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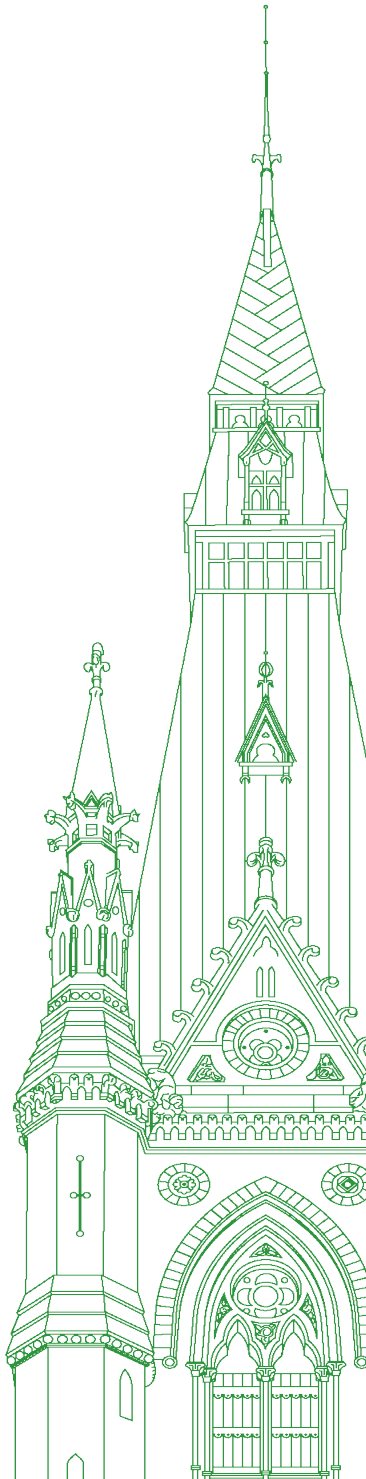

Chair: Terry Sheehan

Standing Committee on Indigenous and Northern Affairs

Thursday, April 16, 2026

● (0815)

[*English*]

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

Welcome to meeting number 29 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 peoples.

Pursuant to the order of the House, the committee is commencing its study of Bill S-2, an act to amend the Indian Act, new registration entitlements.

A budget for the study has been prepared and circulated. Is it the will of the committee that we adopt a budget of $89,350 for the study of this bill?

Some hon. members: Agreed.

The Chair: I'd like to welcome the witnesses on our first panel. Before I do that, this is a reminder to leave your earpiece in your ear. If you decide not to leave it in your ear, please place it away from your mic and make sure that your mic is off so that the interpreters do not get any kind of feedback.

Thank you very much to the interpreters for continuing to do great work.

For our first panel, we have, as an individual, Sharon McIvor. We also have Dr. Pamela Palmater, chair in indigenous governance, Toronto Metropolitan University, by video conference. We have, from Quebec Native Women Inc., Marjolaine Étienne, president.

Welcome to you all.

You'll each have five minutes for a presentation, and then there will be a number of questions and comments throughout the first panel.

Thank you very much.

Let's begin with Sharon.

Sharon McIvor (As an Individual): Good morning. My name is Sharon McIvor, and I'm Nlaka'pamux from south central British Columbia. I was born, I live and I work on the land I belong to, like my ancestors as far back as we know, and like my children, my grandchildren and my great-grandchildren. Bill S-2 is something that we've been working on for a long time.

I'm going to let you know who I am. I was born on my home territory, and when I was born, the legal definition of a “person” in the Indian Act was anyone “other than an Indian”. When I was born, I wasn't considered a person.

I have been doing activism for a long time. I first started my activism in July 1968, so next July I will have been doing this for 60 years. Some of you probably haven't been around for 60 years, but I've been doing activism for 60 years.

I was the plaintiff in the McIvor case. It was the first case that took Bill C-31 to court, and about 125,000 people benefited from that case—that is, the ones we can count.

When I first applied for status for myself and my son, in August 1985, my son was 14 years old. We got through the system, and I was given status but my son was not. By the time we got it through the internal system and I was ready to go to court, it was July 1989, and my son had just turned 18.

It took from July 1989 to January 2006 to get into court, to get a court date set. The Government of Canada prevented me from doing this for all sorts of reasons, and it tried stalling tactics. In January 2006 we finally got a court date. The court date was in 2006. We got a decision in June 2007. It went through the B.C. Court of Appeal and the Supreme Court of Canada, and the legislation finally got through. The legislation on the McIvor amendment got through in 2011. Because of the process, my son finally got his status in 2015. We started when he was 14, and it took 30 years for him to get his status.

All I'm saying is that I've been through every amendment to the Indian Act after 1985. I've done this, and so I'm not telling you about the legislation. I'm telling you about the process.

What about this bill? It's really important because there is the extermination. This legislation, if you don't change it, would exterminate all of us who are entitled to status.

The other thing I want to talk about is that the first status member was elected to Parliament in 1968, and this was my good friend Len Marchand. I was doing my activist work, and he was trying to get into Parliament so that, maybe, he could make a change. He was in until 1979, and we would meet on a regular basis. I was in the same situation as his sister. His sister was being discriminated against in the same way, and he was not able to make any difference. He was also the first status Indian who was on the executive.

I'm saying that our process is that we have indigenous people in Parliament now, but Len couldn't even get it talked about.

● (0820)

Now we're getting it talked about, but we also have indigenous people who do not think that we should make these changes. Those of us who have been fighting for so long are quite disappointed in that.

The second-last thing I'm going to say is that several things went on legislatively over the years that prevented us from bringing this. When they introduced the human rights legislation, section 67 wouldn't allow us as Indians to use it to challenge the discrimination that we had been suffering over the years.

In 1920, Duncan Campbell Scott, the deputy superintendent of Indian Affairs, said this: “I want to get rid of the Indian problem. Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question”. We're still there today. Are we going to get Duncan Campbell Scott's goal achieved, or are we going to act now and put an end to all of this? For us it's existence or extinction.

● (0825)

The Chair: Thank you, Sharon. There will be plenty of time for you to make more comments during the question-and-answer period.

Sharon McIvor: What was that?

The Chair: Thank you very much, Sharon. There will be plenty of time for you to say some more things during the question and answer period. We're going to the next speaker because we're a little over time.

Sharon McIvor: I've been here before many times.

The Chair: Thank you, Sharon, very much.

Next we'll go to Pamela, who is online, for five minutes, please.

Dr. Pamela Palmater (Chair in Indigenous Governance, Toronto Metropolitan University, As an Individual): Thank you so much.

Kwe, hello, *bonjour*. My name is Pamela Palmater. I'm from the Eel River Bar First Nation, which is part of the larger Mi'kmaq nation, and I have been working on this issue for 40 years.

Thank you for inviting me to appear. By way of background, I've been a lawyer in good standing for 26 years.

Lori Idlout (Nunavut, Lib.): I have a point of order.

The Chair: Hold on a second, please.

Go ahead, Lori.

Lori Idlout: There's a lot of echo, and I wonder if that can be fixed. I don't know if she hears her echo.

Sharon McIvor: I can hear a huge echo as well.

The Chair: We're hearing echoes online. The technician will take a look at that. We'll suspend for just a few seconds please.

● (0825)

_____(Pause)_____

● (0825)

The Chair: Pamela, proceed, please.

Dr. Pamela Palmater: I don't hear an echo now, so it looks like we're good. Do I just restart the clock? Do I restart my five minutes?

The Chair: Right from the beginning, please.

Dr. Pamela Palmater: Thank you so much.

I still hear a huge echo. I think it's from the room. What you're hearing is bouncing back to MP Idlout and me.

The Chair: I'm turning my mic on, and I'm going to turn it off.

Dr. Pamela Palmater: I don't hear an echo right now, so I'm just going to start my five minutes.

Kwe, ni'n teluisi Pam Palmater. I'm from the sovereign Mi'kmaq nation, and I'm a member of the Eel River Bar First Nation. I have been working on this issue for 40 years. By way of background, I've been a lawyer in good standing for 26 years, 10 of which I did at the Department of Justice Canada advising what was then Indian Affairs.

I want to quickly say thank you to Sharon. She is the grandmother to thousands of us. If she hadn't put in 60 years of advocacy, I wouldn't be here talking to you about this issue. I'm here because my grandbabies are currently excluded and they need to be a part of my first nation.

I'm asking this committee to pass Bill S-2 exactly as amended by the Senate with no more amendments. The House should pass this legislation without further delay. The litigants in the Nicholas case deserve justice, as do the many children and grandchildren like mine, those of first nations families who would be registered but for the long-standing sex- and race-based discrimination in Indian registration. With historic levels of consensus, first nations women, first nations advocacy organizations, first nations communities, and constitutional and human rights experts all testified before the Senate that the second generation cut-off must be removed immediately and that registration must be returned to a one-parent rule for Indian status.

There was also a historic, unanimous vote at the Senate to support Bill S-2 and the proposed amendments, which the Senate didn't dream up. These were amendments that first nations and first nations women brought forward, saying, “This is what we want.”

Since then, the majority of first nations and first nations organizations who made written submissions to ISC about how to address the ongoing discrimination in the second generation cut-off rule suggested a one-parent rule, as is in Bill S-2 and its amendments. More than 77% of the hundreds of individuals who submitted feedback to ISC on the feedback form said that we must go back to a one-parent rule. We have a birthright.

The official petition sponsored by MP Lori Idlout got 14,298 signatures in favour of passing Bill S-2 as amended. All of this would be consistent with aboriginal and treaty rights in section 35 of the Constitution, which requires absolute equality between male and female people. It would also be consistent with the equality rights in section 15 of the charter, which absolutely prohibits discrimination on the basis of sex, race or ethnic origin. The non-discrimination laws in the Canadian Human Rights Act also prohibit discrimination on the basis of sex, race or ethnic origin.

Furthermore, the UN Convention on the Prevention and Punishment of the Crime of Genocide condemns any actions by states that attempt to destroy in whole or part a racial or ethnic group. Of course, the United Nations Declaration on the Rights of Indigenous Peoples absolutely guarantees the right of individuals to be part of their indigenous nations and absolute equality between male and female people, and it condemns any form of racism.

