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# Standing Committee on Indigenous and Northern Affairs

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Chair: Terry Sheehan





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• (1150)

[English]

**The Chair (Terry Sheehan (Sault Ste. Marie—Algoma, Lib.)):** I'm calling the meeting to order.

Welcome to meeting number 24 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 the order of the House, the committee is continuing its study of Bill C-10, an act respecting the commissioner for modern treaty implementation.

Before I introduce our first panel, I want to do a little housekeeping.

I'll let you know that we're looking at doing clause-by-clause at our next meeting, in the second hour. I'm seeing nodding heads, so that's good.

We've identified our next study. It's going to be on Bill S-228.

**Jamie Schmale (Haliburton—Kawartha Lakes, CPC):** That's a good choice, Chair.

**Some hon. members:** Oh, oh!

**The Chair:** Thank you for your work.

It's on forced sterilization. We'll be doing that study.

Committee members, please get your witnesses in by the end of the day on Friday so that after our constituency week, we can start that study.

Now I'd like to introduce our first panel.

We've had some issues with video conference connections, so our first panellist is unable to connect for interpretation. They will be online to listen.

We also have MP Idlout online.

Here in the room, from Nunavut Tunngavik, we have Paul Irngaut, president; Alastair Campbell, senior policy adviser; and June Shappa, chief administrative officer. From the Tlicho Government, we have Bertha Rabesca Zoe, chief of Behchokò; and Colin Salter, legal counsel.

We will start with the folks in the room.

Paul, you have five minutes. I'll give you 30 seconds to wrap up, and we'll go from there. Then we'll have questions.

**Paul Irngaut (President, Nunavut Tunngavik Incorporated):** *Qujannamiik.* Thank you for the invitation to appear here today.

I'm pleased to be here as the president of Nunavut Tunngavik Incorporated and the co-chair of the Land Claims Agreements Coalition.

In 1993, Nunavut Tunngavik signed the Nunavut agreement, our modern treaty with Canada. Decades earlier, we had begun documenting our traditional land use and occupancy across our homeland, before the federal government adopted a comprehensive land claims policy. That work eventually led to the signing of our agreement and the creation of Nunavut.

Some parts of the agreement were implemented relatively smoothly. For example, capital transfer payments were clearly scheduled in the agreement, and Inuit-owned lands were registered through the land title system. However, other areas of implementation have proven far more difficult and have sometimes required litigation to ensure that the commitments in our agreement are respected.

One ongoing concern is the implementation of Inuit treaty rights in adjacent waters. The Nunavut agreement states that Inuit must have meaningful access to fisheries near the Nunavut settlement area. In practice, Inuit have to struggle to secure their access to quota allocations, which frequently favour other interests.

Large portions of offshore fisheries are allocated to parties outside of Nunavut, despite Inuit communities being closest and adjacent to these resources and despite the agreement's explicit acknowledgement of the principle of adjacency and assurances of full economic participation by Inuit. Although the courts have affirmed that Nunavut's adjacency rights must be meaningfully considered in federal decisions, these principles have not been fully realized in offshore quota allocations.

Our experience with fisheries reflects a broader challenge that many modern treaties have faced: a gap between commitments contained in our agreements and the reality of implementation.

NTI and other treaty organizations formed the Land Claims Agreements Coalition in 2003. Inuit and first nations from across the country came together because we shared many of the same concerns about implementation.

One of the coalition's outstanding recommendations since its formation in 2003 has been the creation of an implementation body to review and monitor how modern treaties are implemented. Such an office would provide transparency and accountability and would help overcome systemic barriers, thereby benefiting both indigenous partners and governments. A commissioner for modern treaty implementation could help ensure that agreements are implemented faithfully and consistently, ensuring that commitments in modern treaties are implemented in spirit and intent.

We drafted Bill C-10 co-operatively as part of the effort. It represents a joint initiative to strengthen the implementation of modern treaties and improve the relationship between indigenous people and the Crown.

Ultimately, modern treaties are commitments. Implementing them fully is essential if we are to build the partnership that these agreements were meant to create.

*Qujannamiik.* Thank you.

• (1155)

**The Chair:** Thank you.

Chief Zoe, you have five minutes, please.

**Chief Bertha Rabesca Zoe (Chief of Behchoko, Tlicho Government):** My name is Bertha Rabesca Zoe. I'm a Tlicho person. I'm a mother and a grandmother of nine. I'm also a lawyer. I've been legal counsel to the Tlicho Government for a number of years, leading files on the implementation of intergovernmental relations. I wanted to say that to give you an idea of the kind of knowledge that we bring to this table.

With that, *mahsi* and good morning, Mr. Chair and honourable members of the committee. Thank you for inviting us to speak today. I acknowledge that we are gathered on the traditional unceded territory of the Anishinabe Algonquin nation, and I thank them for hosting us.

I am here as the chief of Behchokò, located in the Northwest Territories, and as a representative of the Tlicho Government in full support of Bill C-10, an act respecting the commissioner for modern treaty implementation. As a founding member of the Land Claims Agreements Coalition, the Tlicho Government has been advocating for the creation of a commissioner for modern treaties implementation for over 20 years, including co-drafting this legislation with the federal government.

We support this bill as drafted, and we urge you to pass it without amendment. Modern treaties are part of Canada's constitutional framework, and they cover nearly half of Canada's lands, waters and resources. They are not only tools to advance reconciliation; they are how major projects move forward in our territories in a way that works for everyone.

