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Chair

Mr. Chris Warkentin

Standing Committee on Aboriginal Affairs and Northern Development

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• (1135)

[English]

The Chair (Mr. Chris Warkentin (Peace River, CPC)): I'm going to call to order the seventh meeting of the Standing Committee on Aboriginal Affairs and Northern Development.

Colleagues, we want to get started right away.

Witnesses and visitors, we do apologize, but we were caught off guard with some votes this morning. We apologize for the delay, but we're going to get moving here now.

This morning, colleagues, we have witnesses from the First Nations Land Advisory Board. We have Chief Robert Louie, who is the chairman. We have Chief Austin Bear, who is the chair, finance committee and resource centre board of directors. We have Leah George-Wilson, who is a director. We have Philip Goulais around the corner here, colleagues, if you can't see his name tag, and he is a director. We have Jody Wilson-Raybould, regional chief of the Assembly of First Nations.

Thank you so much for coming today. We do appreciate that you've taken the time to join us.

I believe, Chief Louie, you were going to start with a presentation.

Colleagues, I should just let you know that I had the opportunity to meet Chief Louie in his community this summer. It's a remarkable community and one that I would recommend committee members at some point, if they are in the vicinity, to visit. I appreciate the time we were able to spend together. It's a remarkable story of success of not only economic development, but also the preservation of a culture and of a community.

Thank you for that tour; I'll publicly say that.

Thank you for coming. Please, bring forward the testimony and then we'll have some questions for you.

Chief Robert Louie (Chairman, First Nations Land Advisory Board): Thank you, Mr. Chairman.

Good morning, Mr. Chairman and members of the committee. My name, of course, is Robert Louie. I have been chief of the Westbank First Nation for about 20 plus years right now, and also chairman of the Land Advisory Board.

My traditional Okanagan name is Seemoo, which in our Okanagan language means "connected to the land". So maybe it's somewhat appropriate, given the history of what I've been mostly involved with over my life span, a connection with the lands.

Mr. Chairman, I wish to thank you and members of the committee for the opportunity to have us before your committee here to discuss the frame agreement on first nation land management. I know your time is busy, as evidenced here this morning in your parliamentary hearings and so forth, but it's fortunate for us, because we have the majority of our signatory first nations here in Ottawa at our annual general meeting of the Land Advisory Board.

Yesterday, Mr. Chairman and members of the committee, we passed, I think, through an historic event by the signing of a memorandum of understanding on funding that took ten years. It's a long time, but we signed it yesterday with Minister Duncan and we're appreciative of that.

Mr. Chairman and members of the committee, I'd like to introduce you in a bit more of a formal way to some of the members of our Land Advisory Board who are with me.

Firstly, Philip Goulais is a former chief of the Nipissing First Nation here in Ontario. He was chief for 17 years there and also served in the capacity as Commissioner of the Indian Commission of Ontario. And Phil represented that commission for several years.

Also, I would like to introduce to you Chief Austin Bear. He is from the Muskoday First Nation in Saskatchewan. He is a chair of our finance committee and chair of our resource centres for the Land Advisory Board and has now served 21 years consecutively as chief of his community in Saskatchewan.

Leah George-Wilson is a former chief of the Tsleil-Waututh First Nation, the Burrard Band, in Vancouver. She's currently in law school completing her second year. She takes time in her busy schedule to serve as a member of the Land Advisory Board and we're very fortunate for that.

Jody Wilson-Raybould is the regional chief of British Columbia, elected by the chiefs of British Columbia on behalf of the Assembly of First Nations. She is also a practising legal counsel in British Columbia.

I also wish to bring to the committee's attention members of the audience here. I'm not going to list everybody, but we have one grand chief here, Grand Chief Joe Hall from the Stó:lo Nation in British Columbia. We have several other chiefs in the audience here. We have land managers. We have members of the Land Advisory Board resource centre, and really the expertise is in this room to talk about land management. If the committee has questions, I would like the opportunity to call upon the expertise that surrounds us in this room.

Mr. Chairman, we're here this morning to provide you with an overview on the first nations land management process to discuss some of the content that has been tabled in Parliament, our annual report, and to update you on that and also to discuss with you some of the goals for our future. Certainly we are more than willing to get into the questions, which will be the bulk of the time. We appreciate this time.

I would like to add, Mr. Chairman, that we are absolutely proud of the progress that we've made collectively and individually since we've had the opportunity to go into the framework agreement on first nation land management that was signed in 1996. The enabling legislation by the passage of the First Nations Land Management Act in 1999 has provided superb benefits. I'm talking about economic benefits and opportunities that have been created that have allowed for literally thousands of jobs. Our first nations across this country are contributing to the overall economy, and we're proud of that.

• (1140)

As well as exercising jurisdiction, the decision-making authorities we have and the law-making powers we have through the passage of this legislation, I stress, cannot be overstated.

To give you perhaps a sense of what I'm talking about, I wish to refer to the late Chief Joe Mathias, from the Squamish First Nation in British Columbia, a respected and revered visionary, nationally and provincially, a former hereditary chief, a long-time proponent of aboriginal rights, and a man who was widely recognized throughout Canada for dedicating much of his time and effort toward the goal of having our aboriginal rights recognized.

When the passage of the legislation took place in 1999, he made a comment to which I'd like to refer, because it underlies the importance of what we're talking about here. He said that to have first nations recognized as governments, with their own law-making powers and with control over their own lands, may be the single most historic accomplishment for first nations this century. That statement is held up by our communities and is very much respected, because in that statement he encapsulates the essence of the importance of what we're doing and the importance of why we are here today.

That is reflected by the number of first nations now involved in land management and by the number waiting at the doorstep who want to have an opportunity to pass their own laws and become decision-makers. We have a long list. In 1996 we had 14 first nations, which originally came up with the concept and banded together throughout Canada. They said they needed to make a difference here and that Canada needed to recognize their inherent rights, which included jurisdiction and law-making. They wanted to make a difference in their communities. That has been exemplified in what we have today.

Today 36 first nations across Canada have passed land codes, two of which, my community being one of them, have gone further than incremental self-government. We have gone into self-government in its full context. One of our communities, Tsawwassen, has gone into a treaty-making process and now is exercising its government. The land rules and the land code are the essence and the basis of that jurisdiction.

We have eight developmental first nations in the process. I wished and hoped to have said that we had a lot more, because there are a lot more on the waiting list. In fact, we have up to 80 first nations that have passed band council resolutions, put out letters and inquiries, and expressed an interest in formally becoming signatories. That is the significance. That is about one in six first nations in all of Canada, to give you some sense of the numbers.

The tremendous growth in the desire and determination of our first nations to take direct control over our lands and resources are clearly there. There are two fundamental reasons. First, the process to implement control and jurisdiction over our lands was conceived and developed by our peoples, by first nations peoples ourselves. It is a process in which we have extreme pride. We have extreme pride of ownership. It's something that's been accepted by first nation communities. And that is very significant, members of the committee.

Second, we see, collectively and individually as first nations, the benefits that arise from what we're talking about in terms of things like economic development, job creation, reduced dependency on social assistance, and the enhanced governance we now have. I'm talking about thousands and thousands of jobs. I'm talking about hundreds of millions of dollars of revenue that have been generated and put back into the economy.

