HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

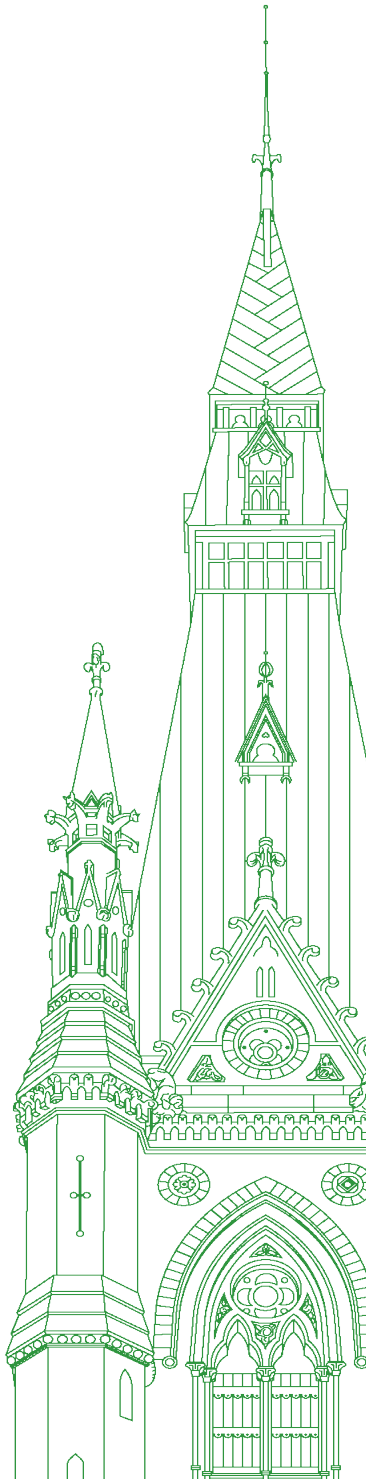
45th PARLIAMENT, 1st SESSION

Standing Committee on Indigenous and Northern Affairs

EVIDENCE

NUMBER 021

Thursday, February 12, 2026



Chair: Terry Sheehan

Standing Committee on Indigenous and Northern Affairs

Thursday, February 12, 2026

● (0815)

[*English*]

The Chair (Terry Sheehan (Sault Ste. Marie—Algoma, Lib.)): I'm going to call this meeting to order.

I would like to welcome everyone to meeting number 21 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 continuing its study of issues related to the Indian Act registration.

Before I begin, I just want to share condolences with Bob Zimmer, who is a member of the standing committee and who is in his community right now. I sent him a note yesterday, and he sent one back. It's just unimaginable to have that happen. I know he's doing a stellar job pulling his community together. The children, the teachers, the whole school community and the community writ large have been affected.

Thank you, Bob. Reach out to any of us if we can assist any manner whatsoever. We're all there for you.

Thank you to the first responders there as well. Truly, that was an amazing job you did under such circumstances. *Chi-meegwetch*.

We also had some other terrible news from Kitigan Zibi Anishinabeg of the Algonquin about two little ones, two souls lost. I heard the chief speak. You could hear the heart break.*Chi-meegwetch*

Without further ado, we have Cindy Woodhouse Nepinak, National Grand Chief from the Assembly of First Nations, and Drew Lafond, legal adviser. We have Grand Chief Kyra Wilson from the Assembly of Manitoba Chiefs, by video conference. We have added Chief Kelly Wolfe from Muskeg Lake Cree Nation.

Thank you very much. As one of the members said, we have a star-studded panel here today. Thank you very much for joining us. We look forward to your testimony. You will have five minutes each. Please keep it tight.

Please, National Chief, go ahead.

National Chief Cindy Woodhouse Nepinak (Assembly of First Nations): Chair, as is custom amongst first nations people, I hope we can start with a prayer this morning and maybe even a moment of silence. It was a rough day for our country yesterday with gun violence. As the Assembly of First Nations, our hearts go out to Tumbler Ridge as well as to Kitigan Zibi Anishinabeg nation.

Could Chief Kelly Wolfe guide us on that, Chair?

The Chair: Yes.

Thank you very much.

Chief Kelly Wolfe (Muskeg Lake Cree Nation, Assembly of First Nations): With the families in mind who recently lost loved ones, I'd like to start off with the serenity prayer. It was a prayer used by a former chief who has passed on now in our Treaty 6 territory, and I utilize it when I can.

Creator, grant us the serenity to accept the things that we cannot change. Creator, we ask you to provide us the courage to change the things that we can as well as the wisdom to know the difference. Amen.

The Chair: Thank you for your words and putting us on a good way.

We will do a moment of silence for 30 seconds or however long you need to take. Thank you.

[*A moment of silence observed*]

National Chief Cindy Woodhouse Nepinak: *Meegwetch*. Thank you so very much for that beautiful prayer this morning. Thank you for the acknowledgement to our fellow Canadians and fellow first nations people who are having a devastating day.

I want to get into my remarks.

[*Witness spoke in Anishinaabemowin*]

[*English*]

Thank you so very much for being here this morning.

For those of you who don't know me, my name is Cindy Woodhouse Nepinak. I'm the national chief of the Assembly of First Nations. I'd also like to acknowledge that we are here in the traditional territory of the Algonquin nation.

Thank you to the committee for the invitation to appear today as you study the Indian registration system within the Indian Act.

The Assembly of First Nations has reviewed the indigenous advisory process final recommendations and feedback report, gathered and considered input from first nations communities and, finally, carefully examined the potential impacts of different approaches to the second-generation cut-off rule.

During our recent special chiefs assembly in December, when our chiefs gathered here, leadership engaged in considerable dialogue as they adopted AFN resolution number 54/2025, which will inform my remarks this morning.

It is widely accepted and it is the AFN's position that the objective of the Indian Act's second-generation cut-off rule is to reduce Canada's obligations by steadily decreasing the number of people entitled to Indian status. It reduces us on paper, even as our people continue to exist. The second-generation cut-off rule has serious implications for first nations' identity and membership. It is discriminatory and increasingly restrictive over generations.

The second-generation cut-off rule is a blood quantum rule rooted in colonial thinking. Status transmission depends on how much Indian ancestry Canada believes someone has. The rule treats first nations' identity as something that can be diluted and eventually erased. It does not reflect first nations' understandings of belonging. It places the power to decide who is “Indian enough” with the federal government.

Over time, this has caused real harm, including teaching families to measure themselves and each other using Canada's rules, creating divisions within communities and causing people to question their own legitimacy and identity.

The second-generation cut-off rule raises serious human rights concerns, engages the United Nations Declaration on the Rights of Indigenous Peoples and directly affects first nations' jurisdiction over citizenship and belonging. The United Nations declaration affirms indigenous peoples' right to determine their own identity and membership, maintain their cultures, institutions and kinship systems, and be free from forced assimilation.

Canada has endorsed the United Nations declaration and passed legislation committing to its implementation, yet the second-generation cut-off remains and allows Canada, not first nations, to decide who is recognized as status. I must say, no other group of people in this country is determined like this by Canada.

The United Nations declaration also affirms free, prior and informed consent, which requires first nations to be meaningfully involved in decisions that affect their rights, identities and futures. Changes to the second-generation cut-off directly affect identity, citizenship, community membership and future generations. Free, prior and informed consent is therefore essential, not optional.

The second-generation cut-off rule also undermines the right to belong and to pass identity to future generations—a right that is recognized in international human rights standards. The harshest impacts fall, of course, on our women, our descendants as women, and those already made vulnerable by colonial practices and policies.

Despite previous amendments to the Indian Act, the second-generation cut-off rule continues to perpetuate sex and gender-based discrimination, which particularly affects the descendants of first nations women. Addressing the second-generation cut-off is therefore not only a policy issue, but a human rights obligation that must be done in a manner consistent with the United Nations declaration and free, prior and informed consent.

The impacts of the second-generation cut-off rule are considerable. It entrenches gender-based discrimination, which disproportionately affects the descendants of first nations women and continues to entrench sex and gender-based discrimination across generations. It causes harm to women and their descendants, including loss of culture, identity and increased vulnerability. It also creates divisions between status and non-status people, leading to exclusion, reduced access to services and intergenerational harm. Moreover, it erodes first nations' identity, sovereignty, and self-determination, while systemically reducing the status population. Finally, it has legal and governance consequences, including impacts on funding, land entitlements and political participation.

● (0820)

As for the path forward, while there is no simple or easy solution to the second-generation cut-off rule, any path forward will be complex and must be co-developed with first nations in line with free, prior and informed consent.

The issues and principles I've shared with this committee today, particularly the ongoing sex and gender-based discrimination embedded in the Indian Act, formed the foundation of resolution number 54/2025, adopted by the chiefs in assembly this past December.

Resolution number 54/2025 calls on "Canada to immediately and without delay end any and all sex- and race-based discrimination in the Indian Act to prevent the legislative extinction of Status Indians and First Nations, and take steps to recognize and facilitate the exercise of First Nations' inherent jurisdiction over citizenship and membership."

We will include a copy of this resolution in our formal submission to the committee for your consideration.

Chi-meegwetch. Thank you so much.

● (0825)

The Chair: *Chi-meegwetch*, National Chief.

Next, we have Grand Chief Kyra Wilson of the Assembly of Manitoba Chiefs by video conference.

Welcome.

Grand Chief Kyra Wilson (Assembly of Manitoba Chiefs): Good morning, everyone.

Thank you, National Chief, for your words.

Thank you, Chief Wolfe, for opening us up in a prayer, and for the condolences that we've heard this morning.

I want to say thank you to the chair and to the members of the Standing Committee on Indigenous and Northern Affairs for the invitation to appear before you today.

My name is Kyra Wilson. I'm the grand chief for the Assembly of Manitoba Chiefs. We represent 63 first nations in Manitoba. The Assembly of Manitoba Chiefs operates through a mandate from our chiefs in assembly to advance our treaty rights, inherent rights and self-determination.