There are more Supreme Court of Canada cases than I can cite in five minutes, but all of them are consistent. The court has stated that the federal government has no legal option, authority, jurisdiction or legal ability to continue discrimination. It has said that financial considerations cannot justify an infringement of charter equality rights. Neither administrative inconvenience nor the need to change internal policies and processes can justify an ongoing charter violation. It has also said that you cannot act incrementally, that groups who have historically been the target of discrimination cannot be expected to wait patiently for the protection of their human rights—or else equality rights are just an illusion. It goes on and on.

● (0830)

At the end of the day, the government has no legal authority to discriminate on the basis of sex, race or ethnic origin, and it certainly cannot promote the legislative extinction of first nations in any form.

Thank you.

The Chair: Thank you very much.

Next we will go to Marjolaine Étienne, the president of Quebec Native Women Inc.

You have five minutes, please.

[*Translation*]

Marjolaine Étienne (President, Quebec Native Women Inc.): *Kwe*. Good morning.

My name is Marjolaine Étienne, and I represent Quebec Native Women, an organization founded in 1974 that represents and advocates for the rights of first nations women in Quebec, whether they live in urban areas or in communities. For more than fifty years, Quebec Native Women has been working to denounce and correct the discrimination embedded in the Indian Act, a colonial law that has profoundly impacted our way of life, our customs, and our values.

The imposition of the Indian Act has had lasting effects that continue to have a profound impact on our communities, particularly on women and their children. For more than fifty years, indigenous women have been speaking out against the inequalities created by this law and have been actively involved in various reform processes. These efforts have led to several significant legislative changes, notably in 1985, 2010, 2017 and now with Bill S-2. Experience has shown, however, that when reforms are partial or incomplete, they often serve to perpetuate discrimination rather than eliminate it.

Bill S-2 therefore represents a significant, and above all decisive, opportunity to bring about a lasting remedy to a situation that has persisted for far too long. Today, Quebec Native Women reaffirms its support for Bill S-2, as amended by the Senate last November, amendments which, incidentally, were proposed and supported by Quebec Native Women in its presentation to the Senate and in its submission to the Standing Senate Committee on Indigenous Peoples on October 6, 2025. This support is based on a key conviction: Bill S-2 can only achieve its objective if it enables inequalities to be corrected in a meaningful and lasting way.

In practical terms, these inequalities stem from the current rules governing the transmission of status, and more specifically from the rule of exclusion after the second generation. This rule limits the ability to pass on status from one generation to the next and disproportionately affects indigenous women. Even when they have regained their status, many indigenous women cannot pass it on to their children or grandchildren in the same way that is permitted for indigenous men married to non-indigenous women. This situation perpetuates gender-based discrimination, which successive reforms have failed to eliminate.

To better understand the concrete effects of this provision, Quebec Native Women conducted interviews with women from different nations and generations directly affected by the second-generation exclusion rule. This initiative aimed to document the actual impacts of the law based on the lived experiences of the women affected. The findings are clear. The women reported instances of exclusion from services and community spaces, which manifest as a loss of access to housing, health care and education; attacks on their identity and sense of belonging; disruptions in cultural and family transmission; the loss of traditional roles; as well as a climate of fear, stigmatization and tension within communities. These effects are not isolated. They accumulate and intensify from one generation to the next, weakening families and threatening the continuity of nations.

Passing Bill S-2 without abolishing the exclusion rule after the second generation would amount to maintaining discrimination and inequalities whose impacts are now well known and documented. The central recommendation of Quebec Native Women is unequivocal. It is essential to repeal this provision to ensure true equality between indigenous women and men in the transmission of status.

This adoption must be accompanied by a concrete, tailored implementation plan that provides the necessary funding for first nations decision-making bodies to avoid unnecessary tensions and preserve community cohesion.

In conclusion, Bill S-2 offers a real opportunity to avoid repeating the mistakes of the past. Its adoption, along with the Senate's amendments and the recommendations of Quebec Native Women, would represent a concrete step toward equity, justice and dignity.

It is also necessary to recognize that the Indian Act, since its adoption 150 years ago, has caused and continues to cause profound and lasting harm, the effects of which are disproportionately borne by women and their children. Furthermore, our proposal is based on the Quebec Native Women Charter for Equality between First Nations Women and Men, as well as on international instruments for the protection of indigenous women's rights, notably the United Nations Declaration on the Rights of Indigenous Peoples, General Recommendation No. 39 (2022) on the Rights of Indigenous Women and Girls, and the Convention on the Elimination of All Forms of Discrimination against Women.

● (0835)

The question we face today is simple: are we going to wait another 40 years to address the root causes of inequality between indigenous men and women and resolve them once and for all?

Indigenous women have waited long enough. Their children and grandchildren are still waiting today. Now is the time to adopt comprehensive, responsible and enforceable reform.

Thank you.

The Chair: Thank you very much.

[*English*]

Now we'll go to the members for questions. First, we have MP Billy Morin.

You have six minutes.

Billy Morin (Edmonton Northwest, CPC): I'll go to Dr. Palmater first.

Thank you for testifying again today.

Is there hypocrisy in the government's saying that it upholds UNDRIP when it still doesn't want to take Bill S-2 to its full passing?

● (0840)

Dr. Pamela Palmater: I do feel that the government, on this issue, has been offside of the law and violating all the laws. Now that it's passed UNDRIP and said that UNDRIP is a part of Canadian law, and the Supreme Court of Canada has said UNDRIP is now positive law in Canada, the federal government has an obligation to make sure that all of its laws comply with UNDRIP at a minimum, never mind the other laws. It is outside of UNDRIP on a whole bunch of articles. This only serves to hurt our children and grandchildren.

Billy Morin: Are you aware of whether Inuit and Métis have a one-parent rule for recognition of legal status in terms of dealing with the federal government?

Dr. Pamela Palmater: I can't speak to Métis and who is part of Métis. There are different organizations, such as Métis Settlements and Métis Nation, so I can't speak to that. I'm also not Inuit, so I feel as though this is a question that's probably better for Inuit.

I am aware, however, that there are self-government agreements that have determined citizenship codes based on one-parent rules. Of first nations with band membership codes, out of the different types, the majority have one-parent rules. The first nations I work with that are amending their membership codes are moving toward one-parent rules.

Billy Morin: I'll go to Sharon McIvor next.

Thank you for 60-plus years of fighting this fight. I'm looking at some of the things from where I'm from. I'm from Treaty 6 in Alberta, and I'm a status Indian from Enoch Cree Nation, so I live this every day as well.

An article headline from February 9, 2025, reads, "First Nations life expectancy [is] 19 years lower than other Albertans" in Treaty 6, Treaty 7 and Treaty 8 in Alberta. It's 19 years lower than the Canadian average in Alberta.

You mentioned that it took you 30-plus years to get a court result in terms of having your son recognized as a part of your family. How many more people will perish trying to be a part of their own families in the battle to be recognized under status?

Sharon McIvor: The legislation in 1985 was designed to exterminate us. I pushed the second generation rule back from my son to my grandchildren. My great-grandchildren are not eligible for status. With all the work that I did on this particular case, it was pushed back another generation. The termination doesn't come with my grandchildren; it comes with my great-grandchildren.

What was really important, and why I talked about the time, is that during my case the government adjourned it over and over. Because of the process, we weren't even able to get a court date. My son was 14 when we started. We got a decision in our favour, but he was 44 when he was registered. This has happened all along with the stalling.

When you guys made the legislation, you knew it was still discriminatory and what was going to happen.

Billy Morin: Who are "you guys"?

Sharon McIvor: It's you guys who make laws.

I'm talking about.... I represent my nation and all the people who came before me. You guys are in the same position. You're here making laws, and the laws made in 1920 are your responsibility. You have a responsibility, a fiduciary duty to us by virtue of subsection 91(24), and you're not upholding that. You're making us extinct by not recognizing us.

● (0845)

Billy Morin: Thank you.

Then for Marjolaine Étienne, Stats Canada says the Indian status population is growing by 4.1%. The number I have for the average Canadian population is 5.5%. This is way lower. I think there is a common theme out there that the indigenous population is growing, but I also recognize that it's the self-identified population that's growing. Status Indian membership is its own technical box, and it's only growing by 4.1%.

I've seen a few different stats in terms of when the status Indian population will peak. Right here on the Stats Canada website, it says that it won't peak before 2041, but there's nothing after that. There's no sentence saying that it will keep growing after 2041, so one can safely assume that it will peak eventually and that things will go down and entire communities will go extinct.

Have you heard fears from Quebec or some of the women you represent that their communities will go extinct in their lifetime?

The Chair: We're out of time right now, MP Morin. I'm sure you can bring this out in more exchanges that will happen.

We have to move on to our next person. Jaime, you have six minutes, please.

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

I want to start by thanking all of you for your advocacy for so many years. It's because of your advocacy that we're at a point in this government's history, in Canadian history, at which we're looking at how to get rid of the second generation cut-off. I think the overall sentiment that we've heard and that we understand is that it's time for us to get rid of these restrictive second generation cut-off rules.

When exploring this, I saw an amazing thing. Not too many pieces of legislation are discussed within our first nations community, but when I was looking at Facebook yesterday, I saw people asking for thoughts on Bill S-2. I was interested, so I was looking through them, and I'd say that about one-third of the people were saying that it's time to go with a one-parent rule. Others were unsure. Still others were saying that it's a first nation community's right to determine its own membership.

This conversation is the crux of the issue. I think we all want to figure out how to move away from the second generation cut-off, and if we look at what article 33 of UNDRIP states, we see that it recognizes the inherent right of indigenous people to determine their own identity and membership in accordance with their customs and traditions.

Pam, we've been working together on this for more than 15 years, going back to when I was the Mi'kmaq citizenship coordinator in Nova Scotia and you were talking to people about what this problem was, flagging why we need to do this for more than a decade, so I guess I'm going to turn it over to you first.

There are those who believe it's not the government's responsibility, that it should be the community's responsibility to determine their own membership, whereas you're advocating a one-parent solution that applies to everyone and every community.

Make the argument for those people at home.

Dr. Pamela Palmater: Thank you so much, Jaime. It's been great working with you.

First, I want to make it very clear that there are legal differences between Indian status—which is what we're talking about with Bill S-2—band membership under sections 10 and 11 of the Indian Act, and self-government citizenship.

First nations bands already have the legal option to become a section 10 band, develop their own membership codes in consultation with their communities and manage their own membership. However, the majority of bands have chosen not to, so there are section 11 bands, which means that if someone is registered as an Indian, they're automatically a band member.