I understand that you had a presentation recently from the Department of Aboriginal Affairs and Northern Development. I'm familiar with that. There are three issues that come to mind from that presentation: first, capacity-building; second, accountability; third, environmental management.

Capacity-building is a very significant issue. With the transfer of responsibility for land management to our first nations, our communities have continually requested help in building capacity in our communities. We need trained land managers in order to assist us in that decision-making authority. It is something I want to emphasize, because it's clearly needed. I would hope that we would have some questions in that regard.

• (1145)

As well, we have our resource centre. They're there to support our first nations across this country. They're there to assist not only operational but also developmental first nations and the passage of the land codes, and to help provide some of the training that is so necessary to the land managers and to the staff and to the understanding of what we're talking about. It's a very important component of what we have put together.

The second area is accountability. One of the tremendous benefits of the land management regime is the increased accountability we now have as elected leaders to our community. That is very significant. We have the role and responsibility to answer to our members. That's something the Indian Act doesn't specifically provide for. It does in the land management, in the land code. Taking on this form of self-government responds directly to the membership needs on land-related matters. It's something that we honour and respect and our communities respect.

The third area is environmental management. It is a big area. As first nations operating under the framework agreement, we all fully understand very well and accept the responsibilities we have as first nations in the environmental management of our lands. Canada must also recognize that responsibility. I am suggesting to you, members of the committee, that we must be adequately supported and funded in this area.

I mentioned earlier that yesterday we signed a historic funding agreement. There are some dollars in that funding agreement, which will start April 1, 2012, that will allow us the capability to do environmental management. But it's a start—I have to say, a “start”.

Now, we understand the impact of damages that have been caused in both the past and the present...and the future. The concern we have is about the mismanagement of land that has happened historically, and in some cases off the reserve lands. That is proven history.

I want to make it very clear here that the framework agreement creates a new relationship between our governments. I want to stress that: “new” relationship. It's a word that is commonly used and put forth, and we are here to indicate to you the importance of why we're involved. The importance cannot be underestimated. I believe the chiefs and the members who are with us here today are important evidence of that.

What we are looking at is equal footing with the provincial governments, with the municipalities, and with the Government of Canada. That's what law-making, this decision-making process, provides. We believe we are better able to work with governments to develop compatible things like environmental laws and regulations, as well as to deal with all of the other issues that surround land management.

This new relationship has importance and effect throughout this country. We are able to deal directly with business interests that bring economic development opportunities to our communities.

The people who are behind me here—the land managers, the heart and soul, the workers who deal with this—know that fully well. They process land transactions on a daily basis within the perimeters, within the law-making, that they have in their land codes. It brings benefits to each of the communities that are here, to each of the communities that are waiting and want to be available to exercise this.

We are able to respond to the business at the speed of business and not wait six months or two years for decision-making with the Department of Indian Affairs. We need the capacity and we need the opportunities. Certainly I want to make it very clear that we need your support to allow us to proceed.

A recent KPMG study, when we hired who we thought were some of the best people available in the country to ask whether what we were talking about was correct, confirmed it. Their report found that we can manage our land matters and handle land transactions better, more efficiently and at a lesser cost, than the Department of Indian Affairs people can.

●(1150)

We've confirmed through that KPMG study that we've had increased on-reserve businesses, many of which are owned by community members, by first nations collectively. This has contributed hundreds of millions of dollars to the economy and provided thousands of jobs. We've introduced new and different industries to our respective communities, and our chiefs and leaders are evidence of that. Should you wish, we can give you all kinds of examples.

We've benefited from enhanced entrepreneurial activity, we've experienced internal and external investment in our communities, and those investments now, I believe, are in the billions of dollars. We are overseeing the improvements in the process and seeing real, live change in our communities.

Mr. Chairman, I think you saw evidence of that when you visited my community at Westbank, and if the opportunity presents itself, I would like to encourage members of this committee to see first-hand what we're talking about.

The types of businesses that have been attracted to our communities include things like clean energy projects such as developing electricity through wind and solar power. I'm talking about megawatts. Many megawatts of power are now available from coast to coast for first nations peoples. I'm talking about commercial land development, things like shopping centres. My own community is involved in shopping centres. Now we are an invested owner—not just a lessor, but an actual owner of these shopping centres. We're in joint-venture partnerships. That's happening across this country.

We now have destination tourism enterprises like golf courses, ecotourism, and casinos, all of which have generated jobs and opportunities. I'm talking about lumber and mining development. That is something that has been untapped in the past, but it is now becoming more available.

Many of the first nations want opportunities, and they see in things like lumber and timber, things that are important in the far north of British Columbia. In those areas, it's important that they have land codes so they can manage the forestry industry. Residential housing developments, all of those things, are examples of what our communities are doing—direct employment, jobs, all of this.

One of our chiefs, Chief Darcy Bear from the Whitecap Dakota First Nation, is evidence of that. More jobs have been created in his community than ever before. He's providing jobs not only for his members, but also to other non-aboriginal community members, and that is hugely significant. There's evidence right across this country.

The process is working extremely well, and we're finding things to do better and more efficiently as we have more and more experience, and this is happening. We need your support. We have something that's referred to as amendment number five to our framework agreement, which we hope will soon be tabled in legislation, and we're asking you to support that. Those amendments came about as a direct result of the experience we've undergone over many years. We've ratified it from the first nations end. It's now up to Parliament to ratify it by passing the approval of the legislation for that amendment.

In summary, our requests are quite straightforward. We're asking you for your continued and long-lasting support for the framework agreement. We're asking you for support for the adding of new first nations signatories. We have a list of 80 right now. We can't accommodate all of those first nations. We need your help to get those communities involved. We need these amendments passed to help us become more efficient. We want to ensure that through the estimates and budget process Aboriginal Affairs fulfills the current funding agreement through the five-year cycle.

• (1155)

In conclusion, Mr. Chairman and members of the committee, we've worked well. We've had our heartaches, but we've worked well with the Department of Aboriginal Affairs and Northern Development to implement this process. We're appreciative of the minister and his support and of the support of past ministers. We're appreciative of the commitment of Canada in the last budget for \$20 million to enhance it, but we need to see that become reality. We're waiting for that. We believe that this funding is necessary and will allow other first nations to benefit from what we're talking about here.

My colleagues here are very experienced. We look forward to the committee's questions. We're here in collective force to get the answers and make sure you understand the importance of what we're talking about.

I appreciate very much the opportunity this morning.

The Chair: Thank you for that. We appreciate the comprehensive briefing you brought forward, and will certainly have some questions.

Colleagues, I'm going to run out the time for questioning as it stands, so we'll continue until our time is up, because we are here late—just so you're prepared for that.

Ms. Duncan has seven minutes.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): So we'll have one hour.

The Chair: That's right.

Ms. Linda Duncan: That's regrettable.

I'd like to welcome all of you.

Chief Louie, thank you very much. Thank you to all who are here asking questions.

To the grand chiefs, the chiefs, the band men, and the land managers, welcome. It's great to see you all.