Today I'm here to speak in support of Bill S-2 and to specifically urge the committee and the House of Commons to pass the bill with the Senate amendments intact, including the amendment that repeals the second-generation cut-off by restoring the one-parent rule, or the Indian Act registration.

Under the direction of the AMC chiefs in assembly and guided by the chiefs committee on citizenship, AMC continues to advance nation-determined citizenship laws and registries alongside, but not dependent on, the federal registration reforms.

The Indian Act registration rules, particularly subsections 6(1) and 6(2) on the second-generation cut-off and the policy of unstated paternity, have caused profound and ongoing harm to first nations individuals, families and nations. These registration rules are not abstract policy problems, but they actually have real impacts on our first nations families every day—including my own.

I'll talk about a little bit of my own story. My own child is not eligible under this policy, this legislation, in regard to registration. Look at our journey. I've been a chief for my nation and am currently a grand chief for the Assembly of Manitoba Chiefs. Currently, my own child is not entitled to be registered as a status Indian under the Indian Act, so I am in support of Bill S-2.

When we look at the Indian Act, as it stands this regime disregards first nations laws regarding the governing of citizenship and belonging. It replaces first nations legal orders with federal administrative rules and advances what many have rightly described as legislative extinction by administrative design.

Following the Senate's consideration of Bill S-2, the AMC chiefs committee on citizenship recommended that AMC continue advancing nation-determined citizenship laws and registries in parallel, and not be contingent upon federal registration reforms. That direction reflects what was made clear, throughout the Senate hearings, that while registration reforms may correct discrete injustices, they cannot resolve the systemic exclusion created by the Indian Act or restore first nations jurisdiction over citizenship.

AMC has consistently viewed the Indian Act amendments such as Bill S-2 as transitional measures that may proceed, but they cannot substitute for the recognition of first nations' inherent jurisdiction over citizenship.

The AMC position has been consistent and very clear that we support the repeal of the second-generation cut-off, but we do not support the continued reliance on the Indian Act as the framework for defining first nations' citizenship. We have passed multiple resolutions affirming that first nations have never ceded jurisdiction over citizenship. Indian Act status is a federal administrative category, not citizenship, identity or nationhood. Reforms to registration must be paired with a transition toward first nations-determined citizenship laws.

In closing, Bill S-2 represents an important but incomplete step. The Senate has done its job. It's listened to first nations voices. It responded to the evidence. It removed a discriminatory rule that has caused decades of harm.

The House of Commons must do the same, and the Assembly of Manitoba Chiefs urges members of Parliament to support Bill S-2 with the Senate amendments intact, including the repeal of the second-generation cut-off, and to do so without any delays.

At the same time, Canada must commit to a funded transition towards first nations control over citizenship, consistent with treaties, inherent rights and UNDRIP. We know that this work is not new. It is a continuation of a long-standing chiefs in assembly direction to restore first nations' jurisdiction over our citizens, our laws and our future generations. Our nations have always known who our people are, and it is time for Canadian law to recognize and respect this.

Meegwetch. Thank you.

● (0830)

The Chair: *Chi-meegwetch*, Grand Chief.

Next, we have Chief Kelly Wolfe from the Muskeg Lake Cree Nation.

Go ahead, Chief.

Chief Kelly Wolfe (Muskeg Lake Cree Nation, Assembly of First Nations): Thank you.

I would just like to share our first-hand experience in engaging our members on our citizenship law.

As Muskeg Lake Cree Nation continues to restore our inherent right to self-determination and moves away from under the Indian Act, we've always understood through oral history and teachings that our Creator gave us sovereignty to govern ourselves. Muskeg Lake Cree Nation currently has a seat at the recognition of indigenous rights and self-determination table. That was announced in June 2023 with a letter of intent. This sets up the road map that will help guide us as treaty partners to implement our inherent right to self-government.

Citizenship was and continues to be a primary focus down the self-government path. With approximately 2,500 members, with over 85% of our members living outside of the community and with 900 of those members labelled 6(2) under Canada's lens, we knew that consultation sessions were going to be very challenging.

We utilized our urban committees in the cities most populated by our members to help with engagement sessions. We had 10 sessions over a four-month period. We had nearly 500 of our members participate. In addition to that, we've had questionnaires and surveys, utilizing our app and utilizing our members' portal inside our website. It was very important that we engaged all our people by using every avenue we could. This ensures that every member has a pathway to participate.

The engagement themes included our nation's authority over citizenship law, the impacts of the second-generation cut-off, recognition of adoption and kinship, and long-term nation sustainability. A clear majority of our members responded and expressed that Muskeg Lake Cree Nation, not Canada, should determine who our citizens are. Our members also emphasized aligning citizenship with our values, our tradition, our culture and our teachings. Responses consistently framed citizenship as an inherent right and not a delegated authority. Our members also emphasized aligning citizenship reform with housing, program capacity and fiscal planning.

Muskeg Lake Cree Nation is not expanding membership indiscriminately. The nation is defining citizenship as a foundation of governance, treaty continuity and long-term sustainability.

Moving forward, we understand that when citizens participate, trust grows and that when trust grows, government strengthens. The answers must not come from leadership alone; they must come from the collective voice of our nation. Belonging is not just about eligibility. It is about kinship. It is about responsibility. It is about our future and ensuring that our laws reflect who we are as Muskeg Lake Cree Nation people.

Thank you.

● (0835)

The Chair: We're going to go to our first round of questioning. Each party will have six minutes.

We will start with MP Billy Morin, please.

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

Thank you for the acknowledgement of the two national tragedies yesterday.

Thank you, Chief, for the opening prayer as well.

Thank you for the testimony today from all of the chiefs.

I want to go to Grand Chief Kyra Wilson first.

Chief, thank you for your vulnerability in sharing your personal story about your own child. You mentioned that you support getting rid of the second-generation cut-off without delay. We've had every indication that the government intends to delay this—right from the minister to bureaucrats yesterday refusing to give a date on the current consultation process.

Can you expand on how frustrating that is or what you see the risks are in delaying the second-generation cut-off and upholding what the Senate has challenged the government to do?

Grand Chief Kyra Wilson: Yes, there is definitely a frustration there as I hear the words that you shared and that there will be continued delays. The approach needs to be urgent. We have children and families who are negatively impacted by this every single day, including my own family. As I had mentioned, I do have a child who continually talks about her connection to, or disconnection from, her community. I'm registered with our nation, but my daughter is not, so there is this sense of disconnection. It's very damaging to our families and to our children who are impacted by this second-generation cut-off.

The government needs to take that seriously, because there will be further harm to our families if this isn't rectified immediately, and I would imagine that there would be some consequence and liability for the government in that regard.

Billy Morin: I don't know how government can justify being about reconciliation but deny a chief's child the chance to be an Indian at the end of the day. That doesn't make any sense to me. Thank you for sharing.

National Chief, you spoke at the Senate APPA committee earlier this year, when you said:

> ...the government selects the most minimal, restrictive legislative steps possible and no more to address the human rights violations being raised. It simply waits for the next piece of successful litigation respecting the discrimination that the Crown knows it has not reached. This is what happened in 1985, and this is the repeated pattern of litigation and piecemeal amendments from 1985 to today.

The second-generation cut-off went beyond Bill C-38. Can you talk about the opportunity to take a different approach to reconciliation, instead of just waiting for litigation and court cases, which first nations seem to always have to do? Talk a little bit about the opportunity here to take a different step and redefine what the next step in reconciliation is like. Do we have to keep going to court, or can we try something new?

National Chief Cindy Woodhouse Nepinak: I have a lawyer with me, so Drew, would you like to take that one?

Drew Lafond (Partner, MLT Aikins): Thank you, Chief.

Thank you for the invitation here, members of the committee.

My name is Drew Lafond. I'm a member of the Muskeg Lake Cree Nation. I've had the good privilege of having the opportunity to represent as a legal counsel the Assembly of First Nations, but also, in one of those rare circumstances, my home community the Muskeg Lake Cree Nation.

The Muskeg Lake Cree Nation chief spoke very well and very candidly about the challenges we're facing as a community back home with respect to the second-generation cut-off rule.

To go back to your question there, Chief, or former chief.... Well, in our culture, it's once a chief always a chief, so Chief Morin, thank you for the question.

When we're talking about reconciliation, to peel back some of the layers and all of the rhetoric, in my former capacity as the president of the Indigenous Bar Association, I was working on the file of Indian status, whether it's discrimination or whether it's the self-determination of indigenous peoples to determine their own citizens since at least 2016. We're going on 10 years now since the Descheneaux decision was handed down by the courts. Back then the standing Senate committee was considering, with the guidance of the late Murray Sinclair, this very question about what it means to be a status Indian and what it means to be self-determining.

I thought optimistically back then that we were going to have an opportunity to clean up once and for all the discrimination within section 6 of the Indian Act. We aren't there because of what you just said, Chief, about the incremental approach that was adopted at that time.

I'll remind members of the committee here that, if you look back at the records, there was a popular phrase that was circulating back then in 2016, “6(1)(a) all the way”, which essentially would have allowed any descendant of a status Indian to be eligible to obtain status. It was a one-parent rule and it was something that was being advocated for by a number of people who made their way before the Senate at that time.

Of course, we didn't make it that far. We made it to a formula that was a lot more driven by caution and not as justified and not as in touch with the concerns of indigenous peoples. That caution was about money, candidly. There was a lot of fearmongering at that time—which wasn't data driven—about how many more status Indians would be introduced under the Indian Register if we went with a “6(1)(a) all the way” approach. I think there were figures ranging between the hundreds of thousands to the millions without any information, facts or data to support that. Those were the numbers that were being circulated to parliamentarians at that time to evoke some sort of, I guess you can call it, sentiment that we needed to be worried about the budgetary concerns and to be worried about the impact on our bottom line that this was going to have. Unfortunately, it was that motivation that drove section 6 of the Indian Act that was drafted back in 2017 and ultimately adopted. We're stuck with that.

Now here I am 10 years later and we're having the same conversation about the same subject matter. It's because of that reluctance to take that real step, to have a conversation with indigenous nations, specifically the first nations impacted by section 6 and what they thought a solution or an interim solution to this problem of discrimination would be.

