. Quesnel and Mr. Bailey. We finally got you included there, and it was very good that we did.

Thank you for your testimony and for answering the questions the committee had for you. We very much appreciate that.

We'll now adjourn so that the subcommittee can do its work in a few minutes.

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