The commissioner would help address long-standing structural and systemic barriers to modern treaty implementation. For exam-

ple, Tlicho's exercise of jurisdiction over education does not neatly fall within the mandate of one federal department.

The fragmentation of responsibilities across federal departments and the absence of clear accountability have hindered the Tlicho Government's ability to make timely progress on exercising jurisdiction over education with its treaty partners in accordance with the Tlicho agreement. Because there is no dedicated and independent oversight body to assess how these cross-departmental obligations are being carried out, these implementation gaps go unchecked.

As modern treaty partners, there have been times when we have had no choice but to resort to costly disputes and litigation. A commissioner would provide a new path for determining what is and isn't working, identifying barriers early and supporting timely and effective implementation before issues escalate to dispute resolution or the courts.

Some have asked why this role should not simply be left to the Auditor General. The Auditor General's broad mandate spans all of government. It lacks the expertise or capacity needed to provide sustained and effective oversight on modern treaty implementation. Bill C-10 is designed to complement, not duplicate, existing oversight. It includes coordination mechanisms to avoid unnecessary overlap.

You have also heard the criticism that the commissioner would have no teeth. Respectfully, such criticism risks dismissing the accountability role that independent agents of Parliament are meant to play by providing Parliament with the information needed to hold the government to account through independent audits and public reports to Parliament with a focus on results.

One particularity of this oversight model is that indigenous modern treaty partners themselves will provide additional accountability. We will be tracking progress closely and ensuring that reports are acted upon.

Modern treaties are living commitments that span governments and generations.

• (1200)

**The Chair:** Excuse me for a moment.

Is there an interpretation problem?

[*Translation*]

**Marilène Gill (Côte-Nord—Kawawachikamach—Nitassinan, BQ):** Mr. Chair, the interpretation cut out.

**The Chair:** Is it working?

**Marilène Gill:** Yes, it's working now.

[English]

**Chief Bertha Rabesca Zoe :** Bill C-10 is Parliament's opportunity to put in place an oversight mechanism that will support treaty implementation, regardless of who is in power. This is the type of consistency we need and deserve.

In closing, we cannot fully implement our treaties alone. It is by working together that we can unlock the full potential of the treaties and of modern treaty nations to contribute to Canada's shared prosperity.

I hope that all parties can understand the importance of Bill C-10.

On behalf of the Tlicho Government, I urge you all to support this bill and help make our vision of timely, effective and full treaty implementation a reality.

*Mahsi.* Thank you.

**The Chair:** Before we go to the Conservatives' first questions with Mr. Schmale, I want to acknowledge that MP Bob Zimmer is here. I want to thank him for his leadership during this tragic time.

**Some hon. members:** Hear, hear!

**Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC):** I don't want to take up too much time, Chair, but I want to thank all of you who have reached out with so many emails of condolences and prayers for the community and for me. It's very appreciated. Some of these times are very dark, so to see an email from a colleague is so appreciated.

**The Chair:** Thank you for your leadership, your faith and your strength.

MP Schmale, go ahead.

**Jamie Schmale:** Thank you to the witnesses.

This is a topic that we've heard lots of testimony on. I'm very interested in digging down on it.

To reiterate what we've said on this side of the House during this whole process, we agree with the diagnosis, but we have some issues with the prescription. We understand and completely agree that Canada has not lived up to its word of "treaty"—traditional, modern or otherwise—over successive governments. This is not a Liberal and Conservative issue. This is governments in general failing to live up to their signature. We agree with all that, and we would like to see it get better.

We have some concerns with the consequences piece of this legislation. There doesn't seem to be—other than naming and shaming—a piece that has any.... If a department does not follow the word, what happens? The same kind of thing happens with an Auditor General report, whether it be on housing or clean drinking water. We've had so many reports from this committee, but the failures still continue along the line. Nothing seems to change.

While this piece of legislation does create an office and an agent of Parliament that can then zero in on certain issues specifically—whereas the Auditor General maybe has a broader reach—other than a report being tabled in Parliament, which the Auditor General has done, other than naming and shaming and other than maybe

presenting facts or laying out an argument for potentially more court cases.... The whole argument was to get rid of these court cases. We've determined through testimony, at least on this side, that the court cases probably won't be stopped because it's basically presenting a case for nations to take the government to court.

Chief Rabesca Zoe, you basically said that this time will be different. Maybe you can elaborate as to how or why this time will be different.

• (1205)

**Chief Bertha Rabesca Zoe:** We're no stranger to court cases. There are ample court cases in Canada about litigation on indigenous rights, treaties, land claim agreements, self-government and so forth. We have section 35 and so on.

Modern treaties create certainty. However, if there is no oversight, especially with the Crown in right of Canada in this case, we will continue the way we are. It's a whole-of-government approach when it comes to treaty implementation. It's not just one department. We've been saying that.

An MTIO was created. It's more like a policy type of entity. Oversight with a treaty commissioner would make sure that Parliament has oversight through this office. Reports will be tabled, and at the LCAC with treaties, we'll make sure that what was committed to and the obligations are met.

**Jamie Schmale:** How would you do that? We've had many reports. Don't get me wrong. I'm trying to help improve the bill where we can.

You talked about a whole-of-government approach. I would say there has been documented failure over 150-plus years in health care, education, housing and procurement. It just seems that every department continues to fail. I think it's the machinery of government that's the broken system, because that's the only constant in the path we're taking here.