● (0840)

The Chair: Thank you very much.

There will be time to continue on, we're just a little over the time so we have to go to the next questioner. Thank you, Chief. *Meegwetch*.

For the Liberal six minutes, we have Jaime.

Jaime Battiste (Cape Breton—Canso—Antigonish, Lib.): Thank you, Mr. Chair.

Thank you, National Chief and Grand Chief, for joining us today, and the chiefs and legal experts you have brought forward today.

We brought this study forward. In my background, I spent five years working for the Mi'kmaq to determine a Mi'kmaq beneficiary code, to go out to all of the Mi'kmaq communities to try to figure out who was a Mi'kmaq person and who wasn't. Along the conversation, I think everyone could agree that the second-generation cut-off was overly restrictive. Everyone would agree that we needed to get rid of 6(1)s and 6(2)s and turn that over to communities. However, the conversation began to be about what was important about being Mi'kmaq in terms of ancestry, but there was also a fear that if it were too expansive, there would be a strain on resources and that people with very loose connections to the communities would be brought in. There was very much a sentiment that this should be a community-by-community approach.

National Chief, I'll start with you. We have a resolution from the AFN that you said was widely accepted. I think it was framed in terms of getting rid of the second-generation cut-off, which I think many can agree with.

Did they figure out what we should replace it with? Was it a consistent approval that we should just go with the one-parent rule, or was that mentioned at all in the resolution?

National Chief Cindy Woodhouse Nepinak: I'm going to have Drew answer that.

Drew Lafond: In conversations with the assembly at the time—this was December when the resolution was passed, and it was right around the time that the Senate was considering draft Bill S-2, just after they had received the report from its committee—the question, the very one you asked, resonated with a lot of first nations, but you won't find any solution or you won't find any concrete step forward set out in the resolution that was passed by the chiefs in assembly back in December.

Jaime Battiste: Thank you.

Grand Chief Wilson, do you think we should have a solution that comes from the grassroots first nations communities in terms of how we replace subsections 6(1) and 6(2) with something that's created by the first nations themselves? Do you feel that would be an important process that we could undertake, or do you believe we should apply the Senate's solution to every single community, whether they like it or not?

● (0845)

Grand Chief Kyra Wilson: Thank you, Jaime.

I would definitely say that each community needs to have input in consultation on this process. We have been talking about this for years. We've talked about solutions and what that engagement would look like.

We understand our membership currently. Different nations have different membership lists. I believe it's section 10 or section 11 that speaks to the different membership lists that communities have.

We also have a process right now. Even when I was chief, if a community member wanted to transfer into our nation, they had to go through a process that did include approval from chief and council. There are already processes in place that would allow for this work to happen and to continue.

Obviously, Bill S-2 is a first step. This is not the end. There is a process that we need to undertake as first nations people to ensure that our laws and our rights are being recognized within legislation.

Jaime Battiste: Thank you for bringing up section 10 and section 11, because I brought that up with Indigenous Services Canada, when I asked why we don't, as a federal government, just accept it when a community goes through the process of creating a membership guideline and their own custom lists. It's within their jurisdiction to do so under the United Nations Declaration on the Rights of Indigenous Peoples, article 3, so why don't we just accept that?

As a first and guiding step, do you think an option should be that if a community accepts community members as part of their section code, our federal government should recognize them as status?

Grand Chief Kyra Wilson: I do, absolutely.

We have a right as first nations to provide whatever lists of our membership we see fit, and the government needs to recognize that and respect it.

Jaime Battiste: National Chief, I'll come back to you.

One of my concerns is that as much as I respect the processes of Parliament and the Senate, I do not feel that any parliamentary committee or Senate committee should be able to bind communities to changes to the Indian Act without their approval.

Do you feel that whatever we determine on this in terms of the solution for second generation should be optional for communities, or do you believe that Parliament has the ability to make a one-size-fits-all approach?

National Chief Cindy Woodhouse Nepinak: I think first nations need to decide for themselves who their members are. Canada needs to step out of the way.

Many of us come from many different cultural backgrounds in this beautiful country that we all share. Nobody should ever tell you that you're not one background over another. The same goes for first nations. We need to decide for ourselves.

Jaime Battiste: Chief, I'd like to go to you for the last 10 seconds.

The Chair: We've run out of time. Perhaps we can get that out in a supplemental question.

We're going to go to MP Gill for six minutes, please.

[*Translation*]

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

We can come back to the answer, because I think we all have more or less the same view anyway. In any case, I can only speak for myself. I wouldn't accept an outside institution defining me and deciding who I am either. Even though the study isn't about Bill S-2, we have no choice but to keep coming back to it. For example, Mr. Lafond talked about….

Mr. Chair, I think I'll wait, because the witnesses are not ready. If I may keep my speaking time, I'll start from the beginning, because the interpretation isn't available right now.

[*English*]

The Chair: Madam Gill, you can proceed.

[*Translation*]

Marilène Gill: Thank you, Mr. Chair.

I'll speed up. We can come back to the chief's question.

[*English*]

The Chair: You can take it from the top.

[*Translation*]

Marilène Gill: Thank you very much, Mr. Chair. I appreciate that. I wanted the witnesses to be able to understand me, and sometimes there are technical difficulties.

Thank you very much to the witnesses for being here today to testify before us.

I was saying just now that, as an individual and a citizen, I indeed wouldn't accept someone else defining who I am. I can't say that I understand everything you're experiencing in your communities, but I'm able to understand and be empathetic.

We have talked a lot about small steps. There was Bill S-2, Bill S-3 and, in 1985, Bill C-31. Again, I believe it was Grand Chief Wilson who called this a transition.

You also talked about consultation. I'd like to know several things.

According to Mr. Lafond, there has been consultation work on the same things for 10 years. It could even be said that it's been a lot longer, more than 40 years.

Are we ready? Are the first nations ready for the work to be carried out completely?

In an idealistic way, we know that the matter is very complex, but are the first nations ready?

Can the consultations be carried out? Could we stop taking only small measures every time the government is backed into a corner and forced to take important action for the first nations, as will be the case on the deadline of April 30?

My questions are for all the witnesses. I would be very happy to hear the comments of anyone who wants to respond.

● (0850)

[*English*]

National Chief Cindy Woodhouse Nepinak: [*Witness spoke in Anishinaabemowin*]

[*English*]

He'll speak.

You can get translation for our languages.

Thank you.

Chef Kelly Wolfe: Yes, we understand that there is a deadline, and we feel that there need to be big steps.

If you were to put yourselves in our shoes, where an external delegating authority determines where you belong, it's an awful feeling when you hear testimony from families and children and all different ages of our people knowing that they do belong and there is lineage, yet through Canada's lens, they are not members of our nation.

The longer we wait, the more of our people will be impacted, and it's important that we move forward without hesitation. I agree that there should be big steps.

Thank you.

[*Translation*]

Marilène Gill: I would like to ask two sub-questions.

First, I was wondering if we're ready to settle the issue once and for all. I know it can be complex. As I was saying, there's a deadline, and we can choose to move forward thanks to Bill S-2. However, will we then be able to follow this through and settle the issue once and for all?

Second, are we ready to hold consultations? Can that be done as quickly? We could make progress on both fronts at the same time.

Are we ready to find solutions to resolve the issue once and for all, rather than waiting for legal action and for the government to respond?

[*English*]

The Chair: We'll suspend for a moment and we'll come back. I want to make sure that the microphones are working

● (0850)

_____(Pause)_____

● (0855)

The Chair: Before I go to Lori, because she did put her hand up, I'm just going to let us resume so we can finish this question here for Drew.

Please proceed and we'll add a little time back. Perhaps repeat that question for Drew, MP Gill.

[*Translation*]

Marilène Gill: Thank you, Mr. Chair.

I would like to know how much time I have, because although I was interrupted and repeated myself twice, two of the witnesses were unable to hear the English interpretation.

[*English*]

The Chair: You have two minutes and 30 seconds.

[*Translation*]

Marilène Gill: I'll repeat myself a third time. I think I had almost six minutes, but I'll speak quickly. Obviously, I didn't want to take speaking time away from all the witnesses, but, out of respect for my language, I want to be able to express myself in one of the two official languages and have the time I was supposed to have to be able to do so.

I'm addressing all the witnesses, because I may not have time to ask all my questions.

If you have any additional information, you can submit it in writing to the committee. We will take it into account in the recommendations.

Earlier, I said that I didn't want anyone to decide for me what my identity is and who I am. It's up to me to decide. I believe first nations should be able to do so too.

Are we ready to hold consultations that would settle the issue of registration entitlement once and for all, instead of taking small steps, as is done whenever there's a court case?

Is it possible to do that, even though we know that Bill S-2 needs to be passed quickly?

Mr. Lafond, I'm sorry for the commotion, but thank you. Please feel free to send the rest of your response to the committee if you don't have time to share it.

● (0900)

[*English*]

Drew Lafond: I just want to briefly speak to your comment regarding consultation. We have been consulting internally with our communities on this very question of citizenship ever since 1985—at least in my own memory—about how we overcome the issue of this dichotomy of Indian status versus band membership, versus indigenous citizenship.

When we're talking about timing and whether this is the right time to make substantive change, like monumental, seismic change, to the Indian Act regime, I think we're long overdue. However, I want to also be mindful of the political realities, and this also reflects on the earlier question by Mr. Battiste. It's not going to be easy to disentangle Indian status from indigenous citizenship. If it were, we would have been able to resolve this question back in 1985. We're in this position because Indian status has been a reality in indigenous and first nations communities now since at least 1850.

We're looking at over a century and a half of disentangling colonial legislation from our indigenous citizenship systems. Even for our own members who now use Indian status, many of whom use Indian status as a proxy for their own identity, we are going to be on the path to reinvigorating and exercising our own rights over indigenous citizenship. It's going to be a significant journey for indigenous peoples themselves. That's a journey that we'll undertake. Let's not lose sight of the fact that it's the federal government, it's the Crown, that has legislated indigenous identity, and it's the Crown's responsibility to justify any discrimination under that legislation. Again, I don't want to muddy the waters here.

