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Chair: Terry Sheehan





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• (1105)

[English]

**The Chair (Terry Sheehan (Sault Ste. Marie—Algonia, Lib.)):** I call this meeting to order.

Welcome to meeting number 20 of the House of Commons Standing Committee on Indigenous and Northern Affairs.

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

Pursuant to Standing Order 108(2) and the motion adopted by the committee on December 1, 2025, the committee is commencing its study of issues related to the Indian Act registration.

I would like to welcome our witnesses.

We have, from the Department of Indigenous Services, Sacha Sénécal, director general and chief data officer. We have Lori Doran, director general, individual affairs. We also have Stuart Hooft, director of registration reform, registration reform and policy, procedures and program management.

You will have five minutes.

**Lori Doran (Director General, Individual Affairs, Department of Indigenous Services):** Thank you very much.

Thank you for the invitation to appear at committee today.

I also wish to acknowledge that we are meeting today on the lands of the Algonquin Anishinabe people.

[Translation]

My name is Lori Doran and I am the director general of the individual affairs branch, services to individuals sector, for Indigenous Services Canada. In my role, I oversee the registration services.

As you said, I am joined today by my colleagues Stuart Hooft, director, registration reform and policy, procedures and program management, and Sacha Sénécal, director general and chief data officer for Indigenous Services Canada.

[English]

We're pleased to be invited today to kick off this study on subsections 6(1) and 6(2) of the Indian Act, including the second-generation cut-off.

Based on the motion, the committee is also interested in examining the impacts of the unstated paternity policy and the gradual loss of entitlement to registration in some first nations communities while exploring potential solutions that are compliant with article

33 of the United Nations Declaration on the Rights of Indigenous Peoples. This article affirms the right of indigenous peoples to self-determine “their own identity and membership in accordance with their customs and traditions.”

While the registration and membership provisions of the Indian Act have been amended a number of times, inequities remain. Bill S-2, currently awaiting second reading in the House of Commons, is the fourth bill since 1985.

[Translation]

The second-generation cut-off refers to the difference between the registration provisions under subsections 6(1) and 6(2) of the Indian Act. A parent entitled to registration or registered under subsection 6(1) can extend entitlement to registration to their children regardless of the other parent's entitlement to registration. A parent entitled to registration or registered under subsection 6(2) may extend that entitlement only if the other parent is also entitled to registration under subsections 6(1) or 6(2).

[English]

After two successive generations of parenting with a non-registered person, the third generation is no longer entitled to registration under the Indian Act.

During the 2018-19 collaborative process on Indian registration, band membership and first nations citizenship, the minister's special representative at the time, Claudette Dumont-Smith, reported that a separate and more in-depth consultation is required to determine how best to address the second-generation cut-off. Consultation on this issue is a commitment Canada has made as per action plan measure 2.8 of the United Nations Declaration on the Rights of Indigenous Peoples Act. To this end, on November 20, 2023, Indigenous Services Canada launched the collaborative process on the second-generation cut-off and section 10 voting thresholds. This is a consultation process seeking first nations-led solutions to these important issues. This process was designed by and for first nations to ensure a thorough consideration of the options as well as implementation considerations.

This ongoing process was introduced not to consider “whether” to address the second-generation cut-off but rather “how” to remedy this issue. We acknowledge that there is some urgency to this matter and that this process is taking longer than some may want. Solutions received to date from first nations represent a range of potential pathways, including a one-parent rule, first nations jurisdiction over registration and the use of DNA or blood quantum. The department has also developed a process to receive feedback from individuals, as this matter needs to be considered from both the individual and collective perspectives. These solutions will be reviewed very soon by a panel of first nations experts for their legal viability and other impacts before they are packaged into a guide for consultation in a series of first nations-led events to start this spring.

The impact of the second-generation cut-off varies by region, history and first nation across the country. This is why the department has made the total registered subsection 6(2) population of each first nation in Canada publicly available as part of its commitment to information sharing. As of December 31, 2025, 340,839 individuals are registered under subsection 6(2), which represents 29.9% of the total registered population in Canada. The registered population will continue to grow until 2066, even without a solution to the second-generation cut-off, but will decline thereafter. That said, the impact will be different across communities, which underscores the importance of sharing community-level data.

Ancestry and parentage are personal matters. At times, information about parentage may not be known, or knowledge of one's parentage may change over time. In the past, this could pose a barrier in accessing registration and membership, since entitlement to registration is based on a person's ancestry. As a result of Bill S-3 in 2017, and based on the Ontario Court of Appeal's decision in the Gehl case, provisions were added to the Indian Act to clarify that all forms of credible evidence must be considered in cases of un-stated paternity and that every reasonable inference should be made in favour of the applicant. Following these changes, the department updated its approach to assessing these files and published new guidance online. It continues to assess requests, escalating the requests directly to the Indian registrar for a decision, if necessary.