We have an Auditor General who has tabled many reports on all of the things I've just described. Parliament asks the government questions in question period or in a committee setting like this. The media maybe covers it for a bit. What happens next?

**The Chair:** You have 30 seconds to answer.

**Chief Bertha Rabesca Zoe:** Well, I think what we're proposing here is that we work collaboratively on this bill. We're not strangers to collaboratively drafting legislation, especially in our Northwest Territories. This is where we come together as treaty partners to improve what isn't working—or try to improve what isn't working—and we are reaching out to this government, to this Parliament.

Treaties shouldn't be blaming or shaming. They shouldn't be about party lines. We're coming to you to say, "Let's fix this together." Let's create something together that will make sure that as treaty partners, regardless of which party is in power—as you know, whoever is in power represents the Crown—we live up to those obligations and we work together. Here, we're giving you something for you to live by so that we can all work together to make sure it works.

It is a systemic problem within government, and it's been like that for years. We know that. It's a broken system, and this is a way to make sure treaty obligations are committed to or followed through on so that Canada prospers at the end of the day, because we're all working together. As I said—

**The Chair:** Thank you very much. That's great.

**Chief Bertha Rabesca Zoe:** —we have more than 50% of the land mass.

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

We have MP Lavack for six minutes.

[Translation]

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

I'm very grateful to the witnesses for being here and participating today.

As everyone knows, we've been working on creating a commissioner position for some time. For more than 20 years, we've been waiting for this kind of tool to support the implementation of modern treaties. Knowing that we still have work to do, we can always work on the statutes we create and improve them, but at least it's a start. We could put this tool in place right now to support treaty implementation.

Also, we've heard a lot about the difference between a commissioner and the Auditor General. I think that having someone whose only job is to study treaties and ensure they're actioned is a first step. It allows us to study the issue very closely to see what needs to be done and what the next steps are. That, in and of itself, is different from other tools and other government entities involved in implementing these treaties.

Chief Rabesca Zoe and Mr. Irgaut, can you share your points of view in a little more detail? Do you really believe that there would be a difference between a commissioner and other tools or other government entities?

• (1210)

[English]

**The Chair:** Do you have someone you want to go first?

**Ginette Lavack:** It's for one or the other.

**Paul Irgaut:** *Qujannamiik*. Thank you for this question.

When you look at the reports from the Auditor General, a lot of times you don't see follow-ups or reviews. If we had this commissioner in place and strictly looking at modern treaties, I think that would go a long way toward building the relationship we have with the federal government when either party is in power.

That's why we've pushed so hard to have this commissioner recognized. We need a dedicated person looking just at our treaties and at what kinds of improvements need to be made and what needs to be implemented.

I hope I've answered your question.

**Chief Bertha Rabesca Zoe:** When it comes to implementation, it depends on the topic. You deal with the departmental people. You go from department to department on whatever the issue is. There is no consistent one-departmental approach.

Before, Indian Affairs used to oversee discussions. Now when it comes to health, you have to talk to Health Canada. When it comes to procurement, you have to talk to procurement people, Public Works. If you want to talk about an RCMP issue, you have to talk to them. There is no consistent approach. Because of that, there are no reporting requirements in a lot of cases.

We do try to do our own thing, to make sure that as treaty partners we're consistently making sure that we have a whole-of-government approach, but when your treaty partner doesn't have that, it makes it very difficult. It prolongs things. There's misinterpretation, and you're up against different policies and procedures.

With a treaty commissioner to help oversee some of these things—to make things more efficient and effective and to deal with things in a timely and expeditious manner—I think you can avoid litigation in a lot of cases. It's really the things you go to litigation over—the misunderstanding, the misinterpretation and the policy questions—where a lot of departments don't understand their treaty obligation because it's a whole-of-government treaty. Some of these departments don't really understand that they have obligations in the agreement and that they should be at these tables in discussions with us.

These are the kinds of things we are hoping to alleviate as much as possible, along with avoiding litigation, because it doesn't really solve anything other than.... I have nothing against lawyers—I'm a lawyer—but you know....

• (1215)

**Ginette Lavack:** Ms. Shappa.

**June Shappa (Chief Administrative Officer, Nunavut Tunngavik Incorporated):** The purpose of the legislation is to, number one, strengthen the relationship between indigenous treaty holders and Parliament. The second purpose of the legislation is to help fulfill some of the obligations that are contained in our treaties. The third purpose of the legislation is to uphold the honour of the Crown.

In the way the system works, we believe it is the responsibility of Parliament to uphold the honour of the Crown.

**The Chair:** Thank you very much. I appreciate that.

MP Gill, you have six minutes, please.

[Translation]

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

Thank you to the witnesses for being here today.

I have to say that, given all the testimony we've heard over the past few weeks, I would like to think we're ready to move forward. That's what we've heard from every witness, and we're hearing it again today from you.

Chief Rabesca Zoe, you read my mind when you explained the difference between what an Auditor General does and what a commissioner does. You explained it very well. I know I'm adding a layer to the discussion, but can you share an actual case that illustrates what a commissioner would have been able to do in a complex and difficult situation that occurred in the past?

The question is also for you, Mr. Irngaut, if you can answer it.

I'm asking for two examples.

[English]

**Chief Bertha Rabesca Zoe:** As I stated, the Auditor General has a broad mandate, a whole-of-government approach, to deal with federal spending and operations. It's not going to be able to provide continuous...specific to the treaties.