The reasoning I have heard for this is that many first nations don't want to assume the legal liability of all the discrimination that continues under Indian status. They want it cleaned up first, and then they will pass their own membership codes, so this isn't a question of membership. If a first nation wants to determine membership, it already can. It's a totally separate issue.

It's the same with self-government. If a first nation engages in the very long process—sometimes 20 years—of negotiating a self-government agreement and not using the Indian Act, it can determine its own citizenship rules. All of these options already exist.

Bill S-2 talks about the federal obligation, the federal responsibility, vis-à-vis Indian status individuals. The federal government doesn't have a legal option not to end the discrimination that's been ongoing.

● (0850)

Jaime Battiste: I will continue down that line of thinking. Would it be a situation, if we were to carry Bill S-2, in which there would be status Indians who were recognized by the federal government but not recognized by their communities? How do we balance that?

Dr. Pamela Palmater: This is already the current situation. There are people who are registered and not affiliated with their first nation because, since 1985, first nations have had the ability to adopt their own membership codes, and the codes include a lot of different criteria; however, they're in the minority. For the majority of bands, this wouldn't be an issue.

Then, of the bands that do have their own membership codes, it would be a very small minority, which is already the current situation. Nothing about Bill S-2 changes that. Then bands would have to look at their own membership codes to make sure that they're in compliance with their own traditional laws, human rights laws, constitutional rights and laws and, of course, UNDRIP, but that is a separate question. We're talking about a minority that already exists. Indian Affairs already has a separate list for those that are unaffiliated.

Jaime Battiste: I have 45 seconds left.

If there are communities that don't want the one-parent rule—and I'd say that's about 25% to 30% right now, from what I've heard—should we force this on them, or should it be something they opt into?

Dr. Pamela Palmater: Definitely, there should be no ability for any first nation to say it is going to opt out of the charter equality rights, constitutional equality rights, UNDRIP equality rights or the Human Rights Act equality rights. Human rights and equality are one-size-fits-all. We all have equality in this country. It's not an option.

The Chair: Thank you very much.

[*Translation*]

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

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

I would like to thank the witnesses who are with us again today; we met most of them a few weeks ago as part of a study. That study was perhaps broader in scope, but it was similar to the one being conducted today. I must also say that it is an honour for me to speak with Ms. McIvor, among others.

We are here to discuss Bill S-2, and I notice that, even in the discussions, people forget to mention whether or not the Senate amendments are included. For my part, I would choose to include them. It's been said that not everyone necessarily agrees. Personally, what I hear is that we are fully prepared to pass this bill with the Senate amendments.

I don't want to put words in her mouth, but Ms. McIvor said it earlier: The Indian Act is a colonial law. We are legislators, but for my part, I feel a sense of unease—which I have always expressed—about being the spokesperson on indigenous affairs and having to decide the future of a nation. So it is a nation other than the one concerned that decides the future of that nation. I therefore feel uneasy and think that perhaps we should listen to those who want to and are able to make decisions regarding registration rights on behalf of their own nation, just as we would like to end the rule of exclusion after the second generation.

I would like to know if we are actually ready to vote and if, in your opinion, first nations are ready to vote on Bill S-2 and to include the amendments.

Furthermore, what would it mean for you if the amendments were not included in the bill? Is the bill complete without the amendments?

I now give the floor to Ms. Étienne, Ms. McIvor, and Ms. Palmater. Ladies, if you do not have time to respond, please feel free to submit your response in writing to the committee.

Marjolaine Étienne: I will take the time to respond.

It is interesting to see the questions being raised this morning. As I listen to you, these matters resonate in my mind as well, because I believe this study on a bill concerning women, families and children in our communities is important. We must ensure that the bill and the amendments proposed by the Senate are passed as well.

I was clear in my statement. I have always maintained the same position, and I still do. I stand with first nations women, whether at the national level or in Quebec, because there have been inequalities in the past. We are all born equal.

The Indian Act was passed and implemented 150 years ago. More than 40 years have passed since 1985. That is 40 years of absence, 40 years during which things have changed. Indeed, the young people in our communities are also having children. Because of this change, we will indeed see, in the future, an increase in the number of registered children. I strongly hope that the bill will be passed once and for all.

It is clear that indigenous communities have their own governance processes, and these must be respected.

However, I would like to say something regarding consultation timelines. As a representative of the organization Quebec Native Women, I have had the opportunity to listen to indigenous women who are experiencing this issue. I was able to consult with a small group of women whom we came to know through various connections. We do not know all of them; I do not have access to the list of people applying for registration, because it is confidential, and that is as it should be.

That said, consultation does not happen overnight. There are 54 indigenous communities in Quebec. We therefore need a realistic consultation plan, created by and for indigenous women, to better understand their realities. In fact, it is not just registrations that pose a problem, but also the mental and financial health of indigenous women.

Earlier, I spoke about rights in the areas of education and health. These are indeed rights, and that is why I support all of Bill S-2, which was developed based on General Recommendation No. 39 on the rights of indigenous women and girls. In fact, in the United Nations Declaration on the Rights of Indigenous Peoples, the word "women" appears three times, in articles 21 and 22, I believe.

General Recommendation No. 39 was adopted in November 2022. I worked with indigenous women from around the world to ensure that this recommendation accurately reflects the rights of indigenous women globally.

In this regard, I reiterate that Bill S-2 must be passed with the amendments proposed in the Senate.

Thank you.

● (0855)

Marilène Gill: Thank you very much, Ms. Étienne.

This ties in with what Ms. McIvor said: Failing to pass this bill could lead to extinction, which could happen very quickly. In fact, in some communities in Quebec, we can already see that this has begun.

I know I don't have much speaking time left, but you'll have time to finish your response during my next turn to speak. Could you tell us about some of these communities?

Marjolaine Étienne: Of course, this has repercussions in Quebec, as well as in all indigenous communities across Canada. This must be taken into account. I am from the Innu Nation of Mashteuiatsh, and I am proud of it, just as other women are and as other children would like to be as well.

I'll give you an example. The report I submitted to you, which is by no means exhaustive, clearly reflects the fact that there is still exclusion of children in our communities. Children do not deserve this. Children deserve a community space where they are also recognized as first nations children and are part of cultural and community life, even if they do not have status. The repercussions are now affecting communities and children. We must put an end to this once and for all.

I believe that passing this bill will help improve things, and it must. As I told you, we are born equal. What changed our entire way of life, particularly culturally, was the implementation of the Indian Act, as well as the residential schools. Originally, indigenous women had a role to play, and they still do. Today, they wish to reclaim that role, which is the transmission of cultural knowledge, including our mother tongues. There is a decline in this regard, and if our role as women is not recognized and inequalities persist, it is certain that, in the near future, the situation could deteriorate within our nations.

Everything that this represents for women right now—

● (0900)

The Chair: Thank you very much.

Marjolaine Étienne: I will conclude with this: Based on my experience as a woman elected in her community and having lived there, women play an important role in our communities. We must continue the work and pass this bill.

Thank you.

[*English*]

The Chair: Thank you very much.

That's the time we have for this question. Now we move to the second round.

MP Morin will have five minutes, please.

Billy Morin: Thank you, Chair.

I'll go back to Dr. Palmater, but first, Sharon McIvor mentioned something. Was it approximately $125,000 that your case cost you?

Sharon McIvor: That's the approximate cost, yes.

Billy Morin: Dr. Palmater, are you aware of some of the numbers if Bill S-2 passes?

What are some of the numbers that you're aware of in terms of people it would affect and the effects on the budget? How many people annually would it affect?

Could a $20 billion to $25 billion ISC budget handle this?

Dr. Pamela Palmater: This is one of the most important questions, because it gives me an opportunity to clear up any misinformation that might be out on social media.

At every single stage, whether it was Bill C-31 in 1985, Bill C-3 in 2010, Bill S-3 or now Bill S-2, there's always been some fearmongering about how millions of people will be added overnight, that it will bankrupt first nations and, of course, that the government can't afford it.

We know this is not the case. The numbers have been markedly lower. I mean, look at the numbers Sharon just referenced.

We know with Bill S-2 that we have very specific numbers. Assuming that everyone is still alive, everyone applies and everyone who applies qualifies, we know that over the next 40 years there are going to be roughly 320,000 people who could potentially be eligible. This is divided among 634 first nations. On an annual basis, the maximum number is 7,500 divided among 634 first nations.

We're not even talking about thousands per first nation. We're talking at best about hundreds, depending on what the relative populations are.

In terms of the impact on federal budgets, we know about this from the last time we looked at Bill S-3 and its amendments. The Parliamentary Budget Officer looked at the claim that millions of people would be added, and he categorically said no, millions wouldn't be added. The number was much, much lower.

Even with the lower number that would be added, if they all applied and qualified and were alive, there would be no net burden on first nations. The majority of those who would apply live off reserve and wouldn't be moving back to reserve. Any programs they did access—and not all of them would—would be from the federal government side, and the funding would be minimal.

I will reiterate the point from the Supreme Court of Canada. Cost increases to budgets can never be used to deny charter rights. Even if there were going to be a huge impact on the budget, it's not an excuse not to address charter rights. Nonetheless, we know that there won't be a huge impact on the budget and that the numbers are very small for first nations.

Billy Morin: Thank you.

I'll go back to Sharon McIvor.

I think reconciliation in this country is at a crossroads. Canada and first nations people—indigenous people—Métis and Inuit are going to exist for time immemorial going forward, too, but sometimes it feels like taking one step forward and two steps back. A lot of words such as "reconciliation" and "nation to nation" are used.

You had a 30-plus-year fight in a court case. You have been fighting this for 60 years, citing things going back to the sixties, including the first status Indian person in Parliament.

Going forward, are there still people behind you to keep this going if Bill S-2 doesn't pass with amendments?

● (0905)

Sharon McIvor: Of course there are. I'm mentoring people, and they're gladly being mentored. I will die before any of this becomes a reality. That's the big thing, but we keep messing up.

Self-government and self-determination have nothing to do with that. What I've always wanted, is.... As indigenous women, we have been targeted to break down our communities. If we're not there, we can't pass on the language and the status, so they targeted us, but we're not the only ones. The United States and all the colonized countries have done this.

All I'm saying is that it is your responsibility—you guys and, well, women too. All I've ever wanted is for us to be put back where we should have been had you not interfered with our families; that's all. When we're there and we're back, we can participate in what we are going to do going forward.

The Chair: Thank you very much.