• (1110)

[Translation]

Indigenous Services Canada is committed to working collaboratively with rights holders and listening to those impacted to find solutions to the existing challenges and legal limitations of the Indian Act.

We appreciate the opportunity to participate in this study.

Thank you.

[English]

**The Chair:** Thank you very much for your presentation.

We will now go to questions and answers. The first round is six minutes for each party, beginning with the Conservatives.

MP Morin, you have the first six minutes.

**Billy Morin (Edmonton Northwest, CPC):** Thank you, Chair.

Thank you to our public servants for coming today.

The Auditor General put out a report from last summer on registrations when it came to Indian status. There was a little bit of a failing aspect of that when it came to the department—not a little bit; it was kind of a lot, quite frankly.

Can you cite what the backlog is currently when it comes to registering for Indian status?

**Lori Doran:** Yes. The Auditor General did study the registration program and made seven recommendations, which we have accepted. The backlog has come down significantly since the Auditor General's report. It has come down by 28%.

Stuart, maybe you can put some precision to those numbers.

• (1115)

**Stuart Hooft (Director of Registration Reform, Registration Reform and Policy, Procedures and Program Management, Department of Indigenous Services):** Absolutely.

When we talk about the backlog, we mean applications that took longer than six months to process. Six months is our service standard to process registration applications. In 2025, more than 50% of applications were processed within that service standard, and an additional 42%, so 92% in total, were processed within one year or less, which is much shorter than the numbers cited by the five-year study of the Office of the Auditor General.

Specifically, since the report was published in June 2024, the backlog number has reduced by 28%. As of yesterday, the total number of applications sits at 8,900, which we're continuing to process on a daily basis.

**Billy Morin:** Thank you for that.

What are the specific processes and procedures the department has taken over the last year to get that down? Was there anything unique and new that the department has done?

**Lori Doran:** It's a combination of efforts. We have a stable, well-trained workforce at the moment. We have also put in place a number of efficiency measures just to process applications more efficiently, and some policy changes. We've also done some workload management—for example, moving workload from regional offices to headquarters.

I'll turn to Stuart to maybe explain a bit why processing has increased over the years since the last time the law was changed.

**Stuart Hooft:** As the person responsible for policy, I would like to take credit for some of the efficiencies, but in truth, what happened was that the last time the legislation changed was on August 15, 2019, and what you see, then, is a new set of rules that need to be applied. Officers need to learn them, train on them and get familiar with them, and then that applies to people's ancestry.

Now we're coming up on seven years removed from that. Essentially, over time, people's ancestry gets more straightforward. Once we've researched that original ancestor, all the descendants can be processed more quickly. We're starting to see some of that benefit, with fewer applications taking longer. In short, it's because we're seven years removed from the last legislative changes. Initially, those applications took a long time, and now the average has continued to come down over time.

**Billy Morin:** Did the department, back in 2019—maybe a year prior, seeing that the legislation was going to change—increase the number of staff it had to process these changes?

**Stuart Hooff:** Absolutely. We received funding to implement these changes, and we continue to increase our workforce. Of course, hiring them and then training them takes time, and that's why some of the effects take a while to materialize in terms of productivity.

**Billy Morin:** A bit of a concern for me is training. There is a specific amount of training that's involved with processing applications, and of course a citation here from the Auditor General's report is that:

We...found that [ISC] and Crown-Indigenous...and Northern Affairs...could not provide evidence that any of the officials who made [the] final decision on the non-complex applications in our sample had successfully completed training and the certification examinations at the time they made those decisions.

How do you reassure Canadians and status people that the department has actually done that training at this point and is getting better? How do you even measure that?

**Lori Doran:** We have fully implemented the recommendation of the Auditor General. Every processing officer is trained and receives the authority to process applications from the Indian Registrar only once training has been completed and a degree of certification has been met.

We aren't just putting this in place one time. It will be a requirement over every number of years for staff to recertify. There are safeguards in place in the system used to process applications that a person can have access to only once they've met those training and certification criteria.

• (1120)

**Billy Morin:** How many people are in the department now versus how many were there before 2019, for the specific registry purposes?

**Lori Doran:** I'll have to get back to you with that information.

**The Chair:** Thank you.

Jaime, go ahead for six minutes, please.