Mr. Chair, half of the committee members don't have the MOU on funding, and it's hard for us to gauge what it's providing. So I would appreciate it if that MOU could be provided to all the members of the committee.

Mrs. Wilson-Raybould, it's very nice to have you here. My friend Doug Aberley worked with you for many years. I've heard for many years of the wonderful work you're doing in your nation, so congratulations.

I want to zero in on one question, and hopefully my colleagues will have a chance to ask some questions as well, because the time is so tight.

My specific question is to Chief Louie. I congratulate all the first nations that have moved into the various steps of the process, but I'm getting the very clear message that there are limited resources and capacity to move from signing the framework agreement to even thinking about legally implementing a code, and then having the capacity. So I'm wondering if you could give us a little more information about it. I understand that some funding was promised on capacity-building. It's sounding like that is one of the big barriers to moving forward. Part of that is the front end, as I understand it.

I put this same question to the government panel that came in. When I look at the map, it's kind of stunning to see that most jurisdictions are picking up, but Alberta and Quebec have not shown an interest or implemented codes. I understand that might have something to do with the capacity to dialogue about what a code could do. Perhaps you can speak to that.

You mentioned the training for your land managers, and then developing laws for the regulation of development, environmental assessment, and so forth. I wonder if you could speak to what your challenges are in that capacity, the shortfalls, and whether or not that money is flowing to you.

Chief Robert Louie: Thank you very much, Ms. Duncan.

It is a very, very important issue for us. We have met collectively across this country. We have looked at and examined the need of why it is that we're here and how we can become successful. One of the things we come back to is we need to train people to help us move the communities forward.

What is unfortunate, I think we've experienced, is that we've had to find our own internal funds, for the most part. We've been supported at a very minimal amount of dollars throughout, since 1996, when we started. Legislation was passed in 1999. The first land codes were implemented at the turn of the millennium. On the stroke of midnight, January 1, 2000, we had three communities become operational. Now, for those communities that were there and those communities that are now involved, little money has been provided. It's something that's continually being overlooked. We've done our studies. We've done our homework. We know that there is that need.

We've provided, we believe, some of the best opportunities for training. We've put together curriculums. We've got online projects that are on hold. We have not been able to fully implement those.

I need to stress that—it's so important—we need governmental assistance. We appreciate what we have, don't get me wrong. But it's something that sometimes government overlooks. It is a necessary fact. We need that to help train our peoples to take on their roles and responsibilities. Quite frankly, with many first nations in Canada, if training dollars could be put forward, I think we would have an even higher list of first nations say they want to be involved. That's just a matter of fact.

My colleagues certainly have been working on this issue with me and collectively with our land managers. We know the direct needs that are relevant to that. It's an oversight, we believe, and it's something that hasn't been properly addressed. It needs to be addressed. We don't have those dollars. It is necessary.

• (1200)

Ms. Linda Duncan: Thank you.

I'll turn it over to Mr. Genest-Jourdain to use the rest of my time.

[Translation]

Mr. Jonathan Genest-Jourdain (Manicouagan, NDP): Chief Louie, I'm going to speak in French.

[English]

You had better put on your headset.

The Chair: There is simultaneous translation. The headsets are probably curled up there for you. But you may have to adjust the dial, as well, to find where the French translation would be.

Maybe, Ms. Duncan, if you have a question, in the interim...?

[Translation]

Mr. Jonathan Genest-Jourdain: Chief Louie, is—

[English]

The Chair: Let's hold for a minute. I've stalled the time.

Let's just double-check the translation. Let's attempt it, Mr. Genest-Jourdain.

[Translation]

Mr. Jonathan Genest-Jourdain: Does the implementation of the land codes as enacted by the communities apply simply to the reserve lands or does it also apply to the ancestral lands claimed by the communities?

[English]

The Chair: I ask the translators just to speak in English on the French channel, just so that we can ensure that it's coming through.

That's fine. It took me about four years of being an elected member of Parliament to figure out this system.

Chief Robert Louie: I'm technically challenged, I'm afraid to say. This is evidence of it, obviously.

The Chair: Have we got the translation coming through?

Okay. Good. I think you've got it.

Chief Robert Louie: No, I don't.

[Translation]

Mr. Jonathan Genest-Jourdain: Are we getting through? Chief Louie, can you hear me now?

[English]

Ms. Linda Duncan: Maybe his colleagues could hear it and relay the question to him. This is crazy.

Chief Robert Louie: I think I now have it. It's channel 4.

The Chair: Okay. We'll accommodate that in the time.

Go ahead.

[Translation]

Mr. Jonathan Genest-Jourdain: I was wondering whether the application of land codes as enacted by the communities is limited only to the reserve lands or if it also applies to the ancestral lands claimed by the communities. It's a broad question.

[English]

Chief Robert Louie: Thank you very much. I think I understand your question.

You asked about the application of land codes, not just to the lands, but to the traditional lands. The way our law-making has developed is that we have law-making over our lands that might be termed as "reserve lands" with definitive boundaries. We do not at this point have the jurisdiction to exercise land management authorities beyond the reserve boundaries, outside, in our traditional lands. So it is capsulated strictly to the reserve itself.

[Translation]

Mr. Jonathan Genest-Jourdain: What is the diameter in kilometres of the reserve you are from, for example?

[English]

Chief Robert Louie: Thank you.

For my community, Westbank, I don't know the square kilometres. I can give you an estimate, though, in acreage—my "old school" comes to light. We have close to 6,000 acres of land in total, and that's just my community, at Westbank First Nation.

• (1205)

The Chair: Thank you.

Mr. Rickford, for seven minutes.

Mr. Greg Rickford (Kenora, CPC): Thank you, Mr. Chair.

And thank you, Chief Louie, and your colleagues, for coming here today.

This is great news. I'm going to move through some questions quickly, but like you, I'm all about the introductions. I just want to recognize Chief Jody Wilson-Raybould. It was nice to be out at the Penticton Indian Band cultural school opening. That was great. It was a bit of a homecoming for me. I did my nursing studies at Okanagan University and lived in Summerland. It's a beautiful place, and it was nice to be back.

I should also say, Chief Louie, that your being here today with your colleagues is most opportune. This committee has been moving quite effectively, I believe, toward looking at this priority, as we're hearing it from the Métis Nation, from AFN, and now, not just through the department, but through your organization. We're looking at a study around land use modernization, sustainable economic development, and I think the sustainable economic development piece necessarily brings in that environmental stewardship that you mentioned as the third point in the overview of what you're working on.

My first couple of questions, I hope, will have very brief answers. I may interject just to move it on. I apologize for that.

Just by way of review, the service you're providing the communities is to increasingly assist first nations, particularly and hopefully new entrants—I'll get to that in a second—with things like sample documents, standard templates. Are those some of the key functions?

Chief Robert Louie: Yes, Mr. Rickford. Part of the responsibility of our resource centre is that support role. The precedent documents are collected, the laws that have been passed by first nations are regularly available, and each first nation across this country readily shares that. In my community, at Westbank, for example, we've met with—I don't think I'm too far wrong—maybe close to 100 first nations and provided information, legal documents. All of that is readily shared. So that is something that's supported by the resource centre.