A commissioner is going to require expertise. They're going to be able to bring in expertise and build partnership engagement. Bringing that knowledge and experience to the role is going to be very crucial, because modern treaties are special kinds of treaties.

In some cases, as in the Northwest Territories, it's a three-party agreement, so it's with the territorial government as well. I think the specialization and the implementation of that are going to be very crucial. We don't see the Auditor General being able to provide that. This treaty commissioner would certainly have that expertise and knowledge.

[Translation]

**Marilène Gill:** You're clarifying your position again, but perhaps part of my question wasn't interpreted. Do you have any concrete examples of a specific case where the commissioner's intervention would have changed things, particularly in terms of the time it took or of avoiding litigation, as we discussed?

Chief Rabesca Zoe or Mr. Irngaut, do you have a concrete example of this?

[English]

**Paul Irngaut:** Thank you for that.

I think a good example, which I mentioned earlier, is the fisheries. If we had this commissioner, it would provide background information to the ministers of the day on their obligations. None of these litigations would come forward if there were more information provided to the minister of the day. I'm talking about the fisheries.

It clearly states in our agreement that adjacency is very important and that we need to benefit from any economic opportunities. It clearly states in our agreement that we have to benefit in order to build our own fisheries. That's one of the examples I can give.

Alastair, do you want to add to that?

• (1220)

**Alastair Campbell (Senior Policy Advisor, Nunavut Tunngavik Incorporated):** I would just add that of modern treaties this century, there have only been three reviews by the Auditor General. Those are the Nunavut agreement and the Gwich'in agreement in 2003, the Inuvialuit agreement in 2007 and the Nunatsiavut agreement in 2015.

If you look in the schedule to Bill C-10, you see there are 30 parties to modern treaties, and only three of them have been reviewed as such by the Auditor General this century. What we want is something that would be consistent and carried out.

To clarify that a bit, the reviews that were done in those years pointed out real faults that the government was showing in the process of implementation. The Auditor General or a commissioner of this kind has access to data that we don't normally have. We don't have the resources to spend on this. Our job is to implement agreements, not to review what the department is doing. Because of that, these kinds of reviews can give us a lot of information as to how things can be improved.

In terms of where it goes next, subclause 9(3) of the draft bill makes it clear that a review of performances is not a substitute for the dispute resolution process that's provided for in modern treaties. We have that option as well.

It may lead to, in some cases.... For example, with the Nunatsiavut agreement, in 2015 the Auditor General said that such and such needed to be done with a particular fisheries case. In the fisheries department's response, to all the findings of the Auditor General the department said yes, yes, yes, with qualifications. One of these qualifications was that it could then be reviewed by the dispute resolution process.

**The Vice-Chair (Jamie Schmale):** Thank you, Madame Gill.

We are running a bit late, of course, because of the votes.

Is it the will of the room to continue with the next panel? Does anyone have any quick questions or follow-ups?

Ms. Idlout, you have a quick question.

**Lori Idlout (Nunavut, Lib.):** I do.

**The Vice-Chair (Jamie Schmale):** How much time do you think you need—two minutes?

**Lori Idlout:** I need two seconds.

**The Vice-Chair (Jamie Schmale):** That's even better. We can all take lessons from you. I love it.

**Lori Idlout:** I'd like both witnesses to respond. Other than the courts, whose job is it to ensure that the honour of the Crown is being upheld?

**The Vice-Chair (Jamie Schmale):** I believe you said they can respond in writing. Is that what you said, Ms. Idlout?

**Lori Idlout:** Sure.

**The Vice-Chair (Jamie Schmale):** I'm being flexible here. Do you want to hear a response, as long as it's quick?

**Lori Idlout:** If we could hear from them, that would be great.

**The Vice-Chair (Jamie Schmale):** We'll give 30 seconds or less to each of the witnesses.

**Paul Irgaut:** We'll respond in writing.

**The Vice-Chair (Jamie Schmale):** Excellent.

Thank you very much to our panel for the testimony. All of it has been very helpful and useful information.

In the meantime, we will suspend briefly to get ready for the next panel and will be back momentarily.

• (1220) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1225)

**The Vice-Chair (Jamie Schmale):** We are continuing with our second round of witnesses.

I will start with the grand chief of the Council of Yukon First Nations.

You have five minutes.

**Grand Chief Math'ieya Alatini (Council of Yukon First Nations):** Thank you. Good morning.

[*Witness spoke in Kluane*]

[*English*]

My name is Math'ieya Alatini. I am a citizen of Kluane First Nation and a former chief of Kluane First Nation. We are one of the self-governing nations in the Yukon. I am currently Grand Chief of the Council of Yukon First Nations.

I'm here to express my full support for Bill C-10, an act respecting the commissioner for modern treaty implementation. This bill, as we've just heard from the other panel, reflects decades of work by indigenous modern treaty partners to ensure that Canada consistently delivers on constitutionally protected treaties.

These are not abstract agreements. Modern treaties directly affect the day-to-day lives of all our communities, the opportunities that present to our communities and the well-being of the people within our communities. For too long, gaps and delays in treaty implementation have caused real and tangible harms to indigenous people in Yukon and other regions of Canada.

Bill C-10 addresses a clear and urgent need for sustained and independent oversight. It allows for consistency between elected governments. Treaty implementation is specialized and ongoing work. A dedicated commissioner would focus on this work in a way that a broad whole-of-government auditor cannot. Treaty commitments do not change with governments. Without this focus, agreements risk delays, misunderstandings and practical challenges that directly affect our communities.