**Jaime Battiste (Cape Breton—Canso—Antigonish, Lib.):** I'm wondering how we got here, in terms of the second-generation cut-off. I look at a lot of different examples all across the world in terms of determining indigeneity and there's no real one-size-fits-all program for anyone. If you look at how the Métis do it, there's no cut-off in the second generation. If I look at the Inuit, there's no cut-off internationally. There doesn't seem to be one way.

Take me back to 1985. How did the federal government determine that a second-generation cut-off was the way to go?

**Lori Doran:** In 1985, the second-generation cut-off rule was introduced during parliamentary debate on Bill C-31. It was introduced as an amendment through that process. I can't elaborate further on those exact discussions—

**Jaime Battiste:** Were there any consultations done with first nations' communities? Was a chiefs' group brought together to say, "Here's how we solve this situation"? Was it just Parliament deciding for first nations communities who could and couldn't be them?

**Lori Doran:** Bill C-31 was introduced to address some specific, sex-based inequities. It was a significant bill to address some of those long-standing, historic, sex-based inequities. During the course of the discussions of the bill, the concept of the second-generation cut-off rule came into the fold and the bill was adopted with that provision.

We are now 40 years past Bill C-31 and we are now seeing the impacts of the second-generation cut-off in real time. It's impacting many people today. We have acknowledged the need to address the second-generation cut-off. It wasn't addressed in prior legislation, in part because the solution to it has not yet been determined. There are different pathways to addressing the second-generation cut-off rule. The minister's special representative concluded that specific consultation on the matter was required. That's exactly what we're doing right now.

**Jaime Battiste:** One of the options available in the Indian Act, section 10, is for first nations to create their own membership codes. This is the possibility to say that this is consistent with UN-DRIP and it's the people determining for themselves who the members of their first nations communities are.

Why doesn't the federal government accept and acknowledge those who are on the membership lists created by communities and automatically grant them a status card?

**Lori Doran:** The Indian Act has two pathways for membership: section 10 and section 11. Speaking of Bill C-31 in 1985, section 10 was introduced and this allows first nations to assume full control of their membership based on their own customs, codes and traditions. Section 11 has bands that the Indian Registrar maintains.

There has been an interest in supporting first nations moving to section 10. Many have found that the double majority voting threshold is a barrier to their self-determination in that regard, which is why we're also consulting, in addition to the second-generation cut-off, on remedies to section 10 voting thresholds.

We see those two as interconnected because any solution to the second-generation cut-off will further expand potential membership. The connections may be more distant and that could make a double majority even more difficult without taking another look.

**Jaime Battiste:** What is the double majority?

**Lori Doran:** The double majority is when a majority of the members of the nation come to vote and a majority of those support the section 10 membership code. We've seen this as a really high threshold for nations. As a result, very few have moved from section 11 to section 10 in the last number of years.

• (1125)

**Jaime Battiste:** My last question is about Bill S-2, which went through the Senate, and the Senate decided that to amend this, they would go to a one-parent rule.

Based on your conversations during the consultations with the first nations community, are unilateral decisions from Parliament impacting first nations typically well received?

**Lori Doran:** We are consulting on solutions to the second-generation cut-off. We have solutions already coming into the department.

**Jaime Battiste:** Have any of those solutions involved asking Parliament and the Senate to make a decision for them?

**Lori Doran:** We are respecting the duty to consult on matters that impact nations. We certainly want to hear a range of perspectives on this. We want to engage not only on the solutions but how they would be implemented and what the impacts would be of making a change to the law.

We want to avoid unintended consequences, so we really need to allow space for consultation to unfold and conclude so that the remedy to this issue is well understood and will address the issues most appropriately.

**Jaime Battiste:** Mr. Chair, they said that there were about 5,000 section 6(2)s remaining. I'm wondering if they could put in writing how many have lost their status as a result of this so that the committee can take a deeper dive into what the impacts are.

**The Chair:** If you could do that for us, please send it in writing. Thank you.

Your time is up.

[*Translation*]

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

**Marilène Gill (Côte-Nord—Kawawachikamach—Nitassinan, BQ):** Thank you very much, Mr. Chair.

I thank all the witnesses who are with us today.

I would like to ask a question about Bill S-2 because today's study is closely related to that bill.

This is really about gender discrimination. One thing Quebec Native Women suggested adding to the Senate amendments is unstated paternity. We talked about consultations. The Assembly of First Nations Quebec-Labrador and Quebec Native Women agreed to this addition. I see that as a partial consultation in itself. We're not talking about band councils or the general public.

Would it be possible for our side of the House to propose that once again?

We know that Bill S-2 will soon be sent to the committee for study, and we could add that part. You talked about being careful,

given that we want to hold consultations, but I'm guessing this isn't something new, and people may be familiar with the ins and outs of the issue.