That's all the time we have.

[*Translation*]

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

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

I thank all the witnesses for their hard work and perseverance on these important issues. We thank them for that.

First of all, I would like to say that we all recognize that the Indian Act is deeply problematic and discriminatory. This is particularly true for those who have been emancipated, even though emancipation was the primary objective of this act. It is also true because of the second-generation exclusion rule, which was introduced by the amendment.

That said, any reform in this area must be guided by a fundamental principle: the right of first nations to self-determination, including their full authority to determine their membership and citizenship. For us, it is not a matter of determining whether or not we should address the issue of the second-generation rule. Rather, the question is how to proceed in a manner that respects first nations. We are constantly criticized for the government insisting on and imposing regulations.

In your view, in this context, does the proposed bill, as presented, truly respect the right of first nations to determine their own membership? If not, do we risk perpetuating a form of interference in these fundamental decisions by pursuing this path?

Marjolaine Étienne: This is a very important and very interesting question. Let me explain. There are local governments, which have their own governance, and that must be respected as well. Then there is the federal government, which enacted the Indian Act. You summarized it well. I think we are all familiar with the events that have shaped the history of indigenous peoples and that have hit indigenous women particularly hard.

It is also important to ask how we should proceed. There are rules and procedures that must be followed. There are local governments, the law, and everything else. I have a big question regarding all of this. If we allow local governments to open up their membership codes—which is their right—there is also a process that must be followed to consult their people. This is an important step.

If the federal government puts the passage of this bill on hold, it will take an eternity. Are we going to wait another 40 years? In the meantime, what do we do with indigenous women, whose dignity is being violated by this injustice? The period from 1985 to the present is a telling example. Before 1985, of course, there were the major battles that Ms. McIvor fought alongside other well-known figures. However, from 1985 to the present, it has been the same story. It is the same problem: inequality. Women regained their status, but then there was a 40-year gap. Bill C-38 died on the Order Paper due to the calling of an election. During that time, there were adverse repercussions for indigenous women.

If we have to put this issue on hold to figure out how to proceed, we'll need to come up with a plan. What do we do about indigenous women who genuinely want to regain their status for their children and grandchildren? That's also one of the issues we need to address at this major working table. We can no longer allow these inequalities between indigenous men and indigenous women to persist. I say this with all due respect, but compared to indigenous men who have married non-indigenous women, indigenous women who have married non-indigenous men are more likely to stand up for themselves. It's still the same old story after all these years. It creates confrontations and tensions in our communities. This has to stop. I lived through it in 1985, that period when women wanted to reclaim their status, and rightly so. In the communities, it created difficulties between families and between brothers and sisters.

● (0910)

[*English*]

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

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

[*Translation*]

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

I will let Ms. McIvor and Ms. Palmater answer the questions I asked earlier, namely, are we ready to pass the bill, and is it absolutely necessary that the Senate's amendments be included?

[*English*]

Sharon Mclvor: Yes, it should be included, with no more amendments. This is looking at a past problem that has to be solved before we go out and consult. You cannot consult on whether you have to live up to your equality rights. The government passed the legislation in 1985 that said we had equality rights. Consultation.... "What are we going to do with the communities? Who should have a say?" We have to take care of the problem of all of us who've been excluded.

Twenty-five per cent of the registered Indians today are 6(2)s. They cannot pass their status on. We have numbers there, but the next generation, they're going to die out and they can't pass their status on. We have to take care of that.

It has always been a one-parent rule. Canadian citizenship is a one-parent rule, and it doesn't expire. We've always had a one-parent rule. Even when the legislation came in and interfered with it, there was a one-parent rule, but the one parent had to be the man. The definition of "Indian" in the Indian Act was an Indian man, his wife and his children. We couldn't pass it on.

We have to fix that. That's all. We don't have to talk about all of this generation stuff. Fix the problem. Fix the ongoing discrimination, and all of these things that we're talking about.... "Okay, what are the communities going to do? What is the input in the communities?" Membership is already in the hands of the community, if that's what they want, and that's what we're talking about. They can do it today.

We keep muddying the water, saying, "Oh, we have to consult the communities and see if this is what they want." They didn't go and consult the communities when they kicked us all out, as women. Did they go and say, "Oh, is it okay if we kick your women out?" They didn't. They just did it, and then when they tried to do the legislation to get us back in, which resulted in Bill C-31 in 1985, they didn't go and.... Well, they said they wanted to consult, but they can't consult. They discriminated against us. We're in a mess out there. Missing and murdered indigenous women have been directly attributed to the ongoing discrimination in the Indian Act.

No. We have to get Bill S-2 through, with the amendments it has now, and then we can talk about.... Over and over again, all the bands in the country have the right to decide who their members are. This has nothing to do with the government forcing something on them. They're just fixing a problem they've put off for years.

In 1982, when they did this study, they knew that the new legislation was discriminatory. They knew it. There's a lot of evidence. When we did Bill S-2 in the Senate, the government admitted, "Yes, we know this is discrimination." Should we now consult with somebody on how to do it? No, we have to pass Bill S-2, with the amendments that were made in the Senate, and then we'll go on to our next fight.

● (0915)

The Chair: Thank you very much, Sharon.

MP Morin, please go ahead. You are next.

Billy Morin: Thank you.

I'm going to ask Ms. Palmater to answer Madame Gill's question.

Dr. Pamela Palmater: Thank you.

For everyone's questions, yes, the Indian Act is racist. It's colonial. It's oppressive. It's paternalistic. None of us like it. None of us want it. However, first nations have been clear, from the 1969 white paper forward, that the Indian Act cannot be repealed until we've resolved all the other federal obligations.

With the Indian Act, for Bill S-2, we're talking about Indian status, not band membership, not self-government or citizenship. Bands already have the option to do that. We need to focus on Indian status.

What is that? Indian status is federal law, federal legislation subjected to all laws in Canada, including the charter, including constitutional rights, including the Canadian Human Rights Act. The federal government must clean up its mess, address all of this historical discrimination that's impacting our kids now, before it says, "Oh, in addition to membership, and in addition to self-government, would you also like to have Indian status, or do you want Indian status in the future?" That's a long-term conversation, because the Indian Act is not going anywhere any time soon. Every day that it exists, it cannot discriminate on the basis of ethnic origin, family status, sex or race.

This is a federal obligation. It applies nationally. There can't be discrimination in Indian status. First nations can do what they like under membership, if they choose to. Most are waiting for the feds to clean up their mess.

Yes, pass Bill S-2 exactly as amended by Senate. Don't allow ISC to come in and suggest a whole bunch of amendments.

Billy Morin: Thank you.

We've talked a bit about the numbers in terms of budgets and the registry. We've talked about a lot of the human rights aspects and the charter rights. What about the legalities?

Dr. Palmater, as a lawyer, what are your thoughts about the legalities of this if action were taken by individuals?

In such a complicated issue, we had Bill S-3. We had Bill C-31, I think, before that. In 2011, there was another change in the Indian Act.

Going forward, should there be action from Canadians who are excluded when it comes to the amendments and the second generation cut-off, I'm sure it would be another long fight. Given the history and the incrementalism, do you think there's a...? It would probably take a long time, but can you comment? Would it be successful if they took it to court?

Dr. Pamela Palmater: In my opinion, of course it would. It has been clear in all the cases. The McIvor case, Descheneaux, Gehl, the Nicholas case and all those that have been brought before the UN, which resulted in Bill C-31, Bill C-3, Bill S-3 and now Bill S-2, have been successful. At every stage, it's been clear that Indian registration violates the charter, and that's not acceptable, so Indian registration has to be amended.

However, the problem is that the government is doing it in a piecemeal fashion, and the Supreme Court of Canada has said in a large number of cases that you cannot do that. There's no such thing as incremental equality. The government cannot mess around with the limited circumstances of one case. It must address all the discrimination in Indian registration.

If the feds don't pass Bill S-2 exactly as amended by the Senate, and they try to force amendments or not even pass the legislation.... Anyone who is currently excluded has a significant legal claim, but do we need to force them to spend the next 20 years fighting this when we know our kids may die? The biggest cause of death is suicide.

We know about the murdered and missing indigenous women. You mentioned the lower lifespan. Are we really going to let more of our people pass away before they see justice? That's not fair to us.

● (0920)

The Chair: Thank you very much.

Jaime, go ahead, please.

Jaime Battiste: Thank you, Mr. Chair.

I'm curious, because when we look at the Nicholas case, which is the case that all of this legislation—Bill C-38, Bill S-2—is based on, it was my understanding that the court was ruling on the enfranchisement pieces and not the second generation cut-off or section 6.

Can anyone tell me if there's a precedent out there that has ruled the second generation cut-off discriminatory? I think it's restrictive, but I've yet to see a court case that says it's actually discriminatory. Can you guys point out a court decision that actually referred to the second generation cut-off as discriminatory?

The Chair: Before you answer, we can't take pictures or videos while the testimony is going on. When we're done and when we're between testimonies, we can have pictures. That's just so we know. Thank you very much.

I apologize for interrupting. Go ahead and answer the question, please.

Jaime Battiste: If anyone wants to give me the case law, I'd love to read the case.

The Chair: Pamela, you have your hand up.

Dr. Pamela Palmater: Can I respond? I can't hear if anyone's speaking.

The Chair: Go for it, Pam.

Dr. Pamela Palmater: The United Nations, in a large number of cases that have been brought before the Human Rights Committee or the Committee on the Elimination of Discrimination Against Women—as in the Matson case, the McIvor case and others—has said very specifically that these arbitrary cut-offs, including the second generation cut-off, the 1985 cut-off and others, are clearly discriminatory and has called on Canada to immediately remedy that.

The other issue is that Descheneaux was very specific about Canada not remedying the issue just in Descheneaux. This was similar to Nicholas, which said not to remedy the issue just in Nicholas but to address all the remaining discrimination. The great thing about the Nicholas case is its saying that if you need an extension to address this in a more thorough way—because the feds have acknowledged that this discrimination in Indian status is bigger—then please go ahead.

I think there's more than enough precedent, adding in all the Supreme Court of Canada cases that say no. We know it's discriminatory on the basis of race. It's based on blood purity. It's based on blood quantum. This is in the federal government's own documents. We know it's discriminatory on the basis of sex and ethnic origin. The feds have already admitted that.

Jaime Battiste: I want to get clarification, though.