This isn't about politics. It's about building a system that works for the people whose lives depend on these agreements. The Auditor General's role remains vital. This bill is designed to complement that work, not duplicate it.

As outlined in Bill C-10, the commissioner's office would be independent. It would assess, report and advise. Parliament would re-

tain the authority to decide remedies and hold ministers accountable.

Transparency is the commissioner's most powerful tool. Parliament's ability to compel answers would ensure that challenges are addressed promptly. Transparent reporting would help problems get fixed before they escalate into disputes or litigation. Public reporting would also allow systemic barriers to be identified early, preventing harms to communities, creating opportunities for practical and timely solutions and hopefully avoiding litigation.

The commissioner would provide credible, expert, whole-of-government oversight, giving departments strong incentives to track, plan and coordinate effectively, because Parliament and indigenous partners would be able to see their progress. This accountability would ensure that implementation is not just tracked on paper; it's also followed through on in practice. Indigenous modern treaty partners would use the commissioner's findings as independent evidence to advance implementation.

Bill C-10 was carefully co-developed with indigenous partners. It would focus specifically on implementation without interfering in policy design or enforcement, which would remain ministerial responsibilities. In fact, it would strengthen ministerial accountability by providing Parliament with credible, treaty-specific information, helping to ensure that commitments to citizens would be upheld.

The bill is practical, achievable and long overdue. It would identify problems before they escalate, strengthening that relationship between Canada and indigenous governments and, in our case, the tripartite relationship with the territorial government as well. It would ensure that the rights of our citizens are upheld.

This bill is not about creating new obligations. It's about making sure that the federal system consistently delivers on what Canada has already agreed to in constitutionally protected treaties. It's about ensuring that promises made in treaties and future bills would be kept, and that federal systems would work in practice, not just in principle.

At its core, this work is about people. It's about giving Yukon first nations children and all our indigenous children a fair chance to reach their full potential and live their dreams. We encourage the committee to support the timely passage of this bill for the benefit of our communities and citizens and the integrity of our constitutionally protected treaties.

Gùnálchìsh. Shàw níthän.

• (1230)

**The Vice-Chair (Jamie Schmale):** Thank you very much.

We will now go to our next witness, Chief Councillor Troy Sam.

**Troy Sam (Chief Councillor, Kitsumkalum Band Council):** Good afternoon from the Kitsumkalum nation.

*Smgigyet, sigidm hanaa'nax*, chiefs and matriarchs, my name is Chief Troy Sam from Kitsumkalum. We're one of 14 tribes of the Tsimshian nation, and we are the third in B.C. to ratify our treaty, in 2025. We are working hand in hand with the K'ómoks First Nation and our sisters and brothers from Kitselas.

Thank you for the opportunity to speak in support of Bill C-10.

Kitsumkalum ratified our treaty on November 1, 2025, with overwhelming support from our members: 90% voter turnout, 90% approval of the treaty and 90% approval of the Kitsumkalum Constitution. That strong mandate reflects unity within our nation and confidence in the work ahead.

Modern treaties are constitutionally protected agreements. They represent negotiated, legally binding commitments between indigenous nations and the Crown. However, across Canada, there has been a persistent implementation gap—a gap between what is promised in the treaty and how promises are carried out in practice.

Bill C-10 is designed to close that gap. If the office is set up, it would help collaboration with the other modern treaty nations and with consistencies across election cycles. The office would also be able to help with identifying gaps between the legislation and case law. I see more efficient use of time, where the proper delegations to the proper departments can be made.

For Kitsumkalum, effective implementation is not theoretical. It affects jurisdiction over lands and resources, environmental decision-making, fiscal arrangements and the ability of our government to exercise authorities as negotiated. Too often, implementation challenges arise because responsibility is fragmented across federal departments. One ministry may interpret an obligation differently from another. Timelines can stretch. Coordination can falter. Nations are left navigating administrative processes, rather than engaging in true nation-to-nation governance.

That is not how constitutional agreements should function. Bill C-10 would establish an independent commissioner whose sole mandate is to review and audit the federal implementation of modern treaties, and that focus matters. Unlike broader oversight bodies, this commissioner would concentrate specifically on whether federal institutions are fulfilling treaty obligations as intended, systematically and consistently.

Public reporting to Parliament changes the accountability dynamic. Implementation becomes visible. It becomes measurable. It becomes subject to scrutiny beyond internal department reporting. For Kitsumkalum, structural oversight reinforces a simple but essential principle: Treaties are binding commitments requiring measurable performance.

Implementation affects economic opportunities. It affects how lands are managed. It affects how regulatory powers are exercised. When obligations are delayed or inconsistently applied, it impacts real outcomes for our community. Some examples are forest management and dealing with naturally occurring problems such as mountain pine beetle or root rot. We can manage our forests to be fire-safe and protect our communities and other infrastructure.

Bill C-10 would create a mechanism to examine patterns, not just isolated disputes. If there are reoccurring administrative bottle-

necks, unclear policy interpretations or inconsistent application across departments, those systemic issues could be identified and addressed.

This is not adversarial oversight. This is structural accountability. It is fair treatment of all parties. It supports better governance on all sides by clarifying expectations, reinforcing standards and encouraging federal institutions to approach treaty obligations with coordinated, whole-of-government discipline.

• (1235)

Most importantly, this legislation would protect the implementation of treaty rights. For the Kitsumkalum, that protection is critical as we continue strengthening our governance institutions and exercising jurisdiction responsibly. Constitutional recognition must be matched by operational follow-through.