Mr. Greg Rickford: Your comments with respect to KPMG are much appreciated by this government. In fact, we've recognized, and I believe you've had correspondence and discussions to this effect with the minister, that new entrants are the thrust of a lot of the work that's going to be done, in partnership with your organization. To that end we are looking at a significantly increased allocation over the next couple of years, as opposed to what it's been historically.

Is that your understanding?

Chief Robert Louie: Yes, and I think evidence of that was the historical signing of the memorandum document on funding yesterday. It took us ten years to have some conclusiveness, to say that at least for the next four years we're going to have funding. It's very much appreciated, but I can only stress that it accommodates a very limited number; it doesn't accommodate everyone.

Mr. Greg Rickford: And I take your point on that. I appreciate that.

I want to talk about some of this capacity-building, accountability, and environmental stewardship, particularly with some deference to what this committee may very well be looking at. I'm talking about a constellation of emerging instruments, both policy and legislative, that are giving first nations communities an opportunity, and aboriginal communities, more broadly speaking, to accommodate some of the different kinds of circumstances, be they constitutional or otherwise, with respect to Inuit or Métis.

This constellation, Chief Louie, has come from taking a look at the legislative agenda and saying that first nations land management acts, B.C. treaty processes...a variety of things are saying loud and clear that land use modernization is the hot topic of the day. I want to go first to the capacity-building. The trained land managers that you're saying there's an ever-increasing need for, are they affiliated with any colleges or universities?

• (1210)

Chief Robert Louie: Through the expertise we've been supported by, we have been connected to various universities and a lot of the curriculum that has been developed has been with direct access—

Mr. Greg Rickford: Do they get certificates, Chief Louie, or anything? Is this something to build on? I went to law school and we fell in love with land use planning, for example. One of your colleagues has maybe already taken a course or is about to, but are these things that can take people farther in these regards?

Chief Robert Louie: Yes. Accreditation is something that has been sought after. We are not in the position yet, because we don't have adequate funds to do that. I know my colleagues here have been working on this, and I'm sure we've got lots of thoughts. We can go into that further, if you wish.

Mr. Greg Rickford: Sure. We can talk more about that. It's something I'm always interested in when we're developing programs, to ensure, whether they're institutional certificates of some sort or not, that they're real tools for the people actually taking the courses to perhaps have the potential to platform from there.

For my next question, I think I'm going to go over the accountability piece, because I think you brought that out nicely. I want to talk a little bit more about this environmental stewardship. I think it probably has some environmental sovereignty issues, if you will. I'm going to use my last 41 seconds for you to talk briefly or highlight what, for our purposes, might be implicated by that in a potential study.

Chief Robert Louie: First nations have the opportunity—and it's one of the needs for this amendment—to pass environmental laws. Now, in the passage of those laws, the first nations are the jurisdiction, the decision-makers. But in doing so, each first nation across this country has to be mindful of existing environmental laws, either federal or provincial. So the opportunity is there for the provinces to harmonize their laws. That opportunity exists. The standards that have to be met are, at minimum, to be not less than what Environment Canada provides.

Mr. Greg Rickford: One more quick question. Do you think we're on the right track as a committee in studying something like land use modernization and sustainable economic development? Is this the topic of the day in terms of the future of many first nations communities?

Chief Robert Louie: I can only offer this in response. I'm not sure exactly the depth of the land use modernization. I can tell you the depth of what we're talking about in lands and management of lands. We know that it's absolutely essential. The jurisdiction, the law-making, the decision-making is extremely important. So things like land use plans, the importance of those and how you deal with land matters and environment and all of that, is extremely important. We have a process that provides for that.

I'm not certain. I'm afraid I don't know too much about what you're actually doing in land use modernization, but from our perspective this is how we see it. That is a very important matter, one of the most important matters for first nations in this country.

The Chair: Thank you very much.

Ms. Bennett, for seven minutes.

Hon. Carolyn Bennett (St. Paul's, Lib.): Thank you very much.

Just to follow up on the idea of land use modernization, I've crossed the country, and there are some people who are concerned that modernization might mean moving to a fee simple model. I think, Chief, your story is a good story. What I think we're hearing is a call to accelerate the process that's ongoing right now. I'm not sure what your interpretation of modernization would be. You are telling us a story of something that's actually working; it just needs to move faster.

What I heard is that with dollars for increasing capacity in terms of training, you would end up with more communities feeling they could actually apply to get into the queue, but that your signing yesterday allowed only 20 into the queue, and there are already 80 in the queue. So a barrier to accelerating this process has to do with a lack of investment dollars that would increase the capacity in your communities.

• (1215)

Chief Robert Louie: Yes. Maybe I'll deal with your first point, modernization and so forth. If what's being looked at is a transfer from reserve lands to fee simple lands, the answer and response is no, that's not what this process is about. This process is about section 91.24, it's about the Constitution. It's about keeping that sphere of jurisdiction. We do not need to move into fee simple.

My community at Westbank is one of the points that shows to the country that we do not need to transfer our lands into a fee simple basis. It works very well. We've got literally every bank that exists in Canada basically located on our lands. We have financing available; we have things like land title insurance; we have things like the A-to-A leases that allow developments to take place. All of that is provided. As far as modernization is concerned, if it's fee simple, the answer is no.

On the other point that you made, the funding that we signed yesterday, my understanding is that 13 first nations are going to be supported, not 20. I wish I could say 20 or more, but my understanding is that about 13 are going to be added to the list.

Hon. Carolyn Bennett: That's with 80 in the queue. And with a whole bunch more, if they had training capacity, they could feel that they were now perhaps able to think about it and get going on this.

I think you know that for me as a family doctor, Chandler's work is hugely important. We know that if land is sorted out, the health of the community goes up and the suicide rate goes down. This is step one in having healthy communities. Obviously, for us as a committee to feel that the more investments we could make in your process as a government, the faster we can move on creating healthy communities and having more communities able to tell the good story that you've been able to tell us today.

Chief Robert Louie: Ms. Bennett, Mr. Chairman, if you allow, some of my colleagues are anxious to offer some comments. If Jody Wilson-Raybould could respond....

Vice-Chief Jody Wilson-Raybould (Assembly of First Nations, First Nations Land Advisory Board): Thank you, Chief Louie.

It's an honour to be here.

Maybe I could speak to the question that the honourable member and the parliamentary secretary raised regarding modernization and provide some reflection on what we're doing in terms of land

management and the utility or usefulness of the proposed modernization study. For the first nations that are involved in the land management initiative, we have modernized in terms of what we're doing to create land tenure systems in our communities by building capacity in our communities and creating economic development opportunities.

Going back to previous questions about the investment or about how government can contribute toward our success stories, it's an investment for the government to provide the necessary resources for our communities to ensure the operation of communities, to ensure that we are continuing to move forward with instituting our laws and making decisions that are locally based, based upon the priorities of our communities. That's the beauty of this initiative. Our communities have decision-making authority and jurisdiction over what we're doing and how we want to develop our land.