We're saying that all of these cases dealt with the discrimination that was in there against women in 1985, for sure, in Bill C-31, and Bill S-3, absolutely. However, subsections 6(1) and 6(2) apply equally to males and females. I'm going to lose my grandchildren, potentially—well, not my grandchildren, but potentially a great-grandchild if the child is a female.

I don't currently see the gender discrimination within this context. Can someone explain it to me? I see it prior to 1985 and in Bill S-3 and all of these, but in the current discussion we're having around the second generation cut-off, is it not equally applicable to male and female?

Sharon McIvor: No, it's not. It hits the females first.

There are situations with the two-parent rule. Children are born as a result of incest, rape or whatever, and there isn't a father to list. It's not the father who is denying the child. At times, there is gang rape. It hits the women. The man can say, “Okay, that's my child.” The woman doesn't have the right to say, “That's not my child.” It hits her first. There are cases, especially with gang rape, in which the child does not have status.

Jaime Battiste: You're talking about the non-stated paternity section, which this doesn't deal with. In my previous study, I hoped to take that on. This is not included within the amendments here—the non-stated paternity issue that we were trying to resolve in the previous study. How is it applicable to the current legislation?

● (0925)

Dr. Pamela Palmater: There are a whole bunch of issues here.

The Supreme Court of Canada has already settled text into law that looks sex-neutral and looks equal, but it has disproportionate impacts and is still discriminatory.

One specific example is that the vast majority of single-parent families are headed by first nations women. If their kids don't have Indian status, they can't access all the supports they need. However, a single man gets to have Indian status for his children, which is easily provable, so they don't suffer the same rates.

There are a whole bunch of different examples of how it impacts first nations women separately now, post 1985. We can put them in a submission to you.

The Chair: Thank you very much. We look forward to that submission as well.

We really appreciate the testimony today, and thank you for starting this very important study. Thank you to all our presenters.

We're going to suspend while we get our next panel ready.

The meeting is suspended.

● (0925)

_____(Pause)_____

● (0931)

The Chair: I'd like to welcome everyone back.

We're going to the next round of questions. I'll ask everyone to take a seat, please.

In the next round of questions, we have, from the Assembly of Manitoba Chiefs, Grand Chief Kyra Wilson, who is appearing online.

From Justice for Girls, we have Zoë Craig-Sparrow, vice-president.

From the Michel Callihoo Nation Society, we have Troy Chalifoux.

From the Southern Chiefs' Organization Inc., we have Grand Chief Jerry Daniels and Sandra Hodzic, chief adviser.

We're going to start in the room, and we're going to start with Zoë.

Thank you very much, Zoë. You have five minutes.

Zoë Craig-Sparrow (Vice-President, Justice for Girls): *ʔəy̓ sweyəl. antha Zoë Craig-Sparrow. təliʔ cən ʔə ƛ̓ xʷməθkʷəy̓əm.*

Good day. My name is Zoë Craig-Sparrow. I am from the hən̓q̓əmin̓əm̓-speaking Musqueam peoples. I was born and raised on our Reserve No. 2 in Vancouver, British Columbia. Thank you for having me speak today, here on the traditional territory of the Algonquin peoples.

I want to be very clear. I am in strong support of Bill S-2 exactly as amended by the Senate, and I urge that it be passed through this committee with the priority and urgency that it calls for.

You've heard a lot about the second generation cut-off. I am the cut-off. My mother has full 6(1) status, but my father was not status, so I was granted 6(2) status, half status. My father passed away when I was nine years old, and I grew up on the reserve with my mother, next door to my grandma, my aunt and my grandpa, Ed Sparrow, who raised me fishing on the Fraser River.

I met my now fiancé on Musqueam. He's not a status Indian, but he also grew up on the reserve. We're getting married in October and we plan to have kids shortly thereafter.

Our children will not have status. In the eyes of the government, they will not be first nations. They will not inherit the home that I own, right next to my mother's, and they will not be able to exercise their aboriginal right to fish, a right so important not only to my Sparrow family, as it was secured through the Sparrow decision, but also to the Musqueam people as a whole.

In contrast, if my parents were both status Indians, my children would have status. If my fiancé were a status Indian, they would have status. If I were a man who had children before 1985, they would have status. This is not just a violation of my rights to equality and to passing on my culture and identity; it means I cannot pass down the home that I worked hard to purchase. It means I cannot pass on the teachings of our family business, fishing, which was taught to me and my siblings by my mother and grandfather, who learned it from his father, who learned it from his, and so on. My babies won't even be allowed to be on the boat with me while I fish.

When we say this will lead to the legal extinction of first nations in three to four generations, we mean an extinction of entire nations and peoples. This is happening right now, with real implications for people and for families like mine. I'm the first generation of my family who, after the intergenerational trauma of residential school, can raise my children in a stable home in our community, free from violence and addiction. My mother broke the cycle, and I am the first to start fresh.

My grandpa fought so hard to survive residential school and see his “little family”, as he calls us, succeed. He's so proud of me, especially for being here today, but isn't that what reconciliation is—giving us a chance to rebuild our lives, culture and family, and the rights that were stolen from us?

I'm the first in my family to go to university, and I'm the first in my family whose children will not have status. I wouldn't have been able to go to university without the ISC funding.

I want to make a note about funding and costs, as I know that's a hang-up for a lot of people.

Will passing Bill S-2 as amended lead to more status Indians? Absolutely, it will. That is the point. It will ensure that we do not go legally extinct, and it will prevent assimilation and genocide. However, the number is far lower than some people fear. The Stats Canada estimate, as Pam shared, is about 320,000 newly entitled status Indians over the next 45 years. That's about 7,000 a year. This pales in comparison to the number of new citizens who are Canadian by birth, because Canadians have a birthright, and the hundreds and thousands of new Canadians we welcome every year.

We see all these people as a good thing. We are asking for legislation that would see 300,000 new Indians over 45 years and prevent our extinction. I don't understand how these costs can be seen as a bad thing.

While yes, these newly entitled status Indians may lead to increased government costs and funding, in the long run it's a cost-saving measure. I think about myself, for example; I am someone who would not have been able to access and graduate from post-secondary education without the funding and support of the federal government. Did this cost the government money initially? Yes, but it also allowed me to get good grades in my undergraduate degree, which set me up for scholarships for my master's and doctoral programs. It allowed me to get a job with health care benefits so that I didn't have to rely on government-funded, non-insured health benefits, and this health care will now extend to my children. It has set me up for a life in which, fortunately, I don't have to rely on social welfare funding. Without the investment in me and my future when I was a child, who knows where I would have ended up or how much more money my children and I would be costing the federal government?

Respectfully, it's about how you look at the situation. If all you want to see is an initial increase in the bottom line of the budget, that's all you're going to see, but if you look more closely, you'll see this as a low-barrier investment that protects the rule of law and equality in this country and prevents the extinction of first nations peoples. It seems like a win-win to me.

I'll conclude with this: The second generation cut-off is not a new issue. It has been studied, litigated, consulted on, reported on and condemned for more than 40 years by courts, parliamentary committees, UN treaty bodies and indigenous leaders and women. We do not need more consultation.

● (0935)

Even so, you cannot consult on gender and race discrimination, and you cannot consult on genocide. You cannot legally use consultations as a weapon to delay equality that my family and I need now, today. People's rights are being violated now. Every day that passes while we allow extinction documents to be a part of the legal backbone of our country is a day too many.

I implore you to follow the lead of the Senate and act swiftly and decisively in passing Bill S-2 as amended. You have a historic opportunity to stop this pattern of piecemeal amendments and delayed equality. Please don't make me fight my whole life, as Sharon McIvor has, just to see justice delayed time and time again.

hay ce:p qə. Thank you.

The Chair: Thank you.

The Michel Callihoo Nation Society will have five minutes, and I believe that Bev will be reading on behalf of someone who was not able to attend today.

Go ahead, Bev.

Beverly Asmann (Director, Michel Callihoo Nation Society): Thank you, everyone. I'm a little frazzled because I wasn't supposed to be speaking today. My colleague Rosalind was supposed to be here. This is her story that she's asked me to read, so I'll do my very best to honour her words.

I will start by acknowledging that we're on the traditional territory of the Anishinabe Algonquin nation.

Good morning, honourable delegate members and dignitaries. My name is Beverly Asmann. I am a member of the Michel Callihoo Nation Society. I was honoured to testify at the Senate on behalf of this bill back in October. I'm now going to read Rosalind's story.

She says, “I am the great-great-granddaughter of Michel Callihoo, who signed Treaty 6 by way of an adhesion in 1878.

“I am here as a director of the Michel Callihoo Nation Society, the representative group that has been in exploratory discussions with Canada since 2022. For my part, I have spent the last 44 years advocating justice for Michel descendants, first visiting Ottawa in 1982 to research our story in the archives. Some of our other directors have similarly spent decades seeking reconciliation for the Michel Band descendants.

“Joining me today at the witness table is Troy Chalifoux of Maurice Law legal team. In attendance with me is Linda Buffalo.”

We're missing another member who's supposed to be here as well.

Rosalind's text says, “Before I continue, I wish to acknowledge and thank directors Brandy Callihoo and Beverly Asmann, who testified before the Standing Senate Committee on Indigenous Peoples in October. Their voices helped carry the Michel story forward, and I am honoured to continue that advocacy here today before the House of Commons.

“Thank you for inviting me to provide testimony before you. I am here on behalf of all the descendants of the former Michel Band number 472 to share our common story and to impress upon this committee the urgent need for Bill S-2 to pass without further delay.

“First and foremost, we are signatories to Treaty 6, a sacred covenant that was to last as long as the sun shines, the rivers flow and the grass grows.

“Until 1958, we were known as Michel Band 472, with Indian Reserve 132, and we were a recognized band under the Indian Act. Today, our descendants represent the largest group who would become eligible for status with the passage of Bill S-2. Indigenous Services Canada has estimated that approximately 3,500 individuals would be newly eligible for registration under this bill overall, and the Michel descendants represent the largest group among them. This bill represents another vital step by Canada to address the long-standing inequities caused by enfranchisement.

“I have been advised by our legal counsel that this point is critically important, so please allow me to explain it plainly: The Michel descendants cannot rely on the Nicholas court decision to have our status reinstated. The Nicholas decision, which comes into effect on April 30, specifically excludes individuals who were members of a band that was enfranchised under section 112 of the Indian Act, and that is us. We are the only band in Canadian history to be collectively enfranchised under that provision. While other victims of enfranchisement may find their remedy through the Nicholas case, we will not. Bill S-2 is our only hope.