The Chair: Thank you very much. As MP Gill said, if you have more in writing, please send it in. That goes for all questions, or anything in this study as well.

Lori, go ahead.

Lori Idlout (Nunavut, NDP): *Qujannamiik*, Chair.

I'm very much hoping to get the unanimous consent of the committee to ask questions of the witnesses on this important issue.

The Chair: Lori, I'm hearing it will be at the end. We're going to go through a round of questions and then at the end we will allocate some time for you to ask a question. That's what the committee has said and I think that's fair.

Meegwetch.

Back to our questions in the second round, we have Billy Morin again.

Billy Morin: Thanks, Chair.

Chief Wolfe, you're going through the process of developing your own citizenship and membership law. I inherently believe, as I think is iterated by all parties and consistently by first nations, that the solutions lie in them developing their own laws, but it takes time to get there.

You have a nation, just looking at some of the stats, that has a smaller on-reserve population and a little bit more on the urban side.

Is that correct?

● (0905)

Chief Kelly Wolfe: Yes.

Billy Morin: It will be difficult for you to meet the threshold of 50% plus one to get the referendum through under the current rules.

Is that correct?

Chief Kelly Wolfe: Yes.

Billy Morin: I want you to comment, though, on some of the inconsistencies that come from governments applying their own legislation. Speaking for myself, which I can, when I pass my own election law, the same thresholds apply when it comes to creating your own custom election law, which is 50% plus one on a referendum.

I do thank the government at that time, a number of years ago, which said, "We'll ignore that and you can still have your custom election," because we had a great turnout and did all of the above. Also, they refused to implement the First Nations Financial Transparency Act. They also said, "We want to consult and do free, prior and informed consent," but they didn't do it on Bill C-5 and on other land regulation laws.

What does that say to you, when they pick and choose when to do consultation and when not to, and when to enforce a law and when not to when it comes to your jurisdiction?

Chief Kelly Wolfe: Thank you for that, Chief.

One of the challenges in our community, like I shared earlier, is that 15% of our members live inside the nation, so the double majority rule becomes really challenging. Even in our own custom elections, with 1,800 eligible voters, we average around 600 voting in our custom elections, so it does become very challenging. The inconsistencies are detrimental to our people, our future generations and our children.

It's very frustrating, Chief, if I can say it bluntly.

Billy Morin: I wish they would be a little more consistent if they're—and I think rightfully so—going to be flexible in developing...own laws, as long as they're prudent. I think that's the right approach to take, but they shouldn't be picking and choosing when to apply the law.

National Chief, I'm not quoting verbatim, but I inherently believe the government has a responsibility to uphold the Charter of Rights and Freedoms and everything when it comes to sex discrimination against women and children in any law, including the Indian Act. I think we're seeing consultation as a shield here.

There has been consultation. The current process started in 2023. Mr. Lafond has said they've been consulting internally since 1985. Isn't it frustrating that consultation now is being used as a shield on the government side when the right thing to do is look at more urgently addressing the second-generation cut-off?

National Chief Cindy Woodhouse Nepinak: Thank you.

Absolutely. I think we need to move along. First nations have the ability to determine their own membership. I know it's always been a push from Ottawa to tell first nations who we are. It is very frustrating as a first nations person altogether. We see mothers and fathers having to deal with this time and time again, as well as when you think of children in care. Many times the paperwork doesn't get done, so these children are left out. There are so many different instances that we can talk about and so many issues.

The grand chief just told us how her family and her own daughter are affected, so her grandchildren will never be identified as first nations by Canada. By us they always will, but we have discrimination in this country against first nations people, and it really needs to stop. Let's work together; let's move forward in a good way and find a path forward together.

Thank you.

Billy Morin: It is my basic understanding that to help combat some of the aspects of consultation and implementation, which, I agree, are going to be nation by nation, the process exists to go from section 11 to section 10 already. I understand the bill is contemplating a one-year implementation rule. Back in 1985, they were saying maybe two years on the general list, so a precedent has been set in terms of allowing a transition phase but acting aggressively and not waiting for a court case litigation.

Do you believe that there are adequate transition mechanisms in place right now to get rid of the second-generation cut-off?

Drew Lafond: Certainly.

Let's put it this way: We're racing to a red light on this one. I don't want to give the impression that this is going to be the end and that the elimination of the second-generation cut-off rule will be the end of the conversation, but we are racing to an inevitable conclusion and an inevitable question.

It's the elephant in the room that I think everybody's asking about, and I think indirectly it's what Mr. Battiste's question was getting at: What happens in the event that an indigenous nation, a first nation, has its list of who it believes its citizens are, and what happens when that list is not the same as the federal government's? What do we do with the people who are left in the fray? That's the question.

The Chair: That's an excellent question, but we have to go the next questioner. Thank you.

Next, for the Liberals, we have Ginette.

Ginette Lavack (St. Boniface—St. Vital, Lib.): Thank you, Mr. Chair.

Thank you so much to all of our witnesses for your participation here today and online. We're happy to welcome you here and to have this dialogue.

National Chief, you mentioned the importance of co-development in terms of coming up with solutions. We have before us a bill that has gone before a Senate committee, where witnesses certainly appeared, but that beyond that, there was not a consultative process that existed.

How do we reconcile? How can Parliament really ensure that the reforms to second-generation cut-off are grounded in broad consensus and are truly co-developed?

We've heard from nations, and we know that there's not one size that fits all. We're often criticized for a lack of consultation, so how do we do this in a way that is appropriate?

● (0910)

Drew Lafond: Specifically to the question, I can say that even at a community level there is no consensus on the matter of blood quantum.

Again I'll reiterate that disentangling our cultures from 150 years of colonial legislation has been an uphill battle, to say the least. There's voluminous literature on this issue on how we've internalized these systems for the most part, not only at the governance level but also at the individual identity level.

Indian status is a proxy for identity. The opinions, even at our community engagement sessions, are all over the map, and Chief Wolfe can attest to this. What people genuinely do agree with, though, is that the discrimination under the Indian Act, which again is a separate question from our own exercise of our self-determination, can't exist within section 6 of the Indian Act.

The charter prevents it from doing so unless there's some justification for that discrimination. How you satisfy yourselves that there has been some justification for discrimination within the Indian Act is entirely up to Parliament, but at the community level, we're building that broad consensus within our communities in accordance with what consensus requires or demands according to our legal traditions and our legal customs and protocols.

If Parliament is waiting for indigenous peoples to reach a consensus on the elimination of blood quantum from Indian status, we're going to be here in another 10 years.

Ginette Lavack: To continue on that, what risks should we be mindful of in advancing legislative changes without completing the current indigenous-led collaborative process?

Drew Lafond: I identified this risk earlier.

Indigenous people such as the Muskeg Lake Cree Nation are undertaking the exercise of determining who is and who is not a citizen of their communities now. We're doing that independently of the Bill S-2 collaborative process. The inevitable question, again, is what will happen when Muskeg produces its list and individuals who are status Indians, who are eligible for status, don't meet our criteria, for whatever reason that happens to be. What happens with respect to those individuals?

The risk is that there will be further discrimination on the federal government's side because of what the federal government has done over the last 150 years to legislate in that area in a discriminatory fashion.

Again, once we've enacted and implemented our own laws and once we've produced our systems for inclusion and kinship and belonging, if there are people who are not on our list but still meet the federal government's formula, that's the big question. That's the real question.

We're going to be faced with that question inevitably. What's delaying that conversation from happening is that we're not dealing with the discrimination that we know exists today within the Indian Act, which is the second-generation cut-off rule.

The Chair: Thank you very much. That's all the time we have.

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

[*Translation*]

Marilène Gill: Thank you, Mr. Chair.

Earlier, I concluded my discussion with Mr. Lafond by also talking about the issue of urgency. As we said, this has been going on since 1985, but urgent action is also needed now. I see this in my riding, particularly in Uashat mak Mani-Utenam, where 900 members are at risk of seeing their right extinguished. I don't like using that word. The extinguishment of a right shouldn't exist, but that's what's happening, so it's a matter of urgency.

I'm also worried about other members. In a very pragmatic way, we want people to be able to have their own identity, but there's also the issue of implementation. It's clear that it's taking a very long time. A report from the Auditor General specifically states that, for example, in terms of service standards, applications weren't being processed. That worries me, because it's indeed a delay.

The committee deals with a number of topics, such as housing and water. There are already huge shortfalls for communities, even though the majority of registered individuals probably live off reserve. That means it's still important to provide a lot of money to support communities.

Is that something you're also thinking about, at the same time, so that everything can be done quickly?

Again, this is urgent. We want applications to be processed quickly and the money to reach first nations.

● (0915)

[*English*]

Drew Lafond: I echo your concerns, Vice-Chair, with respect to the urgency required to implement the changes to the Indian Act to remove the second-generation cut-off rule. I think a solution is long overdue. I think we need to begin work on implementing it immediately.

I think the removal is going to create some shock value with respect to that internalization, that proxy status that Indian status has within our communities. There will be that adjustment period. Delaying that inevitable adjustment isn't doing any good. In fact, it's perpetrating more harms on indigenous communities. It's furthering discrimination within the Indian Act.

To your question regarding resources, I'll reiterate my original comments. The resources or the perceived lack thereof have been used as an excuse to push the buck down further and further. I've been on this file since 2016 and, again, without a material justification, unless something can....

Where are the numbers to demonstrate this scarcity? Where are the numbers to demonstrate this overwhelming floodgate approach that everybody has been fearmongering about for a decade or more now? When we have those numbers to demonstrate that, then we can start having budgetary conversations. The absence of that information for me is underwhelming, and I think the urgency overrides that concern at this stage.

The Chair: Thank you very much.

Next, we will go to MP Battiste.

Jaime Battiste: Grand Chief Wilson, I'm going to start with you.

We've had a lot of good conversations about subsection 6(1) in this, but we really haven't touched on the non-stated paternity policy that discriminates against women by saying that if you don't put the father's name on the birth certificate, then that child is automatically assumed to be non-indigenous.