If it's a land use modernization study that looks at the options available right now and at the implications of all the different options and the spectrum that exists—because there are a number of ways that first nations are raising title or undertaking land tenure systems in our communities—if that's the intention behind the study, rather than to reinvent the wheel of what's already created but to support the successes that our communities are having and to provide that information readily to other communities, then I think such an endeavour or information-sharing exercise would be entirely useful. To draw upon the experience of our chiefs here in the room, to hear their stories and build on the success that our communities have had in this area would be hugely valuable for us.

Hon. Carolyn Bennett: Could you help us with the language to describe the scope of a study that would be most helpful to you and also with the kinds of witnesses you think we should call?

• (1220)

Vice-Chief Jody Wilson-Raybould: I think that is entirely something that Chief Louie and the Land Advisory Board and the resource centre would be more than happy to do, given the enormous number of studies that have occurred over the last 20 or so years and the expertise that our chiefs and our communities could bring forward to that in putting together the parameters of such a study. I think it would be useful not to do what we've done in the past but to build on it.

The Chair: Thank you, Ms. Bennett.

Chief Robert Louie: If I may, Mr. Chairman, I want to say to the honourable members that if they give us a chance, we'll be there.

The Chair: That's wonderful.

Thank you very much.

Mr. Rickford, you wanted to take the first 30 seconds of Mr. Payne's time.

Mr. Greg Rickford: I did, and then I'll turn it over to my colleague.

To be clear, folks, land use modernization is something I think this committee is interested in studying. Fee simple would have been something that my colleague would have used to satisfy her own intellectual curiosity. For us, land use modernization is exactly as you'd framed it, Chief Jody. I think we want to be able to support the successes and appreciate the resources, but I think for the benefit of committee members—as was pointed out earlier, there are new members to this committee—we want to understand the inventory and the way these success stories are working. That is how we'll gain a better understanding of sustainable economic development with respect to land.

I will turn it over to my colleague LaVar.

Thank you.

Mr. LaVar Payne (Medicine Hat, CPC): Thank you.

First of all, I want to thank all of you for coming. It's highly important that we hear your testimony.

I want to say, Chief Louie, I was in Westbank this summer. I attended a wedding. I was totally amazed at the development—the hotels, the restaurants, and of course, as you mentioned, the banks, and one of my favourite places, Timmy's. I just wanted to tell you that it was amazing to see all the development there. I congratulate you and your folks for that.

I understand, as you mentioned earlier, that the minister attended your AGM yesterday. You, the minister, and Chief Bear, as a representative of the Land Advisory Board, signed a new funding formula. As I understood you to say earlier in your opening remarks, this agreement did take some time, but it does seem to be a major milestone of the FNLMA. With that in mind, I understand that the minister also talked with you, Chief Louie, about the new entrants to the first nations land management regime and said that some of those would be announced by the end of this calendar year.

Given this new and significant milestone, can you please tell this committee what opportunities you see and what you expect going forward from this agreement?

Chief Robert Louie: Thank you very much for your question. First, I appreciate your comment about Westbank. We're very proud of that in my community, very proud, and we look forward to lots of development in communities across this country.

What we see with the memorandum of understanding that we signed yesterday is more certainty. It took us ten years to get there. We've always been uncertain. Usually the norm is to look at five-year agreements. We've been operating year to year to year. This, as I'm sure you fully appreciate, is so much needed. It's a success that exists in this country. I know it's recognized. I know we have the support of the minister and of the government, but what's needed is that we can double, we can triple, we can quadruple the success if there were even more opportunities.

I believe that the end result would be an investment, an opportunity for the government, for Canada, to invest in what we're doing, because the returns on investment far outweigh any dollars that might be supported. This agreement now gives us at least for the next four years, starting April 1, some comfort to know that at least our operational first nations are going to be supported, and I'm

looking forward to the minister's announcement. He indicated yesterday that he's hoping to make that by early December. If I understand it correctly, about 13 first nations will be supported.

It's a start, it's a good start, but the need is so much greater.

•(1225)

Mr. LaVar Payne: I can appreciate that. I understand, of course, that some of those key elements will be certainly to foster the business climate on the reserves. That's very positive for everybody, I believe, right across the country.

From what we see, it appears that the interest—and it was talked about earlier—in participating in this FNLMA is growing. Certainly there are likely to be some first nations who will not be able to achieve that, perhaps through some lack of abilities. Would you agree that though not all first nations may be able to seize these potential opportunities, some may be more ready than others to be first new potential entrants?

Chief Robert Louie: Yes, definitely. There are those that are even willing to fund it themselves. Let me give you the one example I know personally. The Buffalo Point First Nation in the southeastern part of Manitoba has made it very clear, their community has made it very clear, that they want the authority recognized. They've even gone so far as to say to the government, "We will even fund ourselves in the developmental phase, just give us the opportunity to pass our land codes." They have it ready but haven't got the support yet. It's something that certainly I get questioned on. That's simply an example of one community. The need across Canada is great, and that's only one example.

The Chair: You've got only 30 seconds, if you had a short question, but otherwise we do have questioners that will take that time.

Mr. LaVar Payne: I got my questions in, so thank you.

The Chair: Sure, thank you.

Mr. Bevington for five minutes.

Mr. Dennis Bevington (Western Arctic, NDP): Thanks, Mr. Chair.

Thank you to the delegates. I had an opportunity to be briefed by you this morning, and that was great.

Of course I support wholeheartedly what you're trying to accomplish through this process. The process itself seems to me to be.... We've had 31 operational communities in 15 years. Is that right?

Chief Robert Louie: Well, actually 36 have passed land codes to date, and there are several that are going to be voting. Musqueam, for example, is scheduled in December.

Mr. Dennis Bevington: When it started, was there a sudden interest in it? Did you ramp up pretty quickly and then, through these capacity issues, did it kind of slow down then? Have you seen a steady progress? How would you describe the movement toward this, so we can understand better how it's working?

Chief Robert Louie: I'd love to go into the history of this. All I can say is it started as an opportunity that arose as a result of a court case, litigation between the Westbank First Nation—my community—and Canada over the revocation of land management authorities under the Indian Act. It then went into the realm of lands, revenues, and trust.

The department was looking at ways of dealing with land management matters, and an opportunity was provided to me and to the first nations. It spread to the nine first nations in Canada who operated under sections 53 and 60. Those are delegated authorities—delegated—and I use that word in that sense, not full law-making, but it was the furthest we could go under the Indian Act at that time. Then it spread to 14 first nations that became signatories. They agreed across Canada that this is so important that we need our inherent rights to manage our lands recognized. It spread from there. It has been a success story and is being built upon by communities across the country.

Mr. Dennis Bevington: You have 600 communities across the country that eventually will have the opportunity to do this. Within the lifetime of many of the people in those communities, how can we accelerate the pace so they have an opportunity to participate in this?

• (1230)

Chief Robert Louie: If the government agreed as a signatory with us to add further financial support and to allow us to give the opportunity to first nations on the waiting list, that is very much the essence of what's needed. I realize we are in tough times. I realize there are costs and analyses of those costs. All I can say is that by putting more dollars to this initiative, the opportunities that can be provided and the generation of income and jobs, the return on investment would be far more significant than what it might cost the government today to allow us to do that.