Bill C-10 affirms that modern treaties are not symbolic milestones. They are enduring frameworks that require consistent oversight to function effectively. Supporting this bill is a statement that implementation matters as much as negotiation. It affirms that commitments made in a treaty must be honoured in practice and not only in principle.

Kitsumkalum supports Bill C-10 because it strengthens accountability, reinforces constitutional integrity and promotes measurable follow-through in modern treaty implementation.

Thank you.

**The Vice-Chair (Jamie Schmale):** Thank you very much, Chief Councillor Sam.

Our next witnesses are from the Tsawwassen First Nation.

By the looks of it, you are both in the same room. Is that true? Okay. Whenever one of you is speaking, make sure the other is on mute or we might get some feedback. You probably already know that, but that's just a friendly reminder.

You have the floor for five minutes.

• (1240)

**Valerie Cross (Executive Councillor, Tsawwassen First Nation):** *Hay čxw'qə.*

Good morning. Welcome, *mi ce:p kw'ətxw'iləm* and *bonjour*, honourable members of the Standing Committee on Indigenous and Northern Affairs.

Chemkwaat *tə nə skʷix. Təli cən ʔə́ scəwəθən.* My name is Chemkwaat, and I'm from Tsawwassen First Nation. My English name is Valerie Cross, and I'm an executive councillor at Tsawwassen First Nation. I'm also the *Squiqel*, the Speaker, for our Legislative Assembly.

I want to extend a great thank you for the invitation to appear before you and the opportunity to express our nation's strong support for Bill C-10. I also want to acknowledge the Creator and give thanks for another beautiful day on mother earth. We are so blessed to live in the lands that we do.

For context, Tsawwassen First Nation is located on the southwest corner of British Columbia where the Fraser River meets the Salish Sea. I am incredibly proud to say that our nation was one of the first to negotiate a treaty under the BC Treaty Commission process, and we have risen to the unique challenge of being the only urban modern treaty nation in Canada. With our treaty, we have reclaimed our own laws, we've rebuilt our governance and institutions and we've created new economic development opportunities to support the well-being of our members.

The story of the Tsawwassen First Nation and the Tsawwassen treaty is a success story, but this journey has not been without its challenges. Like many other witnesses who have appeared before this committee, we have faced barriers to having our treaty fully implemented by our federal partners.

Over the past 17 years, we've devoted considerable resources to working with the federal government to resolve treaty implementation issues through our preferred methods of dialogue and collaboration, rather than relying on litigation. While we strive to resolve our implementation issues through constructive dialogue, this approach has not always been successful.

For example, our nation continues to encounter challenges with the Department of Fisheries and Oceans, which has been unwilling to learn or work directly with the Tsawwassen First Nation on the management of crab and salmon, traditional foods that have sustained our people since time immemorial. We've also faced challenges respecting the implementation of the periodic review of our treaty, a process intended to ensure that our treaty is a living agreement that can grow and evolve alongside the needs of our community.

Examples like these are why we have been strong advocates for the creation of the commissioner for modern treaty implementation since 2009, when our treaty came into effect and our nation joined the Land Claims Agreements Coalition. I also want to be clear that the treaty implementation issues we have faced have not been limited to the actions of one particular government. These challenges are structural and have persisted across all governments, led by multiple political parties.

I'm here today because Bill C-10 represents an opportunity to overcome these challenges and to ensure that our treaties are respected as the living agreements they were always intended to be. This co-developed and co-drafted piece of legislation is the product of decades of hard work both by members of the Land Claims Agreements Coalition and by our federal partners.

Through Bill C-10, we will finally have the independent oversight body that has long been needed to hold the federal government accountable to Parliament in respect of modern treaty implementation. The creation of a commissioner for modern treaty implementation will improve accountability by reporting on implementation across the entire federal government, identifying implementation barriers early and publicly, issuing guidance to ensure clarity and consistency across agreements and ensuring that Parliament and the members of this committee receive the evidence needed to hold the government accountable.

I like to think of the Auditor General as a general practitioner and the commissioner as a specialist surgeon. The Auditor General audits hundreds of departments. Indigenous treaties are often just a footnote in a massive report on government spending. The modern treaties are constitutional law, not just program spending. The commissioner would provide a deep legal and cultural literacy that's required to understand whether the treaty spirit is being met, which a financial auditor is simply not trained to do.

I firmly believe the commissioner would make sure the federal government consistently delivers on the commitments Canada has already made in our constitutionally protected treaties. I also believe that successful implementation will not only benefit indigenous people, but benefit all Canadians by creating a greater certainty of rights, strengthening partnerships and building an environment that supports greater economic development. High tides raise all boats.

● (1245)

For these reasons, I urge all members of this committee and all parliamentarians to support Bill C-10 in its current form.

I also want to add a small comment. If we always do what we've always done, we'll always get what we have always got. It's time for a change. It's time to invest in the opportunity for this change. We all have a role to play in holding government accountable to the commitments made in modern treaties.

Honourable committee members, I hope we can count on you.

*Hay čxʷ qə.* Thank you.

**The Vice-Chair (Jamie Schmale):** Thank you very much to our witnesses.

We'll now go to our first round of questioning of six minutes.

For the Conservatives, we have Billy Morin.

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

Thank you to our guests for joining us online today on this important matter.

I'm a former chief from Treaty 6 on the Prairies. What we say on the Prairies is that we've had all of these treaty rights since the late 1800s, but we're still not being treated right. I empathize with those with modern treaties, who are experiencing the same feeling.