My thoughts around this are that if a community determines through a band council resolution that a child is eligible under that community's membership or under any circumstance, that community should have the ability to have that child registered as a status Indian and put that to the federal government. Do you feel like that's a fair process? How can we fix the non-stated paternity policy?

Grand Chief Kyra Wilson: Well, that's the current issue that we see in community right now. Women are unsure of how to engage with identifying who the father is on the birth certificates. I am well aware of situations where members of the leadership are signing their names on birth certificates, and that's a huge problem that needs to be addressed. How is it that you have the whole process that we've seen historically with Bill C-31 and the attempt to end gender discrimination, and yet we're still dealing with it today?

Obviously, there's a lot of work to do, and even Drew Lafond spoke to that. We've been dealing with this since the 1980s, maybe even longer, since day one of the Indian Act. Discrimination is a huge issue against our first nations people and our women, so we need to find solutions. We may not have all the solutions today, but we need to start somewhere.

The Chair: Thank you very much.

Now we've had a consensus from the committee, Lori, and you'll have two and a half minutes to ask questions and have them answered.

Please go ahead.

● (0920)

Lori Idlout: Excellent. Thank you so much.

I do want to note that MP Marilène Gill asked the questions I was going to ask on what's been happening and how urgently we need to see this move forward.

I also want to say very quickly in response to you, National Chief, about your using your indigenous language, that this is allowed. You can ask for an interpreter so that you can speak your language. We've had other witnesses appear here at INAN who spoke their indigenous languages and they were interpreted into English. That is available to you.

I just want to ask this very quickly of all the witnesses. Will it be against reconciliation if the consultations are a cause of delays? I think we've seen the great work of the Senate in making improvements to the previous iteration of this bill. I wonder if you can share what this will mean, if the use of consultation will cause delays, as MP Billy Morin said in describing their use as a "shield".

Qujannamiik.

National Chief Cindy Woodhouse Nepinak: [*Witness spoke in Anishinaabemowin*]

[*English*]

Absolutely, this goes against reconciliation, and I think it's time that we give the tools to first nations people to decide for themselves once and for all who their members are. I know there's that big balloon question: What about people who aren't accepted? Well, you know, it's time that we begin to develop our own membership codes.

Every single day there's a baby born...and of course we know we're up against a child welfare system that has children being born without support for those parents with that child to register them. There are so many different ways of looking at this, but it is discriminatory. It's harmful towards first nations families, and it's disheartening. It creates division in our country.

Like I said, no other Canadian group—and we come from all walks of life—is numbered. You know, I'm numbered, 27201787 at the top of my social insurance card.

Billy, what's your number? Chief, what's your number? We're all numbered differently. No other group in Canada is numbered the way that first nations people are numbered. I tell Canadians this story, along with first nations people. I ask them, “What's your number?” We list our numbers off the top of our social insurance cards and people are horrified. This happened to other groups of people around the world and we've seen that it was cultural genocide.

We've got to get through this together, my friends. We've got to work through it, and first and foremost allow first nations people to develop our own membership codes, our own membership laws, and give them the tools to do it. We never created this. This was done to us by Parliament in the creation of the Indian Act. We've got a lot of work to do, but we can do that together and get there in a united way.

Thank you.

The Chair: Thank you very much. That concludes our first round.

Thank you to all of our witnesses for such insightful and impactful testimony.

Chi-meegwetch.

We'll suspend while we get our next panel here.

● (0920)

_____(Pause)_____

● (0925)

The Chair: Welcome back.

We're going into the second panel.

We have, as an individual, Dr. Pamela Palmater, chair, indigenous governance, department of politics and public administration, Toronto Metropolitan University. Welcome.

From the Assembly of First Nations national youth council, we have Isaiah Bernard, co-chair, councillor, Potlotek First Nation; and Kiara LaBobe, co-chair.

Welcome. We're really looking forward to all of your testimony, including our youth voices here today, so *chi-meegwetch*.

We'll start with the doctor online first, please, by video conference.

Dr. Pamela Palmater (Chair in Indigenous Governance, Department of Politics and Public Administration, Toronto Metropolitan University, As an Individual): Thank you so much.

Kwe. Hello.

Ni'n teluisi Pam Palmater. I'm a citizen of the Mi'kmaq nation, a registered Indian under the Indian Act and a registered member of my first nation, Eel River Bar First Nation.

In my background, I worked for 10 years at Justice Canada and have training in legislative drafting. I also worked at Indian Affairs, as it was called then.

Thank you for inviting me to appear. I never take it for granted. I always appreciate these opportunities.

I want to say right from the start, with the greatest of respect, that we could be having this conversation in a study of Bill S-2 as it was amended by the Senate. We've covered issues, especially those related to Indian status, band membership and citizenship, in significant detail in the Senate and in every previous iteration of Indian Act amendments related to registration.

Particularly with Bill S-2, there was a historic level of consensus. Was there 100% agreement? No, but it was pretty close, and consensus doesn't require that everyone agree. We had a historic level of consensus with first nations women, first nations organizations, youth and first nations communities on getting rid of the second-generation cut-off, which is sex- and race-based discrimination, and implementing a one-parent rule, because it would deal with all of the complexities in Indian registration, as well as things like unstated paternity.

The historic, unanimous vote in the Senate should be a strong indicator of how we need to move forward. They listened to our voices. No one in the Senate said, “Hey, we're going to make a whole bunch of amendments to the Indian Act because we just feel like doing it.” They took our amendments, many of which we drafted. The fact is that there was a historic consensus, and they finally listened to our voices and said, “We're going to do what you tell us to do.”

Why the resistance by ISC? What's going on here? They've resisted this entire time with every amendment.

We know why. It's because the government's position hasn't really changed. They're talking about the absorption of the Indian race into the general population. That's their objective. It's to continue until there's not a single Indian left in Canada. It's that the legal definition of “Indian”—which they hold on to with a vice grip with this disappearing Indian formula of “second generation”—results in our gradual assimilation.

We've been here before. We had consultations in 1982. We had consultations in 1990, 1996, 2011, 2019 and on and on. We've talked about this to death and we keep saying the same thing: Second generation isn't for us.

We have to remember that Indian status is separate from band membership, and it's separate from self-government citizenship. There are all very different issues at play here, but the federal government has federal legislation under the Indian Act. If it's going to be committed to the rule of law in Canada's own constitution, then it has no freedom, deference, ability or option to not remove the sex and race discrimination in Indian registration.

There have been no fewer than 10 Supreme Court of Canada cases that said you can't use consultation as a delay. You can't use financial costs by the federal government. None of these excuses are at play.

They also say that you cannot use an incremental approach to get rid of section 15 discrimination, and that's exactly what this is.

Why are they doing it? Well, it's unjust enrichment on Canada's part, because the longer they delay making these amendments, the less money they have to spend on people who should rightfully be included, and then they insulate themselves from liability with non-liability clauses, and that's wrong.

The other thing that I think is really important to remember is that millions of people aren't going to be added. In fact, the estimates are 7,500 people a year, divided over 630 first nations. We all know that with every single amendment, millions were never added. It was 130,000 for Bill C-31, 38,000 for Bill C-3, and Bill S-3 is 88,000 so far, divided among 630 first nations. The alarmist attitude and fearmongering that the feds do with first nations just doesn't bear truth.

● (0930)

My last point is that with Bill S-3, the Parliamentary Budget Officer confirmed that even with the addition of new members, there's not going to be an increased financial burden on first nations, because they almost all live off reserve. The increase in costs, if any, will be to the federal government.

● (0935)

The Chair: Thank you for that.

Next we'll go to Isaiah for five minutes, please.

Isaiah Bernard (Councillor, Potlotek First Nation; Co-Chair, Assembly of First Nations National Youth Council): [*Witness spoke in Mi'kmaq and provided the following text:*]

Wli Eksitpu'k, committee members, telusin Isaiah Bernard. Tleyawi Potlotek First Nation.

[*Witness provided the following translation*:]

Good morning, committee members. My name is Isaiah Bernard. I'm from Potlotek First Nation.

[*English*]

I want to begin by acknowledging that what we are discussing today is not simply legislative reform. It is about identity. It is about belonging. It is about the future of our nations.

Reform of the Indian Act, especially regarding registration and membership, must be first nations-led. For generations, decisions about who we are and who belongs to our communities have been through federal legislation that does not reflect our laws, our kinship, our justice systems or our values. The authority to determine our own citizenship is an inherent right, and it is not delegated by Canada. It is a core expression of our sovereignty.

Any consultation process on reform must be meaningful, not procedural, not just a check box. It must be recognized as a critical step toward restoring jurisdiction and advancing self-determination.

This requires a co-developed framework created in full partnership with first nations. It must include transparent timelines, clear objectives and adequate resources to ensure meaningful participation. Without proper funding and sufficient time, consultation risks becoming symbolic rather than transformative.

When a first nations government engages in this process, its long-term social, cultural and economic vision must be respected. Reform should enable nations to define their own future, not impose another uniform solution.

It is also essential that urban members and marginalized groups within our communities also be included in these discussions. Reform must consider all impacts, especially on those who have historically been excluded or harmed by the Indian Act.

I want to share with you a personal story about why this means so much for me.

A couple of years ago, I was at my father's house celebrating Christmas dinner with my family. My brother pulled me aside and took a few minutes to dance around the question of what he really wanted to discuss. Finally, he just outright asked me if I would consider signing his son's birth certificate. In that moment, it hit me. I was raised a 6(1) status Indian. I never had to think about the barriers attached to a 6(2) status. I never had to think about what it meant for my children or my grandchildren, but my nephew—my brother's son—is affected by those rules.

I have never seen him as anything other than a Mi'kmaq. I know he will grow up learning our language. I know he will grow up learning our culture. He belongs to us. Yet, under the current framework created by Bill C-31 and the second-generation cut-off, his identity will never be fully recognized by law. On paper, the system will diminish what we know to be true.

No family should have to navigate those kinds of conversations at Christmas. No uncle should have to be asked to find a workaround to the federal legislation in order to protect his nephew's identity.