Mr. Dennis Bevington: We have 80 on the list. With the slow pace of the dollars that have been involved, many communities must recognize that if they go on this list they're going to be on it a long time. Is that impeding the onward movement right now?

Chief Robert Louie: A simple answer is yes.

Mr. Dennis Bevington: Okay, so we see this as the need to break down the bottleneck.

Chief Robert Louie: Yes, we do.

Vice-Chief Jody Wilson-Raybould: Just to build on what Chief Louie said and to build on your question in terms of what you as parliamentarians can do with respect to this initiative, it's exactly what Chief Louie said. More broadly, land management and jurisdictional authority over what happens on reserve land is one aspect of overall governance that our communities want to undertake in moving from the Indian Act to full self-determination. Our communities across the country are on various parts of the continuum and want to rebuild our nations.

Fundamental to the land management initiative is that it supports individual communities rebuilding however they want based upon their own priorities and moving down that continuum of governance and governance reform. I think it's a fair statement to say that across the country among the 633 first nations communities, at least one-third of them are engaged in some form of governance reform. That

number in British Columbia, where we're from, goes up to two-thirds of our first nations.

We look at governance and nation-building in terms of a holistic perspective, in that everything we're doing is interconnected, whether it be in land management, education, or water. The reality, in terms of legislation that's being introduced this session and that is going to be introduced, is it deals with various aspects of governance in an isolated way, whether it's water, matrimonial rights and interests, the crime bill, or land management. Fundamentally, all have to do with the rebuilding of first nations governments, decolonizing as first nations. But we're looking to parliamentarians to support our efforts in terms of how we want to move down that continuum, then backing away and providing the opportunity for our communities to engage, where they want to, in the priorities they have. As Chief Louie says, make that concrete, real investment, because it will be returned tenfold plus in terms of our communities being self-sustaining and contributing to the economy as we are.

The Chair: Thank you very much for that.

Mr. Wilks, you have five minutes.

Mr. David Wilks (Kootenay—Columbia, CPC): Thank you, Mr. Chair.

Thank you, everyone, for coming today. Welcome from my constituency of Kootenay—Columbia, which is pretty close to the Westbank. I look forward to hearing what you have to say here today.

I lived in Penticton from 1991 to 1995, so I saw the progression of the Westbank lands, and I am certainly impressed.

Some of the first nations, such as yours, have moved out of the first nations land management and on to more comprehensive self-government arrangements. My question is, do you see the first nations land management regime as a stepping stone to full self-government, or do you anticipate that some first nations will operate under first nations land management for many years to come?

Chief Robert Louie: I appreciate your question, Mr. Wilks. Thank you very much.

It is a stepping stone. The advantage of going through this incremental form of self-government with land management provides the first nation with the opportunity to get its feet wet, so to speak, to say that it now has the experience.

I can speak to my own community, as an example. We entered into a land code in 2003. Our self-government legislation was passed in 2005, and we had the opportunity prior to that, from about 1979, to work under the Indian Act and to learn the management of it, and we had the experience develop. In many communities across this country the ideal situation would be to take it step by step, for obvious reasons—to get the experience, the understanding; then everything starts to flow.

But that doesn't necessarily have to be the requirement. We've seen communities that may not have had things such as past experience in handling lands go directly into land management. What is needed, though, is some support. Capacity-building and training and that sort of thing are vital components. This is something that has been put forward, but it hasn't been fully supported. The experience you'll gain over time, the enhanced operations of land management, and the expertise can be further developed if you have the training and that support.

So there is a mixed way of looking at it. This is what we term an incremental step toward self-government. In my opinion it is the most important step, because you're dealing with management over lands and resources. To me, other than the members themselves, the most important area is the management of lands and resources. It's the furthest step that any community can take towards self-governance, and this is the opportunity that's provided here.

• (1235)

Mr. David Wilks: You used the word “incremental”. Could you expound upon that a little more? I understand there are a number of steps, but for those of us who are new to the committee, could you expound upon the steps that you foresee in the future as being very important? I hear you on the first part.

Chief Robert Louie: Thank you very much.

Maybe I can use terms in this sense. Under the Indian Act you have a “delegated authority” opportunity, and “delegated” very simply means that the decision-maker is not the first nation community but the government. It's the Department of Aboriginal Affairs and Northern Development: it's whoever is at the regional director level in the province, whoever is the deputy minister who sits here in Ottawa, or the Indian agents who have sometimes been referred to over the past history. That's one form of authority. It goes so far.

But what we're talking about as an incremental step of self-government is that about 25% of the Indian Act pertaining to lands is pulled out of the Indian Act, and that jurisdiction now rests with the first nations community, which passes a land code. That's an incremental step because the first nation that passes a land code then has the opportunity to be decision makers. They become lawmakers. It's like the Government of Canada: you pass laws and you have your first, second, and third readings. It has those sorts of powers; it's governmental decision powers.

That's why it is important that first nations economic ventures have sustainability, to look to the future. There have been all kinds of studies done worldwide that prove the point that a first nation needs to have that jurisdiction. The jurisdiction implied in this land management process, the incremental step towards self-government, is a beginning.

The next steps beyond this incremental step are what we have at Westbank; that is, authorities over the other areas that we have. Treaty-making includes these other areas. But the most important by far, in my opinion and my experience, is the control over lands and resources.

The Chair: Thank you very much, Chief Louie.

Mr. Rafferty, you have five minutes.

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Thank you very much, Mr. Chair.

Thank you, witnesses, for being here today, and also audience members.

My questions deal with relationships. Any or all of you are welcome to answer. I would like to hear from those of you we've not heard from yet, just so that it can be a little exciting here today.

First, I'm looking at the condensed statement of financial activities. I see that under expenditures, spending on inter-governmental relations in the last fiscal year was cut in half from the year before. Does this mean that your relationships with governments are 50% better than they were?

• (1240)

The Chair: If any of you wants to jump in on this, I think it's directed to anybody, or to none of the above.

Mr. John Rafferty: It just jumped out at me as quite a difference in expenditures.

Chief Robert Louie: Thank you, Mr. Rafferty, for your question.

I used the term “new relationships” in my presentation. The new relationships, I believe, are very real. Relationships to me, in the understanding we have as first nations who are exercising land management authorities and jurisdiction, are something that builds upon our relationships with governments and municipalities. We're now able to sit at forums and speak as a governmental body. When our flags are flying on the flagpoles and people see that and look at the offices we represent, they see a governmental body. That's important when we're dealing with relationships with municipalities, when we're sitting at negotiating tables on such matters as land claims, education, and other matters with governments provincial or federal.

This builds upon that relationship. It's very fundamental to have it recognized in this new relationship. I know that it has sometimes been a loose term, used sometimes more loosely than perhaps it could or should be. Our relationships are genuine and they're real. They are something that we build upon.

Mr. John Rafferty: Would you characterize the situation as that over the years things are getting better, that year by year there's a better understanding from others about what you do and the relationships that you build as years go on?

Mr. Philip Goulais (Director, First Nations Land Advisory Board): Thank you.