My question is for Valerie Cross from Tsawwassen.

Simplistically, Ms. Cross, if the modern treaties were being implemented, would there be a need for a commissioner?

**Valerie Cross:** I guess that is a question about a dream. If the treaties were being implemented properly, if the federal government and the honour of the Crown were being upheld, we wouldn't be having this discussion and we wouldn't need a commissioner, but they are not.

We have heard from witness after witness, treaty partner after treaty partner, that their failure at implementation has been an ongoing structural issue across all different types of political parties for well over 20 years. This is a long-time issue that really needs to be addressed, and the tool that we believe in, the tool that we've worked on and co-developed together to support the proper implementation of our treaties, is Bill C-10.

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

Just to build on it a bit more, we've heard that this is a dispute resolution mechanism and an accountability measure. I share some frustrations, broadly speaking as a first nations indigenous person in this country, with the situation unfolding in B.C. when it comes to the Cowichan, the Tsawwassen and the Musqueam, and the unfortunate headlines that seem to be driving that area apart, quite frankly. How would this commissioner's office mitigate against those types of situations, even among the nations themselves?

**Valerie Cross:** Oh, boy. That's a great question—a big question.

Working together as one, advancing our issues together and making sure that people are properly informed about what aboriginal rights mean and how we are meant to work together and share the resources of the beautiful province and country we live in.... How the treaty commissioner could assist with such things is with the understanding of what our treaties mean at all levels of government and for the citizens of British Columbia.

Honourable Billy Morin, I have a lot to share about this, but I don't think I have enough time to do that. I think a question like this goes to whether we could be preventative. How would the commissioner prevent this? I think it's by working together, teaching, learning, understanding and being able to ensure that modern treaties and agreements do not expand into areas with unresolved claims.

I'm sorry. I would need some more time to respond to this. It's a very complex question.

• (1250)

**Billy Morin:** That is totally fair. It is a very complex situation out west. I appreciate you giving it some consideration. Thank you.

Chair, I had submitted a motion and would like an opportunity, just for a second, to have it considered.

I want to apologize really quickly to our guests. I have some housekeeping that I technically have to use up my time to do. It shouldn't take too long.

**The Vice-Chair (Jamie Schmale):** Go ahead.

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

I'd like to move the motion that I submitted last Friday through the committee chair and clerks:

That the committee invite the Minister of Indigenous Services to appear before the committee for one hour, at the earliest opportunity, to provide an update on the ongoing public health and infrastructure emergency in Kashechewan First Nation, including the federal government's response to the community's January 4, 2026, declaration of a state of emergency following sewage contamination and water system failures that forced hundreds of residents to evacuate to locations such as Thunder Bay, Kingston, and St. Catharines; and that the committee also invite leaders of Kashechewan First Nation to appear for one hour to provide testimony regarding the ongoing situation in the community and the federal government's response.

**The Vice-Chair (Jamie Schmale):** Thank you very much, Mr. Morin.

Is there any discussion on this?

Go ahead, Mr. Battiste.

**Jaime Battiste (Cape Breton—Canso—Antigonish, Lib.):** Are we suggesting that we not keep going with the legislation we have and pause everything we're doing on legislation for this, or is this something we can look at after the legislation we're trying to pass goes through?

**Billy Morin:** I didn't provide a specific date. It's at the earliest convenience. We'll make it flexible to our schedule.

**Jaime Battiste:** Okay. There's no problem.

**The Vice-Chair (Jamie Schmale):** Is everyone in support?

Madame Gill, go ahead.

[Translation]

**Marilène Gill:** Are we all agreeing to do this study? We haven't had a debate, so I suppose we all agree. However, like Mr. Battiste, the only thing I have to say is that we already have a lot of bills to study, including Bill S-228 and Bill C-10. There's also a chance that Bill S-2 could be added to the list. The deadline for that one is April 26.

I wouldn't want this to spread the committee's work too thin. If the committee wants to hold one extra meeting, we may agree to do so, but I definitely think the minister can come and talk to the committee.

[English]

**The Vice-Chair (Jamie Schmale):** Okay, I think we're in agreement. Government legislation does take priority.

Everyone seems good with that, so it's approved.

(Motion agreed to)

**The Vice-Chair (Jamie Schmale):** Unfortunately, it looks like your time is up, Mr. Morin.

We have a Liberal round. We have Mr. Battiste for six minutes.

**Jaime Battiste:** I'd like to thank the witnesses for their testimony today.

Thank you for your innovation on this. I think a modern treaty commissioner is an excellent avenue that we can pursue as first nations all across the country, and I know this is just related to the modern treaty partners.

My question is very short and to the point: Do you support the current legislation as written, or do you believe there need to be amendments?

Anyone can speak to that. If it's a short answer, we'll keep it that way.

Anyone can go ahead. Are you satisfied with the legislation or would you like amendments?

Don't all go at once. You're not helping me out here, guys.

**Voices:** Oh, oh!

**Jaime Battiste:** I'm trying to pass this quickly. You guys have to start. I'm not trying to lead the witnesses, but...

**Grand Chief Math'ieya Alatini:** We're satisfied with the legislation as is.

**Valerie Cross:** It was co-developed. I'm satisfied with the legislation as is.

**Troy Sam:** I'm satisfied with the legislation as is as well.

**Jaime Battiste:** Would you like it passed speedily through this committee? "Speedily"—that's a word I created.

**Grand Chief Math'ieya Alatini:** Yes.

**Jaime Battiste:** That's a yes.

Okay, there are no more questions from the Liberals. We have our directions.