“To understand why we find ourselves in this position, you need to know a little about our history.

“The Michel Band members are the largest group in Canada to have suffered the discriminatory consequences of enfranchisement. Every member of the Michel Band, with the exception of four women who were deemed ‘mentally incompetent’ under the law of that time, lost their status as a result of enfranchisement, either as individuals in 1928 or as a whole band in 1958.

“Prior to the 1958 band enfranchisement, section 111 of the Indian Act required a majority vote for voluntary enfranchisement. When this proved unattainable, the government created section 112 to accommodate the forced enfranchisement of our band as a whole. We were the test case, and it worked so devastatingly well that no other band was ever subjected to this provision.

“The Michel Band story is one of continued atrocities and has been hidden in the darkness of Canadian history for far too long. While there is not enough time to share the full story today, I have provided a brief history along with my testimony, but let me share with you the roots of our people so you understand what was taken from us.

“Our ancestors—the Cree and the Iroquois—have deep roots in this land. Since time immemorial, the Cree lived in the northern territory around what is now Edmonton. The Iroquois came west with the fur trade, and both communities became the ancestors of the Michel Band.

● (0940)

“My paternal ancestors were Iroquois who intermarried with the Cree. While my great-great-great grandfather Louis settled in Jasper, his son Michel, along with his followers, signed the treaty in 1878.

“Michel chose Indian Reserve 132 on the banks of the Sturgeon River, and according to the DIA surveyor, it was one of the best pieces of land in western Canada. This is perhaps the reason European settlers began a letter campaign in the early 1900s seeking to buy the land—and provoked the subsequent illegal land surrenders that stripped us of half our reserve.

“What happened next was a systematic dismantling of our community, piece by piece.”

The Chair: Excuse me, Bev. That's all the time we have, but if you could submit all that paperwork, our analysts do an excellent job and will incorporate that.

Beverly Asmann: Okay. I'll hand it over to Troy Chalifoux in case there are any questions.

The Chair: Yes, exactly, and then we will have some questions. Thank you very much for stepping in and sharing that story.

Next we will hear from the Southern Chiefs' Organization Inc. for five minutes.

Grand Chief, please go ahead.

Grand Chief Jerry Daniels (Southern Chiefs' Organization Inc.): [*Witness spoke in Ojibwa*]

[*English*]

Good morning. I thank our Creator for a beautiful day.

I want to thank the chair and members of the committee for their time today.

My name is Jerry Daniels. I'm the Grand Chief for the Southern Chiefs' Organization, representing 33 Anishinabe and Dakota nations that have more than 92,000 citizens across southern Manitoba. I'm honoured to be here today, and I want to be direct with you.

The Indian Act turns 150 years old this year. For 150 years, the federal government has controlled who is recognized as status. It has decided who belongs, who doesn't and who will eventually disappear. Parliament now has a responsibility, not just an opportunity, to correct what has been built into this law, and that responsibility sits with this committee today.

Since 1876, the Indian Act has imposed on our people who we are allowed to be. It dictated who's recognized as an Indian. It created a system called enfranchisement, a process by which first nations were stripped of their status, often involuntarily, in exchange for the most basic rights of Canadian citizenship—the right to vote, to own land, to become a doctor or a lawyer. These provisions fractured families, erased identities and imposed gender-based discrimination that has travelled across generations into the present day.

Bill S-2 addresses this history directly. It seeks to restore status to the thousands of people who lost it through these unjust enfranchisement provisions. It addresses inequalities faced by women who were forced to transfer to their husbands' first nations rather than retain their own identities. Through the amendments added in the Senate, it takes aim at the most urgent, ongoing justice of all, which is the second generation cut-off.

In 1985, the Indian Act created two categories of status: subsection 6(1) and subsection 6(2). A person with 6(1) status can pass their status to their children, regardless of who the other parent is. If they have 6(2) status, they can't pass it on unless their partner also holds status. After two generations of parenting with a non-status person, the second generation receives nothing. They are cut off from their legal identity, their rights, their recognition as first nations people under Canadian law.

Let me be precise about that. Between 100,000 to 250,000 people have already lost their status as a result of this provision. Nationally, within one generation, one in four children born on reserve is expected to lack registered entitlement entirely. One senator described this as a “bureaucratic extinction formula”. I cannot think of a more accurate description. No other group in Canada faces a legislative pathway to extinction of their identity. No other group in Canada is told by law that their grandchildren will not be recognized as who they are.

Councillor Rachel Ferreira of Roseau River Anishinabe First Nation reminds us of the traditional ways. If you are 1% Anishinabe, you are one of us, yet her grandchildren risk having their status not recognized legally in Canada, because their father is Portuguese.

Chief Donny Smoke of Dakota Plains Wahpeton Nation shared that this rule affects his own family. His grandchildren are proud Dakota people. They know who they are, but being without status makes them feel like outsiders in their own nation.

I know a mother with three children. All three have the same non-indigenous father, yet the oldest has status and her two younger children do not because of the year they were born and the changes in law. They have the same mother, the same father and the same home, but they have different rights. One child can access dental care, vision care and post-secondary education funding, but the other two cannot. The mother cannot explain to her children why the Government of Canada sees them differently from their siblings.

I also think about a young woman, an accomplished health care professional, who found herself calculating whether the man she loved had status, because she could not bear the thought of her own children being cut off from who they were. This law turns love into arithmetic. It turns family planning into a legal calculation. It is a psychological weight that this provision places on first nations people every day.

Indian status is not symbolic. It carries real, constitutionally protected rights under section 35 of the Constitution Act, 1982, with the right to hunt, fish, trap and gather plants and medicines. These are rights that apply regardless of band membership. Treaty rights go further still. They protect the deep, enduring connection to land and water, which is essential to the identity, culture and continuity of treaty first nations. When a child is denied status, they are not simply denied a card or a number; they are denied access to health care, education, funding and housing support, and they are denied legal recognition of connection to their nation and their territory.

● (0945)

Denying status to first nation children is a denial of their rights and their identity. The Senate amended Bill S-2 to introduce a one-parent rule, which allowed status to pass to children as long as the parent holds status in perpetuity. The Senate voted 10 to one in favour. Organizations representing first nations across Canada supported it. The testimony was described by senators themselves as a reflection of the near unanimous consensus among rights holders, indigenous women organizations, legal experts, elders and communities.

Canada has acknowledged in its own words that the Indian Act “was a tool for the wholesale erasure of languages, cultures and beliefs” that “robbed First Nations Peoples of their identity”. The second generation cut-off is that erasure continuing, updated, bureaucratized and still in force in the 150th year of this legislation. Our nation knows who our people are—

● (0950)

The Chair: Thank you very much, Grand Chief.

Now we'll go online to Grand Chief Kyra Wilson, and I hope we have a good connection. I know we were working on that.

Go ahead, Grand Chief Wilson.

Grand Chief Kyra Wilson (Assembly of Manitoba Chiefs): Good morning. How's my audio?

The Chair: Keep talking; say a few things. I'm looking at the interpreters.

Grand Chief Kyra Wilson: Good morning, everyone, and thank you for the opportunity to speak to a very important matter. This is the second time I've been able to speak to Bill S-2, and I want to thank the previous speakers.

My name is Kyra Wilson. I'm the grand chief for the Assembly of Manitoba Chiefs, and I want to say once again, good morning. In regard to the work we do at the Assembly of Manitoba Chiefs, we represent 63 first nations within Manitoba.

Through subsection 6(2) of the Indian Act, Canada continues to legislate our nations out of existence and the position of AMC is and has been very clear that Bill S-2 must be passed in the House of Commons with the Senate amendments intact, including eliminating the second generation cut-off and restoring the one-parent rule. What we are seeing right now is legislated extinction.

Prior to all the amendments that have been discussed and worked on for decades, Canada has addressed discrimination in the Indian Act only after being compelled to do so through litigation. To AMC, it is clear that Bill S-2 must be passed with the Senate amendments intact to break the long-standing pattern of reforms that have always been reactive to litigation. The harms of subsection 6(2) are not new. They've been studied, consulted on and clearly identified, including through Canada's own processes and the testimony heard by the Senate.

The Senate has heard unanimous calls to eliminate the second generation cut-off, and now the amendment is before Canada. The question is no longer whether this provision is harmful, because that is something we already know at this point, with all the testimony we've heard. The question is whether Canada will act.

What is different in this moment is Canada's commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples through the United Nations Declaration on the Rights of Indigenous Peoples Act and its action plan measures. This commitment was not intended to slow reform. It was intended to ensure that Canada works in partnership with first nations to eliminate discrimination while advancing first nations' jurisdiction over their own citizens. These obligations must proceed together.

Under the action plan, this includes both engagement processes and the development of pathways beyond the Indian Act, including first nations control over their own citizenship. This reflects the consistent direction of first nations leadership.

Engagement has been confined to consultation on the Indian Act amendments under action plan measure 2.8, without advancing at the same time the transition to first nations control over citizenship under action plan measure 2.9.

This maintains a model whereby Canada determines outcomes for individuals while delaying and diminishing the collective authority of first nations to define their own citizenship. UNDRIP does not support the use of consultation to delay change or to maintain discriminatory laws. It requires partnership, respect for first nations authority and meaningful progress. When consultation is used to delay necessary reform, it becomes a tool for sustaining rather than dismantling colonial harm.

Indian status as determined by Canada is not first nations citizenship. Canada does not define first nations citizenship; we do. If left unchanged, these provisions will continue to reduce the number of first nations people recognized by Canada. Without status, first nations citizens are no longer recognized by Canada as treaty beneficiaries and are cut off from various services, such as housing, education, the protections tied to that recognition and, in some cases, even from burial in their own first nation. Canada's second generation cut-off damages the social fabric of our nations and creates political and social tensions with families and communities. This impacts people's mental health and sense of belonging.

Looking at the impacts on Manitoba first nations, across many of our member first nations in Manitoba, there's a growing imbalance between those registered under subsection 6(1) and those registered under subsection 6(2). We have an increasing number of children who are at risk of being excluded entirely under the second generation cut-off.

This is not simply a matter of individual status. It directly affects the future composition of our nations. This creates real governance challenges that affect who is recognized for the purposes of housing, programs and community planning.