I want to say *aaniin*, hello to everyone. Thank you, Mr. Chairperson and honourable members, for providing us with this opportunity today. I want to say *meegwetch* for that. Thank you. And *meegwetch* to our leaders for joining us and supporting us today, and being here in the room with us.

I live in the North Bay area. I'm from the Nipissing First Nation on the north shore of Lake Nipissing. I have my chief with me here today.

We have some success stories. There are many success stories across this country about our first nations and our land management communities, but I'll speak about the one I know best. I know time is at a premium, so I'll be as quick as I can on the response.

To answer your question directly, our local communities came forward and supported the land management initiative. They came to committees and gave evidence years ago. I remember a mayor from the small community of Sturgeon Falls said it was 30 years overdue, and first nations should have been managing their lands for some time.

The mayor of North Bay at the time said, in terms of economic development, that every time the first nations community generated employment and revenue, the municipalities benefited immediately within 24 hours. As a matter of fact, at that time the majority of the funds that were generated were spent within the municipality.

The relationships continue to grow in a good way. If you look back at when first nations like ours were trying to attract business, in 1989, when I first met Chief Louie and my colleagues, we had lost 16 opportunities for development, because it took us about two years to formalize a relationship with a developer. Fast-forwarding to where we are today, we have business deals that are done within hours over a meeting. We can agree in principle on where we're going. Within the month we can formalize the final instruments to move forward with.

One of the examples I can use is the Miller paving group that came to us years ago. Their lawyer mentioned to the owners of the company that they were recommending Nipissing as a community to partner with in the aggregates, waste management, and other businesses they do across Canada, and particularly in our area in Ontario, because we were a land management community. There were provisions in the framework agreement and the land management act that provided protection for the developers. So they were quick to partner with us, and it's been a good relationship—along with other businesses that have come forward.

If you look back to 1990, in our community industrial and commercial leasing generated about 25 jobs and a modest payroll. If you look at the study we did in 2010, there are now about 46 businesses, about 380 jobs, and a payroll of around \$14.5 million. So these are funds that have been generated. Of those employees, one third are first nation, one third are first nation members from other communities, and one third are non-natives.

Getting back to your question, the funds are spent within our communities and support the local economies of the municipalities that are good neighbours to us.

Meegwetch.

• (1245)

The Chair: Thank you so much for that.

Mr. Clark, you have five minutes.

Chief Robert Louie: I wish to comment on your trip to Westbank and the growth. I was first elected as a councillor in 1974. It was my first experience in the political realm. We operated out of a 28-foot trailer, no more than eight feet wide. We had enough money to have one secretary. Nothing else was paid, not our chief, not our

councillors. We had to share the space and everything else. We've grown to what we are today, and now we have an investment of \$1.2 billion in assessed property values. We have all the shopping centres and everything else that's developed. That's since 1974. I wanted that opportunity to explain to you the growth and the potential that's there.

I'll comment on the one out of six in negotiations. We have one out of six that have interest. They want to be part of what we're talking about and that opportunity is not there yet. So they're not actually in negotiations. They're at the doorstep asking to be let in. That's where we are right now.

The need is great, demand is great, and we have an opportunity. I stress to you honourable members that if you could help the government give us more support, the benefits will far outweigh the investment.

Mr. Rob Clarke: I have a short question, but it may require a long answer.

The Chair: We can move on. If we get done with the speaking list, I have a question.

Yes, Vice-Chief Jody Wilson-Raybould?

• (1250)

Vice-Chief Jody Wilson-Raybould: Maybe I could build on what Chief Louie was talking about and address some of the questions.

Talking about people wanting to be perfect in the process, perfection is an ideal I strive for and I think everybody still strives for, and it's difficult to achieve. There's no simple process for rebuilding our nations and rebuilding governance. What first nations are looking for is not necessarily drawn-out negotiations. We are looking for support in rebuilding our governance. The laws and legal framework are in place for you, as parliamentarians, and for Canada. But these institutions are not in place right now, for the most part, in our first nations communities.

There is the question of how you, as parliamentarians, can move out of the way, supportively, of our first nations. We're seeking locally driven, nation-based communities with decision-making powers and jurisdiction over our lands, our education, our water, and our governance. How can we, in partnership, work with you parliamentarians to ensure that we are supportive of one another? How can we work together in our local communities? In looking at legislative reform, we want to ensure that when first nations are ready, willing, and able to move beyond the Indian Act, as we're doing in land management, the Government of Canada will step away and allow communities to do what they need to.

The Chair: It sounds very much like an exercise I'm part of in the red tape reduction committee for entrepreneurs. What we need is a red tape reduction committee. Maybe that's something our committee can undertake in working with folks out there who want to move forward.

Ms. Duncan.

Ms. Linda Duncan: Thank you, Mr. Chair, and thank you for suggesting that. The Auditor General recommended that in her last report.

I specifically wanted to speak to Vice-Chief Wilson-Raybould. I really like the comment that you added a little while back—and you continue to expand on it—about it not being about control of your lands and resources, it's about self-government. When we met earlier with the board, they were very clear about this. It's one of the steps towards self-governance.

I have two questions. It's great to hear success stories, and some of them sound phenomenal. Everything from developing renewable energy fed into the grid, to other businesses. It's fantastic. Every municipality in the country would like to move in the direction some of you are moving in. And you're good examples.

My concern is with those who aren't on board. Again, I look at the map, and only one first nation in Alberta is even vaguely interested. I would like to delve into it, but we don't have time to do it here. When we go into this review, as you're well aware, if any first nation communities are dealing with the impacts of resource development they're not benefiting from, it's Alberta, so it's peculiar to me that they're not first to the plate. There have to be some serious reasons here that they're not stepping forward.

The other question is, when you're generating this income, it would be nice if we have the bigger dialogue about pursuing who is actually doing the development and who's benefiting. Is the money going into the coffers of the first nation and in turn going into housing and schooling? Or is it going to individual first nations and their partners?

It's a big question, but if you could even briefly respond, I'd appreciate it.

Vice-Chief Jody Wilson-Raybould: I'll look to my colleagues here to contribute. I appreciate the question, and I really think that in terms of self-government or moving towards self-government, this is the hot topic of our time. It's not that it's just a topic today. First-nations-led initiatives have been leading up to the point of where we are today and the opportunities that we have, both legally at the negotiation table and actually exercising our rights on the ground in our communities and determining for ourselves how we want to govern in making decisions at a local level. So if there's anything this committee could look at and study, it's overall governance and how we assist first nations in doing that as parliamentarians. How can we move away from the Indian Act in a way that is supportive of our local priorities?

For those first nations that aren't on board right now, I think one of the most powerful things for the land management initiative and other initiatives that are first-nations-led is to set examples or provide options for our first nations when they're ready, when their community has determined that this is a priority, so that they have the ability to move forward and nobody stands in the way of that community doing that. For those communities that aren't on board right now, by seeing what other communities are doing and seeing that those opportunities are available, that the door isn't closed when they're ready to do it, that it's open and the resources are there and provided to these communities in order to do so....