That is the human impact of the second-generation cut-off.

First nations have been clear. Distinctions between 6(1) and 6(2) that result in our children and grandchildren losing status have caused real harm. The second-generation cut-off fractures families and limits the growth of our nations. It directly infringes on the inherent right to determine our own citizenships.

For nearly 150 years, the Indian Act has restricted and undermined that right. It has never reflected our governance system. It has never reflected our kinship. It has never reflected our values.

While the Senate's amendments to repeal the second-generation cut-off were truly historic, we must be careful not to replace one imposed framework with another. A one-parent rule may not reflect the traditions and aspirations of every community. A single federally imposed solution risks repeating the issues we're having today, issues that we're meant to correct. Before any amendments are made, Canada must fulfill its duty to properly engage with first nations. Any changes to registration and membership must be first nations-led and grounded in respect for inherent rights and jurisdiction.

We must also clearly speak about funding. If membership increases, and it likely will, funding will need to be increased as well. There must be co-developed fund escalators that reflect the real cost of population growth and service delivery. First nations require sustained and predictable funding—not short-term allocations, but long-term commitments to allow first nations to plan, govern and support their citizenship.

Increased membership will also mean increased administrative responsibilities. Community-based administrators will face greater workloads and must be adequately compensated.

Our children and grandchildren deserve this. They deserve to be acknowledged for who they are, not debated.

Wela'lioq Msit.

The Chair: Thank you, Isaiah.

Kiara, go ahead for five minutes, please.

● (0940)

Kiara LaBobe (Co-Chair, Assembly of First Nations National Youth Council): *Wela'lioq*.

Before I speak about legislation, I want to speak about a little girl: my daughter. She is five years old, and she knows her Mi'kmaq language. She attends cultural events. She knows the songs. She knows the teachings, and she knows who she is. When you ask her, she proudly says, “I am Mi'kmaq”, but on paper, according to Canada, she is not. This is not because of anything our people did, because of our Mi'kmaq laws or because of our Mi'kmaq culture. It's because of the Indian Act. That's why I'm here today.

Good morning, committee members.

Bill S-2 does not address the need for transformative change in the full recognition of first nations' authority over status. First nations have voiced that there was inadequate consultation on the proposed amendments to the Indian Act through Bill S-2.

Currently, only women who were reinstated after being enfranchised for marrying non-status men can transmit status to their direct descendants to the same extent as those who were never enfranchised. This must be changed if legislative assimilation is to be addressed because, right now, Canada is still deciding who belongs to our nations, not us.

The impact of that decision is not theoretical. It shows up at kitchen tables when parents have to explain to their children why their siblings are status and they are not. It shows up when families fill out forms and realize the government has divided their bloodline into categories. It shows up when children begin to wonder if they are less indigenous than their cousins.

There has not been movement or ambition from Canada to further this work, despite commitments from the UNDRIP action plan and the ministers of ISC and CIRNA. My grandparents were forced into residential schools, and my father was sent to Indian day school. Government policies stripped them of their language and culture. Now, generations later, government policy is once again determining belonging by excluding my daughter from status recognition. Decades of inaction have resulted in harm that persists across generations. Canada's failure to address these issues contravenes commitments to first nations peoples and gender equality.

Full reparative measures and policy reforms are essential to repair past harms and prevent future discrimination under the Indian Act. The Indian Act and Canadian policies perpetuate sexist and paternalistic values that continue the violence against indigenous women and girls, and two-spirit and gender-diverse first nations people. Subsection 6(1) and subsection 6(2) registration categories define family structure according to Eurocentric and heteronormative ideals, and these are not our ways. Before the Indian Act, our nations did not measure belonging through patriarchal formulas; two-spirit people were respected, women were leaders and kinship was not questioned. The Indian Act did not just change our governance. It changed how we were forced to see our own families.

Amendments to date have not gone far enough to eliminate sex-based inequities. Sex-based discrimination continues through second-generation cut-off. Parents do not have equal rights to pass their status on to their children. The quiet violence of that is devastating because it forces mothers and fathers to sit with the reality that the government has more authority over their child's identity than they do. This is not our law. This is Canada's law still shaping our families today.

First nations must reclaim our authority to define our own people, separate from colonial systems, because, for us, belonging is about kinship, community ties and cultural continuity, not outdated federal rules. The concept of “status Indian” didn't exist when our treaties were signed, yet, today, treaty beneficiaries are determined by Indian Act status and formulas. The second-generation cut-off is driving widespread disenfranchisement and a steady erosion of our population on paper. Our nations are expanding in spirit, culture and community but shrinking in the registry, and the harshness of this unfolds quietly. To you, it looks like declining numbers in reports. It looks like funding formulas. To us, in reality, it looks like children being told they do not belong to their own people.

Funding for essential first nations services is based on the Indian Act status numbers, so when Canada erases our people on paper, it erases our access to housing, health and education in practice. Without the Indian Act, first nations could determine who belongs and support our people directly, ensuring that no one is left behind. Criteria could be based on culture, kinship and our traditional laws. We must assert our own jurisdiction and move beyond the Indian Act. We are self-determining nations with the authority to decide who our people are.

When my daughter says that she is Mi'kmaq, I believe her, my community believes her and our ancestors would have believed her. Why doesn't Canada? That is what needs to change.

Wela'lioq.

The Chair: Thank you.

I'm going now to the six-minute round.

First off, we have MP Morin for six minutes.

Billy Morin: Thank you, Chair.

Thank you for the testimony of our guests today.

I will go to our youth leadership first.

Thank you for being vulnerable with both your stories—a very personal touch there.

When I left being chief a number of years ago, one of the stats that alarmed me—I have it right up to now, reported as recently as last year—was that first nations' life expectancy was 19 years lower than it was for other Albertans. That one hit me in the face.

I listened to you yesterday. We heard that there could be bands erased as soon as 2066, which is basically in your lifetime. You know that you're the next generation of first nations leadership. What does it feel like to possibly see peoples get erased in your lifetime?

● (0945)

Isaiah Bernard: Thank you, Chief.

That hits hard because, when I was growing up, I never thought of these issues. My brother is a 6(2), and I'm a 6(1). I didn't think it would hit so close until you asked me that question. This is what needs to be changed. When Bill C-31 was entered without consultation, it created so many barriers, and we have been trying to fix this for going on 40 years. This has to be fixed right now.

We need the community to buy in as well. What works for the Mi'kmaq might not work for the Mohawks and might not work for the Crees, so we need to let the first nations decide, if possible.

Kiara LaBobe: I think it's a scary thing, definitely .

I'm a 6(2). My dad's a 6(1) and my daughter is considered 6(3). The direction that we're moving in today and the possible assimilation of our first nations is greatly impacted because the children are the future. We are the next generation. Yes, we are the next leaders as well, but so are our children. They will be the leaders after us. If they're not considered indigenous in the eyes of the government, then we're not going to have leaders for the future. I think that is what really needs to change.

Billy Morin: Thank you.

I want to go to Dr. Palmater next.

You cited some of the numbers. We heard it from Counsel Lafond in the previous round of testimony. As a fiscal conservative, I also had to take a step back and look at the numbers. If you look at the implementation of things that come from the Parliamentary Budget Officer and from StatsCan, there are about 7,500 on average over the next 30 to 40 years.

Basic costs would be your basic NHIB costs. Most of those people live in urban reserves. For approximate costs, we heard numbers as close as $50 million for full implementation in the first year out of the $25-billion budget of ISC. Quite frankly, that seems minuscule.

Another thing we just found out in correlation to this today is that the Parliamentary Budget Officer released a report early this morning forecasting that Canada will spend $1 billion a year on the interim federal health program for roughly 600,000 asylum seekers and refugees before provincial health insurance kicks in.

How do you feel about the fears that up to 300,000 first nations people could be affected by a second-generation cut-off to be eligible to gain status because it would be too expensive, but they would spend on these types of costs?

Dr. Pamela Palmater: These are really important questions. The fearmongering, historically—and even now by people at Indian Affairs, aboriginal affairs and ISC over the years—has always been around floodgates. “We're going to be overwhelmed with new members.” Somehow, they're all just going to race to the reserve—I don't know where they're going to live—and it's going to just bankrupt bands because it's going to take so much money.

However, they weren't being truthful, because they knew that wasn't the case. We know that the vast majority are just going to live off reserve. The cost to Indian Affairs will be if they use these services. They are looking at the maximum. They're not looking at the number of people who work in urban areas and have private health benefits and all of these other things, or the people who are well beyond the education age. They always overinflate the numbers.

Let's just say, for argument's sake, that those are the numbers. The number of first nations that would be added every year—this 7,500 number—pales in comparison to the number of new Canadian citizens born—because Canadians have a birthright—and the number of people who become Canadian citizens. There are well over a million people.

We're upset about 7,500 people compared to well over a million people and the money that's spent on them. You were right to point out that it's a fraction of what's spent in the total overall budget. This isn't impacting first nations, by the way. This is the federal government. There is no massive increase in spending.

Even if there was a tiny increase in spending, for every dollar we invest in first nations children—because we're talking about kids and grandkids, and my grandkids are excluded—we save $7 down the line on social programs. Why wouldn't we invest these minuscule amounts in our kids and grandkids who have been cut off by the second-generation cut-off? It just doesn't even make financial sense.

● (0950)

The Chair: Thank you very much.

Next, we have Jaime for six minutes please.

Jaime Battiste: I want to start off by saying *wela'lioq* to the youth and to Pam. I didn't stack this as a Mi'kmaq thing, but it ended up that way.

I want to say that this is the first time, to my knowledge, that the Assembly of First Nations national youth council has ever had an opportunity to be witnesses in a parliamentary study, and I have to say to both of you that you did an amazing job. As a former AFN national youth council member, I will say that you've made us very proud. You spoke with heart and really showed us the human level of what this means.

Isaiah, I want to start with you. I know that you're a councillor in your community as well. There are community members who are born without status. How does the community of Potlotek handle it when kids are born without status but they're still in the community? Does your community continue to support them? Can you talk a bit about that?