**The Vice-Chair (Jamie Schmale):** We'll go to Madame Gill. It looks like that was a quick round from the Liberals.

[*Translation*]

**Marilène Gill:** How much time do I have? It's okay; the witnesses can respond in writing if we run out of time.

I heard several times that departments interpreted things differently, which was problematic. Obviously, the Auditor General can't do anything about that.

What could the commissioner do to ensure that all departments interpret things the same way so that the treaties are respected, of course, and communities save time? I said "communities", but I'm also talking about departments and ministers.

We don't have much time, so you can answer my question in writing.

[*English*]

**The Vice-Chair (Jamie Schmale):** You have six minutes.

• (1255)

**Grand Chief Math'ieya Alatini:** I will answer that.

I think having the commissioner would allow for a consistent opportunity across departments to create the dialogue and the relationships.

When new funds are being created, as one of the examples, there's always this provision for "on reserve". Modern treaties are not on reserve. We need modern treaty language built into all new funding that gets developed. That's one of the challenges that modern treaties consistently have to be lobbied for. If we could have somebody who's actually keeping an eye on that, it would save everybody a lot of time.

[*Translation*]

**Marilène Gill:** Does anyone else want to answer the question? Like Mr. Battiste, I'll tell you not to rush.

[*English*]

**Mary Childs (Legal Counsel, Tsawwassen First Nation):** May I comment for a minute?

Tsawwassen First Nation, as you've heard, has been going through the treaty review process, which is built into the treaties. All modern treaties have a process for periodic review. Tsawwassen is the first modern treaty nation in British Columbia going through that process, and it's been challenging for everybody because there really are no procedures and standard rules set up for that.

It would be very helpful to have a treaty commissioner looking at those processes and procedures and making recommendations about efficiency and effectiveness. That would pay off for all of the other nations that will, in due course, be going through exactly the same process. I can imagine that it would result in considerable efficiencies for every nation and for the federal government as well.

[*Translation*]

**Marilène Gill:** I would have liked to continue the discussion, because that doesn't really answer my question. I asked about the commissioner's power to eliminate problems by restricting how various departments can interpret treaties. However, since time is running out, you can send us your answer in writing.

Thank you very much. That's all.

[*English*]

**The Vice-Chair (Jamie Schmale):** That's perfect. Thank you, Madame Gill.

We have a minute or two. I know that, on our side, Mr. Zimmer has a question or two. If it's okay with the committee, do you mind if he gets two minutes?

[*Translation*]

**Marilène Gill:** Can I save my time for later, Mr. Chair?

[*English*]

**The Vice-Chair (Jamie Schmale):** Look at that co-operation.

[*Translation*]

**Marilène Gill:** That's how it usually works.

[*English*]

**The Vice-Chair (Jamie Schmale):** This is what we're all about here.

**Voices:** Oh, oh!

[*Translation*]

**Marilène Gill:** How strange; that's a first.

[*English*]

**The Vice-Chair (Jamie Schmale):** We get a lot that we're the party with the biggest heart, and I get and understand that, but I appreciate it from the Bloc.

Okay, Mr. Zimmer, you have two minutes.

**Bob Zimmer:** Thank you, Mr. Chair. It's good to see you there, by the way.

My question is for Valerie of Tsawwassen First Nation.

It appears, and some of our colleagues have said, that this doesn't seem to be the answer to all of the problems out there with treaties and other situations. I look at it as more of a potential bottleneck because everybody would have to wait through this one commissioner's office to maybe get their restitution for some of the problems.

My questions specifically are around the Cowichan decision and the Musqueam agreement. How would you see Bill C-10 and a treaty commissioner as potentially a good thing for that particular situation, which really is affecting all British Columbians today and causing a whole bunch of unrest and uncertainty? How would a treaty commissioner solve that?

That's for Valerie.

**Valerie Cross:** As I stated earlier, it's a very complex issue, but I'm going to pass this question to my colleague, Mary Childs, to respond to.

**Mary Childs:** The answer to this really is that this commissioner's office is not intended to address things that principally affect

nations that are not modern treaty nations. It's not intended to address everything. The Musqueam are not a modern treaty nation. The Cowichan are not a modern treaty nation. Those disputes about land and title and aboriginal rights, in fact, show the desirability of trying to settle things through treaties rather than litigation.

To the extent that it might affect those in the future, I would argue that anything that makes modern treaties more effective and more attractive is going to encourage nations to enter into treaties rather than having to resort to litigation to establish their rights.

• (1300)

**Bob Zimmer:** So, potentially, the treaty commissioner wouldn't have any effect on specifically the Cowichan decision or the Musqueam agreement.

**Mary Childs:** No. Those are not questions of treaty interpretation or implementation. Those issues are not part of that litigation.

**Bob Zimmer:** Thank you.

**The Vice-Chair (Jamie Schmale):** Okay. Are we good? Perfect.

We have witnesses in the first hour of Thursday's meeting and then the clause-by-clause of Bill C-10 after that. Is everyone good with that?

The witnesses for Bill S-228 are due by Friday.

**An hon. member:** Do you have some?

**The Vice-Chair (Jamie Schmale):** I do, and I'll help you out with those too.

We're going to adjourn.

Thank you, witnesses.

Thank you, everyone. We'll see you on Thursday.





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