Moving away from the Indian Act has been a discussion as of late in the last couple of years. It's a priority of the national chief and it's a priority of the Assembly of First Nations. Most importantly, it's a priority that communities are looking at on the ground and they are

moving away in varying ways. So how can we be supportive of that? How can we be supportive of our first nations developing their core institutions, their constitution, determining for themselves who their citizens are, and determining the rules and the laws over which and how their governing body makes decisions? That's fundamental governance, and that's how we can assist other nations in doing that and in making those opportunities available to ensure that our communities benefit from decisions that are being made in their territories. More important is that they have a role to play and have become partners in those decisions.

• (1255)

Chief Robert Louie: Mr. Chairman, if I may, I know this is a very important question: who is doing actual development and who is benefiting? If you'd allow us each to respond, I think it's very significant and helps explain why it's so important.

The Chair: Yes, we're constrained with time, but absolutely, I think it's important to be on the record.

So please, Mr. Goulais....

Mr. Philip Goulais: Mr. Chairman, thank you, *meegwetch*.

There are two points I want to make. The first is that what we've generated within our communities is the in-migration of what was at one time the out-migration of our youth. Our professional people are returning home. In our community, Dr. Beaucage has set up office within the community. The majority of our businesses now are owned by first nations. Some of them are partnered with other developers as well. Chief Marianna Couchie at Nipissing is engaged now in building a small-business centre that will host the first nations technical institute as well as other professional businesses and developers.

So in answer to the question, many of our community members are benefiting, as well as our neighbours and our colleagues.

The Chair: Thank you.

Chief Bear.

Chief Austin Bear (Chair, Finance Committee and Resource Centre Board of Directors, First Nations Land Advisory Board): Thank you, Mr. Chairperson, and thank you to the honourable members of this committee. I'll be as brief as possible.

On the question of what the actual developments are and who is benefiting, certainly across the land the first nations are developing. We're developing and creating not just opportunities that are presented, but sometimes we have to seek these opportunities, we have to create opportunities. In my case, in the Muskoday First Nation, we are creating opportunities with our neighbours, the city, the municipality, and other partners that reach beyond our local area through our region and beyond our region into other provinces, like Manitoba.

Who is benefiting? Our members are benefiting. They benefit not only from creating employment and business opportunities for our members who are situated on—I'll have to excuse myself for this language—our reserve lands, but also for our members who live away. In our community we generate programs and services from our efforts and our resources—for our elders, for our children, for our families, for our community—that would not otherwise exist. That is, in my opinion, the definition of and the benefits from a self-governing nation, where the elders are cared for, the children are looked after, the families' needs are met, and the community's needs are met. That is self-government, and that is fulfilling our obligations.

Thank you.

• (1300)

The Chair: Thank you very much.

I have begged and received consent from my colleague to steal his last five minutes, because I have some questions.

I should just put on the record that I'm proud to be the MP for 32 first nation communities. There are many who are inspired by the stories that you have brought forward, the inspiration that you demonstrate to them. So when we talk about Alberta communities that maybe aren't on board completely yet, let me be sure to let you know that there are people throughout the 32 communities that I have the opportunity to represent in northwest Alberta who are looking to you as inspiration and looking forward to opportunities to move forward in many of the same ways that you have.

Chief Louie, we had an opportunity to tour your community, and I was struck by the illustration when you showed me the difference in and the difficulty of bringing forward economic development under the Indian Act, compared to under the land code. Could you explain to us the frustration? Was it the Royal Bank that you were attempting to have built there?

Just illustrate the difference, and the complexity of that, and what is able to be done now by the community within your own authority.

Chief Robert Louie: I'd be honoured to answer that question, Mr. Chairman. Thank you very much.

The example I gave you at our meeting in my community of Westbank was this. In the early 1990s we had a construction company called WIBCO Construction and we built it up to \$20 million worth of bonding. We were doing all kinds of institution building, we built banks, and we did a number of things. One of the opportunities we had was to build a facility for the Royal Bank. In so doing, it was timely. The Royal Bank wanted to locate the first bank on our reserve lands and we found a spot for them and so forth.

At that time we were under the Indian Act, and under the act we ran into issues with the Department of Indian Affairs, and the Department of Justice in particular. We had the leasehold interest that we had to register in Ottawa's Indian Lands Registry. In putting that lease together to provide for this bank, we became frustrated. It probably cost us about \$200,000 in legal fees because our legal counsel was arguing with the Department of Justice people and we simply were being held back.

It came to the point where we as a community decided we had to go ahead and build the bank because it was taking too long. We were literally putting the vaults into the facility when we actually got the final approval from the Department of Justice. Lo and behold, it was exactly what we started with and exactly the terms we started with. Things got complicated, and we spent all that time and energy fighting with the Department of Justice because of issues they brought up. They were the decision-makers.

So that was the level of frustration we had. I think it's a prime example of why we cannot operate effectively under the Indian Act and why first nations in this country cannot operate effectively. They need that authority to move things forward.

The Chair: That's a perfect demonstration of why it's important that we as a committee look at that, because if committee members were able to see what I saw, that is now just one of many businesses that have come in since then.

Colleagues, I know you have to leave.

If I could just ask you, Chief, what is the importance of members having the authority to leverage property in order to build up businesses within the community? What impact has that had? Could you give us a short anecdote about the difference that has developed in terms of the ability for people to go and borrow money from the bank under the land code, as opposed to how it used to be? I'm referring to individual entrepreneurs within the community.

Chief Robert Louie: Thank you, Mr. Chairman. That's a very important question. I'm glad you raised it.

Using my community as an example, what we have right now with land codes is the opportunity to build things. We are now involved in things like building shopping centres. In answer to Ms. Duncan's question about what we are actually doing in development and what sorts of benefits there are, we're the ones actually doing the developing. We have joint venture partners. Right now we have a 40% interest in one shopping centre and a 50% interest in another. We're benefiting as a community. We're the actual developers and decision-makers and we've got partners.

What is important with financing is that the banks, the institutions across this country, are looking at first nations with land codes and seeing that if you have a governance structure in place, if you have rules and regulations that protect investors and protect investments, there's more security and more comfort. What's happening across the country is an opportunity to enhance financing. You can't build things without money. It takes financing in most instances, not only banks, but also investors, and you need confidence for that.

We're doing something at Westbank that is, I think, somewhat revolutionary. In the next few months, the news will probably come before you that we're looking at a private medical facility. It's a jurisdiction we're going to be exercising in our reserve lands. The jobs are going to be close to 360 to 400 in the first days alone. It's revolutionary because we're looking at providing health services. Operations and so forth will actually take place there instead of moneys going out of the country to the United States or elsewhere in the world. Financing—having the confidence to raise \$120 million, the cost to put this together—is extremely important. We're sitting down with the banks and investors. They're coming to the table because we have the jurisdiction and they have the comfort of knowing our laws are solid. They're there and are supportive of that investment. That's the opportunity that's provided.

●(1305)

The Chair: Thank you so much. And committee members, I thank you for allowing me the chair's prerogative in asking a few questions.

Thank you so much for coming, and again my apologies for showing up late.

I thank committee members for staying a few minutes past the deadline. Thanks so much.

The meeting is adjourned.

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