● (0955)

This law—

The Chair: Thank you very much, Grand Chief. We're going to questions. There will be an opportunity to get some more information out.

We're going to start with MP Morin for six minutes.

Billy Morin: Thank you, Chair.

I'll go to Grand Chief Daniels first. The government sometimes says we have to consult. In this case, that's what it says. Yesterday, there was an announcement when it came to one assessment in Manitoba. Were you consulted on this?

Grand Chief Jerry Daniels: No.

Billy Morin: Why do you think you're being consulted on the extinction of first nations people, but you're not being consulted on one assessment?

Grand Chief Jerry Daniels: Because the government picks and chooses what it wants to consult on. It doesn't have a standard for how exactly to consult.

When you're talking nation to nation, you should probably consult on a lot of things. Every piece of legislation that goes through should have the approval of first nations, if we really want to talk about nation to nation.

Billy Morin: How do the inconsistencies in consultation applications reflect the trust between first nations and the government?

Grand Chief Jerry Daniels: They don't build trust, that's for sure. I think anybody who understands diplomacy and creating relationships and genuine partnerships knows you have to have consistency to have trust.

Billy Morin: Does it feel fake sometimes?

Grand Chief Jerry Daniels: I think that's where the government likes to operate: in the grey area and the vagueness of what consultation means.

Billy Morin: Can you reiterate one of the examples you mentioned? Because of an arbitrary date in Bill C-31, there's a family that has three children, all with the same mother and father, but one child is a status Indian and the other two are not. They cannot access the same rights as their family within their community.

Grand Chief Jerry Daniels: Yes. It bureaucratizes families and the relationship dynamics of the family. I don't think the government should have any business in households like that between families and between nations.

Billy Morin: Thanks, Chief.

I'm going to Zoë next. You mentioned that this is a bigger picture. Whether you want to go further or whether you want to go down into the weeds of the details beyond getting into some of the higher-level discussions we're having....

One point you made that was particularly interesting to me was how you cannot pass down property to your children. Everyday Canadians outside the reserve can pass down property. There's no issue there. For something like this, if the second generation cut-off keeps going on, you cannot pass down your property.

Is that what you mentioned?

Zoë Craig-Sparrow: That's right. I can't. I have a home literally right next to my grandma and grandpa's. As it stands, I cannot pass my home on to my children. It leaves me wondering who I leave it to. Do I leave it to my sister? What's going to happen when she passes away?

The really crazy part, to me, is that my fiancé, who will be my husband, can have my house under the real matrimonial property act if we get a divorce, but my children, who were born and raised on the reserve, cannot. This doesn't make any sense to me.

It's a violation of my rights. I worked hard for my home. Should I not be able to leave it to my children?

Billy Morin: This might refer back to a previous question in the previous round about how this affects women even more than it affects men.

Zoë Craig-Sparrow: Yes. I want to elaborate on that a bit, if I can.

I work for Justice for Girls. We work with teenage girls in poverty. Indigenous women and girls are already 12 times more likely to go missing or be murdered than any other person in the country. We're talking about already vulnerable teen girls who need status to have access to critical resources, supports and services to keep them safe. They are experiencing violence, homelessness and difficulties with education and the child welfare system. It's critical. We know indigenous women are more likely to be single mothers.

I'm now faced with my non-indigenous husband being able to take my home, but my kids can't have it. God forbid something happens between us. He could take my home, and I'd be left with no-status children, no place on the reserve and no ability for them to access Jordan's principle, health care and education, which were critical in my life.

It's not right. It's discrimination and it's a violation of the equality charter.

● (1000)

Billy Morin: As a young Musqueam person, you broke cycles and your mother broke cycles. You've been pretty successful. You access hardly any non-insured benefits. You've gone through a lot to lift yourself up.

In the future, should this not change, your children will not have the same opportunity. Those cycles may have a higher risk of repeating themselves.

Zoë Craig-Sparrow: Of course. Truly, in reflecting on Bill S-2 through APPA at the Senate and here, it occurred to me that I am the first in my family to graduate university. My grandpa couldn't go because if he had gone to university, he would have been enfranchised and lost his status. My mother was focusing on just graduating high school.

I'm the first one in my family who really had a chance to go to university, build a life for myself, break the cycle and create a career, and now my kids don't have status. That's the reward for my grandpa's going to residential school at five years old, suffering incredible atrocities, and working so hard to provide for his children, as well as for my mom's working two jobs to put me through school. This is the reward our family gets: You're not first nations anymore.

Billy Morin: Okay.

I'll come back.

The Chair: Thank you very much.

[*Translation*]

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

Ginette Lavack: Thank you very much, Mr. Chair.

I thank all the witnesses for their testimony on this very important bill. We are pleased that they are here today.

I would like to begin by addressing the representatives of the Michel Callihoo Nation Society.

When it was drafted, Bill S-2 was intended to address emancipation. What impact will the measures in Bill S-2 to address the ongoing consequences of emancipation have on members of your community?

[*English*]

Troy Chalifoux (Legal Counsel, Michel Callihoo Nation Society): The impacts that Bill S-2 will have on the Michel Callihoo nation would be profound, because we're not talking about certain sectors of a population or the demographic of a community, but about an entire nation. There are no avenues other than Bill S-2 to address, with basically a stroke of a pen, the inequities this nation has suffered as a result of Canada's efforts to exterminate it.

Since 1985, probably 50% of Michel descendants have perished. Arguably, and sadly, the intentions of colonial extermination policies are being fulfilled through attrition. If this bill is delayed, it will perpetuate the offence, in our view. It's a really difficult position that the Michel nation is in, because, of course, dealing with the second generation cut-off is important and it would impact descendants of Michel, but we're talking about an entire nation. If the bill is delayed, or if enfranchisement of the Michel nation is not addressed, then it's the status quo, and this causes profound harm to a community.

Here's a small anecdote about what it means to be exterminated like that. You've heard other similar testimonies. In the very first meeting I had with them, we gathered with the board that represents them, and I asked if they wanted to proceed with a ceremony. They said, “We don't have any.” Do you have elders? “We have old people.” This just floored me, because they didn't give that up. It was taken away.

[*Translation*]

Ginette Lavack: I would now like to ask a question regarding first nations' involvement and self-determination in the process.

As we know, the government is often criticized for imposing regulations on first nations, such as the Indian Act.

How important is it that first nations be at the centre of the development of this bill? The bill aims to remove these restrictions, so that first nations are fairly represented and given due prominence, and to restore their dignity.

We want to ensure this. That is one of the reasons, among others, why a collaborative process was launched two years ago. We are not talking about holding indefinite consultations or dragging them out over long periods. The process has begun. How important is it to proceed in this way, so that the legislation passed by the House of Commons is legally and judicially defensible?

● (1005)

[*English*]

Troy Chalifoux: The problem with consultation is that, if we're all being honest, even today you have not heard anything new. You have been hearing this since the eighties. You heard it again in 1994 with the royal commission. You heard it again with respect to the Michel nation from the specific claims commission. All of its recommendations were rejected.

Consultation now is, at best, being used as a shield to prevent those difficult decisions from being made. At worst, it's being weaponized to avoid those decisions altogether. Consultation is embracing the status quo, and it provides the illusion of reconciliation, because that's not what is required here.

The issue, based on the questions asked today in the earlier panel and previously, is how a nation feels about Canada getting involved in membership. You already are, and you have been for 150 years. Nations will deal with it. Of course, nations don't want to embrace all of these new people, because of the cost, but all of you honourable members know that.

The Chair: Next, we're going to MP Gill for six minutes.

[*Translation*]

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

I thank all the witnesses for joining us.

Mr. Chalifoux's closing remarks really struck a chord with me. He was referring to the fact that, so far, there's nothing new under the sun. What we're hearing today, we've heard time and time again. I wasn't there, but I know there are people in the room who were. I'm thinking of Ms. McIvor's testimony earlier. I mentioned this earlier, but I want to say it again: It's always extremely difficult, as legislators, to think that we're deciding for another nation—we're deciding whether it's a nation and setting the conditions for being part of that nation. It's impossible. One nation cannot decide for another nation. The system as it stands remains colonial.

I would like to hear your opinion. I know Mr. Chalifoux put it well, and I know we're saying the same thing, but are we ready to pass Bill S-2 with the Senate's amendments? Do you believe that holding consultations is simply putting off what could be done now, as Mr. Chalifoux said? It is said that you have been waiting since 1985, but it goes back further than that. You have been waiting forever.

Grand Chief Wilson, Grand Chief Daniels, and Ms. Craig-Sparrow, I invite you to respond. I think that may be all for the representatives of the Michel Callihoo Nation Society.

[*English*]

Grand Chief Jerry Daniels: I want to say one thing really quickly. The membership of first nations is already defined and independent of Canada. First nations make their own membership as it stands right now. We're talking about the citizenship recognized by Canada and the way it was structured.

The impact on the nation is not necessarily of its own making. If a first nation decides at some point that it wants to change the structure of its membership, it can change that already. It doesn't need you to change it. We need you to recognize that the current members of our nation, whom we already recognize, are going to continue to have their status. That's the first thing.

The second thing is, when we talk about funding and the impact on funding, poverty and the challenges we face as a first nation are going to be improved by creating better housing, better jobs and advanced manufacturing. Those kinds of things need to happen anyway. I don't think that should be used as an excuse or that those lines of argument should be used as an excuse for delaying the justice that needs to happen.

● (1010)

Zoë Craig-Sparrow: I'll add that, yes, it needs to happen now. Yes, we're ready. When you think about it, I'm having kids anyway and I live on a reserve anyway. These children are being born, whether we like it or not, into these communities. Are they going to have access to the same rights that I have?

We are talking about children of current status Indians or to-be status Indians. This is not some big abstract of millions of people. We know about 20,000 people will be entitled once the bill passes and royal assent comes into effect, and then 300,000 over 45 years. This is not millions of people. These are either children who are being born today, little kids, or children who are going to be born anyway.

The reality is about whether they are going to have rights as first nations people.

[*Translation*]

Marilène Gill: Chief Wilson, would you also like to answer the question?

[*English*]

Grand Chief Kyra Wilson: Yes, of course. Thank you so much.

When I think about the impact to community, to first nations, I always think about our children. First and foremost, something I included in my previous presentation is how this has impacted my own family. When I think about the mental health and well-being of our families and our future generations—the current children or grandchildren within our nations—and how they're impacted, whether they're status or non-status.... Right now, my own child is non-status, based on her grandfather, who identifies as Métis. Throughout our history, we've identified that somebody within our family had signed Métis scrip. This is a long history of first nations in terms of the struggles and the barriers we've had to face through this legislation.

I think about my own daughter and the way that she speaks to me about her connection to our community. She always asks me, "Mom, when are you getting my status? When is it going to happen?" There's a disconnect that she feels with the community, even though I always tell her, "You are a part of Long Plain First Nation. You are a part of this family." There is an impact on her, and there's an impact on all of our children who are currently non-status. Right now, we need to move forward with Bill S-2. The harm it's causing our families and our children is something that we can't ignore. Canada can't ignore those impacts on our children.

In terms of Zoë's comments, we are continually having to worry about who we date and who we marry. This is an unfair thing that Canada has placed on first nations women. We need to move forward with Bill S-2.

[*Translation*]

Marilène Gill: I will quickly ask my final question to those who have not yet spoken on this topic, namely Ms. Wilson, Ms. Asmann, Mr. Chalifoux, and Ms. Craig-Sparrow.

Grand Chief Daniels spoke of the risk of bureaucratic extinction if the matter of Bill S-2 is not resolved. Do you all agree with that?

[*English*]

The Chair: We have about 10 seconds left, so we may have to get some things in writing for that particular question.

[*Translation*]

Marilène Gill: Mr. Chair, it won't take long if everyone answers yes or no.

[*English*]

The Chair: Yes or no?

I think they're all agreeing.

Next we'll go to MP Morin, please.

Billy Morin: Thank you, Mr. Chair.

I want to recognize the unique position of the Michel Band. It's good to see the Michel Band again. Of course, my home nation.... They're the closest first nation, so there are ties there as well. It's always great to see people from back home.

I recognize that a previous iteration of this bill, Bill C-38, had a different scope, that things have evolved through prorogation and that complications have been added for a bigger picture—but ultimately what I would think is a better bigger picture. Still, it has come at some anxiety to the Michel Band and its people. This should be recognized.

One thing that's also not talked about a lot in this bill is the term "mentally incompetent Indian". That is a racist term of the Indian Act, and it's being changed, which is a good thing. The second generation cut-off is talked about a lot, and rightly so, but "mentally incompetent Indian" is also being changed for the better.

Ms. Asmann, are you aware of this and the historical aspects of this? Would you care to elaborate on the effects of changing that wording within the Indian Act?

● (1015)

Beverly Asmann: Well, that caught me off guard. However, as some of you may know, when I spoke first in the Senate, I spoke of the "mentally incompetent Indian" portion because that was my grandmother and my aunt. They were removed from the Michel Band list, labelled as mentally incompetent Indians and treated very poorly for the rest of their lives. My aunt is still on the murdered and missing indigenous list to this day. I never met her.

The term itself, of course, tears me up, as you can tell. Changing the terminology.... That's okay. I just hope that nobody ever has to feel the way I felt. My sister is with me today. We've both felt it. I pray that this changes and that this bill passes so that the Michel people.... We're fighting to get our band back. This bill will really help us to generate the list we need to find our people and to bring them home, and maybe we can put some of these harms and these hurts to rest.

Thank you.

The Chair: Troy Chalifoux would like to answer.

Billy Morin: Sure.

Troy Chalifoux: On the impact of the decision to exclude her grandparents, there were four people removed from the list, and this had a profound impact on the surrenders taken from Michel. They didn't have any rights. They weren't counted. What gets lost is that Michel was a band. They were a thriving band on some of the most valuable land in the country. It was taken, as was that of many others—including your land, Chief—at the same time.

Giving back their status is not giving them a membership card. It's the beginning of a path of reconciliation. It's not reconciliation. There's a lot to go. There are surrenders and enfranchisement, but this bill needs to pass.

Billy Morin: Mr. Chalifoux, you're a lawyer. Would you agree that this violates the Charter of Rights and Freedoms, the second generation cut-off in particular?

Troy Chalifoux: Well, I agree that the amendment would correct it—yes.

Billy Morin: Okay.

Troy Chalifoux: You almost got me there.

Voices: Oh, oh!

Troy Chalifoux: You almost got me.

Billy Morin: I didn't even try to do it, but you spoke better than I did.

Voices: Oh, oh!

Troy Chalifoux: Yes. Yes, it would.

Billy Morin: Thank you for your legal opinion. I don't have one, because I'm not a lawyer.

The last thing to say is that Michel Band has been waiting for a long time. Their hopes were held high before prorogation last Parliament. There are dynamics in this Parliament that affect this too. Hopes are raised. What would this mean to pass this bill in its current form still, which includes aspects of Bill C-38? Where would it get Michel if this bill were to pass?

Troy Chalifoux: Michel is no longer a band, as you know.

Billy Morin: Yes.

Troy Chalifoux: The passage of this bill would help with the process. Canada has been less than expeditious in addressing the creation of bands in Canada.

The Chair: Thank you very much, Troy—

Troy Chalifoux: Just for your information, they've been involved in consultation and self-assessment on the band creation rule since 1994. When you talk about consulting on benefits of a bill that will help nations, and you say we want to go and consult, well, that's what we think: Here we go. See you again in 30 years.

The Chair: Thank you. We'll have to move to the next questioner. You'll be able to expand on that.

Jaime, go ahead, please.

● (1020)

Jaime Battiste: Thanks, Mr. Chair.

I want to thank everyone for their conversation on this. It's deeply compelling, what the witnesses are saying. Enfranchisement is cut and dried. The government is committed to that. This is why the legislation has moved forward twice. The overall crux and the challenge around this is the Senate amendments.

I think it's a deeply personal thing for all of us who grew up with subsections 6(1) and (2) hanging over our heads. Grand Chief Wilson said that this is something females have to deal with, but as a young male, I remember always being told by my godmother and my surrounding family in my neighbourhood, “Don't you bring home any blond-haired, blue-eyed white girls to my house.” As a blond-haired, green-eyed Mi'kmaq with pale skin, I never understood the objection towards that. I think what they were trying to get at was that they wanted me to pass on my status. They wanted me to be able to do that as a Mi'kmaq person.

As the Mi'kmaq citizenship coordinator, when we were determining who was Mi'kmaq, the conversation was not as much around parentage and lineage as it was around what it means to be a Mi'kmaq person. That's the question we have here: What does it mean to be a status Indian?

Zoë, your story was very compelling. I really appreciate your sharing that with us. Do you feel that the Indian Act, as currently written, punishes you for falling in love with someone outside of your community—or the status?

Zoë Craig-Sparrow: Yes. As it currently stands, it absolutely punishes me for that. Again, Indian status is the relationship between the government and first nations peoples. This is about me as a first nations woman, an Indian 6(2) status holder, and my relationship with the government. I'm being punished because I'm not a man born before 1985.

To be clear, what we're talking about is doing what should have been done in 1985. Instead of creating this cut-off, we should have given Indian women the same rights as Indian men. We're talking about undoing a discriminatory law and putting things the way they should have been.

Yes, as it stands, I'm being punished, as indigenous women have been punished from time immemorial, or since colonization, at this point. Yes, unfortunately, I love my fiancé and I'm having kids with him—

Voices: Oh, oh!

Zoe Craig-Sparrow: That means I'm here talking to all of you. I probably would be anyway, but that's my reality. It's the reality of so many indigenous people—young indigenous people. We're talking about young people who are being forced to think about whether they ask someone else to sign a birth certificate.

Jaime Battiste: We've heard testimony around that. I think one of the things we've been looking at and one of the things that are important to us is figuring out how to solve problems, but doing it collaboratively with first nations communities. The Senate has proposed one solution, a one-parent solution, and that does a lot of taking care of some of the challenges around this. However, we have first nations communities and first nations people telling us that they don't like this solution and don't want this. I guess we haven't heard anything new today.

Troy, you're exactly right. However, through the study, we're going to hear from people who aren't sure that this is the solution and would rather have their first nations communities determine status. What do we tell them if they want to determine for themselves—instead of the Senate or Parliament—who the status members are in their communities? What do I tell them?

Troy Chalifoux: I profoundly disagree with you. By approaching this issue with that kind of question, you are muddying the waters of the legal distinction between membership and status. Bands know that. They know that if this bill passes tomorrow, there could be an impact on their membership, should they choose. They can decide to embrace this.

On gearing up for a big consultation process to figure out what nations want, you know that answer too, because they will take—

Jaime Battiste: I don't think I said “consultation”, though. I said collaboration.

Troy, when we pass legislation, we usually have partners and stakeholders when we go through things, and we will say, “Here's what the stakeholders are asking us to do.” In this case, we don't have a stakeholder. We have the Michel Band, but that's for enfranchisement.

Without collaboration, without the ability to create legislation in collaboration with first nations, whether it be the AFN or AMC, we need a stakeholder to discuss amendments. At this point, we don't have that.

● (1025)

The Chair: That's the time we have right now.

We will go to our last questioner. This will be MP Gill.

[*Translation*]

Mrs. Gill, you have the floor.

Marilène Gill: Thank you, Mr. Chair.

I found Mr. Chalifoux’s remarks regarding Mr. Battiste’s question interesting. I know there was an interruption, but if he would like to complete his response to that question, he may do so now.

[*English*]

Troy Chalifoux: “Collaboration”, “consultation” and “engagement”: A lot of us on this side don't see a distinction. We see it as a process. They all represent a process that takes away from the decision. It might give you a more informed decision, theoretically, at the end of the day when you're prepared to make it to pass the legislation in whatever form, but ultimately we can keep saying this and keep talking about it and keep testifying. All of the information is there already. All the people before you, all the people who have submitted who aren't presenting and those who came before us....

I'm honoured to be sitting in a room with Sharon McIvor. These pioneers and these champions have already done your job: to give you the information you seek today. The fear isn't that you're going to come up with a different answer. The fear is that you're protracting the conversation unnecessarily, and we have a nation.... It doesn't matter if we're talking about second generation or enfranchisement. We have unresolved, unreconciled discriminatory issues that have a serious effect on nations.

[*Translation*]

Marilène Gill: Mr. Chair, you have been very generous with me today.

[*English*]

The Chair: Thank you, everyone, for your testimony today on this very important subject matter.

We will be meeting again on April 28, I believe, on Bill S-2.

Thank you very much. *Chi-meegwetch*.

The meeting is adjourned.