Isaiah Bernard: Yes. Our community recognizes that the second-generation cut-off rule is bogus. We, as Potlotek Mi'kmaq, decide that we accept these ones as our Mi'kmaq members.

Even though we don't get the funding for them, it is the right thing to do to help out our people. This is not just about the Indian Act. It's about whether one child and thousands like them will be recognized for who they truly are. We need to fix this issue now before it becomes a broader and bigger issue.

Jaime Battiste: Your community uses its own-source revenue to make up for the fact that the federal government doesn't provide that because they don't recognize that child. Thank you for putting that on the record.

Kiara, you talked a little about the federal government's imposed solutions. Does that mean that you think first nations communities themselves should be the guiding factor in who is and who isn't part of their community, as opposed to Parliament's legislation telling them who is and who isn't?

Kiara LaBobe: I absolutely think that it should be up to the first nations to decide who their people are, because they are the ones who see them every day. They're the ones who know them. It all comes back to belonging and who belongs within the community. If I were to tell you that your child isn't considered a part of your culture, and you were to sit down and tell them at the dinner table that "hey, you're not the same as I am, you're not as equal, you're less than", it would have a huge impact on that child.

We see that on a day-to-day basis, not just with my own daughter and with my nephews, but with the families that I communicate with on a day-to-day basis. We work on a beneficiaries process in P.E.I. I lead that process right now. It's called *Ni'n aq No'kmaq*. That goes beyond the Indian Act in including in our families who is Mi'kmaq and who belongs.

When we talk about the heirs of the Peace and Friendship Treaties, who is that? We talk about it on a day-to-day basis when we hear from families and how they're impacted greatly by the second-generation cut-off. I absolutely do think that it should be up to the first nations to decide that, because those are their people.

Jaime Battiste: Thank you, Kiara.

Dr. Palmater, thank you for joining us. We've worked together on this for more than 20 years.

You've written the book in Canada that demonstrates the urgency of this. In your book, you talk about many communities within the next 20 years not having any status children born into their communities. Can you talk a bit about the urgency that some communities are facing if we don't address this immediately?

Dr. Pamela Palmater: Well, therein lies the financial burden or hardship on first nations when they have a growing population. We know that there are some first nations that are 40%, 50% and 60% subsection 6(2) Indians. All of their kids and grandkids are excluded.

Who pays for it? We know the feds aren't going to pay for that. They try to pay for as little as possible. It's why we have all of these court cases on kids in foster care and Jordan's principle.

We have all of these excluded kids. Who has to pay? A chief and council are accountable to their members. They feel like they have no choice. There are a lot of first nations that don't have own-source revenue and certainly not enough to pay for everything on reserve. I remember a time when I was living on reserve back when I didn't have status. I couldn't ride the reserve school bus to school. It literally gets down to that.

You're having a system of division that's created, maintained and fostered in first nations, and it's absolutely unacceptable. There is no law in Canada that allows federal legislation to do this. The federal government can't do it. First nations can't do it. That's why you see so many first nations saying, "Change this now."

● (0955)

Jaime Battiste: You spoke about the one-parent rule that's coming forward, and I can be in support of that. My concern is that the first nations community might see this as a unilateral process imposed on them. Whatever the government decides to do in terms of replacing the second-generation cut-off, do you think that community should have the right to opt in or opt out?

Dr. Pamela Palmater: First nations right now have the right under the Indian Act to decide their own membership and who belongs to the communities. That's been there since 1985. The majority of first nations have chosen not to enact membership codes in part because they want the feds to clean up their mess and deal with Indian status and all the discrimination so that they don't assume the liability.

There are lots of section 10 bans that have membership codes. The majority go with a one-parent rule. We already have a situation where there are status Indians who are not members. We have members who are not status Indians. That was a decision made in 1985.

Changing Indian status, which is an individual, direct relationship with the federal government under subsection 91(24) jurisdiction, is separate from the conversation on membership in first nations. The federal government doesn't have an option. It has to get rid of this second-generation cut-off and have a one-parent rule, because section 15 applies to federal legislation. They don't have an option under the law to do this.

The Chair: Thank you very much.

Next we have Madame Gill for six minutes.

[*Translation*]

The floor is yours.

Marilène Gill: Thank you very much, Mr. Chair.

We're hearing a lot of very strong terms today. This morning, we're talking about cultural genocide, identity, colonialism and paternalism. In short, we aren't out of the woods yet.

We're conducting a study that goes beyond Bill S-2. I think we're saying that even Bill S-2 isn't going to solve everything. I will emphasize the word "urgency", but I will also insist that you say it, if you agree with it. Even if you have already mentioned it, you can repeat it to us. It's important for the work to be done in parallel. Something is being done, but we can't wait for decades more. We can't stand idly by. Everything has to be done more quickly. That's one thing.

I would like to hear more of what you have to say, particularly about young people, because they're the ones who live with the consequences. I know that this also affects parents. Earlier, I said that I wouldn't accept someone else deciding who I am, but I wouldn't want someone deciding who my children are either. That's like preventing them from being who they are. I talked about cultural genocide, when children are prevented from having their own identity, their own culture and, ultimately, their own language because of money and everything that comes with it.

I would like to hear your comments on this urgent matter so that the committee takes note of them. Of course, we'll be working on Bill S-2. I mentioned the committee, but the House of Commons also needs to take note of the fact that it's important to act quickly. We're talking about 150 years, but even before Confederation, there were colonialist, paternalistic and culturally genocidal policies.

This is a question for Dr. Palmater, as well as Mr. Bernard and Ms. LaBobe.

I'll turn the floor over to you.

[*English*]

Isaiah Bernard: *Wela'lin*.

I was there when the Senate talks went down on Bill S-2. It was passed by unanimous and historic consent, and I witnessed a 6(2) woman in tears. Bill S-2 is not one shoe fits all, but it's a step in the right direction. It's a step to fixing decades of government telling us who we are and who we are not.

At the end of the day, when we're all gone, I know if my kids and grandkids are 6(2)s or 6(3)s, their headstones will say, “Mi'kmaq person”. Bill S-2 is a step in the right direction.

Yes, we need to find the way to let the nation decide.

I don't know if that answers the question.

● (1000)

[*Translation*]

Marilène Gill: You're the one who decides the answer.

[*English*]

Kiara LaBobe: For me, on a personal note, growing up as a 6(2) and being around friends who were all 6(1)s, you get that, specifically, the second-generation cut-off is discriminatory, and then you see from your own peers that, “You're less than me because you're only a 6(2).” There's no difference, though. Isaiah and I are the same. We're equals. I don't see him as any different, and I'd hope he doesn't see me as any different.

That's a reality. That's what I have to face. I'm not friends with these people anymore. I hold nothing bad against them, but I shouldn't be viewed as less than by some people who I personally love. It's same for my daughter and her being cut off. She's only five, but she's going to get to that age where she's going to wonder, and it's a struggle for me, too. She doesn't get the same benefits or the same resources as I do, so I have to pay in, which I don't mind, but at the same time, she's just as indigenous as I am.

Dr. Pamela Palmater: Here's what I see as the current issue. We know this is part of Canada's overall laws, policies and practices that have been found to be historic and ongoing genocide. The National Inquiry into Missing and Murdered Indigenous Women and Girls, which the federal government doesn't even mention anymore, specifically said you need to get rid of this discrimination—so did the Royal Commission on Aboriginal Peoples and so did the Manitoba aboriginal justice inquiry.

There's resistance, but here's the thing: the feds are saying either you pass Bill S-2 as amended, and we just don't deal with these other issues, or you do this never-ending consultation process, which has been going on now for four or five decades, but you can have both. Bill S-2 as amended eliminates federal discrimination in terms of sex and race for Indian status for the vast majority of cases.

You can, at the same time, continue the consultations on what we need to do to support you on band membership. Do you want to enter self-government negotiations to talk about citizenship so that we can do a transition? How about funding, housing and infrastructure? How can we support you? How can we support the newly entitled? How do we support them and give them information?

Yes, consultation is important in where we're moving to the future, and first nations will decide for themselves whether they take up band membership codes or they have citizenship codes—they already have that ability—but when it comes to Indian status, there are no options. The Supreme Court of Canada has said over and over again you cannot delay the removal of discrimination, especially since it's known. Canada created this in 1985. It's done no fewer than six consultations. It knows second gen effectively results in our legislative extinction. It does not have authority in the law to guarantee any formula that results in our extinction. The only way forward that ensures we're not legislatively extinct as Indians is getting rid of second gen and entering a one-parent rule...membership and citizenship separate.

The Chair: Thank you very much.

We'll go to MP Schmale for five minutes, please.

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

Thank you to our witnesses, including our youth members. You're amazing speakers. Hopefully, one day, I can speak as well as you in Parliament. One day. I'm a long way off, says the red team. I thought we were in a collaborative environment here, but that's okay.

Doctor, maybe I'll quickly start with you. First, I found your comments very interesting when you mentioned how the government wants different paths. The government can probably deal with this through legislation instead of more consultations. It seems like it's not just political parties, because this has been going on for decades or hundreds of years, if you want to even include that.

I find the lack of desire or motivation on behalf of the departments...I know there are lots of hard-working people in the departments, but it just seems that.... When we had the parliamentary budget officer, I believe a couple of parliaments ago, they said the departments are very good at doing the same thing over and over again. They get into a routine, but you create something new and it throws them right in a tizzy.

Again, we have lots of good, hard-working people, but it matches.... That's what came to my mind when you said those words. The department can move if it wants to. It's the same thing with the modern treaty commissioner in Bill C-10 that we're dealing with. The department can live up to the word of its treaty obligations, modern or otherwise, but it doesn't seem to want to.

I'm just making these links. I don't know if you have a comment on that.

● (1005)

Dr. Pamela Palmater: That's literally the theme here.

I have been working on this since I was a child. I have eight sisters and four brothers, most of whom have been working on this issue. I dedicated my doctorate in law to this issue, and I show up at every House committee, every Senate committee, every consultation, all of it. We keep talking about the exact same things. I don't even have to write new submissions anymore. It's just cut, paste, cut, paste.