[*English*]

**Lori Doran:** As mentioned, unstated and unknown paternity was addressed in Bill S-3 going back to 2017. We have taken measures to ensure that applications where there is unknown and unstated paternity are assessed using the broadest range of evidence put forward and that the balance of probabilities in assessing the application is weighed to the applicant.

We are doing work to better promote and make clear the policies and procedures around applications in that regard. We have heard that there may still be some misunderstanding that needs to be addressed through more direct communication, and we're working on that.

We have heard already from a number of groups that are interested and are very engaged on solutions to inequities in the Indian Act. We are engaging women's groups and many diverse perspectives in order to ensure that we have a broad range of perspectives to consider, given that there are many factors, individual and collective, to consider.

I'll turn to my colleagues.

• (1130)

[*Translation*]

**Marilène Gill:** I'm sorry to interrupt, but I want to ask two more questions. You can respond in writing. This will enlighten the committee.

The first question is from the Assembly of First Nations Quebec-Labrador, the AFNQL, which would like information about repercussions. Of course, that isn't an outright rejection. I'm talking about Bill S-2. This also ties in to what's before us today.

Which programs will be affected or are already affected by changes such as those being proposed to address gender-based inequity?

The AFNQL wants to know what the repercussions will be. Folks want people to be able to register, of course, but they also want everyone to be able to benefit from services just like the others. I know you won't be able to provide the committee with a complete list right now, but this is something the AFNQL requested and people want. If you can provide us with that information, it would be relevant for us, too.

I also wonder whether, based on your projections, you're able to see what the scale might be. I know support isn't what it should be, either. We're well aware of that. It's a fact in the riding. It's a fact for first nations.

Can you give us a sense of what's possible? We can make changes, but we don't want to do so at first nations' expense. It has to be backed by funding.

**Sacha Senécal (Director General and Chief Data Officer, Department of Indigenous Services):** I can try to answer that question.

My unit works with the program to make population projections and try to figure out the impact. We want to know how many more people could be added to the Indian Register and thereby gain status, and we want to determine some of the impact in terms of program costs.

In its original form, Bill S-2 had a relatively minimal impact. The original version didn't include any mention of a large number of additional registrations. In the version currently being considered, the removal of the second-generation cut-off increases the impact significantly. If we also want to consider the impact starting now, from 2026 on, but also going back to 1985, that means significant impact. We have numbers for these things. We are in the process of developing projections with Statistics Canada to get a clearer picture of the situation.

In terms of the impact on programs, I wanted to mention one thing first. Most of the registrations that could potentially be added to the Indian Register would happen in off-reserve communities. Approximately 90% of the registrations would happen off reserve.

Based on program eligibility criteria, impact will depend on whether a given program is for people living on or off reserve. For off-reserve programming, non-insured health benefits and post-secondary education are some areas that would be impacted. As we heard earlier with respect to application processing, there would also be an impact on administration generally.

[English]

**The Chair:** We'll go to our second round.

For five minutes, we have MP Morin, please.

**Billy Morin:** Thank you, Chair.

The current collaborative process on second-generation cut-off and section 10 voting threshold started in November 2023. I think there was the individual feedback form that just closed. How involved was your department in that process?

**Lori Doran:** Very involved. We worked to co-develop the whole approach with indigenous partners. There was a codesign, co-development phase where the consultation approach was developed, including the information-sharing phase, where we provided communities with community-specific data on their registered population. That was all codesigned and co-developed. We're now moving into the actual consultation with phase two of the approach.

We started with a call-out of solutions. Those are coming into the department. They will be reviewed by an external panel of experts for legal viability and other implementation considerations, then packaged into a guide on the viable solutions for first nations-led consultation, starting in the spring.

It's very purposeful and intentional. We wanted to meet the high threshold of the UNDA expectations around consultation. That has really guided the approach that we've taken.

• (1135)

**Billy Morin:** Do you have an end timeline on when consultation is done and you'll be able to say, "Here's what we found, and here are our next steps"?

**Lori Doran:** We are moving through it as quickly as we can, respecting, though, that we need to give people time and space to participate. However, we are on track to have our legal review of the solutions done in the next month and a half, and then move into consultations over the spring and summer.

**Billy Morin:** At the conclusion of spring and summer, what's the next phase after that, after the consultations are done?

**Lori Doran:** From that process will emerge a solution, or a range of solutions, that can then be considered in a subsequent legislative process.

**Billy Morin:** In *Mikisew Cree Nation v. Canada*, 2018, it says that the Crown has no legal duty to consult indigenous groups during the development of legislation. Would the position of ISC and the government, at this point, be that we're doing it despite that, like we just see this as a best practice but it's not actually a thing we need to do, it's just consulting?

**Stuart Hooff:** While it may be true that there's no duty to consult specifically on the development of legislation, in the context of this work, since we're talking about the rights of individuals and their right to pass on status to the next generation, we feel it's prudent to consult since it impacts rights holders directly.

**Billy Morin:** Have you heard feedback from your consultation process that there have been multiple consultation processes and studies on this over the last number of decades? Is that a constant theme that you're hearing as well?

**Lori Doran:** We have heard that people feel like there has been consultation on this issue, but there actually has not. There has been information gathered in terms of the demographic impacts and the impacts on communities, but we've actually not consulted on solutions to this issue, so that's what we're doing now.

The issue has been raised over the years as an inequity that needs to be addressed. The solution was never clearly determined. It required consultation with a broad range of perspectives in order to come up with the solution or range of solutions that would best address this issue.

There has been consultation on some of the other inequities that have been addressed through prior legislation, sex-based inequities, for example, and the remedy to enfranchisement, but the consultation on the actual remedy to the second-generation cut-off has not happened, and it is now.

**Billy Morin:** You've cited some numbers. A lot of this uptake is projected to be from a population of 85% off-reserve, mostly, probably upping costs for the department in terms of NIHB and things of that nature. Some of the numbers that came out of the Senate through APPA were, I think, 200,000 to 300,000 people over the next 30 to 40 years of uptake, as initial estimates. Are you aware of the Senate numbers of the projections of this?

**Lori Doran:** We have projections. I can turn to my colleague.

**The Chair:** We're out of time, so you can provide that in writing, or maybe we can get that out in the subsequent question.

Thank you.

[*Translation*]

Ms. Lavack, you have the floor for five minutes.

**Ginette Lavack (St. Boniface—St. Vital, Lib.):** I thank the people who are here today for their testimony. We're very happy to have them here and to have this information. This may help us in our work.

I'd like to hear from Indigenous Services Canada on the following.

What are the main challenges involved in correcting the second-generation cut-off by ensuring that rights are restored without creating unintended consequences for first nations communities?

[*English*]

**Lori Doran:** Yes, there are many factors to consider. We certainly do not want to go forward quickly with a solution that will have unintended consequences, so it's important that we take some time to consider the diversity of perspectives on this, including implementation and impacts.

While we are asking about solutions, we are also asking about implementation factors and impacts, so that the full picture is clearly documented and then assessed from an expert panel on legal viability and other considerations.

There are many factors to take into account. We want to look at this from a gender-based equality lens. We want to look at this from a demographic perspective. We want to look at this from a cultural connection. There are many aspects that are being considered.

I'll turn to colleagues for more on that.

• (1140)

**Stuart Hooft:** Fundamentally, I would say we want a solution that will stand the test of time and that doesn't repeat the same mistakes as the past. This is so that any solution that is brought forward can respect the rights of both individuals and collectives at the same time so that we're not here 40 years from now, grappling with the same questions.

[*Translation*]

**Ginette Lavack:** I want to talk more about Bill S-2, which was introduced in the Senate.

It was really about first nations empowerment. However, the amendments that were made attempt to address the second-generation cut-off. That may have been done without going through the

consultation process you're looking to set up. In other words, it was somewhat expedited. In light of the testimony given to the Senate, people were sure they were on the right track.

You mentioned that the collaborative process was launched quite some time ago in November 2023. I believe my colleagues have already asked questions about that process and what comes next. You mentioned a guide that will be used as the basis for a series of consultations this spring and that will highlight potential proposed solutions in order to draw conclusions and get people's opinions.

Could you explain that next step in more detail?

How do you see it unfolding?

How extensive will those consultations be?

[*English*]

**Lori Doran:** A consultation guide will be developed to help the first nations organize consultations on this issue so that feedback that comes back is organized in a way that allows us to make comparisons and to pull out key themes and key points of consistency. We are working, as I mentioned, with a small group of legal experts to help us build this guide, to set it up so it will be useful for communities in seeking feedback from members and other rights holders. We are going to provide funding to organizations to consult with their groups. The intention is to receive solutions and priorities that will help us inform legislation going forward.

[*Translation*]

**Ginette Lavack:** Mr. Chair, do I have time for another question?

[*English*]

**The Chair:** You have 20 seconds.

[*Translation*]

**Ginette Lavack:** I'm done, Mr. Chair.

I thank the witnesses for giving us their time today.

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

Mrs. Gill, you have the floor for two and a half minutes.

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

I'd like to ask one last question.

Earlier, you mentioned a key date, albeit a theoretical one: 2066. I believe Mr. Hooft mentioned it, too. People don't want to wait 40 years. How will this delay affect communities?

Obviously, consultations have to be held. I'm not judging what needs to be done, but there will be impacts on communities.

[*English*]

**Lori Doran:** I'll turn to my colleague on that one.

[*Translation*]

**Sacha Senécal:** We're talking about the impact in the projections up to 2066. The further you go into the future, the more uncertain the projections. I often say that population projections are a bit like weather forecasts. If you look at the weather forecast for tomorrow, it's pretty accurate. On the other hand, if you look at the forecasts for 14 days from now, you can end up with something completely different.

Let's look at the length of time.

One of the solutions discussed was removing the second-generation cut-off. All the generations since 1985 have not been entitled to registration. Since that wasn't on the table initially, the work that was done at the outset really focused on the future and what it could look like.

However, as I was saying, we also have to look at how many people have been denied registration since 1985. Some people may have been eligible, but they didn't bother to apply for registration because they weren't eligible at the time. We're working on that with Statistics Canada. I know that—

• (1145)

**Marilène Gill:** I'm sorry to interrupt. I find this very interesting, but I only have two minutes.

What are the impacts?

I would really like you to talk about the impact on communities. It is true that some people weren't eligible to register, but what does that mean now, and what might it mean for the future?

I think you know where I'm going with this. I hope that something gets done quickly, because time is a factor.

**Sacha Senécal:** As I was saying earlier, the impacts are felt mainly outside the communities and reserves. That said, about 10% of the impacts affect the communities, but it's not necessarily proportional from one community to another. Obviously, things are different for each community. Those closer to urban centres are probably more affected than very remote communities, because fewer people are likely to want to return to the community.

I wouldn't want to speak for my colleagues, but I would say that's part of the reason why we want to do in-depth consultations and not have a one-size-fits-all solution. The goal is to identify the specific challenges facing communities in every province, as well as those facing more remote communities as opposed to those that are closer to major centres.

In our work on projections, we see that the impacts differ from province to province. We don't see the same impacts from one province to another. We don't make projections for communities, because the smaller they are, the harder it is to produce a clear projection. Basically, the impact varies.

**Marilène Gill:** Mr. Chair, I think my time is up.

Do you already have data, Mr. Senécal?

If you can send us some data, that would be appreciated.

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

[*English*]

Now we have MP Morin for five minutes.

**Billy Morin:** Thank you, Chair.

We talked of a constant theme of consultation. We talked about the Mikisew and the duty to consult on legislative processes. We're also talking about—thank you to my colleague from Quebec—the urgency aspects of this.

I have heard through APPA and other studies and throughout the historic process that there is an urgency to this. Many people go unrecognized, and families have been torn apart for the better part of 100 years, particularly after 1985 with that legislation that came in.

Subsequently, there have been fixes along the way. There is perceived to be a start of a consultation process going on right now through the collaboration process. The government has done other legislation when it came to affecting aboriginal and treaty rights. Particularly, Bill C-5 is one that first nations have been pushing back on for close to a year.

Why does the consultation process on this one need to take the time that it is versus something like Bill C-5 when it comes to land? That's something first nations see as forever in terms of their treaty rights. Why is there a discrepancy about when to consult and when not to?

**Lori Doran:** I can only speak to the process under way for the second-generation cut-off.

As my colleague mentioned, under the United Nations Declaration on the Rights of Indigenous Peoples, there is a requirement to consult on matters that impact them and their rights.

A solution to the second-generation cut-off will have significant impacts. We have the minister's special representative's report from 2018 that calls on Indigenous Services Canada to consult on this issue, because there's no one solution. The one-parent rule is one, but there are others out there, and we are already hearing from groups that there is a range of perspectives on this.

We understand that people are frustrated with the time it's taking, which is in part why the consultation on second-generation cut-off was launched at around the same time as the former Bill C-38, now S-2. We wanted to compress the timelines by doing the two in parallel so that, after a short period of time, we were ready to come forward with a stand-alone legislative solution on the second-generation cut-off that would have benefited from the consultation to ensure that it's the right solution and doesn't have unintended consequences.

• (1150)

**Billy Morin:** We've heard about urgency. Forgive me if I'm asking the same question twice, but what's your reaction to those members who have been waiting for a very long time and who have said that they don't trust the government in this process? It's given no end date on this process. It said it would work on it. It has been working on it since 2023 in a consultation or collaborative process. It's been studied at APPA and a few other places. Is the distrust of the government to get something done in this regard understandable in your eyes?

**Lori Doran:** We understand the frustration, and we know that this impacts real people today, families and communities. We understand the urgency. We are moving forward. It is enshrined in the action plan of the United Nations Declaration on the Rights of Indigenous Peoples Act. It's holding Canada to account for this. Action plan measure 2.8 commits Canada to do this work and introduce a legislative solution. Again, it's not whether to do this; it's how to do it. I really want to underscore that this isn't about whether to take action; it's about what action to take.

**Billy Morin:** Regarding Bill S-2 in its current form, there is a timeline of about a year to prepare and transition into the implementation of it.

What would the department need if S-2 were to pass? What would the buildup be for the department? How would you get ready based on the lessons learned from S-3 and previous alterations to the Indian Act registry? What would you need to implement this one, and would the supports in the priority be from the department?

**Lori Doran:** Any solution to the second-generation cut-off will require careful consideration of impacts and implementation considerations. Any solution will require us to take time to understand what those impacts and implementation considerations are, because there could be a large increase in new members for some nations. There could be demands for programs and services. There could be a whole range of different impacts, and those impacts will be felt differently by nations across the country, for example, in more urban nations versus more rural or remote, etc.

We really need to understand those considerations. The consultation that's under way is seeking from groups those considerations so that we are prepared to implement and fully understand the different variables that need to be considered for a solution to the second-generation cut-off to be a success.

**The Chair:** Thank you very much.

MP Hanley, you have five minutes, please.

**Brendan Hanley (Yukon, Lib.):** Thank you, Mr. Chair.

Thank you, officials, for being here.

I want to continue on the theme of that balance between consultation and urgency.

When reflecting on the introduction of Bill S-2 and, of course, the amendments to the second-generation cut-off, and given that you recognized the urgency in your opening remarks, what do you see as the effect of the introduction of Bill S-2 and the amendments on the urgency of completing the consultation but at the same time

feeling, rightly, the duty to complete the consultation in a good way?

**Lori Doran:** There were many witnesses at the Senate, and I was really taken—we all were—by the personal stories and the clear articulation of the harms of there not being a solution to the second-generation cut-off.

We certainly heard through testimony the impacts, and it has really galvanized us to move quickly and efficiently in this process, making sure, though, that we do our due diligence and ensure that a broad group of people have a chance to make their voices heard.

We're moving quickly through these stages. We are not only considering the impacts at a collective level through nations that have come forward with testimony, but we are seeking the feedback of individuals as well, because there very much needs to be a balanced solution that considers the collective and the individual perspectives on this issue.

• (1155)

**Brendan Hanley:** Can you talk about how you are incorporating territorial-level consultation or a plan to do so, particularly with regard to modern treaty holders and how perhaps what you're hearing might be different from what you're hearing from Indian Act members?

**Lori Doran:** We do want to consult with self-governing groups. We want to engage with groups that have taken over membership under section 10 and those that remain under section 11, where the department and the registrar maintain the list. We want to talk to more urban nations and more rural nations. We are looking, through these first nations-led consultation events, to really cast the net quite broadly to make sure we capture those perspectives.

**Brendan Hanley:** Presumably, part of the consultation since 2023 has included northern members, modern treaty holders and self-governing nations. Could you elaborate a little bit on that?

**Stuart Hooft:** Yes, our consultation process has included modern treaty holders and nations that are governed by self-government agreements.

Certainly, their perspectives will vary, as they see themselves less impacted or touched by the Indian Act. I would highlight that even for nations that are self-governing, the registration provisions continue to endure or be preserved for their members, but the implementation considerations are different, because they may control their own membership or have own-source revenue or other things that are a consideration.

It's really their feedback that also helps us anticipate where concerns may emerge in the future when we're projecting into the future as well in terms of programs and services at the federal level.

**Brendan Hanley:** Ms. Doran, you also mentioned community-level data and the importance of that versus gross data.

Could you elaborate a bit on what processes you are establishing for that?

**Stuart Hooft:** Absolutely.

During the codesign and co-development process, part of that also included information sharing. We've continued to offer information sessions publicly to individuals and to nations by request. We host those sessions on Thursdays, virtually. We also visit communities to provide information about the second-generation cut-off, Bill S-2 and other issues.

Specifically when it comes to community-level data, we have made every first nations' registered 6(2) population publicly available through our open data platform and on our Internet site. Beginning in 2024, we mailed community-level data sheets, both electronically and by postal mail, to each first nation. It included an information kit that's available on our website about the second-generation cut-off and section 10 voting thresholds. Then it specifically had the 6(2) population of their community and what that could mean in the future, as a way to start to build that awareness and readiness for consultation.

In closing, I'd also say that a lot of our information, whether it's the consultation plan, what we heard from partners, this community-level data or the rights holder information-sharing kit, is available on our department's website. We know trust is a factor, so we want to continue to consult in a way that's very transparent.

**The Chair:** Thank you very much.

Now for our next questions, we go to MP Morin.

**Billy Morin:** Madam Doran, I don't have it verbatim, but you mentioned that it's not a matter of if; it's a matter of how.

Can you explain that again?

**Lori Doran:** Yes, for sure.

We're not consulting on whether to remove the second-generation cut-off; the government is committed to a solution. The consultation is the "how". The one-parent rule in perpetuity is one solution—removing it and going back to what existed pre-1985, with just one registration category. There are self-determined approaches that are both within and outside of the Indian Act. Think of an institution or an agency that brings the role of the registrar outside of the department to something that's co-managed.

There are different approaches. Those are the things that we're asking in the consultation: What approach to remedying this resonates with you? We'll respond to your particular community's perspectives, traditions and approaches.

• (1200)

**Billy Morin:** Who gave your department that kind of mandate, so that you're not discussing if, but how? Is it the ministers themselves that gave the direction to do this?

**Lori Doran:** Yes, we have the authority to consult on a solution and bring forward a legislative remedy. It's enshrined in action plan measure 2.8 of the "UN Declaration on the Rights of Indigenous Peoples Action Plan".

**Billy Morin:** This is probably the third time I'm asking this: Do you have an end-goal date on getting the "how" done?

**Lori Doran:** Once we know what the appropriate solution is, we need to seek the legislative authority to change the law and we need to prepare for the implementation of the solution.

Those are all the considerations being unearthed through the current process.

**Billy Morin:** Do you have a date, though, for getting that done? Is it mandated, maybe by the ministry, as an end-date goal?

**Lori Doran:** We don't have a date. We're committed to the process and to doing it as quickly as we can.

**Billy Morin:** Thank you.

**The Chair:** Jaime, go ahead, please.

**Jaime Battiste:** I found it interesting that when you were talking about potential solutions or remedies to figuring out the question of first nations status, you talked about DNA and blood quantum.

The research I did when I was researching this for the Mi'kmaq nation shows that there's nothing within our blood that would indicate whether we are Mi'kmaq, Cree, Inuit or any other nation.

What is the knowledge that we're working with that we would accept blood quantum and DNA as a potential solution? Do you have any witness that we could potentially hear from at this committee on the reliability of blood quantum in determining who is a status member of a first nations community?

**Lori Doran:** This isn't a solution coming from us. This is one of the solutions that has come forward from the call-out that we've done. I'm just sharing what has come into the department, which is why taking what comes forward and having it assessed for legal viability and charter compliance and other important factors and variables is really important. We don't want to consult on a solution that really is flawed by nature. I'm just reflecting what has come into the department.

Stuart could weigh in on this.

**Stuart Hooft:** In terms of the specifics, I think we could follow up and provide that support for the benefit of the committee.

**Jaime Battiste:** There are authors like Kim Tallbear who looked at mitochondrial DNA and its usage for determining indigenous identity and showed that it's not reliable because it only follows the maternal bloodlines, so you'd only be getting the mothers, grandmothers, great-grandmothers in terms of this blood quantum.

I'm wondering if technology has caught up in the 15 years since I did this research, and now we have metrics to determine a blood quantum. Is there anyone you would recommend us speaking to on this who would be able to give us an indication whether this is indeed a good idea? If we're all going through this committee to find the solution that can be found through DNA, that's something I'd be willing to listen to and look at in terms of this whole scenario of determining status. If it can be done through a DNA test, then it would save us a whole lot of work.

**The Chair:** That brings us to the end of our panel.

Thank you very much to everyone from Indigenous Services Canada for being our first panel in this study.

I will remind everyone to please get any more witness names you have in by Friday the 13th, end of the day.

Bill C-10 has been sent to us. We will be undertaking that study. Please have some witnesses to us by Friday as well by end of the day, and we will commence that study when we return after our constituency week. We have a full slate on Thursday morning.

Thank you very much. Are there any further questions, discussions?

Go ahead.

• (1205)

**Billy Morin:** Sorry, Chair. What is the agenda for Thursday?

**The Chair:** Thursday, we're going to continue on with this study. We have Cindy Woodhouse at 8:15 a.m. She will be here for the first hour, and then we have a few other witnesses as well that day. It will be a full slate of witnesses.

Again, I remind you to please send in more witness names for this study by Friday the 13th end of the day, as well as Bill C-10, which we will engage in after we get back.

Thank you.

We are adjourned.

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