The issue really comes down to this: They refuse to give up on this idea that Indians, under the Indian Act, are going to exist forever, which is what the treaties envisioned. They had hoped, when they separated Indian status and band membership, that the bands would make sure there were no members. However, the majority of these membership codes, of all of the different types, deal with a one-parent rule. Nobody wants to be extinct in the future; only Canada wants that, and we know why. There are two reasons.

One is that it removes us. If we don't exist politically, legally, then we don't get to have section 35 rights. We don't get to resist what's happening on our territories. We don't have a say in what's going on in Canada.

The other thing is that it always comes down to money. For every day that they delay this, for every decade, they're saving money. Every time they make an amendment, they insulate themselves from liability, saying, “Oh, you first nations women and kids, you don't get to sue us. We're making billions of dollars in settlements on residential schools, the sixties scoop, Inuit sled dogs, first nations...”—you name it, across the board—“but we refuse to compensate first nations women and kids, and we refuse to allow them and their descendants to exist in the future.” That's what it is.

They can say anything they want to, but it's an easy solution. Do Bill S-2 as amended—we've already gone through this process—and do your consultations on membership and citizenship and whether there's going to be a transition in the future on contribution agreements and funding. They could do it if they wanted to, yet they're hiding behind consultation.

“We have a legal duty to consult.” How many times have we heard the minister say that? Then we think, “Well, wait a second. Wasn't it the federal government that went to the Mikisew Cree First Nation and fought it all the way to the Supreme Court of Canada to prove that the government doesn't have a legal duty to consult on legislation?”

I think that's wrongly decided, but they use it for the majority of legislation, such as Bill C-5. Now here we are.

No, despite the fact that we have the majority of first nations saying, “Let's do Bill S-2 and consultations. Here are all of the amendments,” the government says, “Oh, no, we're not going to listen to your voices.” That's literally the opposite of consultation. Why would they do that? It's to delay funding and to try to manufacture dissent through fearmongering. I'm saying that with respect, because I worked at Indian Affairs and at Justice Canada. I've been part of every single one of these processes. I hear officials time and time again saying, “Oh, you're going to go bankrupt. It's going to be overrun. You're going to be flooded. Certainly you don't want one-size-fits-all.” Well, actually, charter equality is one-size-fits-all. Non-discrimination is one-size-fits-all.

The Chair: Thank you very much.

Next is MP Lavack for five minutes.

Ginette Lavack: Thank you, Mr. Chair.

Thank you so much to all of our witnesses today for coming and testifying. We're happy to have you.

Dr. Palmater, I'd like to get your thoughts, from a governance perspective, on what the key legal and constitutional considerations are, or that Parliament has to weigh, when we're addressing the second-generation cut-off.

● (1010)

Dr. Pamela Palmater: I think the most important thing is all of the Supreme Court of Canada cases that have said that you cannot have federal legislation that discriminates, that violates section 15 equality and non-discrimination on the basis of race and sex, especially when they know. They've been able to immunize themselves, saying, “Oh, well, we didn't know there was discrimination.” Now they know. They're not going to be able to hide behind non-immunity.

We know from all of these cases—Schachter, Eldridge, Singh, Beaulac, and Corbiere—that you cannot use administrative difficulty, finances or delay. You can't even use consultation to delay ending discrimination. We know, from many other cases and from the Canadian Human Rights Tribunal, that the federal government continues to use consultation to avoid charter equality, despite knowing what the solution is. That's the problem.

If it's a matter of band membership, there's already a process under the Indian Act. Bands can enact their own membership if they want to. This isn't that we're telling them who has to be a member. No, we're talking about the subsection 91(24) jurisdiction over “Indians, and Lands reserved for the Indians”, that one direct relationship between individual Indians and the feds, and they can't get rid of us. They just can't maintain this extinction formula anymore.

Ginette Lavack: Thank you.

I forgot to mention, Mr. Chair, that I'll be sharing my time with MP St-Pierre.

Eric St-Pierre (Honoré-Mercier, Lib.): Dr. Palmater, I'm going to pose my questions to the youth, but I just want to thank you for joining us today and joining the Senate and for every time you're in committees. I'm a huge fan of your work, and we met probably 15 years ago. I was representing Listuguj for a land claims agreement, so we met ages ago, before I was in politics and while I was a lawyer. Thanks for coming today.

Mrs. LaBobe, thanks for joining us today. Your testimony around your five-year-old daughter touched me particularly because I have a six-year-old daughter. The last 24 hours have been particularly hard for me.

I want to hear a little bit more about what this means for you on a personal level, raising a five-year-old daughter, and just speaking from a personal perspective, if you don't mind.

Kiara LaBobe: This would mean a lot for me personally, yes. For other families, too, and it also hits personally for me as well. I feel the impact on my own community, and how you walk into a room of children and the majority of them aren't considered indigenous, my daughter included. It is really heartbreaking that this is the reality we live in and that she doesn't get to go harvest sweetgrass with her grandparents because she doesn't have the right like I would.

I could go and do it freely, and I can't bring her with me. I can teach her, but she doesn't have the aboriginal and treaty rights that I hold. I think that's why we need to fix this, because every day children are being impacted by this specifically. It's going to impact their children, and it shouldn't, especially when her grandfather is full status. His parents are full status, I'm half, and then she's just cut off.

How does that go from a full status, to half, to where she has nothing? That is what really sucks.

Eric St-Pierre: Thank you very much for that.

The Chair: Yes, it's a tough time. Thank you.

Next we have MP Gill for two and a half minutes, please.

[*Translation*]

Marilène Gill: Thank you, Mr. Chair.

Dr. Palmater, thank you for your last comments.

You said that you have repeated yourself and that you no longer need new text. I heard you loud and clear. I would say that I feel the same way. There's no reason, or excuse—that's the word I was looking for—to delay things.

Can you comment on the opportunities?

We talked about consultations. It's complex, but we're still able to move forward in that direction. The same goes for anything to do with resources. You said that this is often used as an excuse. It's not an expense; I would say it's an investment. I dare say that it's a debt, both moral and legal. If we want reconciliation, we have to be able to go that far.

If you were to summarize all the years you have spent studying this issue, what would you tell us? We're in a unique situation, since parliamentarians have to make a decision or recommendations on your behalf.

What would you like to share with us? Can you give us an overview?

● (1015)

[*English*]

Dr. Pamela Palmater: The way forward is to pass Bill S-2 as amended in the Senate, because those amendments represent what first nations told them to do. If ever there was consultation, that's where it is.

At the same time, they can continue consultations on band membership, citizenship, funding, technical supports and all of these things. It's not either-or. You can do both at the same time and also support people.

They also need to stop saying we have this court-imposed deadline, because the court actually referred to the Descheneaux case and the multiple extensions the federal government got to make bigger, larger amendments than those in the court case, and they were directed to do so. They said, “Okay. I will remain over this case and we can have an extension if you need it.” We need it.

We will only need it if they have an endless number of consultations, because the minister said something like, “for as long as first nations need”. That could be 10 years. If you put consultation before the heart of Canada, Canadian law, the Charter of Rights and Freedoms and equality for everyone.... We are the only ones who have to fight for sex equality and racial equality. The fact that we're still having this conversation is bizarre.

Go forward with Bill S-2 as amended. Do the consultations at the same time on all of the other issues and funding. We can do both at the same time. Really, we're legally required to do so. This isn't an option, even though the feds treat it like an option. There's something called the rule of law.

The Chair: Thank you very much for that.

Thank you very much, again. There was some terrific testimony.

It's great to hear you, Doctor.

To the youth, you speak like elders—very much so. Thank you very much for sharing that with us.

Before we leave, I want to take a few seconds....

Yes, go ahead, Isaiah.

Isaiah Bernard: Thank you, Mr. Chair.

I just want to point out something. I heard one of MPs say something about the other team. We should all be one team. This is a unilateral issue, because we're the only people who are forced to love...I should be able to love whomever I want to love. I should be able to pass down my status. On reserve land, we can't own anything, but I should be able to pass down the one thing I do own, which is my status.

Wela'lioq.

The Chair: *Chi-meegwetch*.

Jaime.

Jaime Battiste: One of the witnesses alluded to a Parliamentary Budget Officer report on how much this cost when it was in the Senate. Can we see that at some point? I don't know if we have seen it, but I'd love to see the numbers on what they came up with.

The Chair: Sure. The analysts can get their hands on that. I'm positive. Thank you very much for pointing that out.

Very quickly, before I put the gavel down, we had a discussion earlier about the 25th session of the United Nations Permanent Forum on Indigenous Issues, which this committee has travelled to before. There is a pared-down budget that I shared with the vice-chairs, just to let you know.

I would ask for approval of this budget. If this budget is approved, I will go to the liaison committee, and the liaison committee will decide whether or not we get funded for this. I'm going to read this.

Go ahead, MP Gill.

[*Translation*]

Marilène Gill: Thank you, Mr. Chair.

You said there was a discussion earlier today. That's what I heard through the interpretation. Actually, it can't have been earlier today, because there was no discussion on the topic.

[*English*]

The Chair: I'm sorry. It was a previous one.

[*Translation*]

Marilène Gill: Thank you.

[*English*]

The Chair: We took everything you said and brought back this budget.

I'm going to read it to you, because everything else has been circulated before. I'll do this quickly, then it will just be “wham” and we're gone.

There have been discussions concerning the proposed budget in the amount of $85,305.56 for five members of the committee, plus appropriate staff—interpretation, the analysts and the clerk—to travel to attend the first week of the 25th session of the United Nations Permanent Forum on Indigenous Issues.

Is there a motion that the budget be adopted?

Thank you, Jaime.

● (1020)

Jamie Schmale: I believe our side approved it.

The Chair: Are we all okay for me to go to the liaison committee with this, then?

Some hon. members: Agreed.

The Chair: It is approved. I see nodding heads.

Now I'm asking for permission to adjourn. I see nodding heads. Thank